



CITY OF STAR, IDAHO
CITY COUNCIL REGULAR MEETING NOTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, June 04, 2024 at 7:00 PM

Mayor Chadwick announced a late start to the meeting as there are some technical issues staff is working on.

1. CALL TO ORDER – Welcome/Pledge of Allegiance

Mayor Chadwick called the meeting to order at 7:17 pm and led the Pledge of Allegiance.

2. INVOCATION – Bishop Scott Snelders, 2nd Ward Church of Jesus Christ of Latter-Day Saints

Bishop Snelders offered the invocation.

3. ROLL CALL

ELECTED OFFICIALS: Mayor Trevor Chadwick, Council President David Hershey, Council Members Kevan Wheelock, Jennifer Salmonsens and Kevin Neilsen (via remote).

STAFF: City Attorney Chris Yorgason, City Clerk – Treasurer Jacob M Qualls, City Planning Administrator Shawn Nickel, Public Information Officer Dana Partridge, City Engineer Ryan Morgan, Middleton/Star Fire Chief Victor Islas, Star Police Sergeant Travis De Bie and Assistant City Planner Ryan Field.

4. CONSENT AGENDA (ACTION ITEM) **All matters listed within the Consent Agenda have been distributed to each member of the Star City Council for reading and study, they are considered to be routine and will be enacted by one motion of the Consent Agenda or placed on the Regular Agenda by request.*

A. **Approval of Minutes** - April 16, 2024

B. **Approval of Claims**

C. **Findings of Fact / Conclusion of Law** - Milled Olive Reconsideration **(CU-23-06)**

D. **Final Plat** - Naismith Commons Phase 3 **(FP-24-02)**

E. **Easement Vacation** - Star Crest Ranch Apartment Property **(VAC-24-01)**

- Council Member Salmonsens moved to approve the consent agenda with one change to item 4A on page 10 in the Milled Olive deliberation section, food truck hours are Monday to Sunday 8 a.m. to 10 p.m., Approval of Claims minus the Garret Parks and Play claim of \$160,487.80; Council President Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Neilsen – aye. Motion carried.

5. PUBLIC HEARINGS with ACTION ITEMS:

A. **PUBLIC HEARING – UNIFIED DEVELOPMENT CODE Updates** - The Mayor and Council will hear testimony regarding updates to the Unified Development Code: CHAPTER 1 THROUGH CHAPTER 8: UPDATES TO INCLUDE BUT NOT LIMITED TO ADMINISTRATIVE AND REGULATORY PROCESSES, APPLICATION CRITERIA, IMPLEMENTATION, PURPOSES, DEFINITIONS, APPLICABILITY, ZONING DISTRICT STANDARDS AND REGULATIONS, SPECIFIC USE STANDARDS, SUBDIVISION REGULATIONS, PLANNED UNIT DEVELOPMENTS, DESIGN AND DEVELOPMENT STANDARDS FOR SIGNS, BICYCLE PARKING, LANDSCAPE AND BUFFER AREA STANDARDS, LIGHTING AND STREETLIGHT STANDARDS, SIDEWALK STANDARDS UPDATE, DESIGN REVIEW AND DEVELOPMENT STANDARDS **(ACTION ITEM)** *Continued from May 7, 2024*

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City Planning Administrator Shawn Nickel presented the updates staff had suggested in Title 8 of the Unified Development Code. This hearing is a continuation from previous May hearing where staff was asked to make some minor revisions. Built to Rent Specific References, definitions, zoning district uses, landscape buffering, exterior building elevations and fencing were part of the revisions.

Built to rent and the animal section was removed from the ordinance to be brought back at a later date.

Todd Collins, 4718 N Echo Summit Way addressed concerns with items including the public hearing process, pre-application meetings, neighborhood meetings and posting of public hearing notices. The largest concern for him are the neighborhood meetings because the administrator is given the decision as to whether or not the meetings will take place, if he decides there isn't there isn't the opportunity for public input. The next concern is that the indefinite deferral process should include comprehensive plan changes. In the section regarding annexation and rezones he feels a comprehensive concept plan should be required rather than possible; he wonders how a development agreement can be done without a concept plan. He said another administrator control item is that the administrator may waive standards. He pointed out a type regarding certificates of zoning. Conditional use exceptions and waivers to the standards includes that the use could be changed. He believes public hearings are required for vacation of plats as opposed to vacation of easement. Terms of accessory structure is under administrator control for CBDs which takes away public input. He discussed section 8-3-A4 regarding 5-foot setbacks, he also discussed residential districts stating that this is in administrator control change taking public comment away. Architectural styles, grading and hillside development stabilization and landscaping were discussed. He said that at least 7 new powers of authority have been granted to the administrator that could reduce public input, he feels a planning and zoning commission should be established to protect the interests of the citizens.

