



CITY COUNCIL REGULAR MEETING NOTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, December 06, 2022 at 7:00 PM

1. CALL TO ORDER – Welcome/Pledge of Allegiance

Mayor Chadwick opened the meeting at 7:00pm.

2. INVOCATION

Pastor Jakob King, Minister of Administration at Eagle Christian Church, offered the invocation.

3. ROLL CALL

Council Members Present:

Mayor Chadwick and Council Members Kevan Wheelock, Jennifer Salmonsens, and Kevin Nielsen were present. Council President David Hershey was absent (excused).

Staff Present:

City Clerk/Treasurer Jacob Qualls, Deputy City Clerk Barbara Conly, Public Information Officer Dana Partridge, City Planner/Zoning Administrator Shawn Nickel, Assistant City Planner/Code Enforcement Official Ryan Field, City Attorney Chris Yorgason, Star Police Chief Zach Hessing, and Star Fire Chief Greg Timinsky were also present.

4. CONSENT AGENDA (ACTION ITEM)

- A. **Findings of Fact:** Glendora Subdivision (**FILE: PP-22-07**)
 - B. **Findings of Fact:** Saunders Subdivision (**FILES: PP-22-10 / PR-22-06**)
 - C. **Findings of Fact:** Travis Chelsey Annexation (**FILES: AZ-22-05 / DA-22-10**)
 - D. Approval of Claims Provided & Previously Approved
- Council Member Salmonsens moved to approve the Consent Agenda; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

5. ACTION ITEMS:

- A. **Tabled from November 7, 2022 - Ordinance 374-2022 - Barron Properties Rezone & Development Agreement:** AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED IN THE CITY OF STAR, ADA COUNTY, IDAHO; MORE SPECIFICALLY LOCATED AT 342 S. CALHOUN PLACE, IN STAR, IDAHO (ADA COUNTY PARCELS S0416120900); THE PROPERTY IS OWNED BY BPS CALHOUN COMM LLC; ESTABLISHING THE ZONING CLASSIFICATION OF THE REZONED PROPERTY AS COMMERCIAL WITH A DEVELOPMENT AGREEMENT (C-2-DA) OF APPROXIMATELY 11.38 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. (**ACTION ITEM**)
- Council Member Nielsen moved to introduce Ordinance 374-2022 and, pursuant to the rules under Idaho Code 50-902, suspended the rules requiring three separate readings on three separate days in and approve after reading by title only once; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.



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- Council Member Salmonsens read the ordinance title and moved to approve 374-2022; Council member Wheelock seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

B. Equipment Lease Purchase Agreement (Joint Powers & Interagency Agreement): An agreement between the City of Star and the Star Fire Protection District regarding 2018 Ladder Truck **(ACTION ITEM)**

Star Fire Chief Timinsky explained the lease and gave some background on the purpose of the lease and the equipment. He clarified that the City was able to utilize ARPA Funds in order to make the purchase, and that the City was leasing it to the Fire District for \$1.00 a year for two years, at which point the Fire District will purchase it. Timinsky stated that this will allow the District to retain their ISO rating (a score provided to fire departments and insurance companies by the Insurance Services Office, which indicates how prepared a community is for fires). He noted that now three-story apartments were being built in Star, that the District needed this type of apparatus in order to appropriately respond.

- Council Member Salmonsens moved to approve the JPA / Interagency Agreement; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

6. PUBLIC HEARINGS with ACTION ITEMS:

- A. PUBLIC HEARING: Colt Heights Subdivision (FILES: PP-22-09 & PR-22-03)** - The Applicant is seeking approval of a Preliminary Plat and Private Street for a proposed residential subdivision consisting of 5 residential lots and 2 common lots. The property is located on the north side of the existing Colt Place Subdivision in Star, Idaho, and consists of 10.96 acres with a proposed density of .46 dwelling units per acre. **(ACTION ITEM)** - INITIALLY TABLED FROM NOVEMBER 15, 2022 TO DECEMBER 6, 2022 - **TABLE TO JANUARY 3, 2023**

- Council Member Wheelock moved to table the Colt Heights subdivision until the regular Star City Council Meeting on January 3, 2023; Council Member Nielsen seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.

- B. PUBLIC HEARING: Gary & Teri Oppen Annexation (FILES: AZ-22-14 / DA-22-15):** The Applicant is seeking approval of an Annexation and Zoning, and Development Agreement for their property located at 3130 N. Can Ada Road in Star, Idaho. The property consists of 5-acres. **(ACTION ITEM)**

Mayor Chadwick explained the rules regarding public hearings. Chadwick asked the City Council if they had any ex parte communication regarding the topic and hearing none, opened the Public Hearing at 7:09 p.m.



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Applicant Presentation:

Gary Opper of 3130 N. Can Ada Road, Star, explained that he and his wife owned two lots with a strange boundary. He explained that they would like to redraw the boundaries around the house and garage in order to make that one lot, and also to make a separate lot to perhaps build on in the future.

Council Member Nielsen asked if the boundaries as depicted in the Agenda Packet were the current boundaries or the proposed ones. Opper responded that they were the current boundaries, noting that a boundary went through part of a barn structure. Using the graphic, Mr. Opper pointed out what he was attempting to accomplish with his request. He proposed that the lot line would be moved to bring his garage onto the lot with his house. Council discussion focused on the proposed lot lines and the easement for canal access (which would be maintained).

Council Member Nielsen asked questions concerning the driveway, noting that it looked like it might serve a third lot; it was clarified that there were only two lots. It was discussed that there would be a shared driveway and the need to meet Fire District specifications. Nielsen noted it was just re-drawing lot lines, and asked about any future interest Mr. Opper might have in developing the second lot.

Public Testimony:

Sue Drayton, 12470 West Able Drive, Star, said that she doesn't necessarily oppose Mr. Opper's proposal, but that she had concerns about the Zoning Designation of R1, which would give the potential for the property to eventually be sold at some point and for a developer to put five houses on the property instead of one. She noted that the road access was difficult in winter and said that she often saw drivers slide, and expressed concern over cars from potentially up to five houses using that road. She also expressed concerns about water rights, the water table, and proximity of the property to the canal if the Opper's were to set up septic vs. sewer and water. Ms. Drayton said that her family had agricultural water rights they needed to protect, and also noted that with all the building going on at Thunder Ridge, that wildlife was entering her property more frequently as animals were pushed out by building work. She said she had lost a good deal of small livestock because of increasing raccoons, coyotes, and foxes coming onto her land. Ms. Drayton said she was worried the Opper's were preparing to sell the land to a developer, because the land had been up for sale recently. She summarized that her largest concerns were increased traffic and protecting water rights.



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Applicant Rebuttal:

Opper stated that he and his wife had no intention to sell at this point. He said the property was on the market for two weeks, and they changed their minds. He stated that their plan was to develop and build a house on the 3.77 acres, and only potentially sell it in the future as a single-family home.

In response to the public testimony, Council Member Nielsen asked Council to consider putting in the development agreement a condition that one home would be on the 3.77 acre property. Council discussion ensued on the annexation and whether or not limits should be placed in the development agreement. City Planner Nickel cautioned on limiting the landowner's future use of his property, and explained that any future changes would come back for review.

Mr. Opper reiterated that he had no intention of developing the property further at this time, and that he and his wife were trying to develop the property as shown on the exhibit map. He said his purpose tonight was to build in a year, and then lease out the second home. He said he did not feel comfortable with further limitations.

Council discussion ensued over the topic of avoiding potentially devaluing someone's property in the future by their actions now. Council Member Wheelock noted that any potential subdivision application in future years would have to answer the various questions if further development was proposed, and to limit the Opper's right now was not fair.

Mayor Chadwick closed the Public Hearing at 7:26 p.m.

Council Deliberation:

Council Member Nielsen noted that the application seemed straightforward and expressed his support.

- Council Member Nielsen moved to approve the Gary & Teri Opper Annexation, Zoning, and Development Agreement. Council Member Salmonsens asked Nielsen to amend the motion to note proportionate share; he was amenable. Council Member Nielsen restated the motion to approve the Gary & Teri Opper Annexation, Zoning, and Development Agreement, with the condition of approval that the Opper's would pay to ITD Proportionate Share as part of the Development Agreement; Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Wheelock – aye; Salmonsens – aye; Nielsen – aye. Motion carried.



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7. ADJOURNMENT

Mayor Chadwick announced the news that the City of Middleton vs. City of Star lawsuit was dropped because of the election results.

Mayor Chadwick adjourned the Star City Council meeting at 7:28 p.m.

Trevor A Chadwick, Mayor

ATTEST: _____
Jacob M Qualls, City Clerk - Treasurer

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