



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

City Hall - 10769 W State Street, Star, Idaho

Tuesday, October 5, 2021

7:00 PM

**Agenda Item 1) CALL TO ORDER** – Mayor Chadwick called the meeting to order at 7:00pm

**Agenda Item 2) INVOCATION** – Jason Myers

**Agenda Item 3) ROLL CALL** – Present; Mayor Chadwick, Council Members Keyes, and Nielsen. Council Member Salmonsens attended the meeting remotely. City Staff; City Attorney Chris Yorgason, City Clerk/Treasurer Jacob Qualls, City Planner Shawn Nickel, Public Information Officer Dana Partridge, Former Star Police Chief Jake Vogt

Council President David Hershey was excused.

**Agenda Item 4) PRESENTATIONS** – Lt. Jake Vogt with the Ada County Sheriff's Office introduced Star's new Chief of Police, Zach Hessing. Chadwick administered the oath for Hessing.

**Agenda Item 5 ) PROCLAMATIONS** – Chadwick declared October to be Domestic Violence Awareness month and read the proclamation to the gallery.

**Agenda Item 6) CONSENT AGENDA (ACTION ITEM)** –

Chadwick noted that Item 6A. Approval of Minutes were removed.

- Keyes moved to approve the consent agenda consisting of items 6B. Approval of Claims Provided & Previously Approved, 6C. Findings of Fact and Conclusion of Law for i. Grace Assisted Living Annexation & CUP & ii. Cherished Estates Subdivision Annexation, 6D. Final Plats, none, 6E. Agreement to Collect CHD4 / City of Star, 6F. Joint Services Agreement – Ada County Sheriff & Ada County Prosecutor, 6G. Joint Services Agreement – Canyon County Prosecutor, 6H. Cooperative Agreement – Valley Regional Transit. Nielsen seconded the amended motion. Voice vote indicated all Council Members signifying aye. Motion carried.

**Agenda Item 7) PUBLIC HEARINGS & ACTION ITEMS**

**Agenda Item 7C) Transportation Committee – Presentation and Action of Proposed ECAMP Map Revisions**

Chadwick moved this item up on the agenda.

Nickel presented the Economic Corridor Access Management Plan the Transportation Committee has been working on. They have been working with ITD and they actually proposed running an underpass extending Wild Branch all the way to Moon Valley Road so we could have connectivity across Highway 16 without going out to Highway 44. Other changes include updating some of the intersections with roundabouts that are recognized through ACHD, and designations of collectors and arterials.

- Keyes moved to approve the proposed ECAMP Map revisions and adopt them into the city's Comprehensive Plan. Salmonsens seconded the motion. Voice vote indicated all Council Members signifying aye. Motion carried.



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### **Agenda Item 7A) PUBLIC HEARING – Langtree Bungalows Subdivision Annexation and Zoning, Development Agreement, Preliminary Plat and Private Street (AZ-21-11/DA-21-16/PP-21-15/PR-21-08)**

Chadwick opened the Public Hearing and read the rules for hearings. Chadwick asked the Council if they had any ex parte communication. All members present indicated that they did not.

#### **APPLICANT PRESENTATION**

Joshua Jantz, KM Engineering, 5725 North Discovery Way, Boise representing the Walsh Group.

Applicant is seeking annexation into the city, with R-4 zoning, a development agreement and preliminary plat. The project will be a 55 and over age-restricted gated community with single level homes and various amenities. He testified the Comprehensive plan has the area zoned as R 3-5. The proposed project will be 3.8 units per acre and have 103 residential lots with an average lot size of 6,841 sq ft. Jantz stated the development is requesting a waiver of setbacks from 15 to 10 feet.

Keyes asked about irrigation ditches on the property and what plans the applicant had for them. Joe Pachner with KM Engineering answered by stating the foothills is the only ditch on the property and the development plans to put a culvert over it for traffic. Pachner also stated they will be rebuilding the existing pump house on the property to supply pressure irrigation to the project, and they plan to tile a feeder ditch that runs from the Foothills ditch to the south and crosses Floating Feather.

