



CITY COUNCIL REGULAR MEETING DRAFT MINUTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, February 7, 2023 at 7:00 PM

1. CALL TO ORDER – Welcome/Pledge of Allegiance

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

2. INVOCATION –

Bishop Cody Larsen of the Floating Feather Ward of the Church of Jesus Christ of Latter-Day Saints offered the invocation.

3. ROLL CALL

ELECTED OFFICIALS PRESENT: Mayor Trevor Chadwick, Council President David Hershey, and Council Members Kevan Wheelock, Jennifer Salmonsens and Kevin Nielsen.

STAFF PRESENT: City Planner Shawn Nickel, Assistant City Planner Ryan Field, City Engineer Ryan Morgan, City Attorney Chris Yorgason, City Clerk-Treasurer Jacob Qualls, Deputy City Clerk Barbara Conly, Public Information Officer Dana Partridge, Deputy Fire Chief Victor Islas and Star Police Sergeant Steel and Chief Zack Hessing were present.

4. CONSENT AGENDA (ACTION ITEM)

A. Approval of Claims Provided & Previously Approved: 1/14/23 - 2/2/23

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

5. PUBLIC HEARINGS with ACTION ITEMS:

- A. PUBLIC HEARING: Colt Heights Subdivision (FILES: PP-22-09 & PR-22-03)** - The Applicant is seeking approval of a Preliminary Plat and Private Street for a proposed residential subdivision consisting of 5 residential lots and 2 common lots. The property is located on the north side of the existing Colt Place Subdivision in Star, Idaho, and consists of 10.96 acres with a proposed density of .46 dwelling units per acre. **(ACTION ITEM)** - INITIALLY TABLED FROM NOVEMBER 15, 2022 TO DECEMBER 6, 2022 TO JANUARY 3, 2023

Mayor Chadwick noted that Council Member Nielsen was not present at the public hearing on January 3, 2023 and as such, would not participate in the decision. Mayor Chadwick asked if any of the Council Members had had any ex parte contact and, hearing none, re-opened the public hearing. He clarified that the sole purpose of this evening was to answer whether the applicant was willing to reduce the project size from five lots down to four.

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Becky McKay with Engineering Solutions L.L.P. was present to represent the applicant Cory Barton of Challenger Development Inc. Ms. McKay explained that she had the Council's suggested meeting with Mr. Barton after the initial hearing date to discuss the number of lots and that the owner requested mitigation. McKay explained that back when the Colt Heights subdivision was originally approved this was north of the foothills ditch and there were seven lots. She said the applicant wanted to understand where it came down to a proposed reduction in lots and noted their extensive mitigation to try to preserve as much of the vegetation on the ten-acre parcel as possible.

McKay referenced a site drawing available in the Council Packet and explained that Challenger Development Inc. has 6.3 acres on the eastern side of the development. She stated that Cory Barton asked to put the plan together to better demonstrate what the building envelopes would look like. Referencing the drawing, she noted that they darkened all of the trees, vegetation, and wetland areas so these could easily be viewed. McKay explained that they created the building envelopes and certain pads that will be buildable, and noted it is possible to combine two lots. However, she stated that the owner's answer after looking at his building plan is that he does not see why it would be necessary to reduce the number of lots. She said Barton's position is that the development agreement was approved with five lots, and they have reduced the planned street length and made a specific effort to save as many trees as possible. For allowing 28 feet of roadway vs. the standard 36, McKay noted the developer feels that he has mitigated as much as possible to save trees and is entitled to having the five lots. The applicant stood for questions.

Mayor Chadwick closed the Public Hearing at 7:09 p.m.

Council deliberation:

Council Member Wheelock stated that he prefers wider roads regardless of public or private designation. His opinion is that the people below will want trees, but that the new owners may not want them. He expressed appreciation for the updated map.

Council Member Salmonsén said she agreed with Wheelock and that the applicant has gone to lengths to preserve the natural habitat and trees. She said her position is that they are entitled to the five lots and noted they could go up and cut it all down and the City has not say over that. She said she felt the developer is making an effort to save trees, that this is a good design. Salmonsén said she is okay with the narrower streets because it is only going to serve five homes, as long as it meets the fire department requirements. She asked for clarity about the waiver for the park impact fees; Council discussion verified that this was only if it was four lots.

Council discussion also surrounded the applicant's idea to turn the natural space (see map, Council Packet) over to the City which could be an option as a conservation land trust. Salmonsén noted Council has

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not had much discussion about that idea and would be interested in further pursuit. Council discussion also further clarified that the offer to waive Park Impact fees was only in the event of four lots.

Council Member Hershey advised he is all for turning the aforementioned land into a conservation trust and likes what the developer is proposing.

Council Member Salmonsens inquired if Council could put the idea of the conservation trust in a motion as a condition of approval and work out the details later. Mayor Chadwick noted that further discussion needed to occur and suggested that Council pursue an easement for pathways.

City Planner Nickel verified that the City wants to reestablish the forty-foot setback on the north boundary to the property line and the easement for a public pathway along the Foothill Ditch running East and West and into the common area, and place the common lot into a conservation easement, City park or land trust.

