



CITY OF STAR, IDAHO
CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, June 21, 2022 at 7:00 PM

1. CALL TO ORDER – Mayor Chadwick called the meeting to order at 7:00 pm and invited everyone to join in the Pledge of Allegiance.

2. INVOCATION – Brian Howard with The Cause Church Star gave the invocation.

3. ROLL CALL

Present were Council President David Hershey, Council Members Kevan Wheelock and Jennifer Salmonsens, Mayor Trevor Chadwick. Council Member Kevin Nielsen was excused.

Staff present were City Planning Director Shawn Nickel, Asst City Planner Ryan Field, City Attorney Chris Yorgason, City Clerk/Treasurer Jacob Qualls, Public Information Officer Dana Partridge, Police Chief Zach Hessing.

4. PRESENTATIONS

A. Star Police Chief Report – Chief Zach Hessing

Chief Hessing took a moment to thank the City of Star for their support, love and kindness shown to himself and his deputies and the small acts of kindness go a long way to bring positivity to the officers as they face uncertainty day in and day out.

Chief Hessing gave a presentation of statistics of crime investigations, including the types of personal, property and society crimes they have faced, police activity, proactive policing, and arrests.

Council Member Wheelock asked if there was a common denominator in the crimes. Chief Hessing replied that it is warm weather and getting out and about more. He also mentioned their CAD map updates which helps determine who responds to a call.

Council Member Salmonsens asked about school checks and the rise in visits. Chief Hessing replied that they have placed a big emphasis on making sure they are in the schools all the time. They don't have full time resource officers, so the officers go by when they are free in order to maintain a presence in the school.

Mayor Chadwick confirmed that the police presence has made a difference with our young residents.

B. Ada County Emergency Management & Community Resilience Update

Crash Mercedes gave a review of their agency and what their office manages. They do emergency management services for all six cities regarding a hazardous materials plan, wildlife plan, and flood plans. They are working on developing more community-wide plans with the county coroner and paramedics, along with other first response agencies to develop mass casualty and mass fatality plans. Additional plans they are working on are emergency operations, debris management, and disaster recovery plans.

The City of Star is actively participating in two separate planning processes. The first one is an update of the 2014 Emergency Operations Plan for the City of Star. He gave a brief overview of the plan and the roles and responsibilities for the various city departments. They are also working on a multi-hazard mitigation plan and an alert warning and evacuation plan.



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5. CONSENT AGENDA (ACTION ITEM)

- A. **Approval of Minutes:** March 1, 2022
- B. **Approval of Minutes:** March 15, 2022
- C. **Final Plat Greiner Hope Springs Phase 5 (FP-22-10)**
- D. **Final Plat Greiner Hope Springs Phase 6 (FP-22-11)**
- E. **Final Plat Milestone Phase 3 (FP-22-13)**
- F. **Final Plat Milestone Phase 4 (FP-22-13)**

Items 5C and 5D were removed from the consent agenda.

- Council Member Salmonsens moved to approve the agenda with the removal of those items; Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, Salmonsens – aye. Motion carried.

6. ACTION ITEMS:

- A. **2022 Beer / Wine / Liquor Licenses** - Approve of the 2022 B/W/L Annual Licenses
 - Council Member Salmonsens moved to approve the beer wine and alcohol licenses as presented with the conditions as noted in the report by the City Clerk; Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, Salmonsens – aye. Motion carried.

7. PUBLIC HEARINGS with ACTION ITEMS:

- A. **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. **(PREVIOUSLY TABLED FROM JUNE 7, 2022)**

This hearing was tabled from June 7, 2022. Mayor Chadwick advised the public that because it was a continuation, any public testimony would be from what is presented tonight, not something from the past. Mayor Chadwick opened the public hearing at 7:20 and asked the Council if they had any ex parte contact. All responded they had none.



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Applicant:

Antonio Conti – 7661 W Riverside Dr Ste 102, Garden City, ID

The change from their original plan was to reduce the density, remove three lots, create about a half-acre of common space and a walking path with amenities. They matched the property lines with the neighbors to minimize impact on them and extended the right of way further back, added 10 ft on either side and created a buffer between the sidewalk and road.

Council Member Wheelock asked if they were getting rid of the pathway on the north side that used to connect to the park. Conti replied they took it out and extended the sidewalk. Wheelock asked how wide the road was and it was confirmed to be 36 feet.

Council Member Salmonsens mentioned lots 8 and 9 and suggested making them match the existing lot lines or be combined.

Public Testimony:

Michael Keyes – 338 S Long Bay Way, Star ID

Mr. Keyes said that this plan was an improvement over the previous one and suggested that it might make sense to include the Transportation committee on the sidewalk plans since they are currently working on a new sidewalk plan.