Keyes asked the applicant to respond to a letter from an attorney representing the homeowners to the north that have said they will not be granting access to their private road. Pachner said it is not a driveway, but only a secondary access for Fire Department and will have bollards and one property owner that owns two lots has granted access through their property. Keyes asked why the driveway is being shown on the plans when the additional homeowners have said they do not plan to grant access. He is unlikely to approve the project without the neighbor's granting easement.

Nickel said he and Mayor talked to Fire Chief and project must have secondary fire access if the applicant wants more than 30 houses to the north of the canal.

Keyes asked about the buffer in the transitional area to the north. Pachner said that area would be maintained by the Shivers HOA.

Keyes asked why streets were not being built to city code. Pachner testified he believes narrower streets would be more desirable for this type of 55 and over community and would slow traffic.

Mayor Chadwick stated he does not want to see secondary access road to the north and would prefer access road to come out on the Welton property to the east or to the subdivision to the west.



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### **PUBLIC TESTIMONY**

#### Ron Walsh 1485 North Eel Creek Way, Eagle

Mr. Walsh owns the property to the north. He stated the northern access road was intended to be for emergency vehicles only. He stated the undeveloped buffer area would be maintained by him. He also stated there is not a Shriner HOA. Walsh stated he believes there is a market for a 55 and over community in Star.

#### Patrick Drake 917 W 2nd St, Meridian

Mr. Drake stated he is looking to purchase in a 55-plus gated community and is in favor of the product.

#### Mo Haws 25 Pine Gap Road, Horseshoe Bend

Haws stated he works for Morris, Bower & Haws and represents the Shriners Subdivision. Haws stated he believes the issue of the northern access is problematic and testified his belief from a legal standpoint the fact that Shriner lots are subject to CC&Rs. One of the lots is developable and another one can't be touched at all with any sort of development. Haws indicated the proposed road goes right down the middle of both lots.

#### Maxine McCombs 2211 N. Shriner Lane, Star

Mrs. McCombs stated her main issue is with the stub road. She testified, according to the county planning and zoning it is illegal to put a stub road into a platted subdivision. She and Emily Swanson own the road and have had no contact with the Walsh Group. She stated the road is not in a condition to handle multiple vehicle trips or construction traffic and requested that they remove the stub road and emergency lane and have the removal included in the development agreement.

#### Maryann Saunders 2230 Shriner Lane, Star

Mrs. Saunders is opposed to the emergency access stub road and indicated she did not receive any notification about the application. She Requested that there be formal assertion from the pertinent state or federal authorities that no wetlands are on the project.

#### John Northrup 2333 Stardust Farm Lane, Star

Mr. Northrup testifies he wants the proposed stub road removed. He believes secondary access should be to the east as discussed in the neighborhood meetings with the developer. He expected the property to be developed within guidelines of the transition overlay area the council approved in December 2020. He wants natural drainage ponds and old growth trees to remain and retain the wildlife corridors. He indicated he does not have concerns with the product or development but is concerned with density and the stub road to the north.

Council Member Keyes asked about the letter Mr. Northrup had submitted which discussed a nearby parcel that was litigated and determined to be a riparian wetland area. Mr. Northrup indicated he was not part of the litigation sometime around 2000, and the proposed project at the time was not developed. The wetland area in question is not part of Mr. Northrup's property but he wants it to be protected.



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Nickels said the applicant did submit a wetlands mitigation plan that was reviewed by the city engineer which is part of the record.

### Robert Fehlau 2203 N Sunny Lane, Star

Mr. Fehlau testified he believes the proposed access road through the Shriner subdivision should not be allowed because it is on private property. The applicant's lot is in the special transition overlay area. Fehlau testified his opinion was if the developer builds on the lot it does not change the boundary of the special overlay transition area and there would still need to be a substantial buffer regardless if the developer owns it or not. Fehlau suggested the applicant turn lots 25 through 35 plus the unneeded stub road into open space.

### Carol Ward 2090 N. Sunny Lane, Star

Mrs. Ward testified the developer had mentioned a walking path along the canal. She indicated there is already a dirt path for ditch riders to access so she is not sure how a paved walkway would allow continued access for the ditch company. The wetland area is to the north of her property. She stated the developer's plans portray the land is flat and it's actually sloped. She also indicated it is also a wildlife corridor that many animals use and believes the wildlife would go away with the proposed plan. She also has concerns about drainage and the land being properly surveyed for stability.

