

**CITY COUNCIL REGULAR MEETING MINUTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, November 16, 2021 at 7:00 PM

1. CALL TO ORDER

Mayor Chadwick called the City Council Meeting to order at 7:00 p.m.

2. INVOCATION

Gabe Hetherington – Eagle Christian Church

3. ROLL CALL

PRESENT Council President David Hershey, Council Member Michael Keyes, Mayor Trevor Chadwick, Council Member Jennifer Salmonsén. EXCUSED ABSENT Council Member Kevin Nielsen

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

4. CONSENT AGENDA (ACTION ITEM)

- A. Approval of Claims Provided & Previously Approved
- B. Stardust Ranch Subdivision - Findings of Fact & Conclusions of Law
- C. East Star River Ranch Commercial Rezone - Findings of Fact & Conclusions of Law
- D. Stargazer Subdivision (AZ-20-19 / DA-20-24 / PP-20-17) Findings of Fact & Conclusions of Law
 - Keyes moved to approve the Consent Agenda, seconded by Council President Hershey. Voting Yea: Council President Hershey, Council Member Keyes, Mayor Chadwick, Council Member Salmonsén. Motion carried.

5. ACTION ITEMS

- A. Johnson & Johnson Opioid Settlement Agreement with the State of Idaho **ROLL CALL VOTE**
 - Motion made by Council Member Salmonsén, Seconded by Council Member Keyes. Voting Yea: Council President Hershey, Council Member Keyes, Council Member Salmonsén. Motion carried.
- B. Conceptual Approval Star / Canyon County Area of Impact Map
 - Motion made by Council Member Keyes, Seconded by Council President Hershey. Voting Yea: Council President Hershey, Council Member Keyes, Council Member Salmonsén. Motion carried.
- C. Development Agreement: Whitener Property (10206 W State Street) **ROLL CALL VOTE**
 - Motion made by Council Member Salmonsén, Seconded by Council Member Keyes. Voting Yea: Council President Hershey, Council Member Keyes, Council Member Salmonsén. Motion carried.



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D. Ordinance 341 - Rivermoor Subdivision Adoption **ROLL CALL VOTE**

- Motion made by Council Member Keyes to suspend the rules and read by title only once, Seconded by Council Member Salmonsén. Voting Yea: Council President Hershey, Council Member Keyes, Council Member Salmonsén. Motion carried.

Council Member Keyes then read the title.

- Motion made by Council Member Keyes to approve with the added conditions of the Development Agreement in section 2.6, Seconded by Council President Hershey. Voting Yea: Council President Hershey, Council Member Keyes, Council Member Salmonsén. Motion carried

E. Ordinance 344 - Cranefield Subdivision Adoption & Development Agreement **ROLL CALL VOTE**

- Motion made by Council President Hershey to suspend the rules and read by title only once, Seconded by Council Member Salmonsén. Motion carried. Voting Yea: Council President Hershey, Council Member Keyes, Council Member Salmonsén. Motion carried.

Hershey then read the title.

- Motion made by Council President Hershey to approve Ordinance 344 and the development agreement, Seconded by Council Member Keyes. Voting Yea: Council President Hershey, Council Member Keyes, Council Member Salmonsén. Motion carried.

6. PUBLIC HEARINGS with ACTION ITEMS:

A. Langtree Bungalows (AZ-21-11 / DA-21-16 / PP-21-15 / PR-21-08) Continuation from 10/05/2021 - Annexation & Zoning, Development Agreement, Preliminary Plat, Private Street

- Motion made by Council Member Keyes to table the Langtree Bungalows Annexation, Zoning, Development Agreement, Preliminary Plat, Private Street at the applicants request until January 18, 2022. Seconded by Council President Hershey. Voting Yea: Council President Hershey, Council Member Keyes, Mayor Chadwick, Council Member Salmonsén. Motion carried.

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B. Landyn Village Subdivision (AZ-20-04 / DA-21-14 / PP-20-04, PUD-20-03, PR-21-07) Annexation & Zoning, Development Agreement, Preliminary Plat, Planned Unit Development, Private Street

Public hearing opened at 7:15p.m. No ex parte contact was reported.

