



## CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho

Tuesday, June 07, 2022 at 7:00 PM

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### 1. CALL TO ORDER – Welcome/Pledge of Allegiance

Mayor Chadwick called the meeting to order at 7:00 p.m.

### 2. INVOCATION –

Jason Carr of Eagle Christian Church offered the invocation.

### 3. ROLL CALL

**Council Members present:** Council President Hershey, Mayor Chadwick, Council Members Nielsen, Salmonsens, and Wheelock were present.

**City Staff present:** City Clerk Qualls, City Contract Attorney Yorgason via remote, Public Information Officer Partridge, Planning Director Nickel, Assistant Planner Field, Deputy Chief Islas via remote, and City Engineer Morgan.

### 4. CONSENT AGENDA (ACTION ITEM)

#### A. Approval of Claims Provided & Previously Approved

REVIEW ONLY OF FINANCIAL REPORTS (NOT RECONCILED)

#### B. Findings of Fact & Conclusions of Law: Star Road Learning Center (CUP-22-01)

#### C. Findings of Fact & Conclusions of Law: Addington Subdivision: (PP-22-02 / PR-22-01)

#### D. Final Plat Oaklawn Crossing (FP-22-02)

#### E. Final Plat Starpoint (FP-22-01)

#### F. Final Plat Milestone Ranch Subdivision Phase 2 (FP-22-09)

- Council Member Salmonsens moved to approve the Consent Agenda; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Nielsen – aye; Salmonsens – aye; Wheelock – aye; Hershey – aye. Motion carried.

### 5. PUBLIC HEARINGS with ACTION ITEMS:

#### A. PUBLIC HEARING - Comprehensive Plan and Map Update:

Mayor Chadwick explained that the City of Star is seeking to update the existing Comprehensive Plan with additional changes to the currently approved plan. The plan considers previous and existing conditions, compatible land uses, desirable goals and objectives and future planning. The plan also includes an update to the Land Use Map, based on the seventeen (17) components of the Local Land Use Planning Act, per the State of Idaho Statutes and further provides updated information regarding demographics and a land use planning direction for the City of Star.

Mayor Chadwick opened the Public Hearing at 7:04 p.m.

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City Planner Shawn Nickel utilized a map and text to describe the revised land use designations. Nickel explained that City Staff has notified all relevant public agencies, posted legal notices, and held an Open House on May 23rd noting approximately 7,000 invitations were sent within zip code 83669, as well as some as applicable in Eagle and in the Canyon County side.

With respect to the text amendments, Nickel summarized that the Staff Recommendation is to 1). Add a low-density residential land use designation; 2). Update the estate rural designation; 3). Update the estate urban designation; 4). Add the South of the River Land Use and Riverfront Center into the text.

Nickel clarified that text updates from the Staff Report in the Agenda Packet are as follows: Pages 30 and 31 are definitions, and Page 32 explains the South of the River land use and riverfront center. The zoning compatibility matrix is on page 41. Chapter 11 is the update for Public Services (police and fire protection). Chapter 13 covers Parks and Recreation on pages 125-150. Chapter 21 covers the South of the River Sub-Area Plan starting on p. 193. City Staff stood for questions.

**Public testimony:**

**Mr. Steve Burton of 6915 Canyon Court, Star,** said he is in the unincorporated Canyon County part and represents Sage Canyon Estates. He stated that he was one of the citizens in the area of impact that is under contention between the City of Star and City of Middleton. He said that however that process turned out, if it comes down to a choice between Star and Middleton, that if it comes to a vote, he believes homeowners will choose the area that has similar zoning to what they have now, which is all rural residential. If City of Star were to prevail, Burton said he would like to see less density.

**Mr. Scott Emerick of 4981 North High Prairie in the Hillsdale area.** Mr. Emerick said that the Hillsdale area was currently marked as Estate Rural Residential based on Page 30 of the update. He asked for clarification on the Low Density Residential vs. the Estate Rural Residential, because he said he felt Low Density Residential more exactly describes the Hillsdale area. Emerick urged Council to consider combining various portions of Hillsdale to be designated as Low Density Residential. He said the lots there range from just under one acre to a largest lot of 5.03 acres.

**Deborah Nelson of 601 West Bank Street in Boise** said she was present on behalf of Zion Ventures who has been planning a residential subdivision at the northwest corner of Munger and the planned extension of Floating Feather on the south side. She stated that the plans they've been working on for some time are all based on the existing Comprehensive Plan in the 3-5 units per acre range and that they put the land in contract in October 2021 and began meeting with the City in December 2021 for pre-application. Nelson requested that the property be preserved in that neighborhood residential designation as the particular piece of land is near the heart of Star.