### Russell Jensen 2393 N. Sunny Lane, Star

Mr. Jensen testified he is opposed to the northern access road. Jensen stated the developer supplied information indicating there were no unique animals on-site when in fact deer, quail, turkeys, coyotes, ducks, geese, skunks, hawks and owls are on the property. He would like to see an independent study done on what wildlife is on the property and requested the council deny or table the application and protect the transition area.

### Ann Kuch 10399 W. Rolling Hills Dr., Star

Mrs. Kuch stated she resides in the special transition overlay area and objects to the northern access road. She would like to see a buffer on the northern part of the subdivision. She testified she likes the idea of lots 25 through 35 being made into a permanent buffer. She stated she would like to see a list of what homeowners were notified of the project and an independent report.

### John Ford 1772 N. Hornback Avenue, Star

Mr. Ford lives contiguous to the tertiary ditch that runs from Floating Feather and goes all the way north. Ford testified houses along the ditch have experienced flooding during summer months due to the high water table. He is concerned about the developer's plan to tile the ditch and wants more information on how this would be accomplished. He does not think it is possible to tile the ditch and not cause further flooding to his and neighboring homes.

Nickels stated the city engineer would review any tiling plans for the ditch.

Mr. Ford testified he wants to see the plans before the development gets underway.



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### REBUTTAL

#### Ron Walsh 1485 N. Eagle Creek, Eagle

Mr. Walsh stated he is on record as being in favor of abandoning the northern access road. His company did an extensive 80-page wetland study that came back with no wetlands. They also did an extensive flood plain study that was satisfactory. He is paying an engineer to work with the irrigation district, city, and all other governing agencies to ensure tiling work is done properly. Due to cost, engineering plans will be completed after the approval and subdivision road map has been finalized. Mr. Walsh indicated he does not have any plans to remove any riparian area. He plans to live on the property and put a deed restriction on it. He is willing to leave the area where the pickleball courts are currently designated as a natural area if the city would allow it.

Chadwick asked him to address Mr. Ford's issue with the 50-foot drainage easement in which the map indicates a 33 foot is from developer's property line.

Mr. Walsh's engineer said the depth of the lots to the west are listed as 115 feet on the preliminary plat. They have worked with the drainage district and have preliminary approvals. The size of drainage pipe required at this point would be a 24-inch diameter culvert, but he has not done the final hydrology or calculations. Groundwater monitoring wells have been installed and they are basing their estimates on current flows even though the area is being flood irrigated. The numbers will be much lower once the flood irrigation stops but they are engineering it for the even higher ground water. All of this information will be put together and reviewed by the city and by the irrigation district.

Salmonsens asked about roads and ADA compliant ramps. Walsh said all roads will be ADA compliant.

Salmonsens asked about lighting. Walsh answered and said the development would comply with the city's lighting requirements.

Keyes asked about the steep slopes on the property as indicated on Star's natural features map and what the applicant had planned for them. The city's comprehensive plan has requirements for steep slopes. Walsh said the steep slopes are part of the Foothills ditch and that portion of the area and they will have to fill in just where the road is going through. They will also be grading a pathway for access to the pickleball courts. The developer wants to try and maintain as much of the existing topography as possible and still meet the city's requirements. Keyes said the city is working on a pathway network that could potentially be along the Foothills ditch and asked applicant if he would be willing to put in the development agreement granting a public easement along the ditch for a pathway. Walsh agreed to this proposed condition.

Walsh stated the developer also agrees to pave their portion of the school pathway along the eastern property line in conjunction with the rest of the pathway being constructed.



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Keyes would like the roads to be built to City of Star standards and would like the applicant to get back with a landscape designer and retain as much of the natural state of the property as possible to protect wildlife.

Keyes believes it was the intention of the council's plans and ordinances to put some type of buffering.

Council and staff had a discussion on what their intended definition of special overlay transition district was when updating the Comprehensive Plan.

