

**Star City Council  
Meeting Minutes  
April 2, 2019**

The regular meeting of the Star City Council was held on April 2, 2019 at 7:00 pm at Star City Hall, 10769 W. State Street in Star, Idaho. Mayor Chad Bell called the meeting to order and all stood for the Pledge of Allegiance.

**Roll Call:** Councilmen David Hershey, Michael Keyes, Trevor Chadwick, and Kevin Nielsen were present.

**Approval of the Agenda:** Chadwick moved to approve the agenda, Keyes seconded the motion. All ayes: motion carried.

**Consent Agenda:** Chadwick moved to approve the Consent Agenda consisting of: Claims Against the City for March 2019, Liquor Licenses for Maverik, Sam's Saloon, Sully's Pub & Grill, and Helina Marie's Inc., Keyes seconded the motion. All ayes: motion carried.

**Presentations/Public Input:**

Corey Dryden – Frisbee Golf – Corey Dryden passed out a packet of information to the Council and stated he is a professional disc golf player, is sponsored by Innova Disc., and has installed several courses. He stated he is before them proposing a disc golf course for the City possibly to be located on City owned property. It will be a community activity and in addition to use by local players he is looking to bring in tournaments. The course consists of 18 baskets, couple tee signs, frisbee discs, and land. Dryden noted the packet contained a cost breakdown, which are at his cost, and what the design and install costs would be. To the back is a full proposal for Council review.

Chadwick asked how long it typically takes to install a course. Dryden stated it depends on the design. If doing natural tee pads it takes less time than installing concrete tee pads. Typically to install just the baskets can take a day with some help. Chadwick asked if the pricing before them included concrete pads. Dryden stated it didn't, it included the baskets and some signage. At the bottom there were some costs for some addition items and he recommended they get some tee signs as well. With his costs in the proposal he is saving the City about \$15,000.00 at his price.

Keyes stated it would probably be a year or two before they have an appropriate place to put a course and asked if they acquire the baskets early could they disperse the basket at some existing parks and relocate them into a course on down the road. Dryden stated moving them was absolutely possible.

Mayor Bell asked how many players were in the valley looking for a place to play. Dryden stated there were about 500 players in the valley, and with the valley growing more disc golfers were coming in. This course would allow players on the west end of the valley to play closer to home and he can bring league players here for tournaments.

Nielsen asked where they were looking to locate the course. Mayor Bell stated that had not been decided yet and they were getting designs for both parks.

Hershey asked how much room would be needed for a professional course versus a neighborhood course. Dryden stated nationally ranked courses need around twenty to thirty acres and for family courses you put in however many holes you want.

Committee Reports - Dana Partridge, Activities Committee Chair, stated the group met March 21st and they are working on the Hometown Celebration. Josh Austin is working on the Fun Run and is working with Chief Vogt on a safe route. For the parade they are having difficulty lining up a band but are working on getting a tumbling and drum line group. Contrary to comments, Partridge stated they did have a color guard last year, but due to health he rode in a car. The American Legion Post Commander has assured them they will have a walking color guard this year. They will be changing the luncheon menu to be hamburgers this year. For kids games they are looking at having a reptile man coming and having a skateboard exhibition at the skate park. She noted the dunk tank was very popular last year and raised money for the Mayor's Scholarship Fund and they are looking at doing it again this year. They have decided to again include the talent show. The committee looked at the 2019 calendar and has scheduled future events and Partridge will put that information on the City website and Facebook page. They will have a booth at the April 20th Eggstravaganza, in the spring will host a garden tour and movie night, July will be movie night and participate in the Kristi Armstrong Race, September will have Make Star Shine Day, October will have Trunk or Treat night, and December will be the holiday bazaar. Their next meeting is April 18th.

Mike Olsen, Beautification and Public Relations Committee Chair, noted they meet the third Thursday each month. The "Welcome to Star" signs are done. They are working on a military event scheduled for May 18th; and are working with Dana Partridge on promoting it. They have received some military letters, including one from the Civil War. The Star Merc has agreed to donate complimentary water for the event.

Public Input - No one from the public spoke.

### **Old/New Business:**

Public Hearing – Trapper Ridge Subdivision (continued from 3/5/2019): Mayor Bell explained this was a continuation from the March 5, 2019 Council Meeting and will be for transportation and road issues only.

The Mayor explained the public hearing process, starting with a presentation by the applicant or representative, Council may then ask questions, followed by staff comments, then public testimony which will be limited to three minutes, and then applicant's rebuttal. The Mayor will then close the public hearing and move to Council deliberations. The Mayor asked Council if they had any ex-parte contact or conflicts of interest they needed to disclose. Keyes stated he recently reposted a newspaper article on social media that he wrote a year ago and received some comments on it from people and a couple of comments referenced public hearings that were going to be held tonight but didn't say which ones or whether they were for or against, and he wanted to disclose that post as well as all of the comments that he gathered on that post. He

submitted a copy of the written comments into the record. Nielsen asked Keyes if he could state the nature of the comments as they would not have the ability to read what he submitted. Keyes stated essentially the nature of the comments were they wanted to take what he had written and it was helpful to them to prepare to give testimony at the public hearing tonight. Keyes read comments from Kathy Anderson and her last comment for a cup of coffee; he noted that he often offers to meet for coffee and she was offering to take him up on it. Mayor Bell opened the public hearing and asked the applicant, Kent Brown, to present.

*Applicant:* Kent Brown, 3161 E. Springwood Drive, Meridian, Idaho, stated they had met with ITD, with City staff and with the Highway District and went through the items that were discussed. Specifically, the items that caused this application to be tabled were that ITD had asked them to widen Highway 44 at the intersection of 44 and CanAda and to add an additional twelve feet to that intersection. He noted that site is three and a half miles away from their project. They were also to meet and discuss with the Schrams on fencing along their westerly boundary and to meet with staff and discuss streetlights and that their traffic stays within their subdivision. There also was some discussion about possible design changes.

Brown stated they had met with ITD staff members and discussed their comments and talked about some of the challenges that faced the development community as well as ITD. He pointed out ACHD has the ability to collect impact fees, that Nampa just passed an ordinance to collect impact fees, but State law does not allow ITD to collect impact fees. They discussed that only two percent of their traffic will go to the west and impact that intersection and yet they are asking them to do that improvement. His clients approached a local contractor that does a lot of work for ITD and ACHD and asked them to give them a basic number, without moving irrigation ditches or acquiring land or anything else, just adding six-feet of right-of-way on either side of the road and they came up with a price of \$150,000.00. If they take the two percent that is going from their development in that direction and they paid appropriately that two percent that would be around \$3,000.00. Brown stated they offered that to them at that time and they said they couldn't collect it because they have no means of holding that money. ITD proposed maybe the City can and as other projects come along they all pay a proportionate share. Brown proposed if the City felt a need to condition in regard to that, they would pay their proportionate share of \$3,000.00 for that improvement; the City would hold onto that money and as other projects come along they would add to the fund and then the City would transfer the funds to the state to have that project happen.

Brown stated they did meet with the Schrams immediately after the meeting and discussed fencing on their western boundary. They have put a five-foot wrought iron fence at the common area and propose a solid six-foot fence from the road to the common area. There are no openings in the fence. They have worked it out with the Schrams to put in a hog wire fence, four-feet tall, along their boundary.

In meeting with staff they were told there was an ornamental light that has already been approved in another development that they could install in their development that shines down; it has a shroud that causes the light to go downward.

Another issue was with their connection to Roseland. The concern of the neighbors was with the possibility of having a lot of people travel through their subdivision. Phase 1 of Roseland put in

one connection to their easterly boundary and they have put in traffic islands to cause traffic to slow down. In discussing this with their traffic engineer he has informed them they will have as much traffic coming into their development from Roseland as Roseland will have traffic going through them. The Councils' proposed road changes in their development may cause them to be a straight shot which generally causes traffic to stack up and possible speeding in the project. Their traffic engineer stated if you have a stacking problem then traffic will tend to want to go through Roseland. The current design causes traffic to split fairly evenly to both entrances. It was estimated there will be about an equal exchange of traffic between the two subdivisions so they are proposing not to make the changes the Council proposed and stay with their design. If the Council wants to force the issue they could add a connection, but that connection just causes it to be a raceway. Brown also pointed out they have slopes that affect the roads and there's a point where they start going uphill. He reiterated that what they have is equal splits in the traffic and equal numbers coming out of each entrance with the current design.

Keyes stated one reason they tabled the application was because of the request from ITD. He feels the City needs to approach ITD and figure out what they want going forward and see if the City can collect and hold funds. Keyes asked if the City can do this would they be willing to commit the \$3,000.00 through the development agreement process to put toward that use under the condition we come to some type of arrangement with ITD; Brown stated yes. Brown stated they offered the \$3,000.00 to ITD and they said they have no mechanism to keeping it. They even went back with their traffic engineer and had him look at it and they discussed how many phases do they put in before it even starts to warrant it and it was between the second and third phase before it even came up for them. Keyes asked where they came up with the figure that their impact is two percent of traffic to the intersection. Brown stated two percent out of their development is going west, where the majority of the development is going east per their traffic engineer and ACHD.

