

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho

Tuesday, January 18, 2022 at 7:00 PM

1. CALL TO ORDER – Welcome/Pledge of Allegiance

Mayor Chadwick opened the City Council Meeting at 7:00pm

2. INVOCATION – Bishop Jason Meyers – Star 1st Ward, Church of Jesus Christ of Latter-Day Saints offered the invocation.**3. ROLL CALL**

Elected Officials: Council President David Hershey; Council Member Kevan Wheelock; Mayor Trevor Chadwick; Council Member Jennifer Salmonsens; Council Member Kevin Nielsen.

Staff: City Clerk Jacob Qualls; City Attorney Chris Yorgason; City Planning Administrator Shawn Nickel; Planning Administrator Assistant Ryan Field. Public Information Officer Dana Partridge participated remotely.

4. PRESENTATIONS:**A. III-A Annual Progress Report - Amy Manning**

Amy Manning, executive director of III-A, gave the annual III-A progress report and provided information on the October to September fiscal year. Included in this information was an overview of the number of members and agencies, as well as new programs and policies. Among the benefits for these new programs and policies were savings on medication prices via the Medication Infusion Benefit Program, incentives for babies delivered through St. Alphonsus via the Maternity Benefit Program, wellness programs and screenings which will help detect cancer or other illnesses, and a mental health program they have worked hard to make specialized, not only in caring for youth, but also in caring for the mental health of first responders.

5. CONSENT AGENDA (ACTION ITEM) **All matters listed within the Consent Agenda have been distributed to each member of the Star City Council for reading and study, they are considered to be routine and will be enacted by one motion of the Consent Agenda or placed on the Regular Agenda by request.***A. Approval of Claims Provided & Previously Approved****B. June 15, 2021 City Council Meeting Minutes****C. Findings of Fact & Conclusion of Law: **East River Ranch Subdivision******D. Final Plats: **AMERICAN STAR PHASE 3 (FP-21-29)****

- Council Member Nielsen moved to approve the Consent Agenda; Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Council Member Wheelock abstained on voting for Item 5B. Motion carried.



CITY OF STAR, IDAHO
CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, January 18, 2022 at 7:00 PM

6. ACTION ITEMS:

A. **Ordinance TBD-2022:** AN ORDINANCE Amending Chapter 9 of Title 1 OF THE STAR CITY CODE; DESIGNATING an OFFICIAL Newspaper; REPEALING ordinances IN CONFLICT; CREATING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- Council Member Salmonsén introduced the Official Newspaper Ordinance Amendment; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsén – aye; Nielsen – aye. Motion carried.
- Council Member Nielsen moved to suspend the rules requiring three separate readings on three separate days and read once by title only. Council Member Salmonsén seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsén – aye; Nielsen – aye. Motion carried.
- Council Member Salmonsén moved to approve the ordinance after reading the title. Council President Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsén – aye; Nielsen – aye. Motion carried.

B. **ORDINANCE 352-2022 ROOSTER HOLLOW SUBDIVISION ANNEXATION & DEVELOPMENT AGREEMENT (RZ-21-03 / DA-21-18):** AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED IN THE CITY OF STAR; MORE SPECIFICALLY LOCATED AT 6794 W. STATE STREET (HWY 44); CANYON COUNTY PARCELS R3401500000 & R3401501000, IN STAR, IDAHO; REZONING THE PROPERTY FROM MIXED-USE (MU-DA) TO COMMERCIAL (C-2-PUD- DA) AND RESIDENTIAL (R-5-PUD-DA) WITH A DEVELOPMENT AGREEMENT: THE PROPERTIES ARE OWNED BY DON E. BODIFORD AND BARBARA BODIFORD AND CONTAINS APPROXIMATELY 14.38 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

- Council Member Nielsen introduced the Rooster Hollow Subdivision Ordinance, ORD #32-2022; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsén – aye; Nielsen – aye. Motion carried.
- Council Member Hershey moved to suspend the rules requiring three separate readings on three separate days and read once by title only. Council Member Salmonsén seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsén – aye; Nielsen – aye. Motion carried.
- Council Member Nielsen moved to approve the ordinance after reading the title. Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsén – aye; Nielsen – aye. Motion carried.