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**Murray Lodge of 1821 N Munger, Star** stated that his property was the twenty-five or so acres that Ms. Nelson had referred to and described the property. He said that the pre-existing zoning was about three to five acres, or three to five homes per acre. He said he'd like to see it remain with the same designation. Mr. Lodge expressed concern over his property value potentially changing and devaluing.

### **Council questions:**

Council discussion surrounded wanting to ensure that proposed zoning matched with what existing property owners within the map area wanted, and whether additional landowners had provided input.

An additional landowner requested to speak and was accommodated by Mayor Chadwick, as she had confusion over how the hearing process worked:

**Rhonda Boyce of 1189 N. Catamaran Way in Star** is a homeowner within the map area and expressed concern over excessive traffic if the land is left at its current designation. She expressed support for going forward with the City's planned zoning designation.

Mayor Chadwick noted that this evening's consideration was a Comprehensive Plan designation, and that anything proposed would still have to come back before Council for review and approval including neighborhood meetings.

Council questions focused on reviewing the map, concerns over density, and the importance of considering applications on a case-by-case basis.

Mayor Chadwick closed the public hearing at 7:55 p.m.

### **Council deliberations:**

Council President Hershey mentioned he doesn't think people hate it when density is reduced. He observed that when he reviewed chapters 11 and 13, that he felt clearly the task is to approve the proposed map and Comprehensive Plan text changes. He further said that the plan clearly states and delineates the effects of growth where you can't recoup any of it because there is a cap that will be hit. Hershey said he considers that it is necessary to reduce overall densities.

Council discussion surrounded various aspects of density in with respect to the Hillsdale, Twelve Mile, and Munger/New Hope areas. As such, the City Council decided to treat the map and the text as separate votes.



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Council members noted that a positive outcome of the Comprehensive Plan process is the opportunity for the City to engage with landowners and really consider their requests. Council noted that approximately two hundred citizens showed up for the May 23, 2022 open house, and expressed how important public involvement and the chance to communicate with citizens is.

- Council President Hershey moved to approve the map with the following conditions of approval: that Hillsdale be accepted as Low Density Residential; that the land north of Purple Sage to Goodson and below Purple Sage remain and the two identified properties the Weaver properties and the largest property be left with the standing designation of three to five units per acre; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock -aye; Salmonsens – aye; Nielsen – aye. Motion carried.

Council went on to discuss the proposed text changes, focusing on Chapters 11 and 13. It was noted that the demographics and data needed to be updated to reflect current data.

- Council President Hershey moved to adopt the Comprehensive Plan text changes as proposed, with the following conditions of approval: to include updated school district information and demographical data; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.
- Council President Hershey moved to approve Resolution TBD-2022 to adopt the Comprehensive Plan Update Maps and Text; Council Member Salmonsens seconded the motion. ROLL CALL VOTE – Nielsen – aye; Salmonsens – aye; Wheelock – aye; Hershey- aye. Motion carried.

**B. PUBLIC HEARING - New & Proposed Increase Fees:** A Public Hearing will be held before the Mayor and City Council of the City of Star to hear public comment on the following increases in fees or new and charges, which are each proposed to increase by five percent or more: Planning, Zoning and Development Fees; Administrative Fees, Building Fees; and Community Activities. **(Action Item)**

Assistant Planner Field referenced the draft fee chart (included in the Agenda Packet) and explained various proposed updates to building inspection fees, development fee changes, and the addition of a non-resident fee for use of Star's City Clerk/Treasurer's office for notaries.

Mayor Chadwick noted that the goal is to rethink business right now, with the way the State Legislature has changed how people can add new construction. The proposed fee structure is designed to pay for the services provided by the Building Department.



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Council members asked for clarifications on areas such as a public records redaction fee after two hours of work redacting, and clarification on the definitions of spas vs. hot tubs under the residential swimming pool fees section as well as inquiring on various percentages of increase such as home occupation permits (home-based small business permits).

Staff provided clarification on the various recommendations by explaining time spent by inspectors and Building Department staff. Council discussion went on to cover the topic of the different types of businesses that are presently covered and not covered by Star's home occupation permit policy. Council Member Salmonsens expressed interest in understanding more about how home occupation permits are handled by other local cities. Additional discussion focused on the potential need for separation of resident vs. non-resident fees for park and facility rentals.

Mayor Chadwick made a corrective opening and closing of the Public Hearing at 8:36 and 8:37 p.m. respectively.

### **Public testimony:**

None was offered.