*Staff* - Shawn Nickel, City Planner, stated he had talked with the City Attorney and they are going to look into what Nampa is proposing and see what the process would be for the City to collect these fees for ITD. It will be an ongoing issue.

*Public Testimony:* Chris Todd stated he is in favor and had no comments.

Robert Fehlau, 2203 N. Sunny Lane, Star, Idaho questioned Brown stating that most of the traffic will be going east. He asked if there had been studies done and how it will be dealt with.

Gary Smith, 258 S. Langer Lake Way, Star, Idaho, stated his concern is CanAda and traffic at that intersection. If the City becomes the collector of the money for ITD, will the City become the custodian of the funds until the full amount is collected, because they are saying those improvements need to be put in before it's approved. He can understand the applicants request for two percent but the other ninety-eight percent needed for that improvement needs to be collected before the application goes ahead if that is what ITD said. His question is if the City becomes the holder of the funds does that make you the stewarts and would you collect the rest of the money. Smith asked who pays the rest, where does it come from. It will be difficult to collect from people who have already built. He is concerned that ITD has come to the reality that they can't collect impact fees. They are \$425 million dollars in the hole now on road improvements and other things. He asked if we shouldn't wait until they get caught up before

we go spending more tax payer's money. Smith is concerned we are looking for ITD to do more and they are now looking to have future applicants make this happen. He stated he felt the Council should hold off until those improvements are completed. Smith asked the City to look at moving the thirty-five mile an hour post to the County line; CanAda is a dangerous intersection trying to turn onto the highway that is moving at fifty-five miles an hour. He would like them to also consider looking into putting a light there.

*Applicant Rebuttal* – Brown stated the real conundrum in ITD's scenario is that he does not know if there is a fix in every case. A good example is if they didn't have the necessary right-of-way for these types of things you put it on the development community or make someone sell them the ground. In this case they have adequate right-of-way so it's a little more feasible. The scenario with them is that they said depending on demands. They go where the emphasis is and their funding is dictated by the legislature. Brown stated they are willing to pay their proportionate share versus paying the whole thing because even if they didn't do the subdivision that intersection is going to continue to get worse.

The Mayor closed the public hearing and moved to deliberations by the Council.

Chadwick stated he appreciated the applicant resolving the fence issue with the Schrams along the north western boundary. He stated he still feels they can straighten out one of the roads along the western side and it could relieve some of the traffic going into Roseland.

Hershey commented on them meeting with ITD and they wanting \$150,000.00, and that the engineer made a convincing case on what percentage of an impact they will have. The developer has agreed to an amount of \$3,000.00, and ITD did not disagree with that but they have no way of collecting it. He stated he felt for the most part there have been some good improvements made.

Chadwick stated he doesn't feel they can stop progress due to ITD being upside down. The fact is ITD doesn't have a mechanism to collect for this kind of stuff; it needs to go to the legislature to be fixed by creating an avenue for ITD to collect those funds instead of making it a burden on the legislature every single year. He stated he didn't think it is right to put the burden on a single developer who is three or four miles down the road. He appreciates Nickels and Yorgason working on the issue and is all for the City collecting the funds and holding onto it legally and then delivering it to ITD in some fashion to get the project done. That way all developers in that region can pay their fair share and it will take the burden off the taxpayer. If the applicant is agreeing to pay the \$3,000.00 and ITD doesn't balk at it, then he is okay with them entering into an agreement, if they approve tonight, saying he will pay the \$3,000.00 toward the improvement at that intersection at such time as it happens.

Keyes pointed out in ITD's original letter they stated they have no objection to the subdivision. He felt they need to work this out if it is going to be an ongoing issue as to how they collect these fees for them. He stated he didn't see why they should penalize this developer over another because of a change in policy for ITD in which they had no forewarning.

Keyes moved to approve this application and amend the development agreement to make provision for the contribution of \$3,000.00 toward ITD improvements pending an agreement

between the City of Star and ITD about how we might go about that. Hershey asked if that motion was also to include the fencing and lighting that was discussed. It was agreed it did. Hershey seconded the motion. Chadwick asked they amend the motion to include straightening out the western section before he will approve it. Nielsen recommends they don't amend the motion as he tends to agree more with the engineers than his traffic expert buddy here. Chadwick stated that was fine, he never said he was a traffic expert but is a realist in this whole thing. Nielsen asked to hear Counsel's advice on the \$3,000.00; Keyes has stated pending an agreement between ITD, which could be a long time away. He asked if this is something feasible for the City to do or reasonable for the City to do at this point or should we just wait on that and take a more prudent step. Chris Yorgason, City Attorney, stated part of the intent of this \$3,000.00 is to be paid before the work is done or is it to be paid with the whole project. Keyes stated the latter is his intent. Yorgason stated he didn't think it will be as easy as just reaching an agreement with ITD. The City has an agreement with ACHD and the Fire District to collect impact fees and forward onto them. With ITD the code says specifically you can expend funds but cannot collect funds for ITD. The City does not own any roads to collect impact fees for, where Nampa does have their own roads and can collect impact fees and have an agreement with ITD on how those funds can be expended. He agreed ITD doesn't have the ability to collect fees on their own or to take funds that people voluntarily agree to give them. He stated he felt the City was in the same boat; and they need to consider how does the City act as custodian of those funds and what is the mechanism to collect funds. It's not a quick fix and they will reach out to Nampa and try to see what their arrangement is and if there's a way it can work for the City. It's going to take a lot of work to figure out how it can be done. Nielsen stated it could be a slippery slope for the City to start stepping in and collecting funds; doesn't feel it is a wise move at this time. He stated he would like to see Keyes amend the motion and remove anything regarding funding for ITD. Yorgason stated he didn't believe the City has any legal means to force an applicant to pay fees for any type of improvement going forward, especially where they have no control over the roads. Nielsen asked if they could have the developer put in the HOA covenants and bylaws to set aside the money to pay their proportionate share. Yorgason stated that could be a possibility and they could possibly have a sunset clause on it where it says if the City reached an agreement that the intersection is improved in a certain timeframe, say five to eight years, then they agree to pay their proportionate share of \$3,000.00. That way they do not have a long timeframe hanging over them. Keyes state it was not his intent for it to be a mandate, but to encourage the City and ITD to come to some arrangement and if they couldn't then the \$3,000.00 would become mute. If ITD is going to continue asking applicants for funds going forward, he thinks we have a duty to get with ITD and get an understanding of what they're doing. Nielsen stated he felt the intent can be carved out without burdening the applicant if they put that as part of the approval. Nielsen again asked Keyes to strike it from the motion. Keyes stated he has a motion and a second and at this point is not willing to change his motion; although Hershey could remove his second. Hershey stated he didn't think it would be any time soon and wondered if he could amend it to possibly say it has a five-year sunset clause. Keyes asked how about they say in the sunset clause when they pull the last building permit in the subdivision and after that they're done. All agreed they could go with that. Keyes stated he would amend adding that wording. Hershey seconded his second. Nielsen asked if they need to be clearer if they are asking to put this in the HOA covenants. Keyes stated that was not what his motion was. Nielsen asked for clarification on what the motion or the sunset clause is for. Keyes stated they are sun setting an item in the Development Agreement where they are willing to voluntarily contribute to some type of a fund that the City and ITD may or may not at some



time in the future come up with to help mitigate these impacts and that would sunset if nothing is agreed to between the City of Star and ITD when they pull their last building permit for that development and it would just go away. He is trying to anticipate if this is something ITD is going to be doing with the City going forward with other applicants; he feels they need to address it somehow. All ayes: motion carried.

Public Hearing – Mink Farm Annexation, Preliminary Plat, Conditional Use, and Temporary Use: The Mayor explained the public hearing process will be the same as the previous hearing. The Mayor asked Council if they had any ex-parte contact or conflicts of interest, hearing none, Mayor Bell opened the public hearing and asked the applicant's representative, Nate Mitchell, to speak.

