



## **STAR CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho

Tuesday, June 1, 2021

7:00 PM

**Agenda Item 1) CALL TO ORDER** – Mayor Chadwick opened the meeting at 7:00pm.

**Agenda Item 2) INVOCATION** – Larry Osborn with LifeSpring Church led the invocation.

**Agenda Item 3) ROLL CALL** – PRESENT Mayor Chadwick, Council Members Hershey, Keyes, Salmonsens, Nielsen, City Clerk, Jacob Qualls, City Planner, Shawn Nickel, PIO, Dana Partridge.

### **Agenda Item 4) PRESENTATION**

- A. Mayor Chadwick Presentation – Chadwick presented an appreciation plaque to Star Elementary School Principal Carla Karnes who retired after 24 years of service.
- B. Ada County Assessor – Bob McQuade, Assessor – Gave annual presentation on property values in Star. Said assessment notices were being mailed this week. Total market value of all property in Star is 2.2 Billion, up 45% from last year. Several factors are driving this increase; low interest rates, cash buyers, cost of construction materials and an imbalance in the supply vs. demand.
- C. Canyon County Assessor – Steve Onofrei, Chief Deputy – did not attend.
- D. Logan Simpson – Comprehensive Plan Amendment Proposal Introduction (South of the River Plan) Megan Moore, Logan Simpson, Fort Collins, CO presented. She reviewed the overall vision and implementation process of the South of the River Plan.

### **Agenda Item 5) CONSENT AGENDA**

- Councilmember Keyes moved to approve the Consent Agenda consisting of; Item 5A) Approval of Claims Provided & Previously Approved – May 19 to June 1, 2021, Item 5B) Approval of Minutes from May 18, 2021 Item, 5C) Destruction of certain records Resolution 2021-03, Item 5D) Findings of Fact: i. Paint Point Subdivision (SP-21-02/PR-20-06), 5E) Final Plats: i. Seneca Springs Subdivision (FP-21-13), ii. Cresta Del Sol Subdivision #2 (FP-21-11), iii. Moon Valley Subdivision #4 (FP-21-12), iv. Norterra Subdivision #1 (FP-21-10). Keyes stated Item 5F) Development Agreement for Wildrye was removed from the consent agenda per staff. Council President Hershey seconded the motion. Nielsen asked why the Wildrye Development Agreement was being removed. Nickels said it was due to timing of the developer closing on the property. Salmonsens noted two scribe errors. Voice vote indicated all members present signifying aye; motion carried.



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### **Agenda Item 6) PUBLIC HEARINGS & ACTION ITEMS**

**Agenda Item 6a) PUBLIC HEARING:** Rebecca Bean Veterinary Clinic Conditional Use Permit for a Veterinary Use in the CBD Zone (CUP-21-03)

#### **APPLICANT**

Rebecca Bean, 12278 W. Rice Rod, Star

Ms. Bean is requesting to move her business from current Ada County property site to space formerly occupied by Star Sewer & Water to operate a small animal veterinary clinic, Monday through Friday, 8:00 a.m.- 5:00 p.m.

No public input provided.

Chadwick noted that he forgot to ask the council if anyone had ex parte contact. He asked the Council if anyone had any ex parte communication. Each Council member indicated they had not had any ex parte communication.

Keyes wanted clarification that the hours of operation would be Monday through Friday, 8:00 a.m. to 5:00 p.m. Ms. Bean confirmed these hours.

Chadwick closed the public hearing and moved to council deliberation.

- **Action of Rebecca Bean Veterinary Clinic Conditional Use Permit for a Veterinary Use in the CBD Zone (CUP-21-03)** – Nielsen moved to approve the Rebecca Bean Veterinary Clinic Conditional Use Permit for a Veterinary Use in the CBD Zone (CUP-21-03). Hershey seconded the motion. Voice vote indicated all members present signifying aye. Motion carried.
- **Action of Approval of Findings of Fact for Rebecca Bean Veterinary Clinic Conditional Use Permit** – Keyes moved to approve the Findings of Fact for Rebecca Bean Veterinary Clinic Conditional Use Permit. Salmonsens seconded the motion. Voice vote indicated all members present signifying aye. Motion carried.