Chadwick closed the public hearing a 9:30 p.m. and moved to council deliberation.

- Keyes moved to table the application to November 16, 2021 so the applicant can address the following: Show a pathway along the Foothill Ditch with a public easement to the city in the event that that pathway develops; have roads built to the City of Star's standards; provide an updated landscape plan with more natural design; provide buffering along the north that respects the city's special transition overlay district; an agreement to be put in place for the north secondary road. Nielsen seconded the motion. Voice vote indicated all Council Members signifying aye. Motion carried.

### **Agenda Item 7A) PUBLIC HEARING – Stardust Ranch Subdivision Rezone, Development Agreement, Preliminary Plat and Private Street (RZ-21-17/DA-21-217/PP-21-16/PR-21-09)**

Chadwick opened the Public Hearing and read the rules for hearings. Chadwick asked the Council if they had any ex parte communication. All members present indicated that they did not.

#### **APPLICANT PRESENTATION**

*Blaine Womer, Womer Engineering 4355 W Emerald Street, Boise*

Mr. Womer presented the application and is proposing a rezone from R2 to R3, a development agreement, a preliminary plat and a private street for a proposed residential subdivision consisting of five residential lots and three common open space.

The property is located on the south side of Floating Feather, west of Star Road. The property is 2.17 acres resulting in a density of 2.3 dwelling units per acre. The current Comprehensive Plan Land Use Designation is Neighborhood Residential as are the properties surrounding our property. The lot sizes range from 8,054 square feet to 12,173. The application indicates the open space for this project is 15.4 percent. The developer reduced the original density after feedback from the neighborhood meetings. The developer has reviewed the staff report and agrees to conditions of approval in the report.

Salmonsens asked about the gravel road. Womer stated because the road was in excess of 150 feet the fire department requested a secondary access out to Floating Feather.



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Nielsen wanted to disclose that he lives within 300 feet of the project but does not recall getting a notice and did not attend the neighborhood meeting. He stated he did not believe this would affect his ability to participate.

Keyes said he does not see any amenity or open space in the project as required by city code. The applicant pointed out several open areas on the plan. Keyes read the city's definition of usable open space and did not think the areas the applicant pointed out were sufficient. Womer said he would be willing to meet any requirement when they submit final plat.

### **PUBLIC TESTIMONY**

#### Bob Young 11748 W. Middle Falls Drive, Star

Mr. Young lives directly across the canal from the project and does not want to see the council approve the waiver for increase in density. He would rather see four houses instead of five. He is also concerned about traffic on Floating Feather.

Chadwick said ACHD plans to widen Floating Feather within five years and extending it from Highway 16 straight to CanAda Road.

### **APPLICANT REBUTTAL**

#### Blaine Womer, Womer Engineering 4355 W Emerald Street, Boise

Womer stated the requested density of the project is R2.3 which is barely over the R2 the property is approved for.

The application is requesting R3 zoning to get an additional fifth lot to make the project financially feasible.

Keyes was still concerned about the project meeting the city's open space requirements. A discussion was had about the applicant providing easement for a public walkway that would adhere to the city's pathways plan and how they intend to provide useable open space. The location of a potential children's play area was discussed.

Chadwick closed the public hearing and moved to council deliberation.

- Keyes moved to approve the application with the following conditions: applicant works with the Lightfields to come up with an acceptable fencing solution between their property and the applicants; if the applicant decides to install a tot lot as the required amenity, fencing is provided for safety, especially along Floating Feather; any lighting that is installed maintains fugitive lighting and adheres to the dark sky initiative. Salmonsens seconded the motion. Voice vote indicated all Council Members signifying aye. Motion carried.



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### **Agenda Item 7D) Ordinance 341 and Development Agreement – Rivermoor Subdivision Annexation & Development Agreement (AZ-21-06)**

Chadwick said this action item was being removed from the agenda for corrections.

Chadwick adjourned the meeting at 10:22 p.m.

/s/ Trevor A. Chadwick

/s/ Jacob M. Qualls

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ATTEST: \_\_\_\_\_

Trevor A. Chadwick, Mayor

Jacob M. Qualls, City Clerk / Treasurer