*Applicant:* Nate Mitchell, 1470 N. Rook Way, Star, Idaho, stated he is representing Joe and Lynn Moyle Living Trust on multiple applications. They have an annexation and zoning request with a request for zoning of mixed use. Also, a request for two conditional use permits, one for a residential use permit and the second for a rock crushing conditional use permit; followed by a preliminary plat. Generally the project is located in the northwest corner of Highway 16 and Highway 44. They are contiguous to the existing first phase of Republic Storage that allows for annexation into the City. They are requesting a mixed use zone for several reasons, one which is it's what's designated on the Comp Plan and mixed use allows them some flexibility for some commercial uses which they may do in the future and it allows them to do the proposed preliminary plat with the residential lots around a lake they would like to build. They are proposing a 20.5 acre lake with nine residential lots abutting the west side of the lake along Calhoun which is the stub street ITD provided when they rebuilt the Highway 16 intersection. Their residential conditional use would allow them to build those houses in a mixed zone. The conditional use permit for rock crushing goes along with the twenty acre lake. They feel this half-acre or larger estate lots on water front will bring a nice mix to the market in Star. With the original preliminary plat submitted they received some comments back from ITD; the original had Calhoun as a straight connection with a cul-de-sac and no extension to the north. They received comments back from ITD and ACHD both desiring a connection that would provide a local road connection to the north to Floating Feather for future development. As ACHD will not allow access onto collector streets, the revised map before the Council shows islands or half circle knuckles that would allow driveway access off of the road with those knuckles joining Calhoun. They understand the planning need for a north/south connection but believe a collector status is not warranted because they don't believe the land uses in that area will ever generate enough traffic to exceed the capacity of a local road. Mitchell stated if they approve their plan tonight they can sort that out with ACHD and that would determine the direct driveway access and how they want to handle the construction of Calhoun in the final plat phase. Mitchell stated they will hear from the neighbor to the north tonight regarding the north/south connection and that he has no interest in having a road stubbed to him property. He asked for approval tonight with the standard condition that they meet any site specific conditions that ACHD requires. He stated he received a letter from ACHD today stating they did not have a staff report to the City yet; and they have been in conversations with ITD regarding their concerns and are trying to do everything they can to make the appropriate adjustments.

Mitchell stated they are asking for preliminary plat approval so they can start the engineering planning process. In regards to the conditional use for the gravel crushing they are fully aware of all the City conditions and reclamation requirements and plan on complying with them.

Keyes asked for clarification that they are willing to agree to all the right-of-ways set aside requests that ITD has in their letter. Mitchell stated yes, and in ITD's letter their set aside requests matches ACHD's corridor; they are asking for the same road. Keyes noted they are also asking for right-a-way along Highway 16 so that can be widened in the future. Mitchell stated according to their record of survey for Highway 16 future improvements, they already have that right-a-way provided along this property. The City has setbacks that would keep buildings far enough away from that. He stated he did not see them asking them for additional right-a-ways. They had already taken a portion of the property with the building of Highway 16.

Chadwick stated the Star Fire Department talked about the twenty-four foot radius and forty foot radius. Mitchell stated the radiuses are actually fifty feet. Chadwick asked how long they planned on doing the gravel crushing. Mitchell stated City code allows them to do it for five years, but did not believe it would take them that long to get twenty acres dug; but they don't want to limit themselves at this time outside of City code. Chadwick asked about the width of the road on Calhoun, it appears to be fifty feet. Mitchell stated they are designed to ACHD collector standards at this time and if they can negotiate something else with ACHD the Council will get a staff report at final plat that would recognize something had been changed. But at this time it is drawn to comply with their required standards.

*Staff* - Shawn Nickel, City Planner, clarified that if the applicant was to negotiate and change the status of that roadway it would not conflict with the City's adopted plan.

*Public Testimony*: Steve Young, 906 N. Pollard Lane, Star, Idaho, stated his ten acres abuts the project to the north. He stated they are comfortable with and supportive of the second lake, the rock crushing and having residential lots. One of the issues he does have is with regard to Pollard Lane. When the American Star project came up there was discussion to have Pollard Lane extended to meet Moyle Lane. After discussions with ACHD, they had ultimately declared that Pollard Lane would not be classified as a collector but will be a rural road. He wanted to insure that for purposes of future development, all four property owners along that road are satisfied with that decision. They are all pleased that it is going to be a rural lane and that any north/south access is farther to the east.

*Applicant Rebuttal* – Mitchell stated they had been in discussions with Mr. Young all through this and do not intend to disrupt his life style with the family's development plans.

Nielsen stated he thought he heard Mitchell say ACHD wanted Pollard Lane stubbed north and south and thought he heard Mr. Young just say that ACHD was satisfied with Pollard Lane as is and there will not be an extension of the road north and south in the future. Mitchell stated Pollard Lane is further west of this project and is actually in alignment with Mr. Young's house, and this road stub is actually in a pasture east of his house. His understanding, and he doesn't want to speak on Mr. Young's behalf, was that he preferred no road stubs to his property. Looking at ACHD and ITD plans, the road stubs they have are actually east of his house and out



buildings and would be a better solution than trying to connect their western cul-de-sac to Pollard.

The Mayor closed the public hearing and moved to deliberations.

Keyes stated he had no issues with what was in front of them but has one caveat, which is they do not have a staff report from ACHD and what they bring us may ultimately impact the preliminary plat. He would like to wait for that report, see if it has an impact, and then bring it back for a vote. Mayor Bell noted the applicant stated they would comply with whatever ACHD requires of them and if it shifts it a little they will see that.

Nielsen moved to approve applications for Mink Creek, AZ-19-03 Annexation and Rezone, PP-19-02 Preliminary Plat, CU-19-02 Conditional Use Permit, and TP-19-01 Temporary Use Permit, Chadwick seconded the motion. All ayes: motion carried.

Public Hearing – Star RV Park Rezone, Conditional Use, and Development Agreement: The Mayor asked the Council if they had any ex-parte contact or conflicts of interest. Chadwick stated he had talked with the applicant last summer about a pathway to the middle school but did not need to recuse himself for that per legal counsel. Keyes stated he had received an e-mail from Rebecca Tite on March 29th asking him not to approve the RV Park. He had forwarded the e-mail to the City Planner, the Mayor, and the City Clerk asking it be added to the letters received portion of the file; and noted he did not see it in the pile of letters received this evening. He stated Gary Smith, Danielle Smith, and Kathy Anderson reached out to him on social media and made negative comments or asked that he not approve this application. He informed each of them that he could not discuss an item on an upcoming public hearing. Keyes stated he had been exposed to, but had not interacted with social media posts started by others on both the Nextdoor and Facebook platforms. He noted there was one post on Nextdoor that he initiated that has comments that he submitted earlier this evening and one post he initiated on Facebook that has a comment from Gary Smith implying the Council should deny this application. Keyes stated he is submitting a copy of his original post and comments from that post and asked that they be added to the record.

Mayor Bell opened the public hearing and asked the applicant to speak.

*Applicant:* Sabrina Durtschi stated she is here on behalf of the applicant and KM Engineering, 9233 W. State Street, Boise, Idaho. She stated the plan does look the same as previously presented, and based on the Council Meeting and meeting with staff afterwards they felt they could resubmit and tackle it differently, in an educational way as this will be the first RV Resort in Star. She will be presenting, along with the owner, and another person who is going to be covering safety which has been a big point on social media. Durtschi shared a graph showing the increase in demand for RV use each year steadily since 2014; increasing from 5% to 8% recently. This includes retirees, young couples, and millennials; and is predicted to increase each year. The west is one of the most popular destinations in the US. Looking at Ada County there are RV parks located in Boise, a KOA in Meridian, one in Garden City, and one in Eagle; and she pointed out Star and Kuna do not have any RV resorts. She stated there are multiple benefits to approving this application. As this will be the first RV resort in Star they want to set the standard high for future RV resorts. The second benefit is this will help increase tourism. Now

anyone visiting with an RV either has to park on a street or leave and go to another City where they spend their money. Approving this application would have a positive economic development impact on local businesses as it will be retaining these people in town. On page five of the staff report it states it is a needed venue and would provide relief of people parking in their driveways. The staff report talks about property rights, economic development, encouraging startup businesses, and tourism. Durtschi stated she felt this is in compliance with the comprehensive plan, and that two staff reports have recommended approval and have stated distinctively that this use is a harmonious use with the comprehensive plan. She stated she felt strongly that this is an appropriate use at this location.

Durtschi stated the rural transition that they are requesting for the rezone meets the residential designation within the comprehensive plan. Currently they have R-3 zoning which allows for thirty plus homes and they are looking for a down zone to RT which matches the residential designation within the comprehensive plan, unlike the first application which asked for mixed use. They feel RT is good and ties in well with the comprehensive plan but also allows for RV resort use with a conditional use permit. So they are meeting the comprehensive plan and the RT is meeting the zoning code.

In discussions regarding location Durtschi noted RVers want a quiet location, not put up against multiple home subdivisions. This is in close proximity to Highway 44 and 16, and is about six minutes from downtown and there is the golf course as an amenity. The resort is looking to target people coming here for family visits and events.

Durtschi reviewed site amenities including a guest clubhouse, office, bathrooms, private showers, laundry facility, swimming pool, hot tub, walking pathways, an activity barn, and tent camping. They are proposing the site be done in two phases. She discussed the handling of trash, which when a guest checks in they will be told trash is picked up at a certain time every day. The guest will take their garbage out to the front of their site and someone in a golf cart will come and pick it up and take to the dumpster. Drive aisle where discussed and will be thirty feet in width, which is large enough to accommodate large motor coaches and fire trucks. The Fire Department has reviewed this and it meets all their radius turning concerns and they have signed off on this application. The site will be fully engineered for site drainage with paving along the entrance and per Idaho Code they will retain all of their drainage runoff on site. They have seventy-nine RV slips proposed; each slip will be thirty feet in width with twenty-five feet of gravel and five feet of landscaping strips with trees and grass. There will be forty-six back-in slips that are sixty-seven feet and thirty-three pull through sites that are seventy feet in length. Each site will have water, sewer, and electric connections.