### **Agenda Item 6b) PUBLIC HEARING: Cranefield Subdivision**

Chadwick opened the Public Hearing and stated Contract City Attorney Yorgason was recusing himself from participation in the application as the applicant is his brother. Mayor Chadwick asked if anyone on the Council had any ex parte communication.

Council Member Keyes stated he lives in the Pinewood Lakes Subdivision which is directly adjacent to the applicant, and he had received emails from neighbors and forwarded them on to the city to be included in the public record. Council Member Keyes believes he can be impartial in his decision.

Council President Hershey stated he also lives in Pinewood Lakes but had not received any information from his neighbors, however, believes he can be impartial in his decision.



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Cherese McLain, Special Legal Counsel for the city regarding this application thanked Keyes and Hershey for their disclosures.

### **APPLICANT**

*Dave Yorgason 14254 W. Battenberg Dr., Boise*

Mr. Yorgason is representing Williams Homes. The site is 50.6 acres and currently zoned R-3. The applicant is requesting a rezone with a Development Agreement to R-4 and a Preliminary Plat. Mr. Yorgason is proposing 203 residential homes of varying sizes with 26% open space, swimming pool and other amenities. The Lawrence Kennedy Canal goes through the property. The irrigation district will only allow pathway access to one side of the canal. The other side is to be used by the irrigation district for maintenance of the canal.

Yorgason explained two neighborhood meetings were held. Neighbors expressed concerns about traffic, transition on the east side of the project, who is the building, fencing types and location, grading, irrigation ditches.

Regarding traffic, access to north and east satisfies emergency services and the design encourages split traffic north and east. The Traffic Impact Study indicating the traffic after build-out would be within acceptable services levels for Pinewood Lakes. Applicant agreed to conditions of approval set by ITD and ACHD.

Regarding the transition on the east side of the project, the applicant discussed the challenges of matching the current project to existing homes due to varying lot sizes, setbacks and variety of materials used in fencing.

Regarding the irrigation ditches within the application, the applicant discussed there are several irrigation ditches on the property. They met with and agreed to all ditch company requirements.

The applicant is asking for the following setbacks for attached homes: interior 0', from alley 3' to garage, front, 14' from back of sidewalk, street side, 14' from back of sidewalk, between units, 15' minimum, and private streets for alleys and gated section.

The applicant concluded by saying they agreed with the staff report and all the conditions of approval.

Council Member Keyes asked how big the deeper setbacks would be along the lots bordering Pinewood Lakes. Applicant stated those lots would have 25' rear setbacks. Keyes asked about city code 8-3b-3c which states that densities should not exceed more than 1-2 units per acre within the Flood Plain. Chadwick had asked Ryan Morgan, the city's Flood Plain Administrator to address the question. Nickel said developments can do several flood applications including a CLOMR which is what the city engineer would recommend for a condition of approval that would remove the property from the Flood Plain. It is recommended that this happen before the Final Plat so the applicant would be in compliance with that section of the code.



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Ryan Morgan, City Engineer & Flood Plain Administrator said as soon as a CLOMR is accepted and approved by FEMA, the property is no longer considered to be in the Flood Plain. Keyes asked how long this approval would take. Morgan said they can take up to 6-9 months. Chadwick asked if the application could be approved with the CLOMR as a condition of approval. Morgan said his recommendation to staff is that they require the CLOMR to be submitted prior to any acceptances of any construction drawings, and approval by FEMA before acceptance of the Final Plat.

### **PUBLIC TESTIMONY**

#### **Bill Foster 397 S. Selwood Lane, Star**

Mr. Foster stated he disagrees with the traffic study and feels there is a single point of failure. He stated he is concerned about emergency access and feels the applicants should be required to provide another way in and out. Mr. Foster believes lot sizes should match Pinewood Lakes lot sizes and his largest concern is grading and drainage on to his property.

