



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

City Hall - 10769 W State Street, Star, Idaho

Tuesday, August 24, 2021

7:00 PM

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

**Agenda Item 2) INVOCATION** – Bishop Scott Roberts – Star 5<sup>th</sup> Ward, The Church of Jesus Christ of Latter-day Saints led the invocation.

**Agenda Item 3) ROLL CALL** – Present were Mayor Chadwick, Council President David Hershey; Council Members Michael Keyes and Jennifer Salmonsens. Council Member Kevin Nielsen previously advised he could not attend this meeting and was excused. Staff present were City Attorney Chris Yorgason, Public Information Officer Dana Partridge, City Planner Shawn Nickel, and Assistant City Planner Ryan Field. City Clerk / Treasurer Jacob Qualls were excused.

### **Agenda Item 4) – PUBLIC HEARINGS & ACTION ITEMS**

#### **Agenda Item 4A) PUBLIC HEARING – East Star River Ranch (RZ20-12/DA-20-28) – Commercial Rezone ONLY; Table Remaining Applications Indefinitely (PP-21-03/CU-21-01/PR-21-02)**

Chadwick opened the Public Hearing and read the rules governing the public hearing process. He asked the Council if anyone had any ex parte communication. Each Councilmember indicated they had not had any ex parte communication. Chadwick turned the time over to Larson with Star River Development, LLC.

Nickel commented regarding the application and gave a brief summary of the application. Nickel reported this application has been tabled several times as the City and Applicant has waited for the traffic impact studies from ITD and Ada County Highway District (ACHD). The rezone of the commercial portion was due to the 2018 annexation and re-zone of C-1. Specific uses were discussed during the meeting and the city did not do a DA at the time. In 2020 the city changed the zoning ordinance and C-1 uses were modified. Staff suggested that at this time the commercial piece could be rezoned, a Development Agreement be put in place and then the applicant can move forward with the commercial piece. This would allow the applicant to move forward while waiting on the transportation pieces.

In the commercial portion of the development, there are 6 residential lots designed as a buffer for the Heron River development. These can be conditioned in the DA. This is only the commercial piece; the residential piece is not a topic of discussion.

Chadwick turned the time over to Larson at 7:18 pm.

#### **APPLICANT:**

Paul Larson 855 S. Calhoun Place, Star, Idaho, 83669

Larson mentioned that this has been a 2-year process to get to this time. They have had 2 neighborhood meetings at this point without any issues. One concern has been traffic and the answer was the buffer and the neighbors were very happy with this. There will also be a light at Moyle and Highway 44. Neighbors want restaurants and want to know how soon that would happen? Tonight, is just for a portion of the project about 1/3.



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Larson gave a little history on the project and timeline. He was advised by Cathy Ward to not include the Development Agreement at the time of the original annexation. They modified the original application from R-12 to R-8 with the understanding that they could request a retirement home on the rest of the parcel. Larson is requesting that the original uses of C-1 be allowed, willing to rezone to C-2, is looking for the C-1 approvals granted in April 2018. This application was coming to submittal in March of 2020 but was withdrawn due to COVID-19.

Keyes asked if the six homes were attached or detached, Larson said they are detached. Chadwick clarified that the city is only hearing on the commercial rezone.

Keyes asked about the walking path, Larson showed where the path was located. Keyes asked if the city were to put in the Development Agreement all the C-1 approvals from the 2018 Development Agreement, would they be done here. Larson said yes.

Salmonsens asked about storage units and a church, Larson said he has not talked to anyone about anything other than a gas station, coffee shop and restaurants. Salmonsens asked about drive-throughs, Larson said it would be a drive through. She asked if the neighbors were opposed to the drive through, he said no.

Chadwick said that he remembers that a neighbor wanted the gas station but not up against the homes.

Keyes asked about the Barron letter and the items that they wanted in the Development Agreement, he asked Larson if he agreed. He said he is not at a point to agree to those without the transportation reports.

Chadwick said they need the land for the Moyle light, and Larson said they are willing to participate in that but need ITD to respond.

Keyes asked if ACHD and ITD accepted the Transportation Impact Study, Larson said yes, they have.

Nickel called attention to the staff report in reference to the storage units. Larson wants to make them a conditional use permit versus taking them off the table all together. Chadwick does not want storage units, but to continue to work with ITD.