Durtschi noted the applicants have lived at this location over twenty years and would never submit an application that would put a child's safety in danger. They held a neighborhood meeting and noticed residents within three-hundred feet as well as sending invites to anyone who signed up at the first meeting. Contrary to social media comments, posting of signs were actually put up days before they were required, meeting posting requirements. She noted there were no immediate adjacent neighbors that had concerns with their proposed use. People who have expressed concerns on social media do not live adjacent to the site. She stated Nichols informed her he had spoken with the school district and the school district is supportive of the

application and do not have a problem with it. Durtschi then turned it over to the owner to talk about operations.

Raeleen Welton, 9500 W. Broken Arrow Lane, Star, Idaho, stated due to the loss of her voice she would have Chandis Siwek speak for her.

Chandis Siwek, 1235 Downing Drive, Eagle, Idaho, stated she is the owner's daughter and thanked staff for their help during this process. Siwek read from a statement from Raeleen Welton which reviewed some of the family's history, having lived here for twenty-one years and raised their three children here. She noted their property has now been surrounded by development, the LDS Church south of property, the Star Middle School borders their northern property, and upcoming home developments will run along the balance of their northern border and to the south. Their vision is to have an upscale RV experience for the community and RVers alike. They will be implementing the following (which is not required): will have full-time CPR certified staffing twenty-four hours seven days a week, will have thirty foot roads, with thirty foot wide spaces with full utility connections, will have security cameras for the facility and pathways, landscaped walking paths, designated dog park, swimming pool, clubhouse, spacious patio, fire bowls in designated areas so no campfires, separate office space, bathrooms and private showers, laundry facility, daily trash pickup, spacious activity barn, also plan to offer golf tee sign-ups with shuttle to River Birch Golf Course. They would like to cooperate with local businesses and venues to promote buying local. Highlight of resort is to offer a location for guests to stay while visiting family and attending events. The resort may make Star a more attractive location to host sporting events, and other events such as bike races and family weddings. It will also alleviate the stress and congestion that often create safety concerns within subdivisions and streets and driveways when city residents have visitors. This resort provides an option for a safe place designed to accommodate RVers. With pre-registration and check-in requirements, with on-site staff and security cameras, safety will be held to the highest standards. On-line registration is preferred and the application will state sex offenders and felons will not be allowed. They will offer daily, weekly and monthly rates and longer terms will require background checks. The sex offender registry will be checked for all applicants. Upon arrival guests will be required to show identification, proof of ownership and insurance and there will be a visual check of RV unit to insure it is fully self-sufficient and aesthetically pleasing. Each guest will be briefed with safety guidelines while using the facilities and then will be guided to designated resort spots. No one will be self-parking. No guest dogs will be left unattended or off leash outside of their RV and dog litter must be removed immediately. Also, no barking dogs or loud music will be allowed. They believe these strict guidelines will provide a quieter atmosphere than a lot of subdivisions.

They have received two letters of concern, both primarily expressing concerns with safety of middle school students. They have been approached by the City about allocating six feet of their property on their west border for a pathway / sidewalk and have agreed to for the safety of students. Before starting this project they met with the school superintendant on their property to insure the West Ada School District had no objections. They take safety seriously and Idaho Law prohibits sex offenders within 500 feet of a school. She noted they have hired designers, developers, RV managers and hospitality specialist to their team so the RV Resort will be successful and they see the day when it will be an appreciated asset to the community. She

reiterated they are committed to Star and have invested heavily in the community and as third generation Idahoans they are here to stay.

Keyes asked Welton about mentioning stays longer than one month but in the development agreement it states you will limit stays to twenty-eight days. Raeleen Welton stated they meant up to four weeks, or whatever the City code states the duration will be. Welton also commented that when they mentioned the two letters, they were unaware that other letters had come in.

Nielsen stated whether it was intended or not it was stated that stays longer than one month and it was caveated that those stays would be subject to a background check, so it made it seem that stays shorter than that would not be subject to a background check. He asked if it could be clarified when a background check comes into effect and when the sex offenders list is consulted. And what it means to consult the national sex offender's website for every member of the party. Welton stated it should be a monthly rate, they do offer a four-week rate. Tanea Parmenter stated what Welton means is if they stay for four-weeks they will be submitted for a national background check. Nielsen verified that all of them will be checked against the sex offender's site and the monthly stays would undergo a felony background check. Parmenter clarified it would be a felony misdemeanor background check.

Hershey stated he had two major concerns and the background checks have already been discussed. He noted they had a slide showing two different types of RV's, one really nice one and the other not so good. He asked how they will be able to verify how they will look ahead of time. Welton stated they will not be able to park it in their park if it is not aesthetically pleasing; they will have certain standards they will have to meet. She noted they have another presenter who is in the industry who will explain it.

Chadwick stated he is president of the West Valley Little League and they do domestic violence and sex offender background checks on every volunteer in their organization. They don't cost much and he would recommend they do both for all of them. Chadwick asked how they plan on dealing with people who squat. Welton stated by law they can't stay longer and Chadwick stated he understood by law they can't but sometimes they do; he just wants to know how they will take care of that. He asked what the return policy is after twenty-eight days; how long must they be gone before they can return. Welton stated another presenter will address this.

Tanea Parmenter, 567 N. Mira Avenue, Star, Idaho, stated she is a crime analyst, trains law enforcement on crime collection, trains law enforcement on how to understand and read their crime data, and how to utilize that crime data to fight crime in their communities. She presents on many federal local and state task forces on combating violent crime, sex offender crime and crimes against children. She also works with law enforcement on missing and exploiting children and missing persons. She helps law enforcement interpret laws and statutes at the state and federal level and helps communities to understand crimes in their communities. She stated they collect statistics so they can understand what they are combating. Parmenter shared statistics of crimes against children in the state for 2017 and the statistics of the relationship of offenders to the victims. Acquaintances were the highest population of offenders, with strangers being the lowest population of offenders. She shared locations of where juveniles are likely to be victimized, the highest statistic is at residences and usually by a family member, second highest location is at a school by someone who is known to them, and there has only been one

juvenile rape case reported in Idaho at a camp site and the offender was known to the victim. Statistically speaking in Idaho, campgrounds and RV Parks have the lowest number of victimizations. Of the four RV Parks in the valley there have only been minor offenses reported and no crimes against a child. Concerns have been expressed about sex offenders and she discussed the sex registry, which can be searched on the national sex offender registry or the state sex offender registry. All laws governing sex offenders come under Statute 18-8301 and the owners of this proposed RV Park are very familiar with the sex offender statute. Sex offender's right to know act can be found at Section 18-8302. Adult sex offenders are prohibited near school areas and per Section 18-8329 if they violate this it is a misdemeanor offense. The RV owners have taken safety very seriously. The RV Park will have what is called a code adam, which in the case of a missing child it will shut off all entry and exists to the RV Resort and then not allow anyone to enter or leave until they or law enforcement locate the missing child. This is something you will not find in any other private or public business in the area. Speaking personally as a single mother, statistically speaking she worries more about her daughter walking through the subdivision home than near an RV park; worries more about her bus driver or a teacher or a person of influence at her school assaulting her rather than her walking by an RV park; she worries about her daughter being assaulted by a friend or a family member at a sleepover rather than walking by an RV park; and worries more about her being seduced by on-line predators more than when she's walking by an RV park. The only way to mitigate her fears and fear for the community is by knowledge and helping her community to understand and giving them the tools and resources to educate them and our law enforcement. She encouraged the parents of this community to visit the National Center for Missing Children to gain knowledge to protect their children.

Hershey asked about some of the statistics given on other RV Parks and whether they do background checks. Parmenter stated she did not talk to the RV Parks directly and it was a question they can go back and look at.

Nielsen asked per the development agreement, how do they propose to check the ID's of every member staying on the site, how will they know if every member is presented. Parmenter stated she would refer the question to the owners, but as far as her safety plan her recommendation is when the guests check-in at that time they make sure they present ID for each person at that location. Nielsen asked what if someone decides not to come out of the RV and present themselves. Parmenter stated with the amount of personnel on site it would be very hard to not show themselves at some point in an RV Park. Nielsen brought up the security cameras and wondered about the retention of data that is recorded, the placement, and how they will be monitored. Welton stated they will have security cameras for surveillance of the park, also offered and talked to City staff regarding the pathway and would like to have security cameras there. Nickels had referred to the space and discussed it with the school district and they didn't have any issues with the RV park going in, but had asked them to do one thing and she will turn that over to Nickel's to discuss.