**CITY COUNCIL REGULAR MEETING MINUTES**City Hall - 10769 W State Street, Star, Idaho
Tuesday, January 18, 2022 at 7:00 PM**7. PUBLIC HEARINGS with ACTION ITEMS:**

- A. **PUBLIC HEARING: LANGTREE BUNGALOWS SUBDIVISION (AZ-21-11, DA-21-16, PP-21-15 & PR-21-08)** The City Council of the City of Star, Idaho, will hear comments from the public concerning an application for Annexation and Zoning, a Development Agreement, Preliminary Plat and a Private Street for a proposed residential subdivision consisting of 103 residential lots and 21 common lots / common drive lots. The property is located at 9670 & 10090 West Floating Feather Road in Star, Idaho and consists of 27.09 acres with a proposed density of 3.8 dwelling units per acre. Oral testimony may be offered at the hearing. Written testimony may be submitted up to the time of the or at the hearing. (PREVIOUSLY TABLED)

Mayor Chadwick asked the City Council if there was any ex parte contact to report; none reported.

Mayor read the rules and procedures for the Public Hearings.

Mayor opened the public hearing, which had been previously tabled on October 5th 2021, at 7:26pm.

LANGTREE APPLICANT PRESENTATION**Deborah Nelson 601 W Bannock St, Boise ID**

Ms. Nelson listed requests made by the City Council from the previous hearing and how they have been addressed by the developers. These included: the emergency access being changed to the east instead of the north with approval from the fire department; private streets having been widened from 33 feet to 36 feet; an easement for a pathway along the foothill ditch to be completed once the City gets their Master Pathway approved; paving their portion of the pathway running along the easy boundary to provide safe access to school sites; a change from an age restricted development to free marking housing development primarily due to proximity to schools in order to appeal to families; confirmation by the Corps there is no flood plain or jurisdictional wetlands on the site with documents provided in the record and amended maps; continued work with the Middleton irrigation ditch company on the west side of the property regarding the piped facility at the same location as the open ditch which will connect at the Floating Feather intersection as discussed in the last hearing; the northwest park area being kept in a more natural state as requested with preservation of existing trees and a natural walking pathway down to the pickleball court; and a permanent buffer being provided on the north boundary.

Nelson further discussed the buffer on the north boundary, referencing Star City Code 8-1E-1 in regard to transitions being determined on a case-by-case basis and where this is not required if there is separation due to a roadway or canal. As there is a natural gulch, it was felt this applied especially when paired with the over 500 feet between structures. Nelsen also referenced Star City Code 8-3B-3 in regard to transitioning when abutting rural properties, stating there already is a visual buffer provided by existing

**CITY COUNCIL REGULAR MEETING MINUTES**City Hall - 10769 W State Street, Star, Idaho
Tuesday, January 18, 2022 at 7:00 PM

landscaping in the gulch in addition to his house being over 500 feet from the nearest structure. The other two abutting rural residential lots are owned by the developer who has agreed to permanently deed the properties to preserve a hundred-foot no-build buffer on the southern portion of the properties. Nelson noted the neighbors to the north have submitted a new letter by their attorney, Mr. Haws, who has suggested this provision to provide the buffer would be an illegal imposition on county property. Nelson refuted this, stating the argument has no legal merit as there is nothing illegal about a property owner willingly submitting their own property to a deed restriction in this manner nor is there anything illegal about the City accepting this as a condition of approval for a development.

City Council Questions**Trevor Chadwick**

Mayor Chadwick asked whether they were requesting setback waivers. Nelson confirmed there would be no setback waivers. Mayor Chadwick then asked what the widths of the lots are. Nelson stated they are all in the 50s starting at 50 foot wide and going up. Mayor Chadwick then asked Shawn Nickel, City Planning Administrator, if these are five feet per side. Nickel stated yes.

David Hershey

Council Member Hershey asked for clarification regarding the location of the hundred-foot buffer. Nelson confirmed it is not on the proposed property. He then asked, with the change from the 55 and older community, whether there would be reduced density. He noted with families coming into the community, the density could be higher. Nelson replied the density is 3.8, which remained the same but with the variety of home sizes and lots there would be flexibility for those coming into the community. Hershey then commented on the houses going in across from an existing neighborhood, noting there were six in the existing neighborhood and they were putting in eight. He stated he would not approve this unless there was a match to the amount of existing homes, wanting to see no more than six going in.