APPLICANT**Steve Arnold with A Team Land Consultants 1785 Whisper Cove Ave, Boise**

The Applicant is seeking approval of an Annexation and Zoning (R-4), a Development Agreement, a Preliminary Plat and a Private Street for a proposed residential subdivision consisting of 103 residential lots and 21 common lots/common drive lots. The property is located at 9670 and 10090 W. Floating Feather Road in Star, Idaho, and consists of 27.09 acres with a proposed density of 3.8 dwelling units per acre. The project originally proposed public streets, however adjacent developer did not want a public street there so they are proposing a private street. Applicant plans to relocate the Lawrence Kennedy lateral to their north property and include a walking path. Neighborhood meetings resulted in concerns being expressed about density. The applicant reduced the density as a result of those meetings.

Keyes said he wanted to know about secondary emergency access as required by the fire department when there are more than 30 homes. The applicant indicated the access road would be for emergency only, but they had not worked with the adjacent property owner to make sure they would have access. Keyes was concerned about the open space behind Heron River and who owns it and who would maintain it. He also asked about a letter the council had received from the southern neighbor expressing concerns about water rights.

Richard Lubbers 551 S. Crystal Springs Lane, Star

Mr. Lubbers is the owner of the property. Keyes asked him about the open space behind Heron River. Mr. Lubbers said he would like to see the Heron River residents use and maintain that area.

Keyes asked if he had spoken to Mr. Larsen who owns the property to the east. Mr. Lubbers said Mr. Larsen was interested at one point in giving up 15 feet parallel to his 30-foot easement to create a public road that would benefit both developments. Mr. Larsen has since opted to make the roads in his project private and only allow for an emergency stub road. Without public road access to his project it makes it difficult to develop anything other than residential. Mr. Lubbers said he is happy to work with his neighbor to the south to make sure he still had access to his irrigation water.

Keyes asked Yorgason if the city had any obligation under state law about landlocking property. Yorgason said the city shouldn't make somebody's current access worse as a result of an approval, but the city doesn't have a legal obligation to preserve something that makes it better in the future or allows it to be better in the future.



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PUBLIC TESTIMONY

Larry Goodman 490 S. Rivermist Ave., Star

He believes the information provided in the traffic study is outdated. He believes that no matter the outcome of the vote, this application will result in litigation. He feels the burden of proof should be on the person that wants to change the sales quo.

Jeff Cresto 9257 West Wildbranch, Star

Mr. Cresto testified he had just moved here from California and doesn't understand why the application is even being heard.

Mayor Chadwick explained landowner rights and the public hearing process in Idaho.

Mr. Cresto feels the project will decrease his quality of life, cause traffic and the density is too high.

Josh Leonard 251 E. Front Street, Suite 310, Boise

Mr. Leonard represents the Arbiters, the neighbors immediately adjacent to this project. He stated the project was not innovative, lacks sufficient legal access, and the applicant plans to put drainage in an open space. The applicant is proposing to use Crystal Springs Lane, a private road, for its primary and only access.

Mr. Leonard discussed the challenges with making this a public road that would meet ACHD standards. The Arbiters are not against the Lubbers developing their property, they just think this is too high density and a poorly thought-out plan.

Jerry Arbiter 351 S. Crystal Springs Lane, Star

Mr. Arbiter stated his property is located to the north and adjacent to the proposed project. He is not against the property being developed. He is primarily against the project because in order to bring the proposed public road up to code it has to take part of his property.

Keyes asked if there was a density Mr. Arbiter would be comfortable with. Mr. Arbiter believes four lots would be the maximum.

David Ray 446 S. Rivermist Avenue, Star

Mr. Ray stated he believes the applicant does not have legal access and feels the density is too high and will lead to additional traffic.

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Mr. Arnold stated their attorney couldn't be at the hearing but had advised them they do have access to the 30-foot easement. Any fencing or irrigation that is in the easement should not have been there. He testified if the street is made public, the issue is resolved. Their project is one of the lower densities in the area and will not cause any more traffic than the other projects being approved. The density of the project was designed around the constraints of the irrigation canal and the desire to retain the original home and barn on the property.

Mayor Chadwick closed the public hearing at 8:20 p.m. and council moved to deliberations.

Council deliberated on the topic of the road easement, who had legal access and what the proper land use designation for the area should be. The Council determined until this issue could be resolved, they could not support the project.

- Motion made by Council Member Keyes to deny the applications but waive fees for the next twelve months, Seconded by Council Member Salmonsén. Voting Yea: Council President Hershey, Council Member Keyes, Council Member Salmonsén. Motion carried.