Nielsen asked about having the farthest northwest corner be eliminated and additional landscaping be provided so an RV would not be crammed into the corner next to the school. Welton stated they were willing to do that, they didn't want to do anything that will cause contention or problems with any of their neighbors. She noted they had met with all of the neighbors early on. They plan to landscape well along the cemetery, including a privacy fence



for privacy during services. The RV Park should be quieter than a housing development because they will not allow barking dogs or loud music. Nielsen stated part of his question was the retention of the video footage and whether or not there was monitoring and what kind of monitoring schedule will there be. Welton stated they are willing to listen to recommendations from the experts regarding that. Parmenter commented that having a comprehensive safety plan and standard operating procedures is important and she will work with the property owners on the retention of video footage.

*Public Testimony:* Mayor Bell stated they will start with those signed up to speak who are for the application and then to those against.

Russell Andrews, 21 Watson Lane, Horseshoe Bend, Idaho, stated he is Raeleen Welton's brother and has a long history in the hospitality industry, including managing the Mountain View RV Park between 2010 and 2017 before retiring. From his experience at that park he has seen a lot of people frustrated when they cannot find accommodations. He stated he felt there is a need to have another one in the valley. His experience with crimes against children in RV parks has been zero since working in the industry. He stated they always checked the sex registry at Mountain View RV Park, although they were not next to a school, but always felt they needed a safe environment.

Spencer Freedman, 839 W. Waterbury Drive, Meridian, Idaho, stated he is marketing director for G Seven Resorts, and they own and operate eight RV resorts in Idaho, Arizona, and Oregon. As for getting rid of squatters, because the stay is limited to twenty-eight days or less, you don't fall under long term stay acts, so you can remove someone in three days, with or without their rig; you can have them towed out as they are on your private property. As for rig approval, they use the ten year rule, and for anything older than ten years they inspect it and the rig and if they both don't get approved they don't come in. He stated they generally do not do background checks at their locations unless they are red flagged for a reason. They feel the quality of their resorts and their on-site management teams do a good enough job keeping their parks safe. He stated in their fifty years they have never had any child related issues, maybe drugs and domestic abuse issues, but very minimal. For retaining security camera footage they partner with a local security provider and they store their data for up to a month. Freedman noted they have audio over the pools and offices. They have been advising the Welton's on this project and the design is being built to meet the standards they build to. The applicants are building a quality park and it should be a great addition to the community.

Joe Rogan, 2976 E. State Street, Eagle, Idaho, and 9606 Packer John Road, Cascade, Idaho, stated they are hearing a lot about a trailer park but pointed out it is an RV resort, something upscale. The people putting it together are two of your local business people, not some big conglomerate coming in. These people will do what they say; they are people of character. They will make this a facility you can be proud of. He asked the Council to listen to the facts, not the emotions.

Larry Osborn, 74 N. Nebula Court, Star, Idaho, stated he was here on behalf of the Chamber of Commerce and they have had at least ten calls asking about RV parking locally; and one call was just last week. He noted Stuart's Electric Company has joined the Chamber and he just wanted to give some insight into the requests.



Shawn Nickel, City Planner, read a letter dated March 29, 2019 in which the writer is in favor of the project and the need for an RV park as RV's cannot be parked on subdivision roads. Families would benefit with having a place for visiting family members to park their RV's. They spend time in the summer traveling with their children in an RV and stated they have never felt unsafe for themselves or their children wherever they chose to stay. They are in full support of the project and feel it will be a valuable asset to the town; letter signed by Krista Dawe.

Brian Holmes, 1967 N. Water Heights, Star, Idaho, stated he had spoken previously, would not repeat everything he has said before, and meant no disrespect to the family or RVers. He stated he felt the walkway to the school makes it easy for someone to pass drugs and to make contact with students that shouldn't. He noted a lot of predators are not registered and are looking for opportunities. He pointed out the owners are not going to manage the park; they are going to have a management team who will only want to show occupancy and money coming in. He feels eventually they will sell out to a corporation, possibly to G7 who have admitted they do not do background checks. He took some pictures of the entry into the RV Park, measured an opening of roughly fifteen feet, and pointed out there is a large telephone pole, a fire hydrant, a street sign, and an electrical box that will make it very hard for people to turn thirty plus motorhomes into or out of the Park. He offered to share the photos which the Mayor took. He stated he did not feel Star is the place for an RV Park and we did not need one in our community.

Theresa Prenn, 1875 N. Mountain Vista Lane, Star, Idaho, stated she is concerned with the zoning as they are requesting a rezone to RT which is one unit to two acre and the RV Park will have eight units per acre, which is high density not low. The other thing is the RT zoning will be going away in Star's new Comprehensive Plan. She is also concerned with background checks, when you do this for a short-term stay it is not viable; it is not ever asked for at other parks or at hotels. Most bookings will be done on-line and questioned if people will wait at check-in for a background check. She questioned who the target market was. She is afraid it will turn into a long-term resident trailer park. Prenn stated she concerned with the length of stay; proposal states length of stay will follow Star City code which is four weeks, yet they are proposing monthly rates. A month can be longer than four weeks, so why mention a monthly rate? She feels there will be zero oversight as code enforcement is typically complaint driven and often not enforced. There could be loopholes, can an RV leave for one night and return the next day; there are too many ways to work around this. She is concerned the public hearing sign was posted over spring break giving parents at the school little chance to see it and react. She noted it was also partially obstructed by the telephone pole and phone box. She felt there could be legal issues and that this was an example of spot zoning which would benefit the property owners and not the community. Prenn stated she went to the school and asked them if they had received a copy of the notice for the neighborhood meeting and they stated they had not. It may have been sent to the West Ada School District, but she stated it should have been sent directly to the school.

Nick Zanze, 10279 W. Purple Ash Drive, Star, Idaho, noted the applicant talked a lot about security cameras for safety and stated they are great after the fact, noting the shooting at Mandalay Bay Hotel as an example. The applicant mentioned there were two letters objecting to the development and Zanze noted that on social media sites there were fifty comments speaking against this development; there was not one person for the development. Zanze discussed the

applicant mentioned there was a minimum number of RV Parks in the valley and he did a google search and there are thirty-six RV Parks in the Treasure Valley. He stated if you have to ask yourself if this will create a safe environment for our children then you have to deny it.

John Osmond, 10982 W. Rose Lake Street, Star, Idaho, stated his son rides his bike to the Star Middle School as often as he can and a safe bike path is a paramount concern. He stated his comments tonight were in regards to the unjustifiable regard for rezoning from R-3 to rural transition for an RV Park and its blatant disregard for our Comprehensive Plan. He read from the UDC the purpose for an RT zone, and pointed out this land is not agricultural but is already zoned residential. He noted if the RT zone's purpose is for a gateway for agricultural land into residential then there is no need to back pedal to an RT zoning, especially when the surrounding area is still zoned and used as R-3. Rezoning this one island of land will create inconsistency and incompatible land use next to other uses because it is not compatible with adjacent uses. It in no way complements Star's Comp Plan but is opposed to it. Idaho State law requires that all zoning districts be in accordance with the adopted comprehensive plan and Star's plan designates this area as residential and keeping it that way will protect the property rights of everyone. This rezoning is nothing more than a back door attempt to put commercial zoning in the middle of a residential district which is not in the best interest of the City or its citizens. Osmond stated allowing this change will permanently disfigure this entire area and will stagnate all future property values by putting commercial in a residential area. He stated he is not against having an RV Park but is against it being in a residential area.

Robert Fehlan, 2203 N. Sunny Lane, Star, Idaho, stated in regards to safety checks and background checks he doubted they will be able to get that done on all the guests. He stated schools should be surrounded by neighborhoods and kids should be able to walk to school. That street has no sidewalks or bike lanes; the kids have to be bused or driven to the school. People want to see schools with neighborhoods around them, where kids can walk to school not surrounded by commercial. He stated he doesn't understand them rezoning the property to allow this development. If the valley has a need for one fine, but he doesn't agree with where it is being proposed or that it is a fit for the idea of Star being a rural residential community. He stated he does agree there are some safety concerns; Pollard is an unsafe street especially with the ditch on one side and big motorhomes driving on the same street with the buses. Fehlan stated that overall he doesn't think it is a fit for that area and especially not next to the school.

Michael Pren, 1875 N. Mountain Vista Lane, Star, Idaho, stated his house looks out on the property and the problem he has is with the criminal background checks and the length of stay. If the length of stay is not enforced it is a gateway to a long-term park and all the problems they have heard about. He stated the problem is they are relying on City code, however there is no government infrastructure in place to enforce any of this, including the background checks or the length of stay. He also has concerns with barking dogs. He stated he lives in the neighborhood and is against this; it doesn't fit in next to the school. He stated that with all the testimony on record, the Council could be held complicit if they approve this and anything should happen to a child.