- Council Member Salmonsens moved to approve the Colt Heights Subdivision Preliminary Plat and Private Street with the following conditions of approval: re-establishing the forty foot setback on the north boundary to the property line; the granting of an easement for a public pathway along the Foothill Ditch running East and West and into the common area; placing the common lot into a conservation easement, City park, or land trust with further discussion to follow; that the density is set at R1; that there is no private gate; that the developer Challenger Development Inc. does agree to the ITD proportionate share; open fencing to be placed on the north side; and allowing the twenty-eight foot roadway, with sidewalk to be installed on Wooden Wagon Way. Council Member Hershey seconded the motion. ROLL CALL VOTE: Nielsen abstained. Hershey – aye; Wheelock – aye; Salmonsens – aye. Motion carried.

- B. PUBLIC HEARING: Medici Vista Subdivision Annexation (FILES: AZ-22-08 & DA-22-08)** - The Applicant is seeking approval of an Annexation & Zoning (R-1) and Development Agreement for a parcel to be future subdivided. The property is located at 4401 N. Pollard Lane in Star, Idaho, and consists of 13.12 acres. **(ACTION ITEM)**

Mayor Chadwick clarified the administrative need to open both public hearings at the same time and noted that the vote would be taken first for Item 5B, then item 5C in turn. See below item 5C for full notes.

- C. PUBLIC HEARING: Medici Hills Subdivision (FILES: AZ-22-07, DA-22-07, PP-22-12 & PR22-04)** - The Applicant is seeking approval of an Annexation & Zoning (R-2) Development Agreement, Preliminary Plat and Private Street for a proposed residential development consisting of 74 residential lots and 10 common lots. The property is located on N. Highway 16 in Star, Idaho, and consists of 48.74 acres with a proposed density of 1.81 dwelling units per acre. **(ACTION ITEM)**

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The Mayor clarified the public hearing process, asked the Council if there had been any ex parte communication and hearing none, opened the public hearing at 7:20 p.m.

Council Member Salmonsens noted that there was a question of two different dates. Planner Nickel advised that a question had come up with respect to the process and clarified that the Hillsdale subdivision had a neighborhood meeting and that the application was made.

Mayor Chadwick noted that the question was of the date it was submitted vs. when it was accepted, pointing out that the City kept it while undergoing the process of updating the City code. He further noted that the language needs to be submitted by date, and that the City followed code with respect to the timing of the submission and payment.

Applicant Presentation

Blaine Womer of Blaine Womer Civil Engineering of 4355 West Emerald Street, Boise, represented the applicant, Bruce Bente of Medici Hills Joint Venture. He noted that Andrew Newell, who did the bulk of the technical specifications was present if there were other questions.

Mr. Womer noted that the times are for the annexation and zoning and preliminary plat on the location of the West side of Highway 16 and showed Medici Vista vs. Medici Hills on the map (included in the Agenda Packet). He clarified that Medici Hills is going to have access through Medici Vista.

Womer discussed that both land tracts are designated as Estate Residential and that they are not proposing changes to the zoning and are planning on 1.25 dwellings per acre. He explained that the Medici Hills preliminary plat is for 74 single family lots. Private streets would be governed by the HOA and there would be a sixty foot right of way with curbs and sidewalks on either side. He said that lot sizes would range from 12,377 to 35,216 square feet. He stated that proposed open space is in compliance; per the City Code R2 it is 15% of the project area and thus their project meets the requirement at 17% and that at least ten percent of that is useable land. The applicant has calculated 9.54% and will request a waiver to work with City Staff to get to the usable open space requirement.

Womer explained that Medici Hills is not a typical flat land development. There is significant topographical relief present, so terracing and contour grading will be necessary. They plan to cut slopes and work with the landscape to create enhanced views and privacy. He stated that Hillsdale would not be negatively impacted. The minimum elevation differential between Hillsdale and Medici is 55 feet and the maximum building height is 35 feet.

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The applicant noted that the City's comprehensive plan discusses steep slope and explained that there would be certain areas designated as "no development areas" which are isolated areas noted in red on the map (see Agenda Packet). He said these are clearly isolated areas.

Referencing the map, the applicant demonstrated that the cross section depicting the proposed site grading where there are 25%+ slopes, noting the western boundary where there are contours leading to Hillsdale. With respect to lot grading, he noted that the hillside storm water needs to be intercepted in a concrete ditch and allow the water to run off and drain to the v ditch through a system of drainage swales. Individual pads will also have a 1% grade drainage and water will route to the street and ultimately to the storm drainage system to help reduce maintenance.

The applicant noted as a final point that they have been talking about rumors of the lots possibly having been used as a dumping ground. No debris has been found by the geotechnical firm during excavation; if dumping is discovered, he noted that the developer is required to report it and pursue remediation.

The applicant concluded by stating that they concur with the findings and the conditions of the City Staff Report and have also worked out temporary access with ITD on Highway 16 through Medici Hills as a future point of access. He noted that City Engineer Ryan Morgan has set specific conditions that the primary access be through Plummer. The applicant stood for questions.

Council deliberations:

Council Member Nielsen said he appreciated the application's level of detail, and asked about the development plan for landscaping, house plans/types of housing, and any mitigation details. He asked the representative to say what the applicant is about.

The representative noted that the conceptual landscaping plan in packet and showed some sample home styles. He referenced the "butterfly plaza" as a specific landscaping amenity, as well as a pocket park, noting there were some active and some passive amenities. Mayor Chadwick asked that home elevations be included as part of the development phase.