Mayor Chadwick called for a recess at 8:26 p.m. The meeting was called back to order at 8:34 p.m.

C. EAST STAR RIVER RANCH SUBDIVISION (CU-21-01 / PP-21-03 / PR21-02) Conditional Use Permit, Preliminary Plat & Private Street
Public hearing opened at 8:34 p.m. No ex parte contact was reported.

APPLICANT**Paul Larsen 855 S. Calhoun Place, Star**

Mr. Larson stated the application is to seek approval of a Preliminary Plat for a proposed residential and commercial subdivision consisting of 266 residential lots, 21 commercial lots and multiple common lots, a Conditional Use Permit for a Senior Living Facility and Single-Family Dwellings in an existing L-O zone and Private Streets. The property is located at 8874 W. Wildbranch Street and 855 S. Calhoun Place in Star, Idaho and consists of a total of 59.29 acres. These applications were submitted and accepted on March 8, 2021. Due to delays with ACHD and ITD reviewing the applications, staff had postponed the public hearing several times from its original hearing date of May 4, 2021. The applicant is requesting three permits; first a conditional use permit to allow residential and commercial within the L-O zoning which is in the 10-acre portion of the site and a retirement home within the R8 zoning; second, a preliminary plat to plat the parcels; and third, a private street permit to allow the 28-foot-wide private street with no on-street parking. The applicant is also seeking to install a large commercial sign visible from Highway 16.

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Nicolette Womack 950 w. Bannock Street, Boise

Mrs. Womack is also a co-applicant and testified the project includes 52.29 acres and is made up of 257 townhomes; eight single-family homes; 21 commercial lots and a retirement home. The average lot size sizes are shown in the application and have an overall residential density of 7.58 units per acre. There will be a private gated road system and a complete walking path system. The applicant is requesting townhome setback waivers and height variance from the 35-foot code requirement to 38 feet six inches which will add to the roofline aesthetics.

PUBLIC TESTIMONY**Jeff Riggs with Barron Properties**

Mr. Riggs testified he is the developer of Star Crest Ranch and wants to have the ability to participate in the development agreement and the cost sharing. He supports the Riverwalk Plan and he is building a walkway all the way down to the river on his project with a public parking lot. He wants to see the light at Moyle installed right away. He is in favor of the large sign visible from the highway. He does not want the council to approve anything tonight that should be part of the development agreement because he still has details to work out with the applicant.

Jerry Arbiter 351 S. Crystal Springs Lane, Star

Mr. Arbiter stated his property is adjacent to the project and he is in support of it. There is an irrigation ditch on the Larsen property that provides irrigation water to the four lot owners in the Springwood Subdivision. Arbiter stated Mr. Larsen has agreed to take no action which will impair irrigation capabilities and further will consider installation of some other means such as an irrigation pipe to the existing point of diversion for the four lots. Mr. Arbiter testified the developer has also agreed to install an earth berm and a six-foot privacy fence along the north boundary between his property and our property.

David Ray 446 S. Rivermist, Star

Mr. Ray testified the density of the project is too high and will add too much additional traffic. He also expressed concerns about water shortages.

Jason Dickman 899 S. Crystal Springs Lane, Star

Mr. Dickman testified his property is directly to the west of the Larsen's. He requested more time to address the emergency access point planned to his and the neighbor's private road. He was not in objection to the project but wants a chance to talk to neighbors and Mr. Larsen about where the access point would be located and if it is not a requirement then he would prefer that it is removed from the project.

APPLICANT REBUTTAL**Paul Larsen 855 S. Calhoun Place, Star**

Mr. Larsen stated Mayor Chadwick had expressed concerns about not having access roads and blocking the area off entirely. He is willing to work with Mr. Dickman and the neighbors on the location of the emergency access road. Mr. Larsen said the density of the project had been reduced from the original plan and was actually less than what was allowed.

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Mayor Chadwick closed the public hearing at 10:05 p.m. and moved to council deliberations.