Laura Lake, 565 N. Maybelle Place, Star, Idaho, stated that as a mother with children attending the Middle School, that the fact there is any concern at all by any of the parents that that is a red

flag. She stated she can't add anything to what people have said; she has no problem with an RV Park but feels the location is inappropriate.

Tony O'Neal, 1910 N. Mountain Vista Lane, Star, Idaho, stated he agrees with what his neighbors have said. He stated as a builder this is not what you want to see in your neighborhood and he doesn't want to see it in his neighborhood. He pointed out this is a residential area and there will be some nicer homes built in this area adjacent to this property. He is concerned with traffic, with bikes, and with possible motor homes on this road. He stated as a local resident this is not the right location for this.

Lucas Alleman, 9863 W. Bray Creek, Star, Idaho, noted they had brought up the growth for future RV demand and when you do a quick google search there is a fifteen percent decline in RV's over the past year. This leads him to believe that over the long term if there is not actually a demand for this we will just have empty spaces.

Kristina McDeerman, 11593 Short Creek Street, Star, Idaho, stated everyone brought up really good ideas but noticed no one brought up tourism. She felt where it is located no one will come to Star and stay next to a cemetery and a school to tour Star. If they wanted to come to Star they may go to the river or to the race track, which may be a better fit. It just seems like an odd place for someone focusing on tourism. She stated she liked the idea of it, but this is not the appropriate place for it.

Sarah Keyes, 338 S. Long Bay Way, Star, Idaho, stated she thinks this is an amazing project but doesn't think this is the best use of the property in this neighborhood. She stated they have a good product, but are they going to own it and manage it and run it for the next twenty or thirty years. What will happen when they sell it and it starts to run down? What if a conglomerate buys it and doesn't manage it to their standards? There is no way they can predict that cannot happen. She doesn't feel it is a fit or will work for this location.

The City Planner read a letter from Ron and Norma Schreiner, dated March 28, asking that a condition of approval be that the private road Broken Arrow be paved and include a curb and gutter on the north side of Broken Arrow. The curb and gutter would cause storm water to run to the storm drain on Pollard Lane. They stated they would appreciate having these two conditions approved.

Joe Proctner, 9233 W. State Street, ???, Idaho, stated he is the engineer of record for the development and they have looked at Broken Arrow and how they would develop that. They have looked at the entrance way and there is some utility work that would have to be accomplished. The turning radius would have to accommodate not only large motorhomes and vehicles and trailers, but also emergency vehicles. The paved entry would be curbed to retain drainage; all drainage will be contained on site. Of the projects he is involved with developing, this project has got one of the biggest RV sites, the roadway segments are some of the largest and the amenities they are providing far exceed any of the other developments.

*Applicant Rebuttal* – Durtschi stated they realize change is hard but it happens and they have shown there is a demand for an RV Resort. They are providing a six foot path to the school for kids to the school because Pollard is terrible to cross and they want to provide a safe crossing.

Spot zoning was brought up, and she noted they are providing a residential zone and staff has recommended approval that they are meeting the standards of the Comprehensive Plan. As for the monthly rate, they will strictly meet the City of Star's code. There will not be multi-monthly, what the code states is what they will adhere to. As for noticing, they noticed everyone and beyond what they were required, including noticing the school. As for adjacent land uses, they are saying all these subdivisions are adjacent and Durtschi noted there are no subdivisions adjacent to the site. There is the cemetery and open space adjacent. In essence this will be a continuation of the open space, not thirty packed homes in a subdivision. She noted citizens' concerns that Pollard is not safe were correct.

Raeleen Welton, reiterated they do not want children riding bikes on Pollard Lane as it is a busy road and very dangerous and that is why they are offering, and the City came to them, a pathway and will have security surveillance on it. Statistics show that children are less safe in a subdivision than they would be walking near or in an RV Park. They will have a lot of families with children and are planning an open area to accommodate family reunions and for families to get together when having weddings. They will have a playground area for the kids as well. As for the surrounding property, there is agriculture next to them and they came to their first meeting and had zero issues with this. As for sidewalks, they will abide with what the City wants them to do with sidewalks. There will be landscaping and a twenty-five foot setback from their property boundary. At the cemetery to the south there will be no graves within eighty feet of their property; twenty-five feet of their property to the ditch and the cemetery cannot have graves closer than fifty feet to a ditch so they will be eighty feet from any graves. The cemetery did not have any issues with them when they met with them.

Chadwick asked for clarification as to whether the roadway in will be paved all the way. Welton stated yes. Chadwick asked if all the spots will be paved. Welton stated eventually they will be paved but will start out gravel. The roads will be paved and the reason the spots are not is because the leveler can sink and it is not advantageous for the slips. The Mayor clarified the actual road in the park and the driveway will all be paved and the actual spots will be gravel. Welton stated that was correct. Chadwick asked if there will be curb and gutter to the north as their neighbor asked for and Welton stated it will be engineered to keep the water on the property.

Keyes asked Chief Vogt if he had any safety concerns with this project. Jake Vogt, Chief of Police in the City of Star, stated as it has been presented by the applicant he does not have any safety concerns. Keyes noted there had been a lot of comments about safety and from what they've heard from the Chief and from Parmenter and from his own experience in RV Parks, in his experience he has never been asked to submit to a background check, so he doesn't really have any concerns with safety on this project. He stated he believed with the addition of the bike path this would be a plus for the school kids as they will be taking kids off a traffic lane. In terms of whether the industry is seeing an increase or decrease it is the developer taking the risk. He felt this boils down to a land use issue and when they are looking at a residential use in something that is residential in the Comprehensive Plan that allays the issues he raised last time with spot zoning. He suspects this would survive a spot zoning challenge. Another concern he has is that in their Comprehensive Plan when it talks about commercial areas in residential zones it says that they should typically be five acres or less and that their purpose is generally to reduce

neighborhood trips and this seems out of compliance with that part of the plan and he would like to have them address this.

Durtschi stated this really isn't commercial in nature or they would have asked for commercial zoning. She mentioned she had not mentioned that they do have a development agreement and a conditional use permit with which you can add extra conditions to ensure that everything they are saying tonight happens. She asked Nickels for his opinion on the Comp Plan saying five acres for commercial in nature. Nickels stated when he looked at the Comprehensive Plan and UDC he processed this not as a commercial use but felt it was more of a residential use because folks are living there. Durtschi stated that was how she interpreted it as well and that's why she recommended the RT was more appropriate over MU. Keyes stated he had argued against this being MU and Durtschi stated she agreed with him.

Nielsen asked Nickel if this was the reason the RV Park has a conditional use because an RV Park is only allowed in an RT zone with a conditional use. Nickel stated the use is allowed with a conditional use in an RT zone and it is also considered a residential zone in the matrix of the code. Nielsen asked if that is why they are viewing this five acre question Keyes brought up as more of a residential use than a commercial use. Nickel stated yes and Durtschi noted both zones required a conditional use.

Chief Vogt stated for full disclosure that he currently has a niece going to the middle school and a daughter who may be attending in the future. Again, as presented he does not have any safety concerns; he just wanted to better clarify this.

Mayor Bell asked if the pathway will be fenced on one or both sides and what is the access from the RV Resort to the pathway. Welton stated that it would be up to the City as to what they would like to see. They believe the fence will not be a privacy fence for safety concerns and if there were an emergency families could get to them easily. They will comply with whatever the City recommends.

Chadwick stated he would like to add to the development agreement at 2.4.4 that if this does get approved to check for national sex offenders plus domestic violence people. He stated he is a firm believer that both of those need to be checked. He noted they are reviewing the limit of stay as part of their code review and not knowing what the final outcome will be, he would like to amend 2.4.3 to say the length of stay shall be limited to whatever is amended in our code. So, if its fourteen days its fourteen days and if its twenty-one days its twenty-one days. Welton noted that was recommended in the staff report as well.

Chadwick asked staff how this falls into our code, Section 8.3-1, the purpose of the Rural Transition District and read the code section. He asked how does this fall within the code in that sense of the purpose statement. Nickels stated he analyzed the zone as a transitional zone and he also looked at the uses that were allowed in the zone and the RV Park is an allowed use within that transitional zone with a conditional use. So he applied that to that transitional definition. Yorgason reminded them they are reviewing the code. He stated he felt Nickel reviewed the transition as being from agricultural to residential. They need to look at what is going in in the surrounding area. In the matrix RV Parks are allowed in an RT zone. They need to look at the

definition for transitional and at what the matrix says. He reminded them they will have a development agreement in place.

Nickels stated he was the one who drafted the development agreement, not the applicant, and this is a starting point for them to add some conditions of approval. They also have a conditional use application that would lock them into this development agreement which runs with the land. He noted for clarification to the audience, his job is to look at the code and comprehensive plan requirements, and their job is to make the decisions.