City Planner Shawn Nickel provided clarification on a late issue that came up with the transitional lot requirements in the City code. He explained that City code requires that when there is an overlay area where we have two areas adjacent, for example in this property at the north and west side. With respect to the west side there is one lot where the majority of the western lot is an open space in the Hillsdale area there is one lot that abuts the subdivision and as such, the requirement in the code is that there be a one-acre transitional lot. Lots 18 to 22 would need to be combined and the second area to the north would be an undeveloped lot. He said that with the way the code reads it does not fall under the requirement of "transitional" and as such, the lots to the north would not need to be redesigned. Nickel asked the applicant to confirm awareness and that they will comply.



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The applicant representative stated that they are now aware of the requirement and will comply.

Council Member Nielsen commented that we have seen this printout of the sample home elevations and they look like beautiful homes that will fit on the one and two acre lots. He asked what will be seen in the Medici Hills subdivision. The representative answered that these were provided by the applicant and were geared to be nice homes.

Mayor Chadwick expressed concern over the 25% grade of slopes, noting a fear of slippage and sliding.

The applicant responded that the hillside concern is for 2:1 slope and explained that when there are potential situations where landslides could occur you plan for construction stability through engineering and grading. He said the question ends up an interpretation of how it meets with the City Code. He stated we are talking about an isolated 25% of the area.

Council discussion moved to roadways. Mayor Chadwick talked about Highway 16 and how ITD had already started the process with it as an expressway. Council Member Salmonsens spoke about Plummer Lane, noting concern about the traffic on Pollard that this would result in. She asked if the applicant was proposing any improvements.

The applicant answered that Pollard would be improved in areas to allow for safety. ACHD restricted the improvements to the Medici Vista frontage road and the left turns off Highway 16 onto Pollard/Medici.

Council Member Salmonsens thanked the applicant for the elevations for Medici Hills and expressed concern over Medici Vista, noting that it has some steep slopes. She asked if the City should require the chance to see the concept plan?

Mayor Chadwick noted there is one in the packet for concept. The development agreement would be a condition of approval and the elevations could be brought back and placed for the Consent Agenda so Council could see them.

City Engineer Ryan Morgan said he looked at the lower one, and that it does not have any 25% slopes, so is not as critical as per the Comprehensive Plan.

Council Member Salmonsens noted section 8-1B of the development agreement about concept plan requirements for steep slope and mentioned the neighborhood to the north with respect to pathways.

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The applicant mentioned regarding the pathway, that the proposed pathway to connect to Hillsdale to the north would require the neighbors to the north agree to it.

Council Member Wheelock asked clarification that the left turn lane is off of Highway 16 and onto Pollard and that the other entrance is not to allow anything but emergency vehicles. The applicant said it was the middle two strips of land in that. Wheelock stated it looks like leveling off a mountain to fit the project plan and that he preferred for it to be left the hilly sloping area that it currently is, that from his perspective it would be taking a whole mountain and moving it to another area and going around the intent of the City's code and Comprehensive Plan.

Council Member Hershey remarked that the documents say 25%+ slopes; he inquired as to what amount the plus would equate to.

The applicant pointed out the highways and said that they determined if some of these areas are for example, 30% and covered everything then that is higher. He stated that it's a lot of land, so it appears a lot.

Public Testimony:

Cornelius Zuman was asked to the podium but declined to speak; he stated his question was answered by the Mayor's line of questioning.

Devin Connor of 5486 N Star Ridge Lane, Star, read from prepared remarks. He stated that he has some questions about the subject property. He said he is owner of the parcel of the west side and has noticed in the Comprehensive Plan that the special overlay transition area does not have him listed on the map. He stated that because his property is no different than the Hillsdale subdivision, that his request is to be able to have the same protections as the special overlay with respect to the 8-3B-3 with lots abutting having to conform to the one acre or larger acre size. Mr. Connor also expressed concern that the water needs to be moved to a higher elevation. He noted that he expected this tank could potentially be right outside his backdoor and asked that mitigations be performed for the design and size of any screening. He is concerned to ensure that these items not adversely impact his view and property value.

City Engineer Ryan Morgan replied that yes, it is typically preferred to have buried water tanks and that the City can talk with the neighbors about screening and mitigation.

Council Member Wheelock asked to confirm on Mr. Connor's behalf that the lot mentioned be a part of the overlay. Shawn Nickel added with respect to the Comprehensive Plan, that when Hillsdale was designated as a special transition area, that Mr. Connor's land was missed; it will be included going forward.

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Amber McCormick of 54586 N. Star Ridge Lane thanked Council with respect to the special overlay area. She said the meeting was already addressing several of her concerns about transitional area, as well as the water tank. She stated that her number one concern is having screening or a privacy wall between the properties for the sake of the properties below them. She said she prefers nature screening, to protect the property values of all concerned. She noted concern over slopes.

Niles Norquist of 4652 N. Echo Summit Place, Star, expressed his appreciation the questions the council has been asking. He said many of those issues were addressed by Staff and engineer and in particular, the City Engineer. He said for the most part, Council homed in on his concerns about Highway 16 becoming a five lane road. He noted he did not see any crossing of the Farmers Union Canal and was not sure if they were asked to respond. Norquist said there is at least one crossing and that pathways and crossings were going to require their approval. He expressed concern over the steep slopes and said that was part of the character of the property. Norquist noted that on the grading plan, these are north and east facing slopes and this environment requires great planning given that the slopes will have severe winter exposure. He suggested an easement rather than steep grading coming down to property lines and left a document (on file with the City Clerk).

