

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho

Tuesday, March 05, 2024 at 7:00 PM

1. CALL TO ORDER –

Mayor Chadwick opened the Star City Council Meeting at 7:00pm and introduced Star, Idaho's Troop #680 of the Girl Scouts Silver Sage Council who led the Pledge of Allegiance.

2. INVOCATION –

Associate Pastor Nathan Held of the Calvary Star Church offered the invocation.

3. ROLL CALL

Elected Officials – Mayor Trevor Chadwick, Council President David Hershey (via remote until 7:37 p.m.), and Council Members Kevan Wheelock, Jennifer Salmonsens and Kevin Nielsen (entered at 7:35 pm) were present.

**Mayor Chadwick explained the process to achieve quorum. Council Member Hershey would remain present online until approximately 8:00 p.m. or until Council Member Nielsen could arrive in-person to the meeting. He said a brief break could be called if necessary.*

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

4. PRESENTATIONS & PROCLAMATIONS**A. PROCLAMATION** - Girl Scout Week

Mayor Chadwick read a Proclamation declaring the week of March 10th as Girl Scout Week and presented it to Troop Leader Brooke Rooker and members of Girl Scout Troop 680.

5. CONSENT AGENDA (ACTION ITEM)**A. Claims**

B. Approval of Minutes: February 20, 2024 & January 16, 2024

C. Final Plat - Naismith Commons Phase 2 (**FILE: FP-23-20**)

- Council Member Salmonsens moved to approve the Consent Agenda with the Claims and Approval of Minutes but to pull the Final Plat from consideration; Council Member Wheelock seconded the motion.

ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye. Motion carried.

6. PUBLIC HEARINGS with ACTION ITEMS:

A. PUBLIC HEARING - Utility Easement Vacation Trapper Ridge Subdivision (New Hope Subdivision) (FILE: VAC-23-02) - The Applicant is seeking approval of a vacation of existing utility, drainage and irrigation easements within the new Trapper Ridge Subdivision and original New Hope Subdivision. The property is located at 11650 W. New Hope Road in Star, Idaho. (**ACTION ITEM**)

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Mayor Chadwick asked City Council members if they had any ex parte communication to report. As none was reported, he opened the Public Hearing at 7:08 p.m.

City Planner Shawn Nickel utilized a slide presentation to provide an overview of the development. He said Trapper Ridge is also known as the New Hope Subdivision and noted the development is located at 11650 W. New Hope Road. Nickel said all legal notices were made in compliance and proper application requirements were met.

Applicant presentation:

The Applicant was not present to speak. Nickel said Staff recommended approval.

Public comment:

None was offered.

Mayor Chadwick closed the Public Hearing at 7:10 p.m.

Council deliberation:

Council Member Salmonsens said that she found that the proposal met City standards and she was in favor of it.

Nickel explained the new requirement in the new Unified Development Code re-write would be removed from Public Hearing; and would become an Administrative function.

- Council Member Salmonsens moved to approve with conditions of approval as noted in the Staff Report in the City Council packet as listed: 1. The future Final Plats for Trapper Ridge Subdivision shall continue to comply with all conditions of approval for the final plat, along with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star. 2. The applicant shall comply with all the requirements of the City Engineer. 3. Any additional site-specific conditions and considerations as required by Staff or Council; Council Member Wheelock seconded the motion. **ROLL CALL VOTE:** Wheelock – aye; Salmonsens – aye; Hershey - aye. Motion carried.

- B. **PUBLIC HEARING: 10206 W State Street Development Agreement Modification (FILE: DA-20-16-MOD)** - The Applicant is requesting modification of the existing Development Agreement for the property located at 10206 W. State Street. The applicant seeks to remove the minimum square footage requirement for the commercial buildings located in the development. **(ACTION ITEM)**

Item taken out of order at 7:37 p.m.

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Mayor Chadwick resumed the City Council meeting at 7:37pm with Council Members Wheelock, Salmonsens, Nielsen, and Mayor Chadwick present. Chadwick announced that Council President Hershey needed to leave the meeting to attend to a family matter and wished him well. Council President Hershey discontinued remote participation at 7:37 p.m.

Mayor Chadwick asked if the City Council had any ex parte communication to report and, hearing none, opened the Public Hearing at 7:38 p.m.

Planning & Zoning Director Shawn Nickel utilized a slide presentation to provide a brief staff report on the 10206 W. State Street development and the proposed Development Agreement Modification. Nickel explained that the nature of the modification was to remove minimum overall square footage of the commercial building space. He stated that all application requirements for the public hearing have been met by the applicant.