Kevan Wheelock

Council Member Wheelock spoke on the location of the pickleball court, referencing the skate park near his residence and how despite it being 500 feet away the noise still impacts him. He suggested the pickleball court be moved closer to their side of the subdivision.

Jennifer Salmonsens

Council Member Salmonsens spoke about the parking lot for the clubhouse, noting ACHD had previously required a project to reconfigure their parking lots so they don't back out into the street. She asked if it would be possible to reconfigure the parking lot. Nelson stated since it is private, the ACHD did not raise any concerns over it. Next Salmonsens asked about the pickleball court, specifically in regard to its location. As it is so far out of the way, she felt it would be more useable in a different green space. Nelson stated the intent was to spread out the amenities into a variety of locations.

**CITY COUNCIL REGULAR MEETING MINUTES**City Hall - 10769 W State Street, Star, Idaho
Tuesday, January 18, 2022 at 7:00 PM

Kevin Nielsen

Council Member Nielsen did not have any questions.

Langtree Public Testimony**Mo Haws, Attorney with Morris, Bauer and Haws 1305 N 12th Avenue, Nampa ID**

The only issue Mr. Haws was there to discuss was the buffer. He stated his clients have no general objections to the development besides where it impacts their subdivision, and that impact is felt the most when it comes to the buffer. Mr. Haws reminded the Council the Schreiner subdivision is not within the City of Star and he is unaware of any annexation or attempted annexation of Mr. Walsh's two lots within the Schreiner subdivision. That is significant because it goes to his legal assessment of the legality of the proposed buffer strip. The Idaho constitution code and case law is clear that your jurisdiction extends to your city limit. If Mr. Walsh's lots are not annexed in the Schreiner subdivision, there would be no way to enforce that buffer going forward. It would be squarely within the jurisdiction of Ada County and Ada County is not at quest to enforcing that buffer. Unlike the applicant's assessment that there would be no issue with a private landowner granting a restrictive covenant on their land for the benefit of another, issues may arise. Mr. Haws wanted to talk specifically about the city comprehensive plan and city code because he thinks the applicant only chose language that benefits their claim. A rule of statutory construction is to read it all as a whole and he thinks it was passed by. He pointed to policy 8.5.3 and 8.5.4 but did not read it. When it comes to your municipal code 8-1 E-1, it says "the size of a new residential lot, when being proposed adjacent to an established residential use." That, in connection with 8-3 B3, which reads "When development is planned with lots that directly abut existing lots within a Rural Residential area or Special Transition Overlay Area, etc, etc," the point in the city's comprehensive plan and in the code provisions he shared is two part; one, is to make a correlation to the lots, not to how far away a house is within an existing lot. In the Schreiner subdivision, the houses are further away from their property boundaries than the proposed bungalow houses will be, but you can't measure 500 feet from a house because the ordinance says "lot to lot," so the other thing you can glean from your comprehensive plan and from the provisions just cited is that the purpose behind them is for the proposed subdivision to absorb the transitional overlay to absorb the buffer, not for any historic lot to absorb that buffer. Mr. Haws mentioned that he was representing Maxine McCombs, Marianne Saunders and Leroy Swanson.

Council Member Nielsen stated that he would like to ask questions and asked the counselor to remain.

Mayor Chadwick said he would give Mr. Haws five minutes.

Mr. Haws wanted to speak to the annexation issue, which is where the legal claim of inverse condemnation arises. First, the Schreiner subdivision has amended their CC&Rs to restrict any category A voluntary annexation of a lot within the subdivision. Additionally for any city to independently annex a single lot out of a subdivision would be inherently problematic and litigation could certainly arise but where it pertains

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho

Tuesday, January 18, 2022 at 7:00 PM

specifically to the buffer is where Mr. Walsh is the owner of the two lots in Schreiner subdivision, but the Walsh group is the owner of the proposed subdivision. If the Walsh group ever purchases or Mr. Walsh conveys that property to the Schreiner subdivision under Idaho's Doctrine of Merger, the restrictive covenant is extinguished and there is no more buffer. If Mr. Walsh decides to sell his land in the Schreiner subdivision to another homeowner who elects not to observe the buffer, there is an issue of enforcement between the county and the city and the potential claim of inverse condemnation against the city of star because of the restrictive covenant that was applied to the land as a condition precedent to preliminary approval or ultimate approval of this project. Mr. Haws welcomed any questions.