Gordan Sony of 12670 W. Deep Canyon Drive said he felt Council was asking the right questions. He stated he had lived at his residence for eleven years, and that his understanding was that the intended subdivision was an old County dump. He said he had encountered old timers who recalled going there with their parents many years ago to dump. Sony said he knows the information is still coming in and said he is not against the development. He said he went to a meeting about eight or ten months ago and asked if that didn't used to be an old county dump. Three or four days later, he said he was out walking his dog and observed equipment with sniffer tubes for what he assumed was methane gas. He to IDEQ to inquire and says he is concerned because the applicant does not know what they have there and for kids because of the potential of methane gas presence.

Mayor Chadwick noted that if this project is approved, that the applicant will need to comply with IDEQ.

Keith Hill of 8602 W. High Ridge Lane stated that this land was used as a dump. He said he was pleased to hear that there will be a north turn lane to get onto Pollard. Regarding making decisions, Hill suggested to Council that under the Land Use Procedures Act their decisions are correct until they are challenged. He expressed concern for health and safety and said that God does not make dozer tracks on the mountain. He said he thinks it should be ten acre lots and make that work with the existing plan and don't spend millions of dollars. He said the less they dig, the less likely they will find the old dump.

Scott Emmerich of 4981 N High Prairie Place asked about the date of application of the map, noting on pages 180 and 184 of the Agenda Packet he sees a handwritten date of 6/3/22 and for the Medici Hills and Vista on June 2, 2022. He asked clarification, as this looked like it exceeds the three-month requirement in

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which concerns are to be answered. Mr. Gordan mentioned he felt the dump was not addressed. He mentioned that during the applicant's presentation of the map that the lots to the north that were not Hillsdale, those were annexed in Gold Fork and were as transitional lots.

Abby Germaine from Elam & Burke said she was representing the Hillsdale Estates HOA. She said that the issues the HOA have were indicated in their February 2nd letter sent to the attention of the City Engineer. She said the letter was included at the end of the report and asserted that those conditions must be met prior to Council approval. She referenced code 8-6-3 and 8-1B-1 regarding traffic and access. She said adjustments were made by the applicant at the 11th hour. For access by Hillsdale Estates, they have had those discussions, but it was denied. For the geotechnical report, with regard to a potential landfill present, she has not seen the report and feels the Council should not act to approve at this time.

Council Member Hershey asked Ms. Germaine which were the agencies that have not gotten the initial reviews? She said ITD and ACHD have provided initial reviews but not the new revisions and the point about primary access being off Highway 16 and had no idea how they feel about those.

Sheree Shields of 9947 W. Langtree Gulch Road, Star, said many of her concerns have already been addressed during the meeting. For Highway 16, she asked if that is supposed to be a primary access road and inquired if those plans have been submitted. She expressed concern over the density of the project and preserving the rural nature of the area. She mentioned rural development in Star and that some do not have streetlights and encouraged protecting the rural nature of Star. She said she lives close to BLM land and that she has concerns over light pollution and diversity of land. She asked that the lots all be changed to 1 acre and higher.

Chris Todd of 10497 W. Canyon Drive, Star, said this is a hillside and is something new. He noted that the City had Trident Ridge. He noted the wildlife corridor is vital, and that it is a multiuse byway - a pathway to farmers, lots of wildlife, and a cool area. He noted the land connects into the Farmers Union canal, and mentioned the byway to connect the north and to the south butterfly garden. He said it seems to be built on a slope and that there is no license agreement with Farmers Union so wondered if the City planning to work with them. He noted the soil and geology reports, and said the owners have a right to develop their land in compliance with code.

Eric Wiseman of 100060 Highway 16 in Eagle, says he lives north of the drag strip. He stated there is a reason families move out to a rural area, because of the wide-open spaces. He said people are going to miss what they lost and will not know until it happens. He asked the Council to avoid approving postage stamp sized lots. He said his background is in public safety and that he has not seen the where is the water going to come from in this project, so wonders what happens when the area has a drought. He noted there is too much high density on Highway 16, said he is in Star Fire District, and asked if there will be more fire stations planned.

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Mayor Chadwick explained that Star Fire District is building a new station on Floating Feather, Station 53; the City put in place a mitigation fee structure that will pay for new deputies and fire personnel for that station.

Todd Collins of 4728 N Echo Summit Way, Star, said his area has a Dead Man's Curve. He said he implores the Council to look closely at the intersections that go into Medici and that the only way for emergency access ITD gave without any improvements and that ITD also approved that on Pollard as long as there was a left turn on Pollard, they did not need to build this until August 2025. He said this is going to leave many people stuck out in the road as they attempt to turn on Pollard without a turn lane, and noted that at the same time, the people coming up Highway 16 are curving thorough an S curve. In order to make this safe, he feels it would need a left and right turn lane on both the highway and on Pollard. One other improvement would be an acceleration lane to merge into the southbound traffic. He proposed main access with a left at Beacon Light and a right at Pollar. He stated he felt a lot of improvements need to be made.

Joyce D'Agostina – 2521 N 24th Street, Boise – used to live in the neighborhood and is still a landowner. She said she owns 40 acres on the left of Medici Vista and 15 acres on the side, and noted both are vacant lots coming up Pollard. She mentioned that on a very preliminary plat there was a Catarina stub. Her concern is that the subdivision may have a lot of traffic. She wants to make sure that she is going to continue to be able to access her 40 acres and that people will be able to live there if someone else wants to develop at some point. Mayor Chadwick verified with City Planner Shawn Nickel that the stub road was still in place and verified that it could be made a condition in the development agreement.