- Council President Hershey moved to approve the proposed fee increases, with the following condition of approval: that clarification be made by staff on the wording of what is swimming pool/hot tub/spa in the fees chart and for the home occupation permit (small home-based business permit) topic to be further explored in the future; Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

Mayor Chadwick provided further clarification on the corrective hearing opening/closing measure; he noted that City Contract Attorney Yorgason was attending via remote and having difficulty with his microphone and advised that the corrective measure was acceptable for the public hearing and that it would be acceptable to a judge.

- C. **PUBLIC HEARING - Stardale Place Subdivision** - The Applicant is seeking approval of an Annexation and Zoning (R-7), Rezone (R-4 to R-7), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 26 residential lots and 3 common lots. The property is located at 331, 343 and 385 N. Center Street in Star, Idaho, and consists of 3.39 acres with a proposed density of 7.67 dwelling units per acre. The subject property is generally located on the southwest corner of N. Center Street and W. 3rd Street within Ada County. **(Action Item)**

Mayor Chadwick asked the Council if they had any ex parte communication; hearing none, he opened the Public Hearing at 8:40 p.m.



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### **Applicant presentation:**

**Antonio Pun of 37661 W Riverside in Garden City** presented about the proposed pr. Mr. Pun explained that five lots are being redeveloped, which he said equated to about a 3.4-acre parcel. He said the proposal is for twenty-six single family residential homes with access via a private road off of Center Street, noting that the land is located near Center and 3<sup>rd</sup> Streets.

Council inquired about the type of development and density. The developer clarified they are planning on Single Family dwellings and were asking for R7. Mayor Chadwick noted density was stacked, with lower density to the north. He noted that west of the site will be R7 as well.

The developer remarked that the benefit is affordability. He stated that they are gearing to sell to first-time homebuyers and senior citizens. For example, he said a house with two car garage and minimum yard is a product that fits retirees well instead of townhouses.

Mayor Chadwick inquired on price point and elevations.

Council Member Salmonsens asked for clarification on what percentage was not currently annexed in and subject to the zoning change request from R4 to R7. The developer replied that it is less than 25% of the entire piece. Salmonsens inquired what the amenity is planned to be.

The developer said he is proposing walkways that will connect to the public to the south and to the park located at the north on 3<sup>rd</sup> Street.

Mayor Chadwick verified the park to the north belongs to the Saddlebrook subdivision HOA.

### **Public testimony:**

**Dan Frost** (declined to speak).

**Lynn Davis of 65 N. Quincannon Way** noted the proposed private entrance is located off of Center Street, and that people from Center Street can barely get across State Street at this point. She stated that she and other homeowners in that area would like the area to remain low density. She felt further that high density does not pay for growth the way low density does, and wanted to go on record protesting high density.



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### **Applicant rebuttal:**

Mr. Pun checked on the price point, and verified homes are planned to be priced at \$435,000. He said that that R7 zoning fits within the City's Comprehensive Plan. With respect to traffic, he said he understands the potential traffic concerns.

Council Member Salmonsens inquired if this was planned to be a private street. Mr. Pun responded that yes, it would be if Council would allow it. Council Member Salmonsens explained that the ACHD packet indicated that it could be a private street but that it is not a requirement. She said that if approved, it would need to be a 36 foot street and meet requirements to have a sidewalk. The developer verified that improvements would be needed on Center Street to meet that goal.

Council Member Nielsen noted that with the walking path going north to the private Saddlebrook property, there is not a connecting sidewalk at this point in time. He asked what the alternatives were. Pun responded that one possible way to handle this would be to go behind the first five lots and tie out to Center Street.

Council Member Nielsen asked about the possibility of the developer doing away with Lot 6 and making it a single open space lot, as a small park with gazebo or other structure. Mr. Pun said he was amenable to that option.

Mayor Chadwick asked Shawn Nickel about the setback requirements if it were to move to R7 zoning. City Planner Nickel replied that it would be 5 foot with detached.

The Mayor urged City Council to table this matter for further consideration as the City does not have a similar product in City limits right now and that he is not supportive of R7 zoning.

Mr. Pun said that the first thing his company did was to look at the City's Comprehensive Plan to see what guidelines to follow.

Mayor Chadwick replied that back in 2020, when the City did this plan, perhaps this was a good vision then but many things have changed. Right now, Chadwick said that to have an R4 would increase entitlement, but without home elevations the Council cannot see what the developer has planned. He referenced various challenges to schools, police, fire, and other City services with the higher density product.

Mr. Pun asked for the builder to speak at the podium.