Council Member Nielsen sought to understand and referred to 8-1E-1 "... shall not be required if separated by an existing roadway or a large canal where the distance between new structures and existing structures equal or exceed 100 ft." Talking about structures and not lots, the proximity of structures to each other seems to take precedent over the ratio of lots.

Mr. Haws pointed to what this council, on December 8, 2020, adopted as a proposition of Councilman Keyes, which was the chart that identified what the transitional overlay units would be when abutting rural lots like in special transition overlay. He recalled that Councilman Nielsen had seconded that that proposition and it because it has not been codified, it remains merely a guide for the council but he mentioned that what was clear to him was that the council's interpretation of these statutes of the ordinances was there needed to be a buffer to protect existing landowners on these rural lots. It wasn't so much predicated on the house; in fact the chart doesn't predicate any of the distances or variances based on the house but on the lot that's abutting and that the absorption of the buffer would be within the actual proposed development.

Council Member Nielsen replied that he recognized that and it was correct that it hasn't been codified but mentioned it was part of a separate application which doesn't take precedence so there's no case law between applications at the city level. Nielsen clarified that one of the things Mr. Haws said toward the end of his closing comments refers directly to the city making the buffer strip a condition of approval. That seems to be the key because the city doesn't have jurisdiction to require anything outside of city limits to be anything. There's no power or authority there, so if this were not a condition of approval then we've got no problem. Nielsen asked if that was Mr. Haws' understanding.

Mr. Haws asked if Council Member Nielsen was saying there didn't have to be a buffer, that it was within the council's discretion and the proposed plan could go forward absent the buffer and there would be no issue with the Schreiner Subdivision.

Council Member Nielsen replied that he was not saying there's no issue with the Schreiner Subdivision, but the legal argument that was being made was all based on the city making this a condition of approval.

Mr. Haws agreed with Council Member Nielsen's position that it would become a litigious issue if a conditioned precedence was predicated on having some sort of a covenant that runs with the land that

**CITY COUNCIL REGULAR MEETING MINUTES**City Hall - 10769 W State Street, Star, Idaho
Tuesday, January 18, 2022 at 7:00 PM

applies to who has to maintain that buffer. He would still say that under the city code arguments can be made that the buffer is required to protect those lots within the special transition overlay and so something should be there, but that that's a separate question. He can read where it's found that it's within the city's discretion or you can read the last sentence to find that it is predicated on the distance between houses, not lots.

Council Member Nielsen replied that they could do that based on that last sentence but also in the in the case-by-case basis the ratio of lots adjacent to the properties and then in a comprehensive plan the language is such that there may be this and there may be that. It does become kind of a council discretionary thing as long as there's not a condition of approval.

Robert Fehlau 2203 N Sunny Lane, Star ID

Mr. Fehlau, a resident of the transition overlay zone to the northwest of the drawing in the packet, stated he believed the drawing for the Langtree subdivision was misleading. He noted the transitional area is larger than depicted and what is being presented is misinformation as the boundaries do not line up properly. Mr. Fehlau agreed with Mr. Haws in his assessment of the City Code, stating any buffer put in must be put within the new development rather than existing lots. Further, he noted all the lots within the Schreiner subdivision will be visually affected by houses which will be right against the transition zone. He stated their actionable solution would be for the developers to take all the lots against the transition boundary and turn those into a permanent, non-buildable buffer like has been done for every other development around a transition area. They have also asked for there to be single story homes throughout the entire subdivision, as well visual barriers such as planted vegetation to lessen the impact of having a wall of houses right against the boundary. With this, they would be set back 100 feet with a berm and trees. Another alternative would be one acre lots against the transition zone, which he noted the council has voted for in the past.

Kurt Krause 9951 W Rolling Hills Drive, Star ID

Mr. Krause stated he did not have much to add but agreed with Council Member Wheelock about it being odd for the pickleball court to be in the middle of a wildlife area, as well as with the buffers being created within the developer's property. He noted he was in support of the petition and his name was on it.