- Motion made by Council Member Keyes TO APPROVE with the following conditions: the ability to keep the development agreement negotiation open until a future date; that we grant a variance to our height standard to allow the applicant to build the retirement building to 38 feet six inches; that we require an easement for bridges and a pathway along the south side of the river on the applicant's property; that we include a berm and fence on the northern boundary of the Arbitrator's property; that the applicant's contribution to the signalized intersection at Moyle will not exceed 35 percent; that we include setbacks as proposed by the applicant; that we include emergency access to crystal springs road as proposed; and that we include the architectural designs and adopt them into the development agreement and others as they come up during our negotiation. Seconded by Council President Hershey. Voting Yea: Council President Hershey, Council Member Keyes, Council Member Salmonsén. Motion carried.

D. Iron Mountain Vista Subdivision (AZ-21-14 / DA-21-21 / PP-21-18) Annexation, & Zoning, Development Agreement & Preliminary Plat

Public hearing opened at 10:10 p.m. Councilman Keyes noted that he had at one time been interested in the property this where this project is proposed. No ex parte contact was reported.

APPLICANT

Nicolette Womack with Kimberly Horn 950 W. Bannock St., Boise

Mrs. Womack stated the applicant is seeking approval of Annexation and Zoning (R-3-DA), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 46 residential lots and 4 common lots. The property is located on the north side of W. Floating Feather Road, approximately 650 east of N. Pollard Lane in Star, Idaho, and consists of 16.46 acres with a proposed density of 2.79 dwelling units per acre. Ms. Womack pointed out the connectivity access points with neighboring developments and Star Junior High School.

She testified there is emergency fire access to the southeast. The applicant addressed agency comments from Star Sewer & Water and ACHD and agreed to comply with the terms and conditions. Pressure irrigation will be coming from a private well.

Keyes asked where the pump house for the well would be located. Ms. Womack deferred his question to Jay Walker.

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Mr. Walker said the pump station was added to the northwest corner of the project in a common lot.

Keyes asked about a domestic well located in the southeast corner of the property and what the applicants' intentions were for it. Walker indicated the previous owner of the property had his own well and potable water and had a gentleman's agreement with two other neighbors to supply them with water. Mr. Walker said a full title search was done and there is not an easement or conveyed rights between the previous owner and the two neighbors. The applicant has placed the water source in a common lot next to their emergency access and they will make sure an easement is put in place to make sure the neighbors have water.

Keyes said the landscaping plan did not meet city standards. Applicant said they would be willing to include required landscaping as a condition of approval.

PUBLIC TESTIMONY*Blake Estes 8932 Floating Feather Road, Star*

Mr. Estes stated he is one of the property owners that uses the well on the project property. He is concerned that his access to water remain intact. He was unable to find any written agreement with the previous property owner and his property. The lines that run from the pump house go across the back of one of the common areas which is where his well and wellhead is. He wants to make sure that he has some sort of easement to service the lines if needed. He is also concerned about running out of water with 45 other homes using that well.

Keyes asked who was paying the power bill for the pump. Mr. Estes said he and his neighbor split the cost of the power and any repairs.

Jeff Robbins 8866 West Floating Feather, Star

Mr. Robbins lives next door to the Estes. HE testified Worsley Lane is a private road that goes through his property. He asked for clarification on how the proposed fire road will be handled.

Chadwick explained that it would be a fire emergency access road only as required by the fire department.

APPLICANT REBUTTAL*Jay Walker with Kimberly Horn 950 W. Bannock St., Boise*

The 30-foot easement will have an all-weather surface and the placement was coordinated with the neighbors in responses to their access needs. Chadwick wants to know what the applicant is going to do to protect the two neighbors' access to water. The applicant agreed to put together a protective easement with the necessary documentation through a legal venue attorney that will reference their shared well agreement they have between each other.

Mayor Chadwick said he wants that added to the Development Agreement in perpetuity.



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Keyes asked if the applicant would you be willing to give up the emergency access easement even though it's still maintained as a maintenance easement once the project's northern secondary access was established. The applicant said if the Fire Department agreed with that, they would agree with the addition to the Development Agreement.

Mayor Chadwick closed the Public Hearing at 10:37 p.m. and moved to council deliberations.

- Motion made by Council Member Keyes to approve with the following additions to the Development Agreement: the applicant agrees to put together an easement to protect the maintenance access for the domestic well for the off-site users, the applicant will put together an agreement with the permission of the fire department to vacate the emergency access portion of the easement of Worsley Lane but maintain it as a maintenance access for the well, and the elevation presented at tonight's meeting are included. Seconded by Council President Hershey. Voting Yea: Council President Hershey, Council Member Keyes, Council Member Salmonsén. Motion carried.

