



## **STAR CITY COUNCIL MEETING MINUTES**

March 2, 2021

### **1. CALL TO ORDER:**

The regular meeting of the Star City Council was held on Tuesday, March 2, 2021 at Star City Hall, 10769 W. State Street in Star, Idaho. Mayor Trevor Chadwick called the meeting to order at 7:00 pm and all stood for the Pledge of Allegiance.

### **2. INVOCATION:** Joe Carson, Interfaith Group

### **3. ROLL CALL:**

Council Present: David Hershey, Michael Keyes, Jennifer Salmonsén

Council Absent: Kevin Nielsen - excused

### **4. APPROVAL OF THE AGENDA:**

Keyes moved to approve the agenda after removing items 5A and 7. Hershey seconded the motion.

**VOTE:** Approved. Ayes – Hershey, Keyes, Salmonsén. Motion carried.

### **5. CONSENT AGENDA:**

Keyes moved to approve the consent agenda. Hershey seconded the motion.

**VOTE:** Approved. Ayes – Hershey, Keyes, Salmonsén. Motion carried.

### **6. INTRODUCTION AND APPOINTMENT OF CITY CLERK/TREASURER:**

Per Idaho Code 50-240

The Mayor presented Jacob "Mac" Qualls to the City Council. Mr. Qualls introduced himself to the Council. He is currently the Clerk of New Meadows, Idaho and is moving to the Treasure Valley on 3/22/21. Mr. Jacob "Mac" Qualls is appointed as the new City Clerk and Treasurer and will officially be in City Hall on March 22, 2021.

Keyes moved to approved Jacob "Mac" Qualls as City Clerk & Treasurer. Salmonsén seconded the motion.

**VOTE:** Approved. Ayes – Hershey, Keyes, Salmonsén. Motion Carried.

### **7. PRESENTATION** - Removed by motion in No. 4 above.

### **8. OLD/NEW BUSINESS**

- A) Public Hearing – Paint Point Subdivision Re-Zone, Development Agreement, Preliminary Plat and Private Road Continuation** from tabled public hearing on 2/2/2021. The Mayor re-opened the public hearing. No ex parte contact from Council members.

**Applicant:** *Rick Williams* – 11275 W. Floating Feather Rd, Star, ID 83669.

**Representative:** Nate Mitchell – 1470 N. Rook, Star, ID 83669

Nate introduced himself and stated that the new plat is 3.4 units per acre, drainage swell is removed and replaced with a grease trap and dispersing water into the Middleton Canal. They are asking for R-4 with 7 lots. They have removed 2 lots from the original presentation. The issue regarding the covenants for the sub to the west has been resolved. Talked about the proximity to the school and park for families. Nate stood for questions.

Mr. Keyes asked – how has the covenant issue been resolved? – Mr. Mitchell stated that the issue between the HOA and the developer and they are planning to meet the covenants and fully comply. Mr. Keyes asked if they

would be willing to put that language in a development agreement. Mr. Mitchell said they certainly would put that in a development agreement.

Ms. Salmonsens asked about the pathways and why they do not fully loop/connect within the development? Nate answered that the sidewalks in the development allow travel from the front of each home and keeps people out of back yards. Ms. Salmonsens sees a looped pathway as an amenity to allow people to walk without leaving their own development.

The Mayor asked for clarification on the location of the front of yards and if the lower lot is a common lot. Mr. Mitchell confirmed the location of the front of the homes and stated that the lower lot is indeed a common lot. Mr. Mitchell also stated that they will loop the walking path.

#### **Public Testimony:**

**Dana Partridge** – 11330 W. 2<sup>nd</sup> Street, Star, ID 83669.

Speaking on behalf of the hometown celebration committee, asking that no road work cause any road disruptions for the July 3 and 4 events.

**Del Marten** – 1586 N. Wild Mustang Place, Star, ID 83669.

He presented at last mtg – his vision is R-3, like the development to the North. He stated the size of the lots and his concern of a road not being in the front of the homes. He said that the close proximity to schools should keep it R-2. He brought up the CCR's of the sub and house size and asked for the Council to keep this zoned as R-2.

**Stan & Ellen Morse** – 11282 W. Floating Feather Road, Star ID 83669

Live on 1 ac across from this property. Issue is density and traffic. Left the Feb 2 mtg encouraged that R-2 would be the new plan – concerned that it is R-4. Referenced the letter from a Mrs. Johnson in the packet with a map showing the surrounding density, asked for the Council to deny request.

**Online – Kevin Wheelock** – 1481N. Star Road, Star ID 83669

He thinks the sidewalk should connect in the development. The Fence along the creek, he wants as vinyl for privacy, thinks it is dense, but respects the property rights of Rick Williams.