Robert Fallow of 2203 N Sunny Lane, Star said he was not familiar but would like to follow up on ask staff if there is a vicinity map in the packet. He suggested that the Council deny or table consideration of the project until such time that the applicant fully meets the criteria.

Linda Wombult of 5188 N. High Prairie Place, Star said that she lived in Hillsdale. She wanted to verify that trees would remain. Mayor Chadwick noted that the trees she was referencing were HOA trees and were under Hillsdale's control.

Applicant Rebuttal:

The applicant representative referenced that for Devin Connor, the concern noted was to make sure his land was in the transition area and also the water tank. He said they had done some preliminary work and will do some grading and pressure and work with the City to make sure the height and location is as innocuous as possible.

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He said we now have a pathway to do that as a result of the Council meeting, and remarked that with respect to perceived changes, that this is a normal project and that they work with the City and the development process and conditions of approval come out of this process.

He noted the common theme of the dump, and said he recommended to his client to have Environmental History Phase 1 completed. He said the PVC sticking up and the tractor tracks was from the March 16-17 geotechnical study of the land. For preparation of the geotechnical report, which was submitted to the City, going forward a geologic slope study will be prepared.

For ACHD and ITD, those reports took months of communication. Referencing density, he noted that 1.5 – 2 dwelling units per acre for the transitional development between south and east and Hillsdale to the north is in compliance. With respect to the letter from ITD, he said they had a traffic impact study prepared.

Regarding the testimony of Amber McCormick, the applicant noted she expressed concern for fencing on her western boundary on the slope side. She said they did not have a chance for fencing, noting it is not good for slope stability for drainage and creating some sort of fencing and do not know what this. The applicant will consider what the city feels most appropriate from the testimony provided tonight.

The applicant noted a common theme is the Highway 16 issue; they asserted this is the normal process for developments. He noted the process flow of staff reports and conditions of approval, and what we are seeing this evening and that the only significant change is to take primary access off of Pollard Lane and reduce Highway 16 and noted he sees all this as a positive result.

The Farmers Union canal crossing will be pursued. The applicant remarked on the common theme of the dump, and stated he did not hear anything beyond rumor and that they do not have hard evidence. He reiterated that the process is to hire an engineer and pursue an Environmental Phase One and go through records and determine if there has been any dumping in the past. He reminded that the PVC sticking up and recent tractor tracks were the result of the geotechnical report of March 16 and 17 of last year and noted that IDEQ and response took place on March 22. The report in accordance requires the preparation of the report and submittal to the city. He stated he does not know if it becomes public information other than for the City of Star for evaluation purposes and certainly for the use of the applicant. He stated that an upcoming geotechnical report will also need to be prepared with respect to the letters form ITD and ACHD from December and October after working with both agencies and adjusting the applications. He said that nothing has changed except the City of Star has decided to amend the subdivision access.

He noted that another common theme has been density, stating that the Comprehensive Plan and 1.52 dwelling units per acre are in accordance. He said all the lots are residential and a good transitional development to the south and the east.

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Regarding testimony from Sheree Shields' question regarding the access concept plan through Medici Vista, he replied that obviously this would have to an approved right of way. The letter from ITD was traffic engineering done and submitted to ITD and they came back with a letter response.

Mayor Chadwick noted that would have to go back to Farmers Union canal.

Council Member Nielsen asked a question of City Staff, requesting clarification of filing dates and that compliance be assured.

Mayor Chadwick called a ten-minute recess at 9:11 p.m. for a stretch break.

The City Council meeting reconvened at 9:22 p.m.

City Planner Shawn Nickel clarified that the neighborhood meeting was on February 8, 2022. The applicant submitted on March 2, 2022. He said in June, when the applicant the applicant withdrew the preliminary plat for Vista he submitted an updated annexation application and clarified that that was the June date present on the paperwork. The application was held for acceptance while the City was in the process of updating the Comprehensive Plan and the corresponding City Code. It was determined that the signature dates meet the requirements for the submittal date with reference to the neighborhood meeting.

Council Member Wheelock inquired about fire mitigation for the hills. He mentioned lack of trees, and the need for low-sloped fire suppression. For Fire Station 55, Fire Staff noted that they will work with the City on building and staffing the station planned for twelve staff and further noted that it was on donated land. The station will be on Floating Feather there on two acres of donated land and the proposal to fund that build the building and staff with 12 fireman 100% 1st year, 75% 2nd year, 3rd year 50% and 4th year 25% and 5th year would be on the district.

Fire Victor Islas said the project is upcoming and that "five bugle level" staffing conversations have happened. Per his role as fire marshal, Mr. Islas noted this project is within the wildland urban interface area and will require a mitigation plan. He noted his co-worker has already hit on the landscaping, plants that require less water, the need to address backyards, and the grass in the neighbors' properties, and water supply. Islas said that ultimately there is a situation that brings in wildland mitigation, from Canada Road to the Boise foothills.

Council Member Wheelock asked about the boundary.

City Engineer Ryan Morgan noted that building code requires three feet plus one foot of every vertical change, with a minimum of seven feet. He said it is six feet from the top of the slope to the property line.



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Council discussion surrounded Environmental Phase 1, and what that entails. It was clarified that a geotechnical firm performs records research and interviews past property owners and after this exhaustive records research, the firm will determine whether or not there is a need for Phase 2 if excavation is needed. Takes anywhere from two weeks to a month to prepare.

Council Member Wheelock wondered about the isolated slopes, and whether the applicant looked at preserving the natural slopes rather than moving earth and terracing.