#### **Laurie Hynson 297 S. Long Bay Way, Star**

Mrs. Hynson stated she is concerned about traffic coming out of the project and backing up State Street.

#### **Ron McGreevy 11996 W Caribee Inlet Lane, Star**

Mr. McGreevy stated he is concerned with higher density of R-4 and would like to see it remain R-2. He believes the development should have two entrances and two exits.

#### **Gerry Boren 401 S Winslow Bay Way, Star**

Boren wants the development to enter and exit through an entrance on Can Ada and not use Pinewood Lakes to cut through. Boren is concerned about the request for increase in density and believes if Pinewood Lakes is going to be a cut through neighborhood, the crosswalks need to be clearly marked.

#### **Karen Ahrens 12144 W Pinewood River Lane, Star**

Mr. Ahrens believes the notification signs were not properly posted and she believes the information on them was incorrect. She also believes the hearing should be cancelled. Mrs. Ahrens believes there is a conflict with the city attorney even though he has recused himself from the hearing, because he has been involved in the city's Comprehensive Plan and other City Planning.

#### **Matt Frost 230 S. Spring Lake Way, Star**

Mr. Frost is concerned where he lives is a racetrack and the added traffic from the new development will increase traffic.



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### **David Baumann 232 Langer Lake Way, Star**

Mr. Baumann likes some things about the proposal. He appreciates the concerns about Flood Plain issues being addressed and thinks the developer could save money on COLMR by sticking to density of R1 or R2. Baumann believes the changes ACHD is asking for on existing streets will significantly change the lot layout being presented and those changes should be made before the council votes on the project.

### **Christian Koenig 11989 W Caribee Inlet Drive, Star**

Koenig quoted the Comprehensive Plan stating new development should not adversely impact existing development. Koenig is concerned with multiple lot lines backing up to existing Pinewood Lakes homes and does not want setback waivers or the density increase granted.

### **John Turnipseed 11725 W. Caribee Inlet Drive, Star**

Mr. Turnipseed does not want the request of increased density approved. He believes the hearing should be tabled to seek clarification from Star Fire Protection District as he believes the project does not meet Fire Code requirements. Turnipseed believes the project should be tabled until the Highway 44 Corridor Plan is completed and believes the traffic impact study had deficiencies.

### **Dean Quezner 3680 N. Black Cat Road, Meridian**

Mr. Quezner stated he farms the property to the west of the project and uses the water from the canal that runs through the property. Quezner wanted it on public record that applicant has agreed to make sure he has access to water for farming and suggestions have been made to pipe or move the lateral. That decision would be made by Canyon County Water Company. Chadwick asked which option he would be preferred. Quezner said he would rather see it moved but reiterated that it was up to Canyon County Water Company. Mr. Quezner said that he spoke to the applicant about putting a 6 foot vinyl fence along the street exiting on the westside so traffic would not try to exit on his property.

### **Jim Mora 261 S. Fernan Lake Way, Star**

Mr. Mora stated he shared neighbor's concerns about traffic, particularly the construction traffic.

### **Melody Andrade 350 W. Winslow Bay Way, Star**

Mrs. Andrade stated her concern was with the traffic.

### **Doug Kadlec 426 S. Long Bay Way, Star**

Mr. Kadelec stated he was concerned about the traffic and safety of pedestrians. He is also concerned with the close proximity of houses in the new development and thinks they should be more spaced out and match the look and feel of houses in Pinewood Lakes.

### **Mike Sager 273 S. Selwood Way, Star**

Mr. Sager stated he was concerned about the traffic from the project as well as the new Albertsons going in across the street. His house backs up to the project and he is worried about the lots not matching up to the Pinewood Lakes lots.



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### **APPLICANT REBUTTAL**

Yorgason said the Traffic Impact Study did include the impact of traffic from Albertsons and said he would be willing to ask their contractors to use the northern access through Stonecrest for construction vehicles, but it would be hard to enforce since all the streets in question are public streets.

