

**CITY COUNCIL REGULAR MEETING MINUTES**

LifeSpring Church - 174 North Star Road, Star Idaho
Tuesday, June 20, 2023 at 7:00 PM

NOTICE: The following minutes constitute a Summary Overview of the meeting from Audio, Video Recordings and Live Testimony. A formal meeting transcript has also been prepared by M&M Court Reporting Services and is attached as an addendum at the end of these minutes.

1. CALL TO ORDER – Welcome/Pledge of Allegiance

Mayor Trevor Chadwick called the meeting to order at 7:00 p.m.

2. INVOCATION –

The invocation was provided by Michael Maglish, Youth Minister at LifeSpring Church.

3. ROLL CALL

Elected Officials: Mayor Trevor Chadwick, Council President David Hershey, and Council Members Kevin Nielsen, Jennifer Salmonsens, and Kevan Wheelock.

City Staff: City Clerk / Treasurer Jacob Qualls, City Attorney Chris Yorgason, Public Information Officer Dana Partridge, City Engineer Ryan Morgan, City Planner / Zoning Administrator Shawn Nickel, Assistant City Planner / Code Enforcement Official Ryan Field, Star Fire Chief Greg Timinsky, Deputy Fire Chief Victor Islas, and Star Police Chief Zach Hessing.

4. CONSENT AGENDA (ACTION ITEM)

- A. Approval of Claims Provided
- B. City Council Meeting Minutes - **May 30, 2023**
- C. **Findings of Fact / Conclusion of Law** - Garnet Subdivision Annexation & Preliminary Plat (**FILE # AZ-23-01 / DA-23-01 / PP-23-01 / PR 23-01**)
- D. **Findings of Fact / Conclusion of Law** - Red Barn Inn (**FILE # RZ-23-02 / DA-23-03 / CU-23-04**)
- E. **Findings of Fact / Conclusion of Law** - Hood Rats Garage (**FILE # RZ-23-01 / DA-23-02 / CU-23-03**)
- F. **Findings of Fact / Conclusion of Law** - Mink Creek Subdivision (**FILE # PP-23-02**)
- G. **Final Plat** - Saunders Ridge Subdivision (**FILE # FP-23-06**)
- H. **Final Plat** - Milestone Subdivision Phase 5 (**FILE # FP-23-05**)
- I. **Final Plat** - Edgefield at Star River Ranch Phase 1 (**FILE # FP-23-07**)
 - Council Member Salmonsens noted that under Topic 4.A., no Claims were present for this meeting and moved to approve the Consent Agenda; Council President Hershey seconded the motion. ROLL CALL VOTE: Nielsen - aye; Salmonsens - aye; Wheelock - aye; Hershey - aye. Motion carried.

5. PUBLIC HEARINGS with ACTION ITEMS: (The Council may move to approve, approve with conditions, delay, deny or table the application to a date certain in the future.)

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- A. **PUBLIC HEARING - Willowbrook Development Annexation & Development Agreement (FILE: AZ-21-12 & DA-21-20)** - The Applicant is requesting approval of an Annexation and Zoning (R-2-DA) with a Development Agreement for a proposed master planned development consisting of up to 1,094 single-family residential lots, 2 non-residential lots for future neighborhood commercial and municipal services, and an 18-hole golf course on approximately 726.6 acres. The property is located west of Highway 16 in Star, Idaho. The project is exclusively in Ada County. **(ACTION ITEM - PUBLIC TESTIMONY CLOSED ON MAY 9, 2023 - CONTINUATION OF APPLICANT REBUTTAL WITH CITY COUNCIL QUESTIONS)**

Mayor Chadwick re-opened the Public Hearing at 7:04 p.m.

Mayor Chadwick clarified that Topic 5.A./Willowbrook development annexation and development agreement was a continued public hearing from the City Council meeting date of May 9, 2023 and called the Applicant back up to continue the Applicant Rebuttal section of the hearing with City Council questions being taken at this time. Chadwick noted that once this section was completed, the Council would move into deliberations and conclude with a decision on the project.

Applicant Rebuttal (continued):

Applicant Team representative Debra Nelson of Givens Pursley at 601 West Bannock Street in Boise utilized a slide presentation she stated was from the last meeting that had suggested additional conditions, with an added visual overlay in red providing responses to some of the questions that she said the Applicant Team heard at the last meeting.

Ms. Nelson said the Applicant Team would present their commentary and expressed that the team would welcome any further discussion that Council would like to have. Nelson summarized the questions asked, including requests to reduce density from the original number of 1094 units, as well as matters of transition and setbacks. For the number of units, she noted the requested number was to go down to 1000. For setbacks, Nelson clarified that it would be twenty-five feet for the proposed half-acre lots in terms of matching up the Rural Residential Zone to the adjacent Rural Zone.

Per the discussion of one-acre lots, Nelson noted that the Applicant would also match adjacent lot lines and the adjacent setbacks that are required in the rural zoning. Per a request from the Mayor and Council about expediting bringing forward a key roadway improvement at CanAda and Highway 44, Nelson stated that the Applicant was willing to do this before the golf course operation begins but noted that they would need to coordinate with the Highway District. Nelson said the Applicant was interested in entering into a cost share agreement or late-comers agreement with the Highway District or City as appropriate.

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Council Member Nielsen referenced citizen Richard Moore's public testimony given earlier in the hearing at the May 9, 2023 City Council meeting, with respect to traffic impacts on local roads. Given the length of a project of this nature, Nielsen asked the applicant team to discuss how they work with ACHD (Ada County Highway District) and ITD (Idaho Transportation Department) over the course of the project. Nelson replied the first point to address was that the application was about the initial phase of the project with the golf course, and it is their position this initial phase will not overburden local roads.

For future phases, Nelson explained the City had asked for and the Applicant Team provided a Traffic Impact Study that looked out at all future phases of the project and what will happen when future phases are brought in. She said that matters of directional roadway connectivity and Wing Road were noted.

Applicant Team Member Nate Mitchell of Willowbrook Development at 1470 Northbrook Way, Star, discussed residential Dark Sky concerns with respect to the proposed driving range, noting that the project remains consistent with Department of Fish & Game recommendations on "dawn to dusk" use. Mitchell noted ongoing planning would not only need to address any lighting at the golf course, but also the nature of the streetlights from ACHD. Mitchell said the Applicant Team agrees with the City's preference for downward-facing lighting on the golf course to help mitigate light pollution.

Council questions surrounded the matter of proposed density versus project cost. Council Member Salmonsens asked what would happen if the Applicant had to reduce density or would they not be able to make proposed improvements. The applicant team representative replied that it was their position that the proposed density was needed to cover the cost of the full project. The representative explained using the example offer of removing ninety-four lots, noting it was 94 times two-hundred thousand dollars, so ending up with \$18,800,000 being removed from the project. The applicant representative underscored the significant financial impact in addressing density.

Council discussion moved on to West Ada School District and how the school planning process involves population growth. It was noted that a ten-acre school site was being offered within the conditions of approval.

Nate Mitchell of the Applicant Team answered Council questions about possible improvements to support what the Highway District and the City need over the course of the development process. Matters of phasing and proportionate share were discussed.

Council questioning moved on to concerns about preserving Bureau of Land Management parking and trail access.

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Mayor Chadwick asked for City Engineer / Star Sewer & Water Engineer Ryan Morgan to comment on pipe planning for the sewage. Morgan recommended a 12 or 15-inch pipe, noting that 14-inch piping was difficult to come by right currently. Chadwick noted a desire to have the piping go in as early as feasible, to avoid having to open the road back up multiple times.

Council Member Wheelock asked about the process of the developer processing the earth, expressing concerns about noise. The applicant representative verified that no earth crushing/processing is slated to occur onsite, and that the construction team will comply with the City nuisance ordinance and time restrictions.

Council discussion moved to concerns over Fire and Police and response times given the proposed additional occupancy over future years. It was noted that per Fire Code, water must be available at the time any combustible material arrives on the building site, so Star Fire will work with the applicant to ensure the review process is followed and that life safety is met. With respect to Police coverage, Council discussion surrounded a new officer being needed for approximately every 370 houses built.

Mayor Chadwick called for a brief recess at 8:45 p.m. Chadwick called the meeting back to order at 8:50 p.m.

Council Member Nielsen asked City Planner / Zoning Administrator Shawn Nickel if there were any remaining questions that Council wasn't asking. Nickel replied that with the application presently before Council, the Council Members have addressed all the key issues in their questioning such as traffic, land uses, and conditions of approval. Nickel noted once the City gets into the later details of the preliminary plat and the planned unit of development, any unanswered questions would be addressed in more detail, especially questions on traffic because that will be the appropriate time for detailed ACHD, ITD, and Canyon Highway District research on the various phases.

Mayor Chadwick closed the Public Hearing at 8:57 p.m.

Council Deliberations:

Council Member Salmonsén read a prepared statement indicating she hoped would help kick off the Council Deliberations. Salmonsén said nothing has changed her mind this evening. She said she believes the main ingredients of a great community are connected residents, diverse community activities, a strong business environment and a place where everyone feels safe, welcome and at home.

Salmonsén said these ingredients shine bright here in Star, and the primary responsibility of this Council is to not only protect these existing ingredients but also to strengthen and foster their growth with new development. She noted many positives that the development would bring to Star, including donation of land for future Fire and School sites, investing and expanding City water and sewer services, funding needed local road improvements, and bringing in a variety of housing options and recreation amenities.

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Salmonsens noted she had an issue with two findings. 1. The point that the map amendment would not result in an adverse impact on the delivery of public services and 2. Finding the proposed development is in the best interest of the citizens of Star. On the first point, Salmonsens expressed concern that this would place a requirement on the school system to respond by building a new school, which would require taxpayer support. On the second point, Salmonsens expressed concern for the quality of life of the neighboring Hillsdale Subdivision residents. She expressed she could not support the project.

Council President Hershey countered that the ability to have the land for a future school was already secured as one of the conditions of approval and presented a large future cash savings to the School District. He noted the land use concern won't go away and recalled having read an article about another Treasure Valley development scenario where Boise and Kuna rejected developments only to have Ada County pass the development. He stated his position was passing the proposed project this evening would keep conditions of approval under the purview of the City. He further noted the applicant's response of a reduction in density came close to the number he had hoped for. Hershey noted he wished it was just a golf course as that would be an easier project to support, expressed that the dedication of land for a school site has been done in many other places and should not be a concern, and noted that upfront, the need for police is important.

Council Member Wheelock said he had also prepared a written response after the last meeting and shared he came to this meeting undecided. After the Public Testimony, Wheelock said he went home and reviewed all the feedback and studied. Wheelock shared that his history is he has watched the change from growing thriving farming to growing thriving community, and that he signed the City's incorporation document twenty-five years ago. Wheelock noted he still has major ties to the Eastern side of the state. For politics, he said he is not against those who join the community and do not bring political views from where they have migrated from.

Wheelock said he would rather have growth than a ghost town. He expressed love for the City of Star, noting he still knows many of the original residents who are looking for good neighbors, not people who are trying to change what has been here for 100 years. Wheelock said this is America, if you buy the land, you have the right to use it and asked everyone to be good neighbors. He said he has been doing his homework for a long time on this project. He said he appreciated constructive ideas and noted concerns from both those for and against the project. Wheelock noted this area had been originally conceived with more houses, noting that each discussion has brought improvements, but each discussion has become harder.

Council Member Nielsen said he appreciated Council Member Wheelock's perspective and concerns, and Council Member Salmonsens's passionate plea to fix the process. He said he had watched Mayor Chadwick go to the mat for House Bill 389 to help Star, given the challenges the bill placed on Star. Nielsen said the Council was here to determine whether the application was in the best interest of the City of Star long-term.

Council Member Hershey asked about the conditions of approval list. Mayor Chadwick asked City Planner / Zoning Administrator Shawn Nickel to provide the details.

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Shawn Nickel read the recommended condition wording as follows:

Council hereby approves the golf course and associated facility amenities including the clubhouse and accessory structures, restaurant & bar, and driving range; prior to the approval of any additional commercial uses the applicant shall submit and receive approval of a planned unit of development and preliminary plan and this approval shall be part of a new public hearing through the City Council; the golf course shall be hooked onto Star Sewer and Water District reclaimed water for application to the course (at time of availability from the Sewer and Water District) to provide that reclaimed water; all Golf Course details shall receive further review and approval through the design review process, the architecture of the clubhouse and restaurant shall meet current City design review standards, applicants shall provide a minimum ten acre public school site and a future fire station site within the development; the applicant shall work with Star Fire District on the location of the station; the fire station site and school site shall be deeded to the appropriate agency within the first phase of the residential development; the development shall meet all requirements of the Star Fire District and Star Sewer and Water District; the applicant shall adopt for the application all recommended conditions of approval from ITD, ACHD, and Canyon County Highway District 4, maximum density set at 1.38 with a maximum lot count not to exceed one thousand lots; a minimum lot size adjacent to all existing residential lots at one half acre matching to one acre with a 100 foot buffer strip and matching lot lines; applicant to pay all proportionate share mitigation fees; at the time of recordation of the development agreement the \$370,000 up front as proportionate share start as mitigation fee that would be credited back to the total; the development agreement will be revisited during the preliminary plat and planned unit development in order to update or add any new conditions of approval that may be required by the City Council or other Reviewing Agencies; Wing Road will not be connected to the development from Beacon Light Road; and a traffic signal light shall be constructed by the applicant at Highway 44 and Canyon Highway and Canyon Highway and Can Ada Road prior to the first day of operation of the golf course; and facilities agreement shall be entered into between the Applicant and the City for future reimbursement; driving range hours shall be Dawn to Dusk with the Dark Sky Initiative being addressed by downward lighting with soffit lights within the residential structures; applicants will provide a fiber conduit for future fiber optic connections; the fire station lot will have the infrastructure; no raw crushing of dirt/soil on the worksite unless the future conditional use permit is approved by the City Council; no connections to Lanktree Gulch Road; sound barrier berm and visual barrier to be constructed by the applicant along the golf course.

- Council Member Salmonsens moved to deny the Willowbrook Development Annexation & Development Agreement (FILE: AZ-21-12 & DA-21-20). Mayor Chadwick noted that no one seconded, so that the motion died.

Mayor Chadwick gave Council Members a few minutes to attempt to provide a new motion, then called for a brief recess at 9:48 p.m. in order to give them time to draft the motion.

Chadwick called the meeting back to order at 9:55 p.m. and reminded Council that they must make a motion this evening: to either approve, deny, or table.

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Council Member Nielsen said that a big part of him wanted to second Council Member Salmonsens's motion earlier as he agreed with several points. However, he said he felt the application meets Star's Comprehensive Plan and Zoning Ordinances. He noted positives such as forcing improvements to Can Ada Road, and that it will bring an inevitable project under Star's Planning Department in terms of process and oversight.

- Council Member Nielsen moved to approve the Willowbrook Development Annexation & Development Agreement (FILE: AZ-21-12 & DA-21-20) with the following conditions of approval as read by Staff earlier in the meeting: that Council hereby approves the golf course and associated facility amenities including the clubhouse and accessory structures, restaurant & bar, and driving range; prior to the approval of any additional commercial uses the applicant shall submit and receive approval of a planned unit of development and preliminary plan and this approval shall be part of a new public hearing through the City Council; the golf course shall be hooked onto Star Sewer and Water District reclaimed water for application to the course (at time of availability from the Sewer and Water District) to provide that reclaimed water; all Golf Course details shall receive further review and approval through the design review process, the architecture of the clubhouse and restaurant shall meet current City design review standards, applicants shall provide a minimum ten acre public school site and a future fire station site within the development; the applicant shall work with Star Fire District on the location of the station; the fire station site and school site shall be deeded to the appropriate agency within the first phase of the residential development; the development shall meet all requirements of the Star Fire District and Star Sewer and Water District; the applicant shall adopt for the application all recommended conditions of approval from ITD, ACHD, and Canyon County Highway District 4, maximum density set at 1.38 with a maximum lot count not to exceed one thousand lots; a minimum lot size adjacent to all existing residential lots at one half acre matching to one acre with a 100 foot buffer strip and matching lot lines; applicant to pay all proportionate share mitigation fees; at the time of recordation of the development agreement the \$370,000 up front as proportionate share start as mitigation fee that would be credited back to the total; the development agreement will be revisited during the preliminary plat and planned unit development in order to update or add any new conditions of approval that may be required by the City Council or other Reviewing Agencies; Wing Road will not be connected to the development from Beacon Light Road; and a traffic signal light shall be constructed by the applicant at Highway 44 and Canyon Highway and Canyon Highway and Can Ada Road prior to the first day of operation of the golf course; and facilities agreement shall be entered into between the Applicant and the City for future reimbursement; driving range hours shall be Dawn to Dusk with the Dark Sky Initiative being addressed by downward lighting with soffit lights within the residential structures; applicants will provide a fiber conduit for future fiber optic connections; the fire station lot will have the infrastructure; no raw crushing of dirt/soil on the worksite unless the future conditional use permit is approved by the City Council; no connections to Lanktree Gulch Road; sound barrier berm and visual barrier to be constructed by the applicant along the golf course; Council President Hershey seconded the motion. ROLL CALL VOTE: Nielsen - aye; Salmonsens - nay; Wheelock - aye; Hershey - aye. Motion carried.