Mayor Chadwick adjourned the meeting at: 10:37 p.m.

ATTEST: _____

Trevor A Chadwick, Mayor

Jacob M Qualls, City Clerk / Treasurer



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CITY OF STAR PUBLIC HEARING TESTIMONY

5 - For
 4 - Against
 1 - UNCOM.

Subject: **EAST STAR RIVER RANCH SUBDIVISION**

Date of Council Meeting: **TUESDAY, NOVEMBER 16, 2021**

TESTIMONY LIMITED TO NO MORE THAN THREE MINUTES

Name	Address	PLEASE CHECK			Would Like to Speak
		For	Against	Uncommitted	
X Rhonda Leslie	674 S Aspen Lakes		X		X
✓ Flo Wheeler	109 S Barklin Way		X		
X Jeff Ziegler	1401 17th St. Suite 200 Denver, CO	X			X
✓ Greg Hector	520 W. Bayhill DR. Nampa, ID.	X			
✓ MATT RIGGS	1401 17th St. Denver, CO	X			
X Paul Larson	855 S Cathlamet Pl	X			X
X Jay Walker	849 E STATE St, EAGLE	X			X
X David Ray	446 S. Rivermist Ave		X		X
X Quisha Roy	446 S. RIVERMIST AVE		X		
X Theresa Jepsen	459 S Rivermist Ave		X		
X Keith Jepsen	459 S Rivermist Ave		X		
X Brianna Reynolds	11021 W Garverdale Ln Apt 103 BOISE, ID	X			
X Tim Tyree	618 W FRANKLIN BLVD	X			
X Lee Cooper	150 W PRODUCE	X			
X Bill Hernandez	10367 W. Bell Fourquet			X	
X Jason Dickman	899 S Crystal Springs Lans.	X		X	X



CITY OF STAR, IDAHO
CITY COUNCIL REGULAR MEETING MINUTES

City Hall - 10769 W State Street, Star, Idaho
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CITY OF STAR
 PUBLIC HEARING TESTIMONY

13 - No's
 1 - undecid.

Subject: **LANDYN VILLAGE SUBDIVISION**

Date of Council Meeting: TUESDAY, NOVEMBER 16, 2021

TESTIMONY LIMITED TO NO MORE THAN THREE MINUTES

PLEASE PRINT

PLEASE CHECK

Would
 Like to

Name	Address	For	Against	Uncommitted	Speak
X Larry Goodman	490 S. Rivermist Ave		X		+
Patty Goodman	490 S Rivermist Ave		X		
JAMES T Thompson	512 S RIVERMIST AVE		X		
Susan Buehns	468 S. Rivermist Ave		X		
Kathi E. Talcott Arbitr	351 S. Crystal Springs Lane		X		
Jason Didman	899 S. Crystal Springs			X	
Flo Wheeler	109 S Barkvine Way		X		
Rhonda Leslie	674 S Aspen Lakes		X		
Roz Whitman	9282 W. Deerfoot Dr.		X		
SCOTT LIEBERG	642 S. STREAM LEAF		X		
MARK LAWLER	576 S. RIVERMIST AVE		X		
X Jeff Cresto	9257 W. Wildbranch Dr		X		X
X Steve Arnold	1755 Whisper Cove	X			X
X Josh Leonard	251 W. Front #310, Boise		X		X
X JERRY ARBITER	351 S. Crystal Springs Lane		X		X
X David Ray	446 S. Rivermist Ave.		X		X



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CITY OF STAR
 PUBLIC HEARING TESTIMONY

Subject: **LANDYN VILLAGE SUBDIVISION**

Date of Council Meeting: TUESDAY, NOVEMBER 16, 2021

TESTIMONY LIMITED TO NO MORE THAN THREE MINUTES

PLEASE PRINT		PLEASE CHECK			Would Like to Speak
Name	Address	For	Against	Uncommitted	
CYNTHIA RAY	4416 S. RIVERMIST, STAR		X		
Keith Jepsen	459 S. Rivermist, Star		X		
Theresa Jepsen	459 S. Rivermist Star		X		
✓ RICHARD LUBBER	551 S. CRYSTAL Sp. LN	X			
✓ Linda Lubbers	551 S. Crested Sp Ln	X			