He acknowledges the conversations with Mr. Quezner and agreements made and will abide by the decisions made by Canyon County Water Company on what they plan to do with irrigation canals.

Yorgason noted a new requirement by ACHD to install traffic calming devices on Bridger Bay in the project and said these would have also been required on certain streets in Pinewood Lakes had it been required at the time.

He agrees to staff recommendation to get the CLOMR prior to plat approval and will have Flood Plain discussions with the City Engineer.

Yorgason explained ACHD requires the applicant to stub into Pinewood Lakes and connect to Bridger Bay.

He stated all signage was posted prior to the Public Hearing which was done in accordance with instructions supplied in writing by city staff.

Yorgason stated the applicant would be willing to have Can Ada Road punch through to Highway 44, but the property needed to build this is not for sale. The access points in the application meet the requirements for emergency services. Mr. Foster's property is one of two pie shaped properties in Pinewood Lakes that is narrower in the front and wider in the back and the applicant agrees to widen the lots backing up to those two properties.

Keyes asked about Mr. Foster's issue with the drainage ditch. Yorgason said it is not a Flood Plain ditch, it is an irrigation supply ditch. Since the property will no longer be farmed, the ditch will be covered up through the grading process.

Nielsen asked about the grading issues on the project. Yorgason said the homes would be set back a little further to accommodate a soft slope.

Keyes addressed Chadwick and pointed out the Traffic Impact Study and said the only road that failed was State Highway 44 between Stonecrest and Highbrook. Keyes asked the Mayor to explain the city's plans to address this failure. Chadwick said Proportionate Funds from an agreement with ITD would be used to expand the eastbound lanes of Highway 44 between Can Ada and Star Roads. There are about \$2.2 million dollars already committed to the Proportionate Fund.



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Keyes asked if the applicant had spoken to the neighbor to the west and what their plans were. Applicant has spoken to owner and discussion was had about putting in a stub road connecting the properties in the northwest corner, after reviewing the location of the canals in the area, city staff suggested that a stub road not be put in because it wouldn't be used. Keyes noted that ACHD had asked for one of the stub roads to be removed from the plan and would like to see it left as undetermined. Yorgason wanted a specific date for that to be left open. Applicant agreed to twelve months delay on a decision.

Keyes wanted to see lot lines adjusted and match lot widths north of the canal and wants lot lines and widths matched in the area south of the canal.

Council received a letter from a neighbor that requested single story homes back up to single story homes. Keyes asked applicant to agree to this.

Legal Counsel Chereese McLain interjected this was not appropriate to bring up new information during the rebuttal and should have been mentioned earlier in the hearing. If the applicant makes a statement, the public will need to have an opportunity to speak on it. Mayor Chadwick said he would allow the public to speak on the issue.

Keyes asked about fencing along the Pinewood Lakes boundary. Yorgason said any existing fencing would not be touched. Where fencing does not exist, wrought iron fencing would be put installed.

Keyes asked if applicant would agree to not construct beyond phase one until the traffic signal is installed at Highbrook and Highway 44. Yorgason said the applicant would not agree to that condition.

Keyes asked about construction traffic during school pick up and drop off times. Applicant is willing to limit gravel extraction traffic during school pick up and drop off hours.

Chadwick closed the Public Hearing and moved to Council Deliberation.

Nielsen led a discussion about current traffic issues in the city. Appreciated the applicant's willingness to make lot line adjustments. He is in support of the application.

Keyes said he too is pleased with concessions made by the applicant and noted the Traffic Impact Study said the collector roads influenced by the project could handle the additional traffic.

Hershey said he is not in favor of the project as he believes R3 would be better density and want to see lot lines match up better. He said he was concerned about emergency access.

Salmonsens feels the project is a good fit and supports it.