Applicant Presentation:

Tony Mattero, 10206 West State Street, Star, explained he was requesting a development agreement modification to the originally agreed-upon minimum square footage of 33,330 square feet of commercial space. Mattero said as the development started to be built, the two front buildings came in at approximately 24,000 square feet. He said his firm managed to get them all the way through the building permitting process.

Mattero said market conditions changed significantly during the initial stages of construction of the two buildings. Mattero noted construction costs increased to twenty and then forty percent, while interest rates doubled, and lease rates declined. Mattero expressed concern over the parking space ratios and the cost of construction. He said he is now proposing that the two front buildings be single story instead of double story; and noted single story buildings do well in Star.

Mattero said he believed the proposed modification to remove the minimum square footage will allow the project to achieve proper parking ratios. He presented a proposed revised site elevation, stating it was consistent with the original design approved previously. He said he would like to proceed with finishing the buildings as soon as possible and as is economically feasible.

Council Member Wheelock said he was a proponent of increased parking and asked how Mattero planned to achieve the look of the original elevation with a one-story building.

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Mattero said the initial take was no longer viable. He said while he would like to achieve this, the cost of steel and installing an elevator for a two-story building drove the costs too high.

Mayor Chadwick reminded all present the project must still go through the Design Review Committee process.

Mattero said he would be pursuing the outside patios in context of a single-story structure, noting he is not sure about the viability of roof top patios. He said he agreed on making the building look as best as possible and he believes the project can get there.

Council discussion ensued on the concept of minimum square footage and the ratio of residential to commercial space.

Evan McLaughlin, 10206 West State Street, Star said he agreed the original elevation was an iconic look, but it was no longer economically feasible. He said materials have adjusted, they cannot make the numbers work, the cost per square footage has been driven too high, and they were not able to achieve enough interest on the lease side of the project.

Council Member Nielsen noted the town home would be two-story, the commercial will be twenty-six feet in height, and there will still be a buffer for the north side.

Mattero said his team has tried and explored various options including banks, restaurants, and private financing. He reiterated they have had the building permits for close to a year and have been ready to go, but just need the financing. With interest rates, construction costs, and a changing economy, Mattero said they were asking for help to get the project re-started.

Council discussion focused on what could happen if the applicant team just focused on residential. Mayor Chadwick noted one challenge would be having the lack of a constructed street on the back of the property. Chadwick said even if the economy goes down, labor prices remain which could cause potential for layoffs.

The applicant team expressed concern over the Micron expansion potentially causing the cost of labor and materials up regionally; this was another factor in starting the commercial aspect first. Mattero said there was some debt on the land, so there was a time concern from his perspective.

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Nickel said he believed it was an issue of minimum square footage of land versus the ratio of Commercial and Residential.

Mattero replied that the minimum square footage of commercial was to ensure that this did not just turn into more residential development. Council discussion focused on the back buildings. The applicant said the buildings were planned to have a square footage of 12,000 and 10,500 square feet. He said the applicant team knows Star needs this, but it is a matter of financing and getting it to be built.

Council discussion focused on current lease rates, relative feasibility, and the idea of live/work units. Council Member Wheelock expressed that he does not want live/work units at the front of the complex and would rather see commercial enterprises built there instead.

Public Testimony:

None was offered.

Applicant rebuttal:

The applicant discussed the ideas of glass doors and having a wide entry with patio seating and green space, with a focus on walkability. He said he was willing to place seating areas on both sides of the buildings.

Council discussion ensued on the merits of retaining the landscaping but changing the building type. Council Member Nielsen said he was curious about having the patio on the roof, noting he liked the first design and is not sure if it is possible with the currently presented design.

Mattero said he would work with the architects and strive to keep the design standards high. Council Member Wheelock asked him to keep ADA requirements in mind.

Mayor Chadwick noted the City has not placed a minimum square footage on other projects; in the original vote, he noted the City placed it and did not yet have commercial in place and that he does not see this as a true issue. Mayor Chadwick closed the Public Hearing at 8:18 p.m.

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Council deliberation:

Council Member Salmonsens stated she was open to approving the proposal if the community feel can be retained. Council Member Wheelock said he liked the design but understands the dilemma the applicants were faced with. Council Member Nielsen said he was seeking to find the medium, and a win-win situation. He said he would like to see some conditions of approval in terms of what the City is willing to have built on the side and either come to a compromise or leave it for the design review process.

Council Member Salmonsens said she would like to hear the conditions, have the patio available on top of the building if feasible, and a patio in the front with an original design element.