Carol Ward 2090 N Sunny Lane, Star ID

Ms. Ward stated she would be the closest to the pickleball court and would not like all the noise from it. She expressed concerns over the preservation of trees and whether this would be feasible with the density as she would like to see the trees preserved. She noted cutting down trees would destabilize the soil, referencing a subdivision development in Boise built into the hillside where sidewalks have buckled, houses have slid down the hills, and ultimately the houses all had to be abandoned or torn down. She recommended having developers do a soil study, then a second study by a company of the city's choosing so there would not be a conflict of interest. Further, she was concerned about the loss of wildlife habitat, especially pollinators. Citing her own poor crop of apples, she worried this was because of the loss of

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, January 18, 2022 at 7:00 PM

pollinators as the cottonwoods and other plants being removed are those providing nectar and pollen to beekeepers and those growing fruit in the area. She also disagreed with the assessment there was no unique plant life, as there are species such as aces onion found only in Northern Ada and Southern Gem County Foothills. Ms. Ward noted there is also a ditch below her property that's been broken down instead of being bulldozed and doesn't know if that will be piped or not, but stated it needs to be accounted for.

John Northrup 2333 Stardust Farm Lane, Star ID

Mr. Northrup, owner of the property 510 feet from the development, came in support of his neighbors trying to make sure the buffer is in the new development, not in an existing subdivision. Regarding the pickleball court, he stated he initially didn't have any issues but has since changed his opinion, wanting the project rejected on the grounds it was initially sold to the neighborhood as a quiet gated subdivision with single story homes.

Council Member Nielsen noted the distance between structures, specifically with Mr. Northrup's property, as being significantly larger than buffers between 75 to 100 feet in other developments. With the additional offer of the buffer within Mr. Northrup's subdivision on the lots owned by the developer, this would be three times larger. He expressed uncertainty in understanding what the real issue was since the buffer is so large. Mr. Northrup stated it was the noise and density.

Maxine McCombs 2211 N Schreiner Lane, Star ID

Ms. McCombs expressed concern over the wildlife area where the pickleball court will be and its impact on the wildlife such as fox, deer and eagles roosting in the trees along the gully. She stated she would like to see the wildlife corridor there be kept intact so animals can continue to come through to drink water at the river. Ms. McCombs then spoke on the buffer, noting the information originally given stated the buffer would be within the new development. As such, she and others in the neighborhood, have counted on the buffer being there. If it was not, then one acre lots would be placed in the property where it abuts the Schreiner subdivision. She stated she would like them to follow what was originally given. Further, Ms. McCombs spoke on the density. As the project has shifted from an age restricted, 55 and older community, she had concerns over the lots being too dense for single family homes. In addition, she felt children would be on the streets rather than in backyards, cars would be parked in the roadways in excess, and teenagers. Because of this, along with the noise already coming from the schools, she expressed a desire for the buffer area to be put in place.

Jeff Bachman 3301 N Pollard Lane, Star ID

Mr. Bachman stated he doesn't live around this subdivision but wanted to speak on the standard City Council will set regarding density if approved and how it will impact future projects and residents in Star.

**CITY COUNCIL REGULAR MEETING MINUTES**City Hall - 10769 W State Street, Star, Idaho
Tuesday, January 18, 2022 at 7:00 PM**Katie Slater 2091 N Sunny Lane, Star ID**

Ms. Slater spoke on the wetlands, stating the area was considered seasonable wetlands. She referenced a letter sent to Shawn Nickel, City Planning Administrator, asking who will be responsible for protections and remediation required for the wetlands. She wanted to know if permits have been obtained from oversight agencies such as the Army Corps for Impacted Wetlands Area, as this is a seasonal wetland. She noted at the time the studies were done, there may not have been wetlands present. Additionally, Ms. Slater spoke on the area where the pickleball court would be, stating there are trees and water present in aerial photos which would be disturbed by placing a fence and concrete at the edge of it. She further urged City Council to investigate the wetlands and consider the wild animals, such as wild turkey, eagles, and songbirds in regard to preserving the area as much as possible.

Michael Keyes 338 S Long Bay Way, Star ID

Mr. Keyes spoke on two transition tables the Council had agreed to adopt fourteen months prior that have yet to go into the code and asked City Staff to remind the Council of what was adopted into the plan in terms of transition. Further, he spoke on the legal and attitudinal precedent being set by decisions being made that night, noting the Canyon County side is watching to see what commitments are being made to take care of special transition areas. He asked the Council to consider these things and the commitment they made to honor what they've adopted into the Comprehensive Plan regarding rural transition areas. Mr. Keyes offered a potential solution for the ten lots to be turned into two or three one acre lots, which would make the neighbors happy and also demonstrate the Council's commitment to honor the rural transition areas.