Council Member Nielsen inquired about the fire station, asking clarification as to whether this is part of a development agreement and if yes, where the documents were. It was clarified that this is conversation only at this point.

Mayor Chadwick said he believed the project needed to be looked at again with respect to the slopes. He mentioned the fingers and said he would like to see what that looks like and to see an updated preliminary plat and see what those lots look like with an actual Highway 16 and the plan on the pathway not being a concrete pathway. He said maybe the thought was doing crushed gravel, noting a concern for ADA compliance.

Mayor Chadwick stated he would like to see the development work with the nature that is already there, and to go back and look at that. He summarized the ideas about keeping the hills, having lots be at least one acre, the access roads, and the pathway in the center.

Council Member Nielsen said he wants to pursue the paper the citizen presented about the deadly corridor and work with Staff and the City Engineer and maybe it is time to take a serious look at Pollard.

The applicant stated that the critical point to them this evening is the topic of annexation and zoning and that they would be more than happy to come back before Council with a preliminary plat.

Council Member Wheelock noted that no one has said "no" to development overall for the project, and said he thought perhaps Council could approve and then have density assigned. The applicant representative replied that he thinks it will be above R1 but lower than current.

Mayor Chadwick closed the public hearing at 9:57 p.m. on the topic of annexation and zoning.



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Council deliberations:

Council Member Nielsen said he really appreciates the discussion over Comprehensive Plan interpretations and what he is especially moved by is the willingness of the applicant to take the feedback presented from the public and City Council.

Chris Yorgason advised that the Council had various options, but that the annexation has to come first. He said they could move to rezone the subdivision through the development agreement, that they can table it, and reminded that nothing becomes official until the City adopts the ordinance. He clarified that this matter could be bifurcated.

Mayor Chadwick inquired if the Council approved annexation and zoning, how long would it be if they tabled the other portions of the proposal.

City Planner Shawn Nickel noted the issues of Highway 16, traffic reports, and said he the applicant would need to submit a preliminary plat so agencies can update their reports, also noting the slope and hillside issues.

Mayor Chadwick directed City Staff for noticing to go out not just to people who have land 300 feet away, but also the names who signed in on the Public Comment sheets this evening.

Council Member Nielsen requested that the applicant look at maybe a cul-de-sac at the end of Pollard and consider closing it off. The applicant replied that they would bring a traffic engineer consultant in to look at this.

Mayor Chadwick asked the applicant if they are good with the annexation and zoning this evening and tabling the rest to a later date. The applicant answered yes and said they would bring the preliminary plat back to Council in the future. Mayor Chadwick noted there would be a new public hearing later for the other segments.

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- Council Member Nielsen moved to approve the Medici Vista subdivision annexation with the following conditions of approval: hard path surface with ADA compliance and notice to go out not only to landowners within 300 feet but to all that testified this evening and no greater than 1.52 density with an Environmental Phase 1 study and requirement that the applicant submit new concept plans to the engineers the Highway 16 access to be emergency only and directed applicant to leave slopes in. Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.
- Council Member Nielsen moved to approve the Medici Hills subdivision annexation with the following conditions of approval: hardscape pathways and notice to go out not only to landowners within 300 feet but to all that testified this evening, no greater than 1.52 density, and require new concept plans and work with City Staff and Engineers, and with Highway 16 access to be emergency-only. Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, Salmonsens – aye, Nielsen – aye. Motion carried.
- Council Member Nielsen moved to table the remaining related items of DA-22-08 and DA-22-07 to a later date. Council Member Hershey seconded the motion. ROLL CALL VOTE: Nielsen – aye; Salmonsens – aye; Wheelock – aye; Hershey – aye. Motion carried.

Mayor Chadwick called a five-minute recess. The meeting was called back to order at 10:10 p.m.

- D. **PUBLIC HEARING: Jackson's Food Store Conditional Use Permit (FILE: CU-22-07)** - The Applicant is seeking approval of a Conditional Use Permit for a Jackson's Food Store. The property is located on the northwest corner of W. State Street and N. Star Road and includes 61 N. Star Road, 11273 W. 1st Street, 11289 W. 1st Street and 11253 W. 1st Street in Star, Idaho. Property consists of a total of 1.41 acres. **(ACTION ITEM)**

Mayor Chadwick read the Public Hearing Rules and asked Council Members if they knew of any ex-parte contact. Hearing none, the Mayor opened the public hearing at 10:11 p.m.

Applicant Presentation

Jessica Aguilar of Jackson Food Stores at 3450 Meridian presented a request for the Jackson location to be placed at the corner of State Street and Star Road. She explained the proposal was for a 4800 square foot convenience store and gas station on approximately 1.4 acres. Ms. Aguilar noted that the request involved a conditional use permit for the construction of the new convenience store, fuel canopy, and various site improvements. Aguilar said that Jackson's has reviewed the City's conditions of approval and that they have no issues. She noted there would be a swale and permeable pavers for stormwater. She also explained that Jackson's has secured cross access with the neighbors to the West, and that they disagree with the

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request for the northern one. She asserted that the property to the west will have access off of Union and State Streets. The applicant stood for questions.

Mayor Chadwick asked if it was north/south on the cross access. City Planner Shawn Nickel said it was modified per ACHD. Mayor Chadwick also asked about the lighting plan regarding surrounding neighboring homes. The applicant noted that they were submitting a lighting plan with the sign and that the address was designed to be on the building.