Shawn Nickel stated that it is important to understand the administrator control is in no way to remove the process from the public these are administrative applications or intended to provide flexibility for the process, meeting with applicants in advance of application. Same with the neighborhood meetings, there is not an intent to take annexations or subdivisions out, it is for minor applications. Vacation of the plats are allowed under Idaho Code; vacation of utilities go before the council but not a public hearing and will revise it is for utility vacations only, it will be made clear it is for utility vacations only. Accessory setbacks, several of the councilmembers did not want to regulate for a 5' setback and had put should in order to provide the homeowner to have a setback and that are considered mobile, the intent of the council was to allow them to come up to the fence line. It was clarified that nothing under 200 square feet would require a building permit. Shawn said that under the residential district section that administrator refers to staff and that is part of the architectural committee. Regarding dwelling unit design, that has been changed to say exterior elevations. Grading was changed to city engineer for sign off, timing for grading was discussed as being set using the federal requirements.

Councilmember Neilsen questioned the intent on the neighborhood meeting. He also discussed setbacks, he recalled the primary concern was between primary structures rather than accessory structures so there doesn't end up being one or two feet between lot lines. Fire Chief Victor Islas said the concern is shortening the portion between the house and fence and take the allowance for the HVAC utilities and then add the shed and that gives a small pathway. Councilmember Neilsen suggested that maybe some additional language to not allow anything to interrupt the primary setback but still maintain property rights on the back of the property where setbacks don't matter.

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Shawn discussed scenarios where neighborhood meetings wouldn't be necessary, like a development code amendment, as well as applications, such as vacations of utility easements, that come to the council but aren't public hearings. What was trying to be fixed in this section was discussed. Removing that wording and further defining what requires a public hearing was decided as a solution.

Todd Collins discussed concerns with the wording on conditional uses. City Attorney Chris Yorgason said that conditional use applications always have a public hearing there are a number of ways to get alternate standards for a project and a CUP could be used. The way it currently reads it could not be used under the current zoning code, by changing the wording public could still comment and gives more flexibility for landowner and allows public comment. Shawn said this is specific to Planned Use Development ordinance and uses not normally allowed. Examples were discussed. Todd stated the uses are already changed under conditional uses, would now allow light industrial to be brought into R1 zoning, potentially industrial could be put into residential or a PUD. He said every other city he has looked at has "every other use" wording. Chris said it allows applicants to ask but doesn't necessarily allow those to be brought into residential zones. It would still go through the neighborhood meeting and public hearing processes and the council would make the decision. If the council wants the additional flexibility the change should be made. It was clarified this would make the Conditional Use process similar to the Planned Unit Development process. Councilmember Neilsen feels it makes it unclear and more of a gray area. Councilmembers feel it should remain "other than".

Councilmember Salmonsén discussed the Conditional Use Table regarding convenience stores with and without fuel. She also discussed exterior elevation styles, there was discussion about preventing cookie cutter mirrored houses. Definition for differences in floor plans was discussed.

Councilmember Salmonsén reviewed the section regarding Christmas tree, dates regarding when sales can take place will be made consistent.

Mayor Chadwick closed the hearing at 8:08 p.m.

Councilmember Salmonsén reviewed changes to be made included side yard setbacks and concept plans. It was stated that concept plans can change and not every applicant that brings a rezone has the concept planned at that point, the drawings may not be created up front. The public may want to know what will go there but the looking at the property owner's side also, there needs to be flexibility for the smaller projects.

Councilmember Wheelock asked to hear staff's comments regarding residential districts, administrator decides on architectural treatments and overhangs. Shawn said that is decided by the committee rather than the council. The staff process was reviewed.

Shawn read the changed that will be made that included better defining the preapplication meeting / neighborhood meeting to fall into categories, Christmas tree lot standards, change the specific punctuation, staff will number correctly before codifying, conditional use section take out the or and just have "other than use", modify the vacation plats to clarify that only the vacation of utilities would be a consent type of item, modify setback accessory structure wording, grading change to city engineer, punctuation stope vs slope, setback standards, conditional uses on the table correction, convenience stores with and without fuel stations.

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- Councilmember Salmonsensen – moved to approve UDC updates with the changes as stated; Councilmember Hershey seconded the motion. - ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsensen – aye; Neilsen – aye. Motion carried.

B. PUBLIC HEARING - Municipal Code Updates - The Mayor and City Council will hear Public Testimony on updates to Sections of Title 1 through 7 and Title 10 for amendment UPDATES TO INCLUDE BUT NOT LIMITED TO ADMINISTRATION, BUSINESS AND LICENCE REGULATIONS, HEALTH AND SANITATION, PUBLIC SAFETY, MOTOR VEHICLES AND TRAFFIC, PUBLIC WAYS AND PROPERTY, BUