

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho

Tuesday, December 7, 2021 at 7:00 PM

**1. CALL TO ORDER – Welcome/Pledge of Allegiance**

Mayor Chadwick called the meeting to order at 7:00pm and led the Pledge of Allegiance.

**2. INVOCATION – Larry Osborn – LifeSpring Church**

Pastor Larry Osborn with LifeSpring Church offered the invocation.

**3. ROLL CALL**

Council President David Hershey, Council Member Michael Keyes, Mayor Trevor Chadwick, Council Member Jennifer Salmonsens, and Council Member Kevin Nielsen were present.

STAFF PRESENT Shawn Nickel, Planning Director, Ryan Field, Planning Assistant, Jacob Qualls, City Clerk / Treasurer, Dana Partridge, Public Information Officer, Zack Hessing, Star Police Chief.

**4. PRESENTATION – Mayor’s Walking Challenge**

Mayor Chadwick explained the walking challenge, stating Blue Cross Foundation of Idaho does a walking challenge throughout the state for all mayors in October. If the mayors walk an average of 5,000 steps a day, they will donate \$1,000 to the city. Mayor Chadwick walked 23,000 steps and put out a challenge to the citizens of Star to submit their results. A drawing was done with two \$100 gift cards being given out. Linda Dominguez and Daria Lopes were chosen, having walked an average of 18,000 and 7,400 steps respectively.

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

- A. City Council Meeting Minutes: **August 3, 2021**
- B. City Council Meeting Minutes: **August 17, 2021**
- C. City Council Meeting Minutes: **August 24, 2021**
- D. City Council Meeting Minutes: **September 7, 2021**
- E. Approval of Claims Provided & Previously Approved
- F. Findings of Fact & Conclusion of Law: **Fountain Park Subdivision**
- G. Findings of Fact & Conclusion of Law: **Rooster Hollow Subdivision**
- H. Findings of Fact & Conclusion of Law: **Moon Valley Townhomes Subdivision**
- I. Findings of Fact & Conclusion of Law: **Landyn Village Subdivision**
- J. Findings of Fact & Conclusion of Law: **Milestone Subdivision**
- K. Findings of Fact & Conclusion of Law: **Iron Mountain Vista Subdivision**
- L. Findings of Fact & Conclusion of Law: **Tommy’s Car Wash**
- M. Final Plats: **Fallbrook Subdivision #5 (FP-21-24)**

- Council Member Keyes moved to approve the consent agenda consisting of items 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 5I, 5J, 5K, 5L, and 5M with the following changes:
  - Item 5G, the Rooster Hollow Development Agreement’s waiver of zero setbacks is for townhomes only, and the project will adhere to the architectural guidelines set forth in the about to be adopted architectural overlay district.

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- Item 5K, the Iron Mountain Vista Development Agreement's emergency access easement will become a maintenance access easement only, once the northern access is established.
- Council President Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, and Salmonsens – aye. Nielsen abstained because he had not reviewed the items. Motion carried.

**6. ACTION ITEMS****A. 2021 Municipal Election Results Review / Acknowledgment / Acceptance**

- Council Member Keyes moved to approve the 2021 Municipal Election Results. Mayor Chadwick said Kevan Wheelock's name was spelled incorrectly by Canyon County. Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Salmonsens – aye, and Nielsen – aye. Motion carried.

**B. Ordinance 345: Grace Assisted Living Facility Annexation & Development Agreement**

- ITEM REMOVED FROM AGENDA

**C. Ordinance 348: Stargazer Subdivision Annexation & Development Agreement**

- ITEM REMOVED FROM AGENDA

**D. Ordinance 349: Stardust Subdivision Rezone & Development Agreement**

- Council Member Nielsen moved to introduce and suspend the rules pursuant to Idaho Code Section 50-902, the rule requiring an ordinance to be read on three different days in full be dispensed with and Ordinance 349 be considered after reading by title only once. Council Member Keyes seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Salmonsens – aye, and Nielsen – aye. Motion carried.
- Council Member Nielsen moved to approve Item 6D, Ordinance 349: Stardust Ranch Subdivision Rezone and Development Agreement and read the title. Council Member Keyes seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Salmonsens – aye, and Nielsen – aye. Motion carried.

**E. Ordinance 352: Rooster Hollow Rezone & Development Agreement**

- ITEM REMOVED FROM AGENDA



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### 7. PUBLIC HEARINGS with ACTION ITEMS:

#### A. PUBLIC HEARING: Comprehensive Plan Amendment / South of the River Plan

Mayor Chadwick opened the public hearing at 7:11pm and noted there was no ex parte contact due to this being a legislative issue.

Council Member Keyes spoke on the Comprehensive Plan Amendment / South of the River Plan.

Keyes stated he sent out an updated plan for review by staffing and council the previous week. Since this was sent out, there was one change for the maps with the placeholders in the plan. They have been updated and this plan was made available via a link on the agenda.

Subsequent to a meeting in June, there were several changes made to the plan. Keyes thanked Ryan Field and the staff at Logan Simpson for the effort they put in. They created a code designation called Riverfront Center, with an ordinance creating this new special designation.

Keyes noted one of the things the Riverfront Center does is allow for a variety of housing, but single family detached was not included. Design standards were also updated, and language was created around the Comprehensive Plan which further defines some of the districts. The maps have been updated accordingly.

Keyes asked the Council to give their thoughts on the plan.

Mayor Chadwick clarified they were not going to vote on this that night, and it would be left open until December 21, 2021 to give the public an opportunity to submit comments in writing or comment at the next hearing.

Mayor Chadwick stated he thought this was an important document for the City's future in terms of providing a path for the South of the River, and they also needed to address comments and concerns from Phillips and Stillwell property owners, which were in a letter Shawn Nickel sent out that day. He noted one of the concerns was for the large amount of park space being planned for their properties. It is their opinion this will lower their property values.

Keyes mentioned a letter the Phillips had delivered to the City in August he re-reviewed, stating he didn't think anything in the plan then was inconsistent with their wishes nor was it with the amendments, but would be glad to hear their thoughts on the new plan.

Council Member Nielsen spoke on parks, and how they are usually donated by property owners, developers, or the City has acquired the land. He stated these parks are well thought out and attractive. Because of this, he felt having property owners come to them with concerns about property values when they didn't have an original intent for those areas seemed at odds with the way parks are presented to the City. He encouraged them to think about how they might overcome challenges where there isn't a desire to donate

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or give at a reduced rate and how the city would acquire property and fulfill the full measure of the plan as originally intended while keeping those property owners whole.

Mayor Chadwick commented on Nielsen's words, stating they are utilizing a lot of the floodway as part of the plan but there is a landowner along Joplin who would rather have his property turned into park space versus development and he thought this would work itself out over a period of time as things happen.

A discussion followed regarding properties, opportunities for public spaces, and property values. Nielsen reiterated he would like to see if they could accomplish the original design while keeping landowners whole.

**Public Testimony****Mike Petras – 11931 West Trailheights Street, Star ID**

Mr. Petras stated he was concerned with infrastructure and the toll these plans are taking on the City of Star with such rapid expansion and growth. He was also concerned about traffic.

Mayor Chadwick addressed these concerns, noting he's met with every agency about growth. He said the infrastructure improvements are coming, but it won't be there ahead of time and the city will always be playing catchup. As for traffic, he discussed what they can and can't control in terms of creating plans, but they are updating the Comprehensive Plan and making necessary adjustments to help. He noted more information could be found on the City website where presentations are located under 'Mayor and Council.'

Mayor Chadwick then stated they would be leaving this open until December 21, 2021 and encouraged those who want to make comments to please send them in writing to City staff: Shawn Nickels or Jacob Qualls.

**B. PUBLIC HEARING: Architectural Overlay for Commercial Business District**

Council Member Keyes spoke on the Architectural Overlay for the Commercial Business District. He stated the only change to the plan since the draft came out was to extend the boundaries. The proposed modification to the boundaries would retain the State Street boundary but have those on State Highway 44 go from city limit to city limit. The way the ordinance is written with this adoption makes it so the Architectural Overlay District will extend east and west as the city limits grow. He also noted current downtown buildings are random in their design, but as properties redevelop and new properties are built there will be a cohesiveness and common theme, which has been labeled, "Modern Mountain".

Mayor Chadwick mentioned input for the plan was provided by citizens, specifically those at workshops. Logan Simpson had provided boards with different design styles they were able to place stickers to show which they preferred. Based on public input, Modern Mountain was chosen in selecting building materials, building articulation, signage, lighting for public spaces, and parking. He further noted one of the big

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concerns people have had is over the lack of a theme for commercial and stated they have already talked to some coming businesses about following the design.

Council Member Salmonsén stated she'd like the council to consider adding a small wall to separate parking from sidewalks. This prompted a brief discussion about landscape buffers between the parking lot and public right-of-way, as well as screening fixtures like a wall to minimize visual impact of parked vehicles.

Next there was a discussion about setbacks, with a clarification regarding intentions for front street setbacks being for landscaping and pedestrian amenities, which could include street dining or public art. Also discussed was the minimum percentage of the building façade as paved sidewalk or plaza intended to increase walkability and pedestrian activity. Jen Gardner with Logan Simpson agreed there needed to be further clarification on percentages for active space.

Mayor Chadwick then stated they would be leaving this open until December 21, 2021 and encouraged those who want to make comments to please send them in writing to City staff: Shawn Nickels or Jacob Qualls.

Council Member Keyes asked if a link with the documents could be placed in a prominent space on the City's website, and Mayor Chadwick stated they would put one up.

## 8. DISCUSSION ITEMS

A. **Unified Development Code Amendments** – Discussion / Direction for additional amendments to be included beyond already identified.

Mayor Chadwick spoke on the amendments, including administrative interpretations and corrections, horizontal apartments, build to rent neighborhood definitions, zoning district uses, specific use standards, inclusion of Highway District 4, setbacks, no waivers, sidewalk standards including detached sidewalks, traditional lot standards, common area updates, swimming pool requirement for large developments, signage, architectural design standards in the Commercial Business District (CBD) commercial areas, and street lights.

Council Member Keyes noted he would like to come up with words to put in a requirement for articulated building fronts in residential neighborhoods, so the buildings don't line up by adding articulation by two or three feet and breaks up the plane. He stated he would work with Shawn Nickel on the specific language.

Council Member Nielsen added he'd like for them to consider trade-offs between open space requirements and increased setbacks, especially in the front of houses. He mentioned the open space requirements not always being feasible in some subdivisions or it not being desirable to create a large amount of public or homeowner open space as it creates a burden on things like Homeowner Association (HOA) dues. As such, there may be times it makes sense to put the open space in a yard and make a homeowner responsible which would create a different look and feel, in line with what Keyes spoke on.

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Mayor Chadwick clarified this would be creating larger lots by giving an open space waiver.

Council Member Nielsen added pursuant to that, they could also have particular zones where R4 means quarter acre lots, R3 means third acre lots, etc. This would allow for a variety of development types and give other tools for the Council for their Comprehensive Plan and give better outcomes. He used American Star Subdivision as an example of the intent being good, but the outcome not being what they envision. Particularly he noted the storm water collection facilities with standing water, which also attract mosquitos, being a disappointment when compared to the landscaping they had discussed. He stated he'd rather see the storm water collection facilities and similar constructs be inside subdivisions so the collectors and arterials could be beautiful and make people want to visit the city.

Nielsen spoke further on the residential over commercial intent regarding what they've seen brought to them thus far, but those haven't matched what's been envisioned. He referenced a three-story apartment complex in downtown Meridian with commercial on the bottom as something he thought was a great development more in line with what was envisioned. Some features were the building being designated for a lot of different shops, being built right up to the sidewalk, having dining areas out front, walkability, and window shopping. He added there could be language added in to shift toward CBD development rather than studio lofts with commercial space or a shop underneath.

Mayor Chadwick encouraged everyone to take a look at Stonecrest, which has two buildings already built for live-work (living above and working below) to see what it looks like when they're talking about updating the code.

Nielsen stated while live-work did meet the vision, what he spoke on was having good sized buildings and density along the highways so it isn't just strip malls as they won't look good for the city. He would like to see more commercial building and commercial residential building so downtown will look like an actual downtown. Additionally, he spoke on bridges and wanting decoration on them with river rock, masonry or brick so they aren't simply galvanized steel culverts.

Council Member Salmonsén spoke on the Ameristar subdivision and how the back of the homes all look the same. She wanted to add to the code so there would be differentiation in the back so they wouldn't look identical from collector and arterial roads. Mayor Chadwick confirmed they were already working on adding this in.

Salmonsén then prompted a discussion about adding ADA compliance into the code regarding detached sidewalks. It was determined ADA compliance is already a requirement for all sidewalks, even on private streets.



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Keyes spoke on high density residential and whether they wanted to contemplate adding another area to the Development Code regarding high density residential or multi-family to define where apartments can go in order to give the City another level of control.

Shawn Nickel stated this was what the mixed use designations of the Comprehensive Plan are for. A discussion followed regarding whether the terminology involved needed to be defined more.

Nielsen added they also have the potential to look at zonings like height restrictions and ease some of those in order to attract a different level and quality of development.

There was a discussion about differentiation of houses and Shawn Nickel stated he has proposed zoning language for horizontal apartments requiring them to not have the same type of house next to them and needing to go through five to seven types of houses before you can start over with the initial house type. He also thought adding requirements for a variety of back property elevations and articulations on collectors to the code for all residential subdivisions would be good.

Nielsen stated it was his opinion putting horizontal apartments into the code could cause trouble. He noted apartments are not single family detached apartments by definition, and while he wouldn't fight against it, he thought using the designation wasn't the best idea. He then addressed what Nickel spoke on regarding variety of house types, adding he thought no repeating architecture might also be good.

There was a further discussion about horizontal apartments with Nielsen having concerns over them becoming single family homes in the future and the zoning for them. There was also concern over the homes falling into disrepair with there being no clear consensus on the exact definition of the term 'horizontal apartments.'

Nielsen added he thought they could have an ordinance covering rental properties being sold in disrepair. He added they wouldn't have to pick on a corporation with rental properties, it could just be an individual with a rental property.

Mayor Chadwick stated this would be on the agenda for the next hearing on December 21, 2021 and they would also have comprehensive plan adjustments. He noted they completed their Committee of Nine with Canyon County, and they have a map identified for a zoning impact area in Canyon County and an ordinance identified they will be officially approving then as well.

**9. AMENDED AGENDA ITEM (12/06/2021 2:30PM)****A. Executive Session 74-206(f):**

- Council Member Nielsen moved to go onto Executive Session under Idaho Code 74-206(f) to communicate with legal counsel for the public agency to discuss the legal ramifications for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Council



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member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Salmonsens – aye and Nielsen – aye. Motion carried.

Mayor and Council entered Executive Session at 8:10pm.

**10. ADJOURNMENT**

Mayor Chadwick adjourned the meeting at approximately 8:30pm.

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Trevor A Chadwick, Mayor

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

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