Council Member Salmonsens asked the applicant to describe the pedestrian footpath at the corner of Star Road and State Street, as well as the curbs, gutter, and sidewalk. She asked if there was any access off of State Street from the corner, noting that there are many children in Star and the need for pedestrian child safety.

Council Member Wheelock asked about First Street access, inquiring whether it was 35 feet only or if it could be made wider.

City Planner Shawn Nickel advised that the City could take a look at potentially making the access wider, and that the City would communicate with the applicant's contract engineer.

Public Testimony

Matthew Dugan of 11450 West First Street, Star, explained that he had the largest lot on First street. He said he has no problem with progress. He noted that First Street is narrow, and he expressed concern about the large number of children, perhaps up to twenty, who live on the street. He said driving on narrow streets is one thing, but people cannot walk across the street on Star Road. He suggested the potential mitigation effort of making First Street one way going west.

Applicant rebuttal:

Jessica Aguilar noted this was helpful information and said that ACHD is requiring Jackson's to improve a local street. Specifically, they are to improve to the center line 18 feet and put in curbs, gutters, and sidewalk and there is currently an irrigation ditch they are covering for safety.

Mayor Chadwick closed the public hearing at 10:26 p.m.

Council Deliberations

- Council Member Hershey said he wasn't aware of any objection to this project and went ahead and moved to approve the conditional use permit, with the added condition of approval for the applicant to look for any viable solutions for a wider access than thirty-five feet on First Street if possible and removing the northern cross access. Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

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- E. **PUBLIC HEARING: Burnett Storage Annexation & CUP (FILES: AZ-22-13, DA-22-14 & CU-22-06)** - The Applicant is seeking approval of an Annexation and Zoning, Development Agreement and Conditional Use Permit for a Storage Unit Facility. The property is located at 771 N. Hwy 16 in Star, Idaho, and consists of 16.76 acres. **(ACTION ITEM)**

Mayor Chadwick read the Public Hearing Rules and called for a report of any ex-parte contact from the Council Members. Hearing none, Mayor Chadwick opened the public hearing at 10:29 p.m.

Applicant Presentation

Jeff Hatch of 200 West 36th Street, Boise, of Hatch Architects said represented the owner, Brian Burnett, who had purchased the property and initially proposed town homes. He stated that he went through a few iterations when attempting to find the most appropriate use for the property. He said town homes were not recommended when discussing with the City, so they returned and looked at the idea of apartments, then finally decided to propose the storage condos. Hatch noted that storage condos is a significantly different product than usual storage places because they are individually owned rather than rented storage units.

Mr. Hatch noted the land was surrounded by residential and some agricultural. He explained that the proposed site had a range of self-storage condo units and pointed out the future roadway on the western side and that they were working with ITD for access off Highway 16.

Hatch said primary access would be set in in place for the development initially and then modified in the future. Hatch asserted that it was logical and complementary land use, as the project would be tucked in between subdivisions that have fairly strict HOA's, so the expectation would be that the surrounding neighbors could store their boats and RV's. Hatch said the owner considers it to be a low impact/low traffic area and noted they removed Toll Brothers' access per their feedback. The applicant stood for questions.

Council Member Nielsen asked about signage, inquiring if they plan on having signage banners or other large advertising. The applicant noted that the renderings show signage physically attached on buildings. Nielsen asked if the units are enclosed, and as to what types of uses there would be (shops, light manufacturing)? The applicant replied that yes, are units all enclosed. With respect to what storage condo owners can do inside, the applicant noted that they can submit a tenant improvement request but that the CC&R's would not allow someone to live in the units. He said that the standard Storage CC&R's protect the neighborhood from things like manufacturing. City Planner Shawn Nickel noted that the conditional use permit is specific for storage, but that the Council could also set conditions as needed.

Council Member Wheelock asked the applicant to envision a 5-year timeline, and asked what happens if the western access does not turn out for him. For example, if Highway 16 is to be improved, he wondered if ITD would allow them to pursue building a frontage road to the property.

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Council Member Salmonsens said she was curious to understand why it was proposed with a Mixed-Use designation when it is all storage. She inquired why the applicant was not asking for commercial. City Planner Shawn Nickel explained that they are pursuing Mixed Use because of the Comprehensive Plan and that they are trying to keep the use as the least intrusive as possible.

Council Member Salmonsens referenced the Pathway Master Plan Map and noted that there is a listing for a community pathway at the Rosti property and on the western side, a proposed future north/south connector.

Brian Burnett, owner of the subject property, noted the potential access points. He stated that he felt the landowner was not required to build their second structure, and that ITD had to give if they build the frontage road. He said that he will give 60 feet if it becomes a right-in and right-out drive, and then the frontage road would be another option.

Council Member Nielsen noted the earlier hearings' applicants were willing to work with the City and guided the applicant and with his willingness to work on the subject of traffic in terms of this project is a critical point and the Mayor is offering him an opportunity by working through this with him. Burnett noted he had tried out various project ideas for the property previously, and he would continue to work with the City.

Chris Yorgason asked if there was any alternative for direct access if ITD builds the frontage road, stating perhaps there were multiple ways to pursue this.

Craig Kramer of 1026 West Eagle, spoke in support of the project. Kramer noted the market is very good for this type of business and that it is very difficult to find a storage condo in this region. He said he felt it would be good for the city because of all the development in Star and in the immediate area. He said he thought it was a great project to increase tax revenue and that it would also help the other developing neighborhoods by keeping their toys off the streets. He noted another positive was that these units are owned and not rented, and lots can be customized with flooring, lighting, and cabinets, etc.