Chadwick does not want any non-profit on the commercial land where there is no property taxation.

The gas station height is 35 feet to the mid-line, but the cupola is higher, Nickel suggests that the height

extension be put in the Development Agreement, Chadwick agreed. The height would be 54 feet for the piece that is a non-inhabited space. Salmonsens asked for a building that is similar in size that she can compare this to. Mr. Larson said he does not know the size of buildings. Nickel said the mid roof is 35 feet, the pitch height



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is 41' 6" and the top of the cupola is 54'.

Keyes said he wanted to hear from the public.

STAFF NOTE: 12 people signed up, no one indicated they wanted to speak.

Jeff Riqqs from Barron Land Group, 1401 17th street in Denver, Colorado

They have been working with Larson even before they purchased the land from TJ. They are supportive of the plan to move the zone from C-1 to C-2 and they support the commercial plans for the property. They are asking that the DA include the light at Moyle, and they participated in the second Traffic Impact Study with Larson. Asking for timing of the light. They encourage timing and reflect on the comments from their letter of support. Barron will be paying 35% of the light at Moyle, pointed out by the Chadwick and they are ready to go with that right now.

STAFF NOTE: No one else wanted to speak in person, no one signed up online. Seven people signed up in support of the project. two signed up as uncommitted and the other five did not indicate they were for, against or neutral of the application.

**Applicant Rebuttal:**

Larson asked to honor the original conditions, they will grant an easement for the light, and they will not pursue a church or storage units. The light and funding participation and timeline still needs to be worked out and the funds are not just from the commercial, but also the residential.

Keyes asked if the Development Agreement that was submitted was off the table, and this was a new Development Agreement. Nickel confirmed.

Chadwick stated that the light can go in now and needs to go in now. Idaho Transportation Department (ITD) is not contributing to the cost of the light. The only parcel that has the contribution amount is the Barron property.

Chadwick asked if they knew how much the light was going to be or how much space it would take up. Again, Larson mentioned that the residential piece will bring in the funds, not the commercial piece.

Chadwick asked if we do a Development Agreement now, can we amend in the future for the residential portion for a required percentage. Nickel said that was his recommendation. Nickel suggests that we put a not to exceed amount in the Development Agreement. Keyes asked if anyone has talked to Moyle contributing money to the light. Chadwick said no one has approached Moyle.

Discussion on the amount that Larson should pay among the Council. Keyes proposed that the city put some language in the Development Agreement that the parties can re-open the Development Agreement later to



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put specifics in it. Yorgenson said that was O.K. to have in the Development Agreement and should be built in now.

Larson's attorney spoke, they want the Development Agreement in place, and they want to come back with the Development Agreement to address some items of the residential portion. The items that the developer wants cannot be discussed tonight unless the Development Agreement is reopened at a later time during the portion of the application that was tabled.

### **Conditions of Approval**

- No 2-story next to Heron River
- Height exception of cupola
- Funding for the light
- Prohibited uses west of Moyle, from the staff report list
- No storage facilities
- No non-profit organizations
- Agreement to re-open the Development Agreement.
- Allow 6 Single Family detached units on the Southwest corner of the property.
- Keyes wanted the items that were Conditions of Approval in 2018 to be Conditions of Approval in 2021. Nickel pointed out that this was the intent of the meeting since the zoning was changed.
- Light cost does not exceed 35% for Mr. Larson
- City may cover the remaining cost with interest bearing loan and late comer fees.
- Any establishment with outdoor dining would need Conditional approval.
- Keep 3<sup>rd</sup> bullet from Riggs letter in the Development Agreement

Chadwick closed Public Hearing at 8:33 pm

- **Action of East Star River Ranch** - Keyes moved to approve the East Star River Ranch Rezone and Development Agreement (RZ-20-12/DA-20-28) with the conditions stated. Salmonsens seconded the motion. Voice vote indicated all members present signifying aye. Motion carried.

Chadwick called for a 5-minute recess at 8:35 p.m. Chadwick called the meeting back to order at 8:40 p.m.

### **Agenda Item 5) ACTION ITEMS**

**Agenda Item 5A) - 2<sup>nd</sup> Reading – 342-2021 – Canyon Highway District 4 / City of Star Impact Fee Ordinance –** Keyes provided the second reading and read Ordinance 342-2021 the Canyon Highway District 4 / City of Star Impact Fee by Title.

### **Agenda Item 5B) – Ordinance 344 – Cranefield Subdivision Rezone & Development Agreement**

Removed from the agenda by the Chadwick.



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### **Agenda Item 5C) – Moyle Village Subdivision Development Agreement**

- Keyes moved to approve both items C and D in the same motion. Hershey seconded the motion. Voice vote by all members present signified aye. Motion carried.

### **Agenda Item 5D) – Moyle Heights Development Agreement**

- Keyes moved to approve both items C and D in the same motion. Hershey seconded the motion. Voice vote by all members present signified aye. Motion carried.

### **Agenda Item 5E) – Keller & Associates Highway 44 Monitor Agreement**

Ryan Morgan, City Engineer with Keller Associates. This is for the widening of Highway 44 from Star Road to Highbrook. Chadwick asked to expand the scope to go from Highbrook to Can Ada Road. Morgan said that the survey time and costs would more than likely double. That is task 2 and 9 on the attached agreement.

Salmonsens asked why this section of the project was being monitored by Keller & Associates and not others. Chadwick explained that this is the unfunded portion, Linder to Highway 16 and Highway 16 to Star Road are already funded by ITD.

This is for Keller to put together the bid documents and work with ITD to put this out to bid. Council would then approve the use of Proportionate Share Fees to pay for the expenses.

- Keyes moved to approve the Keller Highway 44 Monitor Agreement and the lump sum of \$129K plus an additional \$50k for the change in scope from High Brook to Can Ada with the understanding that Keller will follow up with a firm quote. Hershey seconded the motion. Voice vote by all members present signified aye. Motion carried.

### **Agenda Item 5F) – Bruce Borup – Private Street (PR-21-10) – Tabled from 8-17-2021**

Nickel stated the reason this was tabled, to see if we could secure an easement for a pathway along the back of his property. Staff met with Borup, and he is agreeable to granting an easement for a pathway, not to exceed 20 feet in width.

- Keyes moved to approved private road application (PR-21-10) to include an easement along the Lawrence Kennedy canal where the irrigation district currently takes their access. Hershey seconded the motion. Voice vote by all members present signified aye. Motion carried.

### **Agenda Item 5G) - Landyn Village (AZ-20-04/DA-21-14/PP-20-04/PUD-20-03/PR-21-07) – Table Indefinitely**

- Salmonsens moved to table the Landyn Village application indefinitely. Keyes seconded the motion. Voice vote by all members present signified aye. Motion carried.

### **Agenda Item 6) – Discussion Items**



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Chadwick moved to reports and asked each individual if they had anything to report on.

### **Reports:**

- Chief Vogt: None
- Salmonsens: Parks Art & beautification committee new chair will be Gerri McCorkle Saddened by recent dog shooting. Working on plans for dog park and some type of memorial. Proud of our community for coming out and supporting each other during difficult times.
- Keyes: Echoed Salmonsens, propose the parks committee contemplate how to memorialize the situation. Not so much naming the park, but something different. He met with SSWD on Friday, anticipating a January opening for the new plant on Joplin. The Kingsbury plant a year from now. Star bridge may be down to 1 lane for an extended period. Attended the mtg with Canyon County and the Committee of 9 with the mayor.
- Hershey: Historic committee will meet this Thursday at City Hall and they are moving along. Chadwick said that a citizen brought in a stack of old historic papers for the committee to review.
- Nickel: No updates to provide.
- Partridge: No updates to provide.
- Chadwick: Committee of 9 making progress, almost to the point of getting a motion for the area of impact on the Canyon County side. It takes 5 out of the 9 to approve, then goes to the Canyon County Commissioners to approve and then the city to adopt. If Middleton does not accept the decision, there would be a judicial review.  
Matt Vraspir resigned from City Committees today, effective immediately. Chadwick said different options would be looked at for the dog park.  
September 28, 2021 is the State of the City address at 7:00 pm.
- Keyes: Asked about the building software automation and if we were going to go live. Inspectors are doing all inspections electronically now.

### **Agenda Item 7) ADJOURNMENT**

Chadwick adjourned the meeting at 9:08pm.

/s/ Trevor A. Chadwick

/s/ Jacob M. Qualls

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Trevor A. Chadwick, Mayor

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