Council discussion returned to ADA standards and concerns of safety and viability of a patio on the roof.

- Council Member Wheelock moved to approve the applicants' proposal to modify the existing Development Agreement for the property located at 10206 W. State Street to remove the minimum square footage requirement and have the buildings be single story, with the following conditions of approval: the applicant is to return to Council with a revised design with elements like the originally approved building. Council Member Nielsen questioned the motion in terms of elevation. Council Member Wheelock restated and moved to approve the applicants' proposal to modify the existing Development Agreement for the property located at 10206 W. State Street to remove the minimum square footage requirement and have the buildings be single story, with the following conditions of approval: the applicant is to return to Council with a revised design with building elevation, materials, and design to proceed through the Architectural Review Process and with the minimum of 21,000 square feet of commercial space for the front two buildings; Council Member Nielsen seconded the motion. **ROLL CALL VOTE:** Wheelock – aye; Nielsen – aye; Salmonsens – aye. Motion carried.

- C. **PUBLIC HEARING: Lake Haven Estates Annexation / Zoning / Development Agreement (FILE #'s AZ-24-01 & DA-24-01)** - The Applicant is requesting approval of an Annexation and Zoning (R-2), and a Development Agreement for a proposed 64.70-acre site to accommodate a future single family residential development. The property is located at 21831 Koa Lane in Star, Canyon County, Idaho. **(ACTION ITEM)**

Mayor Chadwick explained the rules of the Public Hearing and asked Council Members if they had any ex parte communication to report. Hearing none, Chadwick opened the Public Hearing at 8:33 p.m.

City Planner Shawn Nickel utilized a slide presentation to give a summary staff report on the application. Nickel noted Staff reviewed the submittal, and all posting of the site was made in compliance with the Unified Development Code and in compliance with the City's Comprehensive Plan.

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He said Council had received a late exhibit in email, which was from the Fire District and Canyon Highway District 4.

Applicant Presentation:

Stephanie Hopkins, 5725 N. Discovery Way, Boise, said she was representing the developer and property owners. She explained the application was for an annexation with a development agreement. She noted the subject property is about sixty-eight acres and would have access via Bent Lane. Hopkins said the land was zoned as R2 directly to the west and R5 to the north, with mixed use in the area. Hopkins said the application was for R2 and there was discussion of potentially a future eighteen-acre parcel that staff thought could be more in line with the designation Rural Residential.

Hopkins said this allowed for three units per acre, noting the applicant team has been working on the conceptual segment and will need to do a Preliminary Plat. She said one home will remain and clarified the eighteen acres mentioned is not included yet. Hopkins said there will be six common lots and one common driveway with a private road. She said the lot sizes range from 13,200 to 380,000 square feet. Hopkins said the overall concept was to have low density, and create a nice community feel. Hopkins pointed out the request for private streets, which she said would create a different feel. She noted the developer was present for the meeting, and said they agreed with the Staff Report.

Council Member Wheelock said he liked the overall plan and appreciated the idea of keeping the eighteen acres zoned as Rural Residential in the future.

Council Member Salmonsén inquired if the southern boundary of the property touched the river. Using the map slide, Hopkins replied that it is about four hundred feet from the river and pointed out some ponds. Hopkins said the gravel extraction would be located within the flood plain, noting that the landowner to the south is the Department of Lands.

Mayor Chadwick asked developer Spencer Koford to provide clarification on the map.

Spencer Koford, 8454 Brook Haven Place, Middleton, pointed out a seventeen-acre lot he said included what used to be Mike Kott's old house, which is now owned by Colin Higginbottom. He said there is no river access, clarifying what was depicted on the map was the seventeen-acre Higginbottom property which is located between the plat and the river. Koford described how a pond would be constructed by expanding a lake on the property.



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Council Member Nielsen asked about the request for private streets, noting while it creates a more exclusive feel, police coverage is lost. Kofoed said he would like to have more of a gated community but with public roads, and he wants to work with the police and develop an agreement with the Homeowners Association (HOA). Kofoed said it was not a deal-breaker and the development team was happy taking care of their own roads. Council Member Wheelock asked if the roads would be built to City of Star standards, and Kofoed replied yes.

The applicant further noted a design is ready and they would like to connect to City paths, with a focus on a lower density neighborhood with trees. Kofoed said the team would like to request emergency access to the river, noting the neighbors do not want a formal public easement. The applicant team stood for questions.