Lynn Davis 665 – N Quin Cannon Way Star ID

Ms. Davis lives in the adjoining development and was concerned about putting the east residential side into a commercial zone and would like to see four homes per acre. She reported that the current traffic is unsafe and high-density development would add to that. Davis referenced organizations that she has worked with and spoke of the benefits of low-density planning and encouraged the city to help farmers along the irrigation system to stay in agriculture instead of building on the land. Davis also mentioned stormwater runoff as an additional impact.

Rebuttal:

Mr. Conti addressed the two items of concern. Regarding the detached sidewalk on Center Street, they followed what ACHD asked for but would defer to what the city requests and have no opposition with a detached sidewalk at the end.

As for the loss of agricultural land, the project is an infield project surrounded by residential and commercial sites and makes a perfect addition to the city. If it were further out it would make sense to preserve the land.

Mayor Chadwick asked if there were further questions of staff and hearing none, closed the public hearing at 7:33 and moved to council deliberations.

Council Member Hershey agreed that the addition of detached sidewalks is a good addition and agreed with either shifting lots 8 and 9 to match or removing them. He addressed the concern about reduced



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density. Mayor Chadwick encouraged them to include the elevations as provided in the presentation into the development agreement.

Council Member Salmonsens asked about having a second amenity in addition to the pathway.

- Council Member Salmonsens moved to approve the annexation and zoning of R7, development agreement and preliminary plot consisting of 23 lots with conditions of a detached sidewalk on Center Street, a second amenity in the open space, the elevations noted in the presentation, combining lots 8 and 9 into one lot, making 22 residential lots and three common lots; Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, Salmonsens – aye. Motion carried.

- B. **PUBLIC HEARING:** 10206 W State St Development Agreement Modification (DA-20-16) - The Applicant is requesting to modify the existing Development Agreement for the property located at 10206 W. State Street. The applicant seeks to increase the height of the proposed commercial buildings along State Street to a maximum of 45 feet and requests a waiver for a reduction of the required parking spaces for the commercial uses. The development consists of 4.76 acres.

Mayor Chadwick opened the public hearing at 7:39 and asked the council if they had any ex parte contact. All responded they had none.

Applicant

Evan McLaughlin - 10206 W State St, Star ID

At a previous council meeting the city proposed a parking ratio for their commercial parking site and the development of a fourth building was contingent upon having cross-parking agreements with the neighboring parcels. McLaughlin had sized down the commercial density to meet the parking ratio requirements and is asking that the city to remove the contingency of the parking agreements with the neighbors prior to the development of the fourth building. McLaughlin went into further detail regarding the number of lots.

Council Member Hershey asked how many spaces they were short, and McLaughlin replied that they were meeting the requirement and further explained the numbers and details of their request.

There was no public testimony. Mayor Chadwick closed the public hearing at 7:45 pm and moved to Council deliberations.

Council Member Salmonsens commented that because the commercial space was reduced in size and they meet the parking requirements, she is okay with taking the contingency out.

- Council Member Salmonsens moved to approve the agreement modification as presented; Council Member Hershey seconded the motion. ROLL CALL VOTE: Salmonsens – aye, Wheelock – aye, Hershey – aye. Motion carried.



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- C. **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.

Mayor Chadwick opened the public hearing at 7:49.

City Planning Director Shawn Nickel outlined the recommended changes to the Unified Development Code.

Chapter 1 Administration: Application Criteria, Surety Agreements, Definitions

Chapter 3 Zoning District Standards: Districts Established, Additional Residential District Standards, Additional Commercial/CBD/Light Industrial/Mixed-Use District Standards, Article F – Additional Riverfront Center District Standards, Article G - Architectural Overlay District

Chapter 4 Additional Regulations Applicable to All Districts: Performance Standards, Off Street Parking and Loading Requirements, Private Street Requirements, Common Open Space and Site Amenity Requirements

Chapter 5 Specific Use Standards

Chapter 6 Subdivision Regulations: Subdivision Purpose and Process, Subdivision Design and Improvement Standard

Chapter 7 Planned Unit Developments

Chapter 8 Design and Development Standards: Landscape and Buffer Area Standards

Nickel had received and reviewed several letters and comments from the development community who provided changes. Mayor Chadwick mentioned there had been some questions on what kind of involvement the city has had, and he reminded everyone the process was started last year and there were hearings on December 7, December 21, February 15, and June 7 to discuss all these changes. He asked those testifying to give any written comments to the City Clerk.



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Public Testimony:

Michael Keyes – 338 S Long Bay Way, Star ID

Mr. Keyes noted that as a resident, he thinks that a lot of the changes are positive for the city. There were a few changes he suggested.