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**Builder Bruce Hessing of 2338 West Boulevard Drive, Meridian**, said he would love to move to Star and would probably take one of the cul-de-sac homes. Mr. Hessing stated that the concept was staff and developer-oriented, which is how the pathways got included. He said his perspective is that it is taking a single lot and making it into a multi-use community. He further stated he has no problem turning one of the lots into an amenity and maybe having a gazebo and fire pits, etc. He stated that he has submitted elevations to the City, noting that the lots are somewhat narrow but deep, and that some will have RV spots in the back. He said they have even allowed adjustments to allow for more parking and take pressure off the street. Mr. Hessing said he felt it was good for young people to be able to get a house for \$50,000 or \$60,000 less than elsewhere. He mentioned a master bedroom on the first floor that would appeal to older people.

Mr. Pun stated they were open to changes and fixes to make the project palatable. He said their company met with the Fire Department and are pursuing five-foot setbacks.

Mayor Chadwick said he would seriously like to see elevations and recommended to Council to consider tabling the matter for two weeks. He guided the developer that they should have included elevations in their initial presentation to Council. Chadwick noted that elevations are very important, because no one wants a new development to look like an army barracks.

Mayor Chadwick called a brief recess at 9:10 p.m. and re-opened the meeting at 9:17 p.m. He asked Bruce Hessing to go ahead and speak to some conceptual elevations that he was able to provide; the Mayor clarified these were not present in the Agenda Packet.

City Council members asked various questions concerning setbacks and separation between houses. Bruce Hessing verified it was planned to be five feet in between houses. Mayor Chadwick suggested that if this proposal were to be approved, that any vote should include a condition of approval specifying that they were approving these depictions as the home elevations.

Hessing verified the houses would be 1480-1860 square feet in size.

City Planner Nickel pointed out the justification for their recommendation and asked to put the vicinity map back up. He said that Staff just looks at the Comprehensive Plan and the Zoning Ordinance; they do not weigh in neighbor comments, etc. He noted the Compact Residential designation and the fact that it was adjacent to R7 zoning to the west and south, and also a commercial Albertson's and future commercial to the south with pathways. He said the Staff recommendation was based on the Comprehensive Plan.



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Developer Pun confirmed they were fine with creating a larger amenity by losing one of the planned lots, and noted that a sidewalk would be present on Center anyway. Council members remarked variously on ways to bring more connectivity and route pedestrian foot traffic off the main road as much as possible.

Mayor Chadwick closed the Public Hearing at 9:24 p.m.

**Council Deliberation**

Council Members generally expressed a preference for a lower density development. Council Member Nielsen commented that seeing the elevations was very helpful and expressed thanks for the legwork in getting the elevations for Council to be able to view this evening. He said he recognized that the developer has the right for R4 and is asking for R7, and expressed the opinion that there is a need for this type of product. Nielsen stated that he found it consistent with the City's Comprehensive Plan. He said that he is not scared off by density and this type of housing. He noted that one of the challenges that Lynn Davis brought up is to get pedestrian traffic moved off of Center Street. Nielsen noted that Saddlebrook has three hundred homes, and that he felt this is not adding that many trips per hour. He expressed that he is generally supportive of the project, and that he would like to see a larger amenity such as a park.

Council Member Salmonsén reiterated that the City doesn't have a lot of this price point available, and that we need it. She noted that this is part of the core downtown area. She expressed that she is comfortable with R7 zoning being in there, noting that large yards are not for everyone. Salmonsén pointed out that this would serve retirees and fits within the Comprehensive Plan, noting that there is a place for this product. She said she would support the project with the conditions of a 5-foot setback, the elevations as provided, and to change the northern sidewalk pathway.

Council Member Wheelock said he doesn't see the difference between this project and a subdivision that was proposed just north of him across the canal that the Council didn't hesitate to deny. Council discussion ensued comparing the two projects, and it was concluded that the streets were significantly different and surrounding area. For that project, the surrounding areas didn't have R7 on any of the sides. Council discussed some of the similarities and differences.

Council President Hershey asked to verify if there is R7 to the South of the proposed project. He noted this is a transition area, and it will be a little higher density. He said he felt there was no argument that the developer has an R4 entitlement. He said he likes and understands the elevations, but expressed some concern over what could happen when the economy changes and people can afford a larger house for less money. Hershey said he would like to see the project come in closer to the R6 rather than R7, with a slight reduction in density that would create a better transition.



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Mayor Chadwick said that he was inclined on the smaller lots, and that he agrees on the open space requirement. He noted that Star's elementary school is overcrowded again and has had to put up portables only two years after doing construction to increase the building size. He noted that this product would add maybe thirteen more children, almost an entire classroom. Chadwick said he felt this creates a problem for young couples.