Public Comment:

Nathan Ogden, 21831 KOA Lane, Star, said it was his address on the property on the plan and explained he lived on the original homestead in the middle of the acreage. He said he was working with developer Spencer Kofoed on the plan to help make the project ADA accessible. He said his family loves Star and plans to be here for a long time. Ogden said he is excited for the neighborhood and the way it is being designed, and he is proud to live there. Mayor Chadwick asked to connect Mr. Ogden with City Staff, to further discuss other areas of the City and ADA access.

Council Member Salmonsén inquired about the idea of access to the river, asking if the applicant team would be supportive of having either neighborhood or public access. Ogden replied he preferred to protect privacy and nature, citing the presence of deer and other animals.

Council discussion ensued on working with the developer to create access to the creek area instead of the river. Mention was made of the South of the River Plan and the green belt.

Mayor Chadwick closed the Public Hearing at 9:03 p.m.

Council deliberation:

Council Member Salmonsén expressed support for the proposed zoning and the development agreement, stating she liked the idea of a pathway along the canal.

Council Member Nielsen asked Chief Hessing to remark on the idea of an HOA covenant being drafted to allow police patrol on the private roads. Chief Hessing noted the neighborhood was a cul de sac which does not feed onto other roads and said he did not feel it presented a concern.

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Council discussion ensued on the private street, noting a private street application was not in the current proposal, but it could be included as a condition of approval. Council Member Salmonsens said she was concerned about the future maintenance plan for a private street.

- Council Member Nielsen moved to approve the Lake Haven Estates Annexation / Zoning / Development Agreement (FILE #'s AZ-24-01 & DA-24-01) with the following conditions of approval: the applicant will bring a private street application back at a later date, the development agreement will include the gravel extraction being a part of noted property, the Western parcel will be zoned as Rural Residential with the remainder of the property zoned as R-2, and the gravel extraction to be included in the development agreement; Council Member Wheelock seconded the motion. **ROLL CALL VOTE:** Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

- D. **PUBLIC HEARING - Milepost Commons Subdivision (File #'s PP-23-05 & DA-23-07-MOD):** The Applicant is requesting approval of a Preliminary Plat (PP-23-05) and Development Agreement Modification for a proposed residential subdivision consisting of 72 residential lots and 11 common lots. The property is located at 2400 N. Pollard Lane in Star, Ada County, Idaho, and consists of 19.93 acres with a proposed density of 3.6 dwelling units per acre. **TABLED FROM PREVIOUS MEETING (ACTION ITEM)**

Mayor Chadwick explained the rules of the Public Hearing and asked if Council Members had any ex parte contact. Hearing none, Chadwick opened the Public Hearing at 9:12 p.m.

City Planner / Zoning Administrator Shawn Nickel utilized a slide presentation to summarize the development, which he said was an extension of Milestone Ranch. Nickel said the development agreement modification was to incorporate the additional land and was for compliance purposes. He pointed out a late exhibit from the Star Fire District, noting the side yard setbacks were consistent with Milestone Ranch with five-foot setbacks. Nickel said Staff recommended approval with conditions.

Applicant presentation:

Kyle Pruit, 3103 West Cheryl Drive, Meridian, said he was the land entitlement manager for Toll Brothers Homes. Pruit said Toll Brothers is a national home builder that is well-established locally with over one-hundred seventy local employees. He said Toll Brothers has accounted for nearly twenty-six percent of home sales in Star for the last year. Pruit described the land site, noting it is adjacent to Milestone Ranch and close to other Toll Brothers projects. He said the site is already zoned for R-4 and the property size was ninety acres. Pruit said one primary goal of the proposal was low density.

Pruit described the proposed phases, with installation of utilities in 2025 and building of phases 7, 8, and 9 in 2027. He said amenities would include an indoor and an outdoor pool, bocce ball, and a pickleball court. He said walking paths would connect to Milestone Ranch and there would be a proposal for walking path to the northwest land owned by the West Ada School District. He mentioned the development agreement from 2022. Pruit said the adjustment would be from seventy acres up to

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ninety, and to increase lots from 284 to 354. He said Toll Brothers hoped to get single family setbacks for Milepost Commons, and they were not asking for any other changes at this time.

Council Member Wheelock inquired about setbacks and consistency with Milestone Ranch. Mayor Chadwick said all were single story.

Council discussion ensued on amenities; the applicant stated a shade pavilion and bocce ball courts would stand alone as part of Milepost Commons and not be part of Milestone Ranch. Discussion moved to a gulch ditch referenced on the applicant's map which runs north-south along Pollard. The applicant provided clarification of the existence of a proposed pedestrian bridge. The applicant stood for questions.

Public testimony:

None was offered.

Applicant Rebuttal:

Pruit said the project was one-of-a-kind, and Toll Brothers was very pleased to bring this project to Star.

Mayor Chadwick closed the Public Hearing at 9:29 p.m.

Council deliberation:

- Council Member Nielsen moved to approve the Milepost Commons Subdivision (File #'s PP-23-05 & DA-23-07-MOD), with the following conditions of approval: to retain the 7.5 foot side yard setbacks and allow for 10 foot rear setbacks, and to allow for the connection of the pathway at the rear of the property; Council Member Wheelock seconded the motion. **ROLL CALL VOTE:** Wheelock – aye; Salmonsens – aye; Neilsen – aye. Motion carried.

7. ACTION ITEMS:

Item taken out of order at 7:12 p.m.

- A. **Five Year Integrated Work Plan** - Approval of Recommendation of Integrated Work Plan for City of Star Projects to be included in the Ada County Highway District Plan (ACHD) (**ACTION ITEM**)

Mayor Chadwick explained the Five-Year Integrated Work Plan with ACHD. He noted the Star Transportation Committee has offered their rating of the projects and briefly explained the various planned projects and their timeline.

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Council Member Wheelock asked about the State Street widening project. Chadwick explained the future of widening of Highway 44 will be part of a future Idaho Transportation Department (ITD) Project.

Council Member Salmonsens said she has attended many of the Transportation Committee Meetings and recommends approval of the Five-Year Integrated Work Plan.

Salmonsens asked Chadwick to explain how the projects will get done with ACHD; Chadwick explained how he advocates for the projects to get completed within the City of Star area by taking the ACHD Commissioners on local field trips to drive around and see the area. Chadwick explained also ACHD requests public input to make sure the projects get on the ACHD radar for online public comments. Chadwick asked for citizens to offer feedback when ACHD asks for public input.

- Council Member Salmonsens moved to approve the ranked Five-Year Integrated Work Plan with Ada County Highway District; Council Member Wheelock seconded the motion. **ROLL CALL VOTE:** Wheelock – aye; Salmonsens – aye; Hershey - aye. Motion carried.

Mayor Chadwick announced the Council would next hear 7B; he said that they had received word that Council Member Nielsen was on the way to Star City Hall. After 7B, the Council would take a brief recess for Council President Hershey and Council Member Nielsen to trade out.

- B. **Resolution 2024-010 - Asset Disposal:** Approval of Resolution to Dispose of Xerox Photocopier (**ACITON ITEM**)

Item taken out of order at 7:27 p.m.

Mayor Chadwick asked the City Clerk to briefly explain the purpose of the Resolution; Qualls explained the Information Technology Director had replaced the photocopier so the one in the resolution was no longer necessary and the State of Idaho Water District #63 had offered to purchase the machine.

- Council Member Wheelock moved to approve Resolution 2024-010 Asset Disposal in the amount of \$1,000.00 (Sale Price of the Xerox Altalink C8045/Asset Tag #771/Serial #8TB337299) to the state of Idaho Water District #63; Council Member Salmonsens seconded the motion. **ROLL CALL VOTE:** Wheelock – aye; Salmonsens – aye; Hershey - aye. Motion carried.

Mayor Chadwick called for a brief recess at 7:29 pm to allow time for Council Member Nielsen to arrive and Council President Hershey to be excused for a personal matter.



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C. **Findings of Fact / Conclusion of Law** - Lake Haven Estates Annexation, Zoning, Development Agreement (FILE #'s AZ-24-01 & DA-24-01) (ACTION ITEM)

Council Member Nielsen said he had not been able to view the details in the packet. Mayor Chadwick called a brief recess at 9:33 p.m. so Staff could print the Findings of Fact / Conclusion of Law. Chadwick reconvened the meeting at 9:43 p.m.

Nickel explained the report includes the findings of the oral testimony and includes the specific conditions of approval (gravel extraction, etc.). Nickel verified per Council questions there are standards in the City Code for the work hours restriction. He clarified the applicant would like to close the building permit through the City of Star rather than Canyon County.

- Council Member Nielsen moved to approve the Findings of Fact / Conclusion of Law - Lake Haven Estates Annexation, Zoning, Development Agreement (FILE #'s AZ-24-01 & DA-24-01); Council Member Salmonsén seconded the motion. **ROLL CALL VOTE:** Wheelock – aye; Salmonsén – aye; Nielsen – aye. Motion carried.

8. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 9:47 p.m.

Trevor A Chadwick, Mayor

ATTEST: _____
Jacob M Qualls, City Clerk / Treasurer