Michelle Galloway of 1025 Highway 16, Star, said that she and her family live on the adjacent property to the north. On October 21, she said they were told of the proposed road that and that they had no recourse. She said they met with City Planners Nickel and Field, and that the proposed road is unacceptable to her family. She said her family and property will be adversely impacted by this project, noting that she supports the applicant's right to develop his property but not to adversely impact hers.

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Chad Hartley of 1015 Highway 16, asked to clarify which plan. **Clarification was provided that it was the one shown onscreen at the City Council meeting.* Mr. Hartley said that his property is the fire station that everyone sees when they pass the area. He said the proposed future, to live there with 50 feet of road between the well in the middle and all of his family's sewer and water, that this could take away water and sewer and possibly impact electric. He said he has two special needs children, and the road would separate his family from their grandmother, Ms. Galloway, who helps care for them. Mr. Hartley said the project was actually a good business idea, just not through his property.

Chris Todd of 12537 West Goldcrest, Star, stated that he had questions, and that he was not against the project. With respect to the access point off of Highway 16, he said hopefully they get the environmental study in the next two years based off of funding. He said his first question was that there are two property's and how does it work combining the two properties. He said the roofing property to the north gives access points and makes it one. He said he is in favor of the right in, right out driveway design, and has been present when significant accidents have occurred. He expressed concern that trailers, toys, and their tow vehicles changes the traffic problem.

Todd Collins of 4718 N Echo Summit Way, said he felt this was a temporary access solution with the combination of the right in, right out design with very large vehicles coming south and entering into this complex and only allowing one vehicle in at a time will cause vehicles to stack up on Highway 16. He suggested perhaps a provision could be made to allow people on the property to sign in, or other mitigation to avoid traffic delays.

Applicant Rebuttal

Hatch said they would take the feedback given into consideration and discuss with ITD, noting that it gives ITD some proposed solutions. He stated he felt that the project works with several different access points. He said he hopes it comes from the east with the Moyle property. He noted access from the southwest and that they currently have three but with consolidating to one, for both ITD and ACHD, it would meet their intention for backup space.

Council Member Nielsen mentioned that he would like to hear about the property to the north, and whether they were still proposing to go through that property, asking for further detail so there would be resolution for the family.

Brian Burnett said the dispute came about when Rosti Farms and Toll Brothers were going in, that Rosti stubbed in. He gave some history on the two homes, a house and a tiny house. Council Member Nielsen asked, are you or are you not relying on that access?

Mayor Chadwick closed the public hearing at 11:20 p.m.

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Council Deliberations:

Council Member Hershey noted that mixed use is fine, going to and full intentions. Access to anyone else's property, he noted he will not support. Hershey said he would support if we can ask the Mayor to work with ITD the best possible solution for access. He said he thinks it is a great idea and understands Highway 16 is a challenge.

Council Member Nielsen said he likes where access is related to see a motion where the applicant is required to construct the right in right out design, pending a ITD mitigation solution.

- Council Member Hershey moved to approve the Burnett Storage Annexation and CUP with the following conditions of approval: that the applicant is required to have the right in right out and the ITD works with City of Star on the best possible mitigation option. Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

F. **PUBLIC HEARING: First Street Townhomes Subdivision (FILES - PP-22-16 & PR-22-07)** - The Applicant is seeking approval of a Preliminary Plat and Private Street for a proposed residential subdivision consisting of 30 residential lots, 4 commercial lots and 3 common lots. The property is located at 10206 W. State Street in Star, Idaho, and consists of 4.77 acres with a proposed residential density of 11 dwelling units per acre. **(ACTION ITEM)**

Mayor Chadwick noted that Item 5F, the public hearing for First Street Townhomes Subdivision, would need to be tabled at the request of the applicant.

- Council Member Salmonsens moved to table the First Street Townhomes Subdivision public hearing until the City Council meeting date of February 21, 2023. Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – 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 for approval. This may 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. **FY 2024 Idaho Transportation Office of Highway Safety Grant Application** - Discussion / Authorization of Grant Application for the Star Police Department **(ACTION ITEM)**



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Chief Zach Hessing noted that achieve the goal 1 officer per 1000 citizens. He said we are close to the 18,000-citizen mark and that this grant will help ease the burden. H explained that back in October the City Council added an additional sergeant and were adding two more deputies before the end of the fiscal year. He explained that if that occurs, we can add two more deputies and an additional shift and have both a day shift, a late day shift, a swing and a graveyard shift in terms of coverage. This would begin on October 1st and add one more deputy, who would focus on traffic control and add another to assist with all the traffic. He said these two deputies would be a special team.

He stated that Star needs to have deputies focus on speed and education, and also focus on pursuing narcotics arrests. He said this grant would help to pay for an additional deputy; noting that the City of Kuna applied for the grant and got it. When Kuna received the grant, they were able to add two motor traffic deputies one of which was paid with this grant.

Chief Hessing noted that he got help from both the ITD and the City Clerk of Kuna on the proposed application. He said the application must be submitted by February 28th if the City of Star would like to apply.

- Council Member Wheelock moved to approve the FY 2024 Idaho Transportation Office of Highway Safety Grant Application for the City of Star. Council Member Nielsen seconded the motion. ROLL CALL VOTE: Wheelock – aye; Hershey – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

7. ADJOURNMENT

Mayor Chadwick adjourned the City Council meeting at 11:39 p.m.

/s/
Trevor A Chadwick, Mayor

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