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- Keyes moved to approve the application with the following conditions: the stub road in the northwest corner will remain indeterminant for a period of twelve months while the city works through a process to find a second exit area in the subdivision; match lot widths north of the Lawrence Kennedy Canal, match lot lines south of the Lawrence Kennedy Canal for the adjacent rectangular lots, and similar lot widths for the adjacent pie shaped lots; match single story to single story south of the Lawrence Kennedy along homes in the Reserve; R2 setbacks in the gated area of the project; developer will use wrought iron fencing along eastern boundary where not already provided; parking will be provided at the pool; require contractors with heavy equipment to not travel through the existing subdivisions during school pick-up and drop-off times and to have them go through Stonecrest; and explicit condition for the CLOMR; six foot vinyl fencing along west boundary near the Quezner property that includes a gate for emergency access. Nielsen seconded the motion. Voice vote; Keyes – aye; Salmonsens – aye; Nielsen – aye; Hershey – nay. Motion carried.

**Agenda Item 6c) PUBLIC HEARING: Moyle Village/Heights Subdivision** Preliminary Plat, Development Agreement and Private Street (PP-21-06/DA-21-05/PR-21-05)

### **APPLICANT**

Becky McKay, Engineering Solutions, 1029 N Rosario, Meridian

The Applicant is seeking approval of a Preliminary Plat, Private Street and a Development Agreement for a proposed residential subdivision consisting of 161 residential lots and 31 common lots. The property is located north of W. Beacon Light Road, east of N. Wing Road in Star, Idaho, and consists of 78.37 acres with a proposed density of 2.05 dwelling units per acre. The property was annexed and zoned in 2008. The Heights section is zoned R1 and the Village section is zoned R3. The proposed zoning follows the Comprehensive Plan. The property has a significant amount of topography. McKay stated the developer has worked with adjacent properties to match up with stub streets to provide good connectivity. The Village section will have public roads while the Heights section will be private. The project will have a pool facility with parking, picnic shelter and connecting pathways.

Council Member Nielsen asked if the project would have tree lined streets as depicted in the renderings. McKay stated there would be eight-foot-wide landscape parkways with trees every 35 feet. Nielsen discussed landscaping options for the 35 homes in the project with 5-foot setbacks. He is concerned with the homes being so close together.

Council Member Keyes asked why applicant is seeking a deviation from building the private roads to the 36-foot width as required by city code. McKay stated they met with Fire Chief Timinsky and 26 feet was the agreed upon width based on the low density and size of the lots and private streets are also typically narrower.





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### **PUBLIC TESTIMONY**

#### **Jeff Lykes 3985 N Pollard, Star**

Mr. Lykes has worked with the applicant and is generally in favor of the project. He expressed their concerns to Toll Brothers about fencing along his border because he has cattle on his property as do his neighbors. He stated the fencing needs to be animal friendly. Lykes stated vinyl fencing gets eaten by large animals. He would like to see a larger set back on the eastern property line because of odors from livestock. Lykes stated he doesn't mind if stub street to the north is removed.

#### **Barbara Moyle 9800 W Beacon Light Road, Star**

Mrs. Moyle stated her property is on the southern border of the project. She has concerns about Block 2, Lots 3, 4, 5, 6, 7, 8, and 9 and would like to see these lots be closer to  $\frac{3}{4}$  acre lots with single level homes. Moyle stated she wanted to make sure that if she plans to develop her 12 acres in the future, there would be adequate sewer & water capacity with all the additional homes being built adjacent to her. She also wanted to make sure that she would have easement to her irrigation line.

#### **Ken Broadhead 9600 W Beacon Light Road, Star**

Mr. Broadhead stated he is concerned about having an easement to the existing irrigation line.

#### **Kari Knotts 9600 W Beacon Light Road, Star**

Ms. Knotts would like Beacon Light LLC to give her immediate usage of the easement. She wants Toll Brothers to survey the north property line and mark it. Toll Brothers is installing power lines under their property, and she has requested 400-amp service to her property. Ms. Knotts welcomes the project.

### **APPLICANT REBUTTAL**

#### **Becky McKay, Engineering Solutions, 1029 N Rosario, Meridian**

Mrs. McKay stated the applicant agreed to install animal friendly fencing along the Jeff Lykes property border. And agreed to 20-foot rear setbacks on the eastern boundary. McKay stated the developer will ask ACHD if the stub street near the Lykes property can be removed.