Langtree Applicant Rebuttal

Ms. Nelson spoke on the wetlands and wildlife, confirming a review has been done by the Army Corps and they accept their jurisdictional determination that there is no jurisdictional wetlands within the development area. However, they will be preserving the park in the northwest corner in its natural state, which will aide with wildlife and wetland preservation issues, including preserving the wildlife corridor. Next, Ms. Nelson addressed the noise concerns, stating they are open to moving the pickleball court to a more central and active open space. She noted this will also help in maintaining a more natural open area in that northwest corner. Regarding traffic concerns, Ms. Nelson stated they are open to providing additional parking spaces, but there is no connectivity from their property to the neighbors in the north, so there should not be any impact. Additionally, Ms. Nelson stated they were happy to accommodate the one-to-one transition on the west side to match housing in the existing subdivision across from them.

Ms. Nelson then spoke at length regarding the buffer and the many concerns presented. She stated this does not set a precedent for future developments as it is on a case-by-case basis. In any case, she felt the transition that is being provided is one they can be proud of as it is above and beyond what has been called for within the Comprehensive Plan and what has been incorporated into ordinances done in the past. She reiterated the owner of the lots where the buffer would be provided is willing to have a disclosure in their

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho

Tuesday, January 18, 2022 at 7:00 PM

property records to maintain the non-buildable buffer even if they do sell, but this being made a condition of approval wouldn't be necessary as they already meet the policy without it.

Council Member Salmonsens presented a different topic during questions, asking Ms. Nelson whether they would be willing to expand the width of the sidewalk on Floating Feather to seven feet per the new requirements being put into the City Code. Ms. Nelson affirmed they would be willing so long as ACHD allows it. Salmonsens then asked about the preservation of trees in areas where there would be no building. Ms. Nelson stated they will be preserving the trees in those natural areas, but within the develop pads there won't be any preserved, though they will be adding trees to their landscaping. As for the trees within the irrigation facilities, whether those will be preserved will be decided by the irrigation districts. Salmonsens referenced the pickleball court being moved and asked whether the pathway there could be made into a looped natural path trail connecting to the south of the natural area. Ms. Nelson stated the developer could do that.

Council Member Wheelock had several questions regarding whether the change in width for the streets was taken from the lots, which Ms. Nelson stated was correct, and if it was still a gated community with a sidewalk on only the one side coming in, which Ms. Nelson needed their engineer to confirm. Joe Pachner, with KM Engineering representing the Walsh Group, confirmed there was only one pedestrian entry into the gated community. Mayor Chadwick asked they have it on both sides. Wheelock then spoke regarding the island past the gated community, wanting to see it removed as it's a hazard for children crossing the road.

Mayor Chadwick spoke at length regarding density in the City of Star, ultimately requesting the density of the project be lowered from 3.8 to 3 in order to not contribute to issues pertaining to traffic. Specifically, he wanted to see the nine lots at the top of the development be removed. Additionally, he wanted to see the sidewalk Wheelock brought up be added on the opposite side, coming into the development.

Council President Hershey agreed with Mayor Chadwick in wanting to see the density come down to three. He also spoke on the buffer, stating he had not been able to convince himself this would be enforceable on a property outside of the City of Star, noting he did not want to impose regulations on a property they are not annexing or zoning. Hershey stated he did not believe the buffer, as identified in the 5th of October meeting, was satisfied with the buffer being offered. As such, he would be willing to table so they would have a better chance of coming back and get approval.

Council Member Nielsen spoke on the 500 to 700 feet between property owners, noting it is a substantial amount of transition. Per the code calling for a case-by-case basis, in this instance, there is sufficient transition built in. Further he felt reducing density in order to get closer to three units would be appropriate, referencing the last hearing where the nine lots could potentially become one-acre lots, which would satisfy both the transition and density concerns.



CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho

Tuesday, January 18, 2022 at 7:00 PM

Mayor Chadwick interjected, stating they were deliberating when they shouldn't be.