#### **Rebuttal:**

Mr. Mitchell came up for rebuttal, he mentioned that lot size can stay the same regardless of zoning, so the argument that a change in zoning would equate to larger lot sizes isn't necessarily the case. Mr. Mitchell reiterated that they will completely comply by the CCR's and are willing to put it in a Development Agreement to ensure the home size and garage size requirements are met. Mr. Mitchell addressed the history of the property and how it was part of a larger piece of land. Mr. Mitchell addressed the storm water issue and that statute states that they have to contain the water on their site. Water will discharge in the canal and not raise water table. Mr. Mitchell addressed the comprehensive plan and how it was zoned neighborhood residential, R-3 to R-5 and they are asking for R-4, right in the middle. They have no problem with the vinyl fence and will meet the color Mr. Wheelock would like.

Mr. Keyes stated that he listened to the previous meeting and stated that the Council was pretty clear that they wanted an R-2 or R-3, with the R-3 being the top of the density. He also spoke about public testimony about the development being out of character and that they should bring something more conventional to the table.

Mr. Mitchell stated that he too has listened to and reviewed the February 2<sup>nd</sup> meeting. He asked Mr. Keyes if this fits the Comp Plan. Mr. Keyes said it could comply with the comp plan. Mr. Mitchell talked to the uniqueness of the project and how that can help create interest in the homes, as it is not the same as everything around it. He said that if they took out 1 lot to be less dense, it would raise the price of the homes. He addressed the market demand of people who want a smaller lot with less yard to maintain.

Mayor asked about the proposed house sizes. Mr. Mitchell said that the homes would be 2150 sq ft and that the building envelopes can accept the required home sizes just fine.

### **Council Deliberation:**

Mr. Hershey spoke and stated that no one is saying kill the growth but control the growth. His concerns, if we take it to an R-3, which was his initial ask, but to get his motion approved, he agreed to get the development to less than R-3. He does not want to create a conflict with the existing development and CCR's. He wants to see a concept that truly fits and works on the parcel. He takes the comments of the neighbors into consideration and he would like to see a change to the layout. Addressed the comp plan as a plan not a rule.

Mr. Keyes says he is disappointed that a proposal was not submitted for R-3 or less as that is what was asked. He thinks there are compatibility issues, would like to have had more neighbors state that the developer worked with them and they can now support the project. The property could be built out now as an R-2 without a re-zone. He is unwilling to move forward higher than an R-3.

Ms. Salmonsens – She stated that no neighbors have come out in support, due to the overall design and density. She would also like to see R-3, no more. She would like to see a more conventional design.

Keyes motioned to deny the application. Salmonsens seconded.

**VOTE:** Application Denied. Ayes – Hershey, Keyes, Salmonsens.

### **B) Public Hearing – Welton Estates Subdivision Preliminary Plat and Private Road**

The Mayor opened the public hearing. No ex parte contact from the other Council members.

**Applicant: Raeleen Welton** – 9500 W. Broken Arrow Lane, Star, ID 83669

Applicant was seeking approval of a Preliminary Plat and a private road for 9 residential lots on 9.26 acres, which is 197 du/ac. 1 lot will include their existing home. Requesting reduction in open space and amenities as they are less than 1 unit per acre. They are also requesting a private street to be on a single platted lot. Common lot 7 has a pathway to Star Middle School and will be dedicated to the City. Lot 12 would be grass and open space. Lot 13 would be an easement for Middleton Mill, with a gravel roadway and grass. Lot 14 would be a path to the Middle School pathway. 1 lot on the SW of the property has been left out to allow the flood study and once that is done, they will submit a new plat to include this lot in the development. They are requesting a Private Gate. Existing trees will be removed along the road to accommodate the drainage area. The private road and gate will help cut down on the traffic, as they get a lot of traffic today due to the school. All homes will be required to join the HOA and a road maintenance fund will be established. They will meet the street tree code. They will meet dark sky and the streetlights will be maintained by the HOA. Open fencing along pathways to the school. They will be on Star Sewer and Water.

Mr. Keyes asked why the lot was removed from the plat – Shawn Nickel Planning Director and Zoning Administrator answered that they did not know how long the FEMA study would take and the property was eligible for a 1 time split – Staff recommended the option to allow them to move forward.

Chris Yorgason, City Attorney asked for clarification on the plat. The lot was not platted in order to not hold up the entire development. Mr. Keyes asked if they could put in the DA that the lot will be brought into the development without any additional Council approval. Chris said he sees that as problematic and does not want to complicate the issues with FEMA. He said you could put in the DA that the lot will meet the standards of the neighborhood. This will be a legal lot as it was split off and once FEMA comes back with approval they can move forward with building on the lot. You could put in the DA that the lot will be annexed into the CCR's.