McKay stated the lots that Barbara Moyle wanted to see be made larger are currently 10,467 sq ft. Applicant will add an existing driveway lot to the lot square footage making them 12,000 and creating a lot of separation from her property.

Regarding the irrigation access and easement issue, the developer agrees to provide irrigation access and easement across the common lot on the east side of Kari Knotts property and by-law make sure her irrigation delivery is maintained and continued.

McKay stated Toll Brothers has agreed to grant interim easement to Kari Knotts as requested. Ms. Knotts will also have access to the power being installed by Toll Brothers.



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Chadwick closed the public hearing and moved to council deliberation.

- Keyes moved to approve the application with the following additions to the Development Agreement: applicant agrees to add extra width to the lots north of Barbara Moyle's property; will install animal friendly fencing on eastern and southern borders; will add 20-foot setbacks to lots along the project's eastern border; will install enhanced landscaping features between the 35 lots with side setback waivers, agrees to public access of five foot easement along Farmer's Union canal for future pathway; private roads will be installed to ACHD standards and language will be put in the community CC&R's that provides for perpetual maintenance in a reserve fund. Nielsen seconded the motion. Voice vote; Keyes – aye; Salmonsens – aye; Nielsen – aye; Hershey – aye. Motion carried.

### **Agenda Item 6D) Ordinance 331: Canvasback Subdivision Annexation**

Nickel said there was one modification to conditions regarding one story lots.

- Nielsen moved to dispense with the rules for reading on Ordinances 331. Keyes seconded the motion. Roll call vote; Keyes – aye; Salmonsens – aye; Nielsen – aye; Hershey – aye. Motion carried.

Keyes then read Ordinance 331 by Title.

- Keyes moved to approve Ordinance 331 with staff modification. Hershey seconded the motion. Roll call vote; Keyes – aye; Salmonsens – aye; Nielsen – aye; Hershey – aye. Motion carried.

### **Agenda Item 6E) Ordinance 333: RiverCreek Subdivision Annexation**

- Nielsen moved to dispense with the rules for reading on Ordinances 333. Keyes seconded the motion. Roll call vote; Keyes – aye; Salmonsens – aye; Nielsen – aye; Hershey – aye. Motion carried.

Keyes then read Ordinance 333 by Title.

- Keyes moved to approve Ordinance 333. Nielsen seconded the motion. Roll call vote; Keyes – aye; Salmonsens – aye; Nielsen – aye; Hershey – aye. Motion carried.

### **Agenda Item 6F) Ordinance 334: Sellwood Estates Subdivision Annexation**

Nickel said Ordinance 334 should be removed from the agenda.

### **Agenda Item 6G) Ordinance 335: Brietenbach Subdivision Annexation**

- Nielsen moved to dispense with the rules for reading on Ordinance 335. Keyes seconded the motion. Roll call vote; Keyes – aye; Salmonsens – aye; Nielsen – aye; Hershey – aye. Motion carried.

Keyes then read Ordinance 335 by Title.

- Nielsen moved to approve Ordinance 335. Keyes seconded the motion. Roll call vote; Keyes – aye; Salmonsens – aye; Nielsen – aye; Hershey – aye. Motion carried.

### **Agenda Item 6F) Approval of Bid / Contractor for Blake & Pavilion Park Capital Improvements**

- Hershey moved to approve the bid from Stroth General for the Blake & Pavilion Park Capital Improvements Projects. Salmonsens seconded the motion. Roll call vote; Keyes – aye; Salmonsens – aye; Nielsen – aye; Hershey – aye. Motion carried.



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### **Agenda Item 7) DISCUSSION House Bill 389 (2021 Legislative Session)**

Chadwick suggested this discussion item be postponed due to the late hour.

### **Agenda Item 8) REPORTS**

No reports provided

Chadwick adjourned the council meeting at 11:23 p.m.

/s/ Trevor A. Chadwick

/s/ Jacob M. Qualls

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Trevor A. Chadwick, Mayor

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