Section 8-1B-1: He would like to add B.8: "For rezones, approval from an active homeowner's association shall be required if located within a neighborhood with current CC&Rs."

Section 8-3F-1F: There is a typo where the words "are encouraged" is repeated.

Section 8-4A-17: He'd like to change Section I where it says "Or larger is required by the transportation agency" to "Sidewalk shall be built larger if required by a transportation agency."

Section 8-4C-9: He'd like to add a Section J: "Food trucks for occasional HOA related events or block parties are except from this section."

Section 8-5-25: He'd like to add a Section L "Approved from an active homeowners association shall be required if located within a neighborhood with current CC&Rs."

8-6A-3 D 5a: It mentions Ada County Surveyors office and, since we are now a two-county city, he suggested we might want to specify Ada County only, or state it more generically. Also, he mentioned it might be time to revisit the height ordinance in the commercial and CBD zones.

Keyes is supportive of changes the council has made, particularly adopting language and a definition table in the Special Transition Overlay District, expanding the boundaries in the Architectural Overlay District, the Lemonade Stand Exemption for young entrepreneurs, and taking a leadership role in creating oversight for build-to-rent neighborhoods.

Additionally, Keyes has concerns about private property rights and the covenant the city made with the development community regarding the number of permits and investment decisions that were made based on that, but he will let the development community address that.

Greg Timinsky – 7097 Southern Vista Ct, Star ID

Chief Timinsky represented the fire district and addressed a few comments by the Building Contractors Association regarding why setbacks would change from one city to another, specifically mentioning Meridian who has a large fire department. Star does not have the staffing or equipment to handle the really narrow setbacks and does not have a truck that would get to a roof, like larger cities have. They must rely on a ladder and putting up a ladder between two buildings close together is a struggle with all their equipment. After discussion with staff, they determined seven and a half foot setbacks are better than five-foot setbacks. They originally asked for ten to fifteen feet but concluded that seven and a half would work for the city and fire district.



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Adam Capell – 3103 Sheryl Dr, Meridian ID

Mr. Capell expressed concern with the proposed UDC changes and requested more time for them and the community to review, understand, and work through various concerns that come with those proposed changes. He'd like to see open houses or stakeholder work sessions and asks that the city defer the decision until the meetings can occur and community input can be considered.

Mayor Chadwick asked if Mr. Capell if he would be willing to allow the city to not accept new annexations and rezoning requests until the code was updated. Capell answered that he would prefer not to slow down potential applications but would like the opportunity to digest the changes and talk through specific item by item.

Capell's main concern is the language that a final zoning decision for preliminary and final plat approval does not guarantee future building permits for approved lots. He agrees the impact on city services is critical consideration for the city but thinks that zoning is the appropriate time for the city to review a development's impact on services. The language creates uncertainty around developments and financial investments. They ask that the language be removed until a legal strategy can be implemented to address the city's concerns with impacts on services without jeopardizing entitled developments or vested rights.

Capell mentioned that they have several other concerns and would like to table and work with staff and other members of the development community to come up with solutions.

Mayor Chadwick asked Shawn Nickel to clarify the language in the Annexation Section, Preliminary Plat Section and Final Plat section that basically say building permits are not guaranteed. Nickel elaborated on the changes and where they should be in the code.

Todd Tucker – 923 S Bridgeway Pl, Eagle ID

Mr. Tucker liked most of the updates that were made but wanted to reiterate some the concerns already mentioned. Their main concern is 8-6A-4.D which is the statement that building permits are not guaranteed after a final plat has been approved. In their mind, the Final Plat is almost like a contract, if they comply with the conditions set by the City, they have a right to get a building permit. Tucker spoke of the costs and repercussions if they are not able to build after putting up all the investment to get that far in the process.

Another concern is Section 8-1C-1.C.b regarding street lights where the change states a building permit will not be issued until the streetlights have been energized. In the development world, streetlights are the very last thing that goes in because Idaho Power will not energize them until the streets have been paved and sidewalks are in, with everything completed. The way the code is written now works for them and they don't see a need for change.

Mayor Chadwick asked about the public safety aspect of it. When there is no light at the construction sites it challenges the Police and Fire Departments from being able to locate the property and respond.



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Tucker responded that he understood the safety concerns for emergency responders but thinks the way the code is written is adequate, as time is of the essence when developing a property.

Mayor Chadwick explained that it was for the developer's safety as well.

Tucker would like the opportunity to come and talk through the concerns with staff.

Becky McKay – 1029 N Rosario St, Meridian ID

Ms. McKay is with Engineering Solutions. She agreed that they would like to have at least one workshop to make sure their input is heard and have time to digest the language. One of her main concerns was the provision where it states you could obtain a final plat approval but building permits may be withheld due to lack of services. When a project is initially annexed and preliminary plat approval is granted, it's at that time that you are looking for the city to provide services. It's concerning if you get that far down the road and then learn that no more building permits will be issued. McKay stressed that they need certainty, and the ordinances are intended to provide that.

Another thing to note is the detached sidewalks. For local streets, there are five-foot detached sidewalks with a minimum six-foot parkway planter strip. Ada County Highway District will not allow six feet unless you do root barriers, so she suggested we might need to add that.

Mayor Chadwick asked if they preferred six- or eight-foot planter strips and McKay replied that they prefer eight feet, due to the expense of root barriers.

Council Member Wheelock asked if they would rather give up the eight-foot ground into the lot and McKay responded that it was up to the developer how they size the rights-of-way, with the sidewalks either being on public sidewalk easements or within the right-of-way.

McKay also addressed the swimming pool mandate. They have projects with multiple pools and she would like to see some language that the size of the pool should be comparable to the size of the development. Also, if they have to sink their money into a pool, it could take away from the other amenities.

McKay agreed with the others that she would like a workshop and more time to review.

Randy Clarno – 1861 S Wells Ave, Meridian ID

Mr. Clarno agreed with the previous testimonies that they have only had a short time to go through the proposed changes. He agrees with pool size issue and believes the HOA should give direction on the size of the pools.

Another concern was limiting the building permits. He's happy to participate in a forum or group to look at how the issues could be addressed without putting a section in the code saying that you are not guaranteed a permit after already going so far down the road and investing in the projects. He gave examples of ways the code change would impact them and encouraged staff to take that language out of the code and find another solution to get the funding for emergency services.



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Mayor Chadwick mentioned House Bill 389 and the Fire District's challenges with funding personnel.

City Attorney Chris Yorgason addressed the issue of the building permits and when they are guaranteed. He suggested that if the city approves a final plat, at that point the developer should know that they have building permits, and maybe even before that, with a Preliminary Plat or whatever stage in the construction phase makes sense.

Carno talked about all the other things that go into construction approval and suggested that preliminary plat would be the place for it with a way to control how fast they are built, or some way to give the developer some certainty.

Council Member Wheelock mentioned all the workshops that were offered and asked what solutions the developers had to offer, while acknowledging the importance of Police protection.

There was a discussion on some solutions, including mitigation fees, HOA fees, property taxes.

Mark Bottles – 839 S Bridgeway Pl, Eagle ID

Mr. Bottles expressed appreciation to the city for reaching out with the details of HB 389, saying he was able to understand the impact and what it means for Star. He believes that the proposed building permit language will create basically a lot of uncertainty and hesitancy for developers to make big investments to come to Star if they don't have that certainty, especially commercial. He would like to see some work sessions and to give a little more time to review the documents, especially doing a deep dive into the building permit issue.

There was a discussion regarding the need for a workshop and timeframes.

Emily Mueller – 839 S Bridgeway Pl, Eagle ID

Ms. Mueller commented on Section 8-3A-4 and footnote two and requested that interior side yard setback variances could be requested through a development agreement and be considered the same as those part of a Planned Unit Development.

Shawn Nickel suggested more discussion on the setback issue, so the community understands the reasons for staff's recommendations as far as waivers.

Mayor Chadwick recommended tabling this and there was a discussion regarding the workshop, who should attend, legal processes, and timelines. Nickel suggested tabling the public hearing to July 19th and scheduling a workshop for Tuesday, June 28th for a workshop with the development community.

Mayor Chadwick left the public hearing open.

- Council Member Salmonsens moved to table the public hearing to Tuesday, July 19, 2022 with the direction of doing a workshop; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye, Wheelock – aye, Salmonsens – aye. Motion carried.



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Item D was not on the table for this council meeting.

- D. **Ordinance 370-2022 Repeal and Replace Unified Development Code:** AN ORDINANCE OF THE CITY OF STAR, IDAHO REPEALING THE UNIFIED DEVELOPMENT CODE, ORDINANCE NO. 310; AND ADOPTING THE UNIFIED DEVELOPEMENT 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.

There was a brief discussion regarding setbacks. Council Member Hershey supported what the fire department suggested for setbacks. Mayor Chadwick talked about public safety and being able to get equipment and emergency responders into the space. He mentioned the growth, need for homes, effects of COVID, and making Star sustainable for the long term.

8. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 9:03 p.m.

Trevor A Chadwick, Mayor

ATTEST: _____

Jacob M Qualls, City Clerk-Treasurer