There was some discussion between Mr. Keyes and Mr. Nickel about the development agreement. Since this is not a rezone application, there will not be a development agreement for this property. Given this, there could be a condition of approval that there be no further development than what is approved.

Mayor Chadwick – Asked for a condition of approval will be access to the southern pathway. Mrs. Welton also said they are willing to place conduit in the shared trench to be used for fiber in the future.

**Public Testimony:**

**Ron Schreiner** – 1995 N. Pollard Lane, Star, ID 83669

Property is on the North side of the private lane. He has no problems with the plan and likes what they are doing. His concern was the drainage pits that might allow water on his property. He did not know that the trees would be removed to create the drainage areas and has no more concerns.

**Steven Siweb** - 11786 W. Teratai Ct, Star, ID 83669

Spoke in favor of the project, he is the son-in-law of the owners and a director of marketing for a builder. Excited about 1 ac properties and he gets a lot of requests for larger lots. Excited about pathway for the school. The gate will help keep traffic down and asks for that approval. Speaks to the street size and how there is 9 homes and that the open space is going to add value to the development.

**David Moorehouse** – 3336 W. Ryder Cup, Meridian, ID 83646

Mayor Chadwick asked if he wanted to speak, he said he did not have anything to add that hasn't been said already. He is in support of the project.

Mr. Nickel added that Staff suggests approval w/o the sidewalks since they are providing the pathway to the west for student access. Open fence to be on the internal pathway too. Ryan Morgan has suggested some changes to the streetlight placement to help light the pathway better.

Keyes motioned to approve with conditions, including open fencing along pathways, granting of a waiver for sidewalks and a reduction in open space and amenities. That lots not further divided and the joint trench having conduit for fiber in it. Mr. Hershey made a second to the motion. Ms. Salmonsens asked about the pathway easement of 6 foot. Mayor Chadwick clarified that the neighboring property, when they come into the City will grant another 6 ft for a total of 12 ft.

Mr. Keyes thanked Mr. & Mrs. Welton for their patience in the process and for the pathway easement.

Mayor Chadwick commented, he thinks this is a great development.

**VOTE:** Approved with conditions. Ayes – Hershey, Keyes, Salmonsens. Motion carried.

**C) Ordinance No 327 Norterra Subdivision Annexation**

Keyes moved to dispense with the rules to be able to approve Ordinances 327 after reading once by title only. Salmonsens seconded the motion. All ayes from Council.

Salmonsens moved to approve Ordinance 322. Keyes seconded the motion. Roll call vote.

**VOTE:** Approved. Ayes – Hershey, Keyes, Salmonsens. Motion carried.

**9. REPORTS:**

**Councilman Hershey** – Mr. Hershey said the Hometown Celebration being run by Dana Partridge. There will be a fun run. Star Outreach is having their annual clothing drive, he encouraged others to spread the word and donate if possible. All other committees are meeting later this month or next month.

**Councilwoman Salmonsens** – Ms. Salmonsens stated that she has a meeting scheduled and will provide a report at the next council meeting. She attended a meeting with Mr. Keyes and is excited about the possibilities and future of the pathways.

**Councilman Keyes** – Mr. Keyes talked about the irrigation districts and the creation of an agreement for pathways on the irrigation properties. Everyone is in agreement and this will happen, however, there will be a lot of work and some issues that will need to be worked on, but nothing that is impossible.

**Mayor Chadwick** Mayor Chadwick updated on the progress at Hunter's creek Park, they are moving right along and should be wrapped up in the next couple of weeks, in time for the baseball season.

South of the River update – Stakeholder meetings were completed, and future public comment meetings and opportunities will be coming in the very near future.

Pavilion and the dog park should have preliminary drawings next week and he is looking for these projects to go out to bid in April.

1108A senate bill – Mayor Chadwick has been working hard to help defeat this bill. The intent is to help reduce property taxes; however, this is not the way to do it by not allowing the growth to pay for itself.

**Chief Vogt did not have a report.**

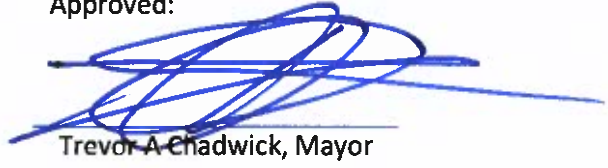
**10. ADJOURNMENT:** The Mayor adjourned the meeting at 8:37 pm.

Respectfully submitted:

A handwritten signature in blue ink, appearing to read "R. B. Field", written over a horizontal line.

Ryan B Field, Assistant City Planner

Approved:

A handwritten signature in blue ink, appearing to read "Trevor A. Chadwick", written over a horizontal line.

Trevor A Chadwick, Mayor