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6. **ACTION ITEMS:**(The Council at its option may suspend the rules requiring three separate readings on three separate days for ordinances on the agenda for approval. This may be by a single motion to suspend the rules under Idaho Code 50-902; second of the motion; ROLL CALL VOTE; Title of the Ordinance is read aloud; motion to approve; second of the motion: ROLL CALL VOTE.)
- A. **Ordinance 379-2023 - Medici Vista Subdivision:** AN ORDINANCE ANNEXING TO THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; MORE SPECIFICALLY LOCATED AT 4401 N. POLLARD LANE, IN STAR, IDAHO (ADA COUNTY PARCELS S0333212580) AND CONTIGUOUS TO THE CITY OF STAR; THE PROPERTY IS OWNED BY BRUCE A. BENTE; ESTABLISHING THE ZONING CLASSIFICATION OF THE ANNEXED PROPERTY AS RESIDENTIAL WITH A DEVELOPMENT AGREEMENT (R-1-DA) OF APPROXIMATELY 13.13 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. **(ACTION ITEM)**
- Council President Hershey moved to introduce Ordinance 379-2023 Medici Vista Subdivision Annexation and pursuant to the rules under Idaho Code 50-902, the rule requiring an ordinance be read on three different days with one reading to be in full to be dispensed with and that Ordinance 379-2023 be considered after reading once by title only; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Nielsen - aye; Salmonsens - aye; Wheelock - aye; Hershey - aye. Motion carried.
 - Council President Hershey moved to approve Ordinance 379-2023 Medici Vista Subdivision Annexation and read the title of the ordinance; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Nielsen - aye; Salmonsens - aye; Wheelock - aye; Hershey - aye. Motion carried.
- B. **Ordinance 380-2023 Medici Hills Subdivision Annexation:** AN ORDINANCE ANNEXING TO THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; MORE SPECIFICALLY LOCATED ON N. HIGHWAY 16, IN STAR, IDAHO (ADA COUNTY PARCEL S0328346600) AND CONTIGUOUS TO THE CITY OF STAR; THE PROPERTY IS OWNED BY MEDICI HILLS JOINT VENTURE; ESTABLISHING THE ZONING CLASSIFICATION OF THE ANNEXED PROPERTY AS RESIDENTIAL WITH A DEVELOPMENT AGREEMENT (R-2-DA) OF APPROXIMATELY 48.73 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. **(ACTION ITEM)**
- Council President Hershey moved to introduce Ordinance 380-2023 Medici Hills Subdivision Annexation and pursuant to the rules under Idaho Code 50-902, the rule requiring an ordinance be read on three different days with one reading to be in full to be dispensed with and that Ordinance 380-2023 be considered after reading once by title only; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Nielsen - aye; Salmonsens - aye; Wheelock - aye; Hershey - aye. Motion carried.



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- Council President Hershey moved to approve Ordinance 380-2023-Medici Hills Subdivision Annexation and read the title of the ordinance; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Nielsen - aye; Salmonsens - aye; Wheelock - aye; Hershey - aye. Motion carried.

7. ADJOURNMENT

Mayor Chadwick adjourned the Star City Council meeting at 10:07 p.m.

Trevor A Chadwick, Mayor

ATTEST: _____

Jacob M Qualls, City Clerk - Treasurer

DRAFT