Chadwick asked about Section 2.4 "The Developer will comply with City Council approved site plan date stamped March 1, 2019 with the following site-specific requirements:" and asked if this was what is in the packet they received. Nickels stated if it is approved they will be approving the plan stamped March 1, 2019. Durtschi stated they will have to update the site plan to remove the one lot space requested by the school district, so they can resubmit an updated plan if approved. Welton noted that social media plays a huge impact on any business; if your business is not up to speed it can hugely impact your property, so they need to stay on top of things. It is important to them that they can be proud of their property, proud of their resort and regardless of what other RV parks do they can set their own standards and will adhere to those standards because they want to be welcomed in the community.

Nickels stated he had provided Council with several additional letters in opposition stating the same concerns as their neighbors, provided a letter from ITD, and he has provided a list of additional conditions for their consideration

Mayor Bell closed the public hearing and moved to deliberations.

Hershey gave some background about himself, stating he has three adult children and grandchildren living in the area. In regards to safety concerns, he stated he has no problem with any of his grandchildren going to school past this development if it is existing. He stated he has a problem with whether this is a business or is it residential. At the first hearing he asked them to reduce the density; if it is an R-3 make it an R-3 or even an R-4 as RV's are a little smaller. But this is still sitting at an R-8 which to him is not low density if this is considered residential. He stated this is where his hang-up is. He stated this is a very good idea and that they are true to their word on how this place will be run. He stated he realized the development agreement is a binding document, a forever thing. Hershey stated he wanted to see the density brought down and he doesn't see that that happened. Then if it is residential, as was stated, it would fit better and he would have much less hesitation with what the code is and with what you're trying to do.

Nielsen stated what goes through his mind is the code stepping on top of itself by allowing an RV park in a residential Rural Transition area that's supposed to be low density. So one of the questions he has is, if the code is stepping on itself it needs to be changed, and asked Yorgason how they make that reconsideration. Obviously an RV park is not intended to match one to two lots per acre. Yorgason stated that was correct, that you do have some specific restrictions; even in the use table it points you to another section of the code, to Title 5 which has specific restrictions for an RV park. He stated he understands the applicant is committed to design this with the current code which is part of this analysis. They are correct that the code should be consistent and anything that is shown in the Rural Transitional land use matrix would be



considered a transitional use; that is what the zone is for. If that is something the City needs to change they will need to go through a process. The application before them though gets the code which is before them, staff has recommended that it complies with the comprehensive plan and it is the Council's decision as to whether they agree with that. If you believe the code is stepping on itself and doesn't meet code then you can make that finding and deny the application but you will need to tell the applicant what they can do to get approved, how it better meets your definition of transition. Obviously you can't change code tonight, so you have to work with what you have and you cannot table it and say you want it to come back when code is changed. They have a right to have a decision made based on the current code.

Chadwick asked per one of the aspects of the development agreement, section 2.4.1 lists the number of RV spaces, could that be adjusted. Yorgason stated that was a conversation the applicant would have to agree to, the development agreement is between the two parties and cannot be dictated by one party. It would be a negotiating point and something that would need to be agreed to and would be binding on future development.

Nielsen stated to that point he would have to say that the length and the width of the lots already exceeds the thirty percent that is required in our Title 5 code. Yorgason asked if he meant they are beyond the minimum requirements of the code, that it is more than what the code requires. Even in the regular residential ordinances they have minimum lot sizes and setbacks on the number of lots that fit on a given parcel. You can apply this on the analysis here and say there is this minimum amount used for roads and open spaces, and does this mean there is this amount allowed for spaces. Another approach, that Hershey is looking at, is what the density is, and RT is low density of one or two acres.

Chadwick stated when he looks at the application and the comments they've received he was wondering what the West Ada School District is going to say about this. He noted for the public's information the notice doesn't go to the school that is next door to the site but to the folks that make the decisions within the school district. They did discuss it with Joe Yocum, the Assistant Superintendent of Operations for West Ada School, and read comments presented by the City Planner, "When asked if the District opposed they stated based on the information provided to them by the applicant and after reviewing the City Staff Report, the District is not in opposition to the development. When asked if the district was concerned the facility being located adjacent to their public school, he responded that with the proposed background checks, the school should be safe from potential negative impacts from the facility. Mr. Yochum did request that perhaps the furthest northwest space be eliminated, and that additional landscaping be provided in its place so that there will not be a RV crammed into the corner next to the school." Chadwick noted the Chief indicated he wasn't against it based on the background checks and such. Chadwick asked if it was the right fit for the location. Those who are decision makers in the other entities say it is okay and when you look at the property itself it's kind of a flag, it is a long narrow piece of property and you have to ask what can fit there. He asked if the resort is the best thing and stated it can be as he does baseball and has people looking for RV Resorts all the time with travel baseball. You have all kinds of tournaments in the area and people looking for RV Resorts to stay in. He noted it can be a good thing if it's done right and bad if not done right and you place your hopes on a citizen who has been in Star for over twenty years. He looks to the experts at this and that's why he asked questions of Yorgason and Nickels.

He feels the density is a little higher than it needs to be and wondered if it couldn't be reduced a little bit, for an easier transition.

Nielsen asked Chadwick if it was the density or the use that made it tough on the transition. Chadwick stated it was the density. Hershey stated he was the one who brought the density up, and it is because it is said it is residential and so that is how he is going to treat it. He pointed out he was clear in the first meeting they had that it's a good idea; it was not presented very well the first time and this was a better presentation this time. Nielsen asked Hershey for clarification, in the RT zone it's one to two lots per acre and asked what point of density he was looking at. Hershey stated because they're RV's they are smaller and he also understands what he calls span of control. Obviously R-2 would be for a 25,000 square foot house and he was trying to match something in the R-4 area. For now he feels the density is too high for calling it residential. He is having a hard time not calling it commercial as it is a for profit entity but they are not calling it commercial. He is looking for reduced density, R-3/R-4 is what it was supposed to be originally so that is what he will stick with for now. Chadwick asked Hershey if he was looking at approximately forty units. Hershey stated basically yes, though he was no conceptual artist. Nielsen stated he was trying to see how literal he was in his density to make a determination versus a permitted use of an RV park that has no density limitation in the code. Asked what his reasoning was based off of and was it the use that made the transition hard or is it the density of the use. How does the density of the use increase or decrease the use in how you decide what the numbers are? Hershey stated the use is questionable, however in his mind and from where he's sitting now at 11:00 pm he is willing to look at a reduced density because of what he calls span of control. He understands they will have a management company in there and understands the background checks and all of that, and loves the pathway, but thinks it's a little too dense for where it is and for whatever surrounds it. It just doesn't quite fit, but if it reduced density and had a neighborhood near it, it would be a better looking fit in his mind. Nielsen asked him to explain the impact the density is causing. Hershey stated it is very dense. If it is called residential it is eighty units on ten acres. Nielsen asked what the negative impact is for that density in his mind. Hershey stated if it was anywhere else he would have no problem, but where it is is an R-3 designation right now and that is where he is with it. Nielsen stated that was fair, although he didn't feel he could follow him on this.

Keyes stated he heard from staff that they considered this a residential use and recalled the applicant came to them a few months ago and argued that this was a commercial use in a mixed use package. The attorney says it is up to them to determine a finding and he has been considering it. He asked if this is a commercial use subject to the five acre guideline in the Comprehensive Plan or should he follow staff and this is a residential use. He stated he would love to hear the rest of the Council's opinion on that particular issue. Is this a residential or commercial use and how does it fit in with our Comprehensive Plan? He stated he also wanted to say he doesn't feel they have a health safety issue here at all, that he is very satisfied with the way safety issues were addressed. Nielsen stated he is satisfied with the way the planner and attorney are viewing the code but does think the code is a little unclear, to specify a density and then to specify a conditional use. The way he is looking at this is that the conditional use changes the density requirement. With RT being a residential zone, residential against residential is still residential, and having that conditional use in there he has to look at the conditional use as a residential use because it's in our residential code. Nielsen stated he is falling in line with our attorney and planner on this.

Mayor Bell stated he was going to try and clarify one point and hoped it would help. The way he is interpreting this and seeing it is that we have a code that says if it's an RT zone then with a conditional use permit you can have an RV Resort. And in that RV Resort there are guidelines and they must meet or exceed those guidelines, so as far as that part of it goes I don't see that there is a conflict. I think the decision is whether we are going to grant them the RT zone that they are asking for or not. If Councilman Hershey doesn't like the density of a resort and resorts are not three units to the acre; so if you want three units to the acre it will have to stay houses. You cannot put in a RV resort and ask them to knock the density down to an R-3 or R-4, it just is not reasonable. The real decision is are we going to allow the RV resort, and if you are then you have to change it to RT and have to do a conditional use permit. If you don't want to do that you deny the zoning. If you like what you've seen and heard and feel it's going to be a good amenity and think it going to be the right thing for the City then you will need to change the zoning. If you don't think it's a good thing then you don't change the zoning.

Nielsen asked if they don't change the zoning what would the Mayor suggest for them to meet our requirements to get approval moving forward. Mayor Bell stated if they don't change the zoning it's clear you don't want an RV resort. He stated if they want to work some more on the development agreement or whatever they can always do that. The decision here is whether you're going to change the zoning and if you're going to allow it to be an RT it is a conditional use. Nielsen stated he felt the development agreement was a pretty good draft and the items Chadwick mentioned would be good in it. So it really does come down to do they want an RV park there.

Keyes stated when he reads Star City Code 8-1-4 for conditional uses under number 2 it says the proposed use shall be harmonious with the Star Comprehensive Plan and in accordance with this title. The Comprehensive Plan says it should be reviewed regularly and they are in the process of doing that and he is struggling with the conditional use permit. He questions whether the conditional use is harmonious with the Star Comprehensive Plan; our code says it has to be. It says our Findings have to determine that. Chadwick asked how he would say it was not harmonious or is harmonious. Keyes stated he is still struggling with whether this is a residential use or a commercial use; because if it's a commercial use than it's not harmonious and if it is a residential use it is harmonious.

The Mayor stated he would like Nickel to clarify. Nickel acknowledged they are struggling with the uses in the RT zone. He read some of the other conditional uses that are allowed in the RT zone. He explained the RT zone is a transitional zone between residential and agricultural. It comes down to whether you think the use is appropriate; and can you place conditions on this to make it compatible.

Nielsen stated he is looking at part of the staff report on the Comprehensive Plan which states "While the current Comprehensive Plan does not speak specifically to Campgrounds or RV Parks, the use meets several elements of the Comprehensive Plan such as: protecting property rights, economic development and in a roundabout way support of tourism. Currently Star does not provide for any type of overnight stays for campers, RV's, hotel users or tent users." So again it is not really specific and stated he is inclined to support this. Nielsen moved to approve RZ-19-02 Rezone with a development agreement File DA-19-01 and CU-19-03 Conditional Use

Permit with the following changes to the development agreement: 2.4 reads the developer will comply with the City Council approved site plan date stamped March 1, 2019 with the following site specific requirements: removing one RV site as requested by the West Ada School District; modification 2.4.1 to read the facility will have no more than 78 RV camper spaces with the remainder of that intact; modification of 2.4.3 to read the length of stay shall be limited as defined in current City Code (whatever is current at the time); addition to 2.2.4 the addition of domestic violence background check to the sex offenders that is already inclusive there, Keyes seconded the motion. Keyes stated he has been struggling with whether this is a commercial use or whether it is a residential use and at the end of the day to be a tie breaker he is going to defer to City Staff and to what the land owner wants to do with his own property. He stated he realizes he will probably take a lot of arrows tomorrow on social media. Nielsen stated to Keyes that that is where he landed in absence to any real clear cut reason to deny; in the code it refers to the property rights of the property owners and per recommendation of City Staff. Nielsen and Keyes voted aye, Hershey and Chadwick voted nay; tie vote.

Mayor Bell asked Legal Counsel if he abstains where does it put them. Yorgason stated the motion dies and they can do another motion. The Mayor stated he still has some questions and was not sure they had been answered yet. Mayor Bell abstained and the motion dies. He stated they can continue to deliberate or they can have another motion to accept, deny or to continue. He stated he personally felt he did not have all the answers he needed at this point to cast the deciding vote so he chose to abstain and they will continue to deliberate.

Nielsen asked what kind of questions the Mayor was looking for. The Mayor stated he just hasn't decided; he liked what has been presented for an RV resort and feels they need one in Star but he is not really convinced this is the right place yet. Nielsen asked if they will be able to come to grips tonight or if they end up in another tie vote why would he not just vote no. The Mayor stated he was still having internal conflicts because he agrees a lot with both sides and that there is a property right here and he wants to make sure that he is making a decision that is not made off of emotion but is made off of the proper facts and he's not sure he's ready to make that decision tonight. He stated if there's another tie he will probably abstain again. Nielsen stated he would rather not table this if they didn't have to. But obviously if the Mayor is at that position it is going to be up to the Council and asked if they can get three votes one way or another.

Nielsen asked Chadwick his thoughts. Chadwick stated the property rights are there, it is an R-3 zone. He stated they are not denying a right, they are just denying a use on it. Yorgason stated they have rights per your code, R-3 residential zone, and they have a right to asked for a rezone to an RT and for a conditional use permit within that RT zone for an RV park. He noted Keyes has previously read the conditional use standards and that there are four standards for a rezone, that the zoning map amendment complies with your comprehensive plan, that the map amendment complies with the regulations outlined in the proposed district including the purpose statement, that the map amendment is not materially detrimental to the public health, safety, and welfare, and that the map amendment does not result in an adverse impact upon the delivery of services by a political subdivision providing public services within the City including, but not limited to school districts. Yorgason again read the conditional use standards for the Council. He stated they need to consider if they can meet the standards for a rezone and then consider if

they meet the conditional use standards. He noted it was within their right to table it for a couple of weeks to consider it some more.

Keyes stated the zoning part was easy for him; it is a down zone from one residential use to another which is consistent with the Comprehensive Plan. He stated he had no issues with the zoning; his concern is with the conditional use. Yorgason stated they could approve the zone and table the conditional use permit if they wanted. If they should approve one and deny one they should deny all of them because the applicant might not do an RV park if they do not approve the rezone. He recommended they not approve one and deny another because if you down zone the property zone you take away their property rights in an R-3 zone. He pointed out they could table the rezone and conditional use; they should take the applications as a whole. Keyes stated he echoes what Nielsen said that we're here, they're here and he would rather duke it out tonight even though it is late as this is painful enough without doing it a third time.

Keyes asked if there is a concurrence that the zoning part of this is pretty straight forward, are we all on the same page that this is about the conditional use permit. Chadwick asked if when he is talking about the conditional use permit what parts of the conditional use permit was he not in agreement with. Keyes stated it was with what he read in City Code 8-1-B-4 under Findings number 2 that the proposed use shall be harmonious with the Star Comprehensive Plan and in accord with the requirements of this title. The question is with the proposed use matching the Comp Plan, and to him it boils down to whether this is a commercial use or a residential use. He is hearing from staff that they are considering this residential and heard from the applicant at the previous hearing that it was commercial and heard from our attorney that we get to figure it out.

Chadwick stated he is hung up on 8-3-1 and how you classify the RV resort as an actual Rural Transitional based on the wording he is reading and his interpretation of the wording.

Nielsen asked them to think about the list Nickel read through and that all are conditional uses and that all would seem to be in contradiction to Chadwick's statement unless those conditional uses allowed for it to be in contradiction to that statement. You have a right in the zone according to how it is documented and so conditionally allow it. Chadwick stated he was right as far as the permitted things and the conditional use is separate. When he reads this, how does an RV resort truly fall into this terminology as it is written? Nielsen pointed out that is why it's conditional, and Chadwick stated he got that but in his mind he is looking at an RV resort and he's asking how does it fit here. Nielsen stated it doesn't and that is why it is conditional, it is an exception. Chadwick stated he doesn't agree but that's okay. Nielsen stated he is too far away from Hershey on the density and it sounds like Chadwick's interpretation on it is going to keep them at two and two.

Chadwick asked how the conditional use falls into the Comprehensive Plan. Keyes stated it says it will be harmonious and that falls down to the definition as to whether it is a commercial use or residential use. If it's a residential use the Comp Plan says we're in and staff argues that's the case. Nielsen stated the UDC says it's a conditionally allowed use. Nielsen stated it comes back to him that they have a property owner who has property rights to use their property as they see fit as long as it matches our code. Chadwick stated correct, and their right currently is an R-3, that's their current right. Nielsen stated they also have a right to change their right within the

allowable uses in our code. He stated we have ambiguity in our code and we need to decide on the applications based on our code and so he defaults to their fundamental rights.

Keyes stated he was still struggling with this and if Chadwick wanted to talk him into this being a commercial use to have at it. Chadwick asked about the definitions and Yorgason stated they have a definition for a residential district and its clear that residential includes rural transitional, low density R-1 & R-2, medium low R-3 to R-5, medium R-6 & R-7, medium high R-8 & R-9 and high density R-10 and higher. The use table then defines the uses that are permitted within that zone, with or without a conditional use. The use table defines a RV park with a conditional use within the residential RT zone.

Chadwick moved to table the applications for two weeks, Hershey seconded the motion. Chadwick and Hershey voted aye, Nielsen and Keyes voted nay, Mayor Bell voted aye; motion carried. Mayor Bell noted they will reconvene deliberations in two weeks on April 16th.

**Reports:** Nielsen stated he would like to recommend they adjourn the meeting due to the lateness of the hour. All agreed.

**Adjournment:** The Mayor adjourned the meeting at 11:30 pm.

Approved:

Respectfully submitted:

\_\_\_\_\_  
Charlten Bell, Mayor

\_\_\_\_\_  
Kathleen Hutton, Deputy City Clerk