Council Member Nielsen made several points surrounding adjusting the density downward somewhat by the addition of a common area and the loss of several lots.

Council Member Salmonsens said that she shared the Mayor's concern on the schools and density, noting that it is going to be an ongoing issue that the Council doesn't have an answer for at this time. She said the Council could choose to deny the annexation and re-zone, but that this doesn't seem to be an answer to the underlying problem.

Mayor Chadwick said that the Council is at a point in time where they need to have the Development community to step up and help to plan to fund for schools, fire, police, etc. He said that if Council continues to approve and add that density, it ends up not fair to everyone in the city. He said it would require a bond to pass in order to pursue a new elementary school, but also noted that 68% of the city voted against the last bond that came up. He reiterated the need for the Development community to be at the table to help the City solve this challenge.

Council discussion surrounded that the school district does own some property for up to two elementary schools and a high school in Star. Discussion surrounded that there is no way anyone could have planned the massive exodus from other U.S. states and that the City needs to figure out to how to sustain itself. It was noted that the school system and fire stations are overloaded.

Mayor Chadwick summarized that it is an annexation and a rezone, and that Council will have that discussion come up. He said he felt this is a very real issue.

Council Member Salmonsens said that the City has spent a lot of time planning.

Mayor Chadwick summarized the need to match lot lines and reduce density.

- Council Member Nielsen moved to table this matter so the developer can continue to work with City Staff and come back with a revised proposal for the Stardale subdivision at the June 21, 2022 City Council meeting; Council President Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

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**6. ACTION ITEMS:**

- A. **Dock Procurement-Utilizing the State of Idaho's Bidding Procurement Process:** Utilizing a State Bidding Process; declaring Bill's Machine Shop as a Sole Source for the procurement of docks to be installed at the Heron River Pond; authorizing the Mayor to purchase and utilize Park Impact Fees as part of the Capital Improvement Plan for the purchase and installation. **(Action Item)**

City Attorney Chris Yorgason explained via remote what the guidelines are for the procurement process. Mayor Chadwick and the Council discussed the benefits of the dock, longevity of aluminum dock materials, and how the amenity would be used. It was noted that the dock could be fished off of, that it will be A.D.A. compliant so seniors and others with mobility issues could utilize it, and that families could enjoy fishing, swimming, and paddle boarding. Council members noted that it will be a multi-use dock and that it has been part of the plan for Heron River Pond for a while.

- Council President Hershey made a motion to approve the quotes for Dock Procurement utilizing the State of Idaho's Bidding Procurement Process; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

- B. **Ordinance 353-2022: Langtree Bungalows Subdivision Annexation** - AN ORDINANCE ANNEXING INTO THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; MORE SPECIFICALLY LOCATED AT 9670 W. FLOATING FEATHER ROAD, IN STAR, IDAHO (ADA COUNTY PARCEL S0405449050) AND CONTIGUOUS TO THE CITY OF STAR; THE PROPERTY IS OWNED BY LANGTREE BUNGALOWS LLC; ESTABLISHING THE ZONING CLASSIFICATION OF THE ANNEXED PROPERTY AS RESIDENTIAL WITH A DEVELOPMENT AGREEMENT (R-4-DA) OF APPROXIMATELY 27.09 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE **(Action Item)**

- Council Member Nielsen moved to introduce Ordinance 353-2022 and pursuant to Idaho Code Section 50-90 the rule requiring an ordinance be read on three different days with one reading to be in full be dispensed with and that Ordinance 353-2022 be considered after reading once by title only; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

Council Member Nielsen then read the title of Ordinance 353-2022.

- Council Member Nielsen made a motion to approve Ordinance 353-2022: Langtree Bungalows Subdivision Annexation; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.



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### 7. COUNCIL DISCUSSIONS

#### A. Unified Development Code Discussion

Mayor Chadwick explained that the Unified Code Development is scheduled for June 21, 2022 and that this was just a quick Council discussion to be able to update based on their comments.

City Planner Nickel explained that he sent a red-lined document for Council's review the prior week and that he will update it this week and that copy will be placed on review for citizens online or at City Hall. Nickel addressed Council Member Nielsen on edits made based on Nielsen's comments on the build to rent area, with respect to horizontal apartments. Nickel also noted several proposed Code Enforcement updates.

Mayor Chadwick encouraged members of the public to review the document.

### 8. ADJOURNMENT

Mayor Chadwick adjourned the City Council meeting at 10:04 p.m.

\_\_\_\_\_/s/\_\_\_\_\_  
Trevor A Chadwick, Mayor

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