Council Member Wheelock then prompted a discussion regarding the nine lots, stating if they were to be sold there would be no transition as the new owners would determine what was to be done with the lots. It was determined a five-minute recess would be given to allow Ms. Nelson time to discuss.

Mayor Chadwick called a recess at 8:50. The Council meeting resumed at 8:58.

Ms. Nelson took the floor, speaking on the various concerns presented. First, she addressed the nine lots bordering the rural resident, stating they would be willing to give those up and convert it into open space. Next, she confirmed they will remove the two lots on the western boundary to match the houses across one-to-one, which would bring the density down to 3.4. Referencing the earlier request by Wheelock to remove the island, Ms. Nelson stated the Fire Chief is not amenable to removing that island.

Council Member Nielsen asked why the nine lots were not being reduced to one acre lots. Ms. Nelson stated the dimensions would not be practical, and it would not be viable for a variety of other reasons. Half acre lots were discussed, with Nielsen stating he would rather see density reduced with the space remaining buildable, which would also reduce the burden on the Homeowner's Association. Ms. Nelson stated the developer would be amenable to half-acre lots.

Council Member Salmonsens asked how many more lots would need to be taken out in order to reduce the density to three. Mayor Chadwick stated it would be twenty-two.

Council Member Wheelock stated he would support density coming down to three, while Council Member Nielsen stated having the density come down to 3.4 was appropriate given there would be more families who could walk to school. Nielsen stated he would not like to see this tabled.

Mayor Chadwick closed the Langtree public hearing at 9:06pm and moved into City Council Deliberations.

Council President Hershey spoke on the natural pathway in the preserved park and the pickleball court being moved closer to the development. In addition to supporting those changes, he was also in support of the lots at the boundary of the rural residents being removed to create the buffer, as well as the additional lots being removed to enable the one-to-one match with the existing houses. He further stated he had no issues with the 3.4 density.

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho

Tuesday, January 18, 2022 at 7:00 PM

Council Member Salmonsens stated she was in support of this development and felt there will be a lot of good things coming from it.

There was a brief discussion between Council Members Hershey and Nielsen regarding the proposed half-acre lots and how many lots would be replacing the nine lots. It was determined it would be between two to three lots.

- Council Member Nielsen moved to approve the Langtree Bungalows Subdivision with the following conditions: the pickleball being moved out of the natural park and into a more central place in the development, the looped trail through the natural park will connect the north to the south, the sidewalk width along Floating Feather be changed to seven foot wide so long as ACHD is in agreement, half-acre lots being put in along the northern boundary, the sidewalk being on both sides of the entrance coming into the subdivision, having the lots on the western boundary line up with the existing neighborhood, and having the development density be reduced to 3.4 units per acre; Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – nay; Salmonsens – aye; Nielsen – aye. Motion carried three to one.

B. PUBLIC HEARING SPRINGTREE ESTATES SUBDIVISION (AZ-21-16, DA-21-24, PP-21-19) The City Council of the City of Star, Idaho, will hear comments from the public concerning an application for annexation, zoning, a development agreement and preliminary plat for a proposed residential subdivision consisting of 14 residential lots and 2 common lots. The property is located 9220 West Beacon Light Road in Star, Idaho, and consists of 5 acres with a proposed density of 2.8 dwelling units per acre. Oral testimony may be offered at the hearing. Written testimony may be submitted up to the time of or at the hearing. **(NOTE: THIS ITEM MAY BE TABLED TO FEBRUARY 15, 2022, TO ALLOW FOR ADDITIONAL TIME FOR ACHD AND ITD TO PROVIDE THEIR REVIEW AND COMMENTS ON THE DEVELOPMENT)**

- Council President Hershey moved to table Item 7b, the Public Hearing for the Springtree Estate Subdivision until the 15th of February; Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

C. Executive Session 74-206(f): To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

- Council Member Nielsen moved to enter into Executive Session under Idaho Code 74-206(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated; Council President Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

Council entered into executive session at 9:18pm.

Council came out of executive session at around 10:00pm.



CITY OF STAR, IDAHO
CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, January 18, 2022 at 7:00 PM

8. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 10:01pm

/s/ Trevor A. Chadwick

Trevor A. Chadwick, Mayor

/s/ Jacob M. Qualls

ATTEST: _____
Jacob M. Qualls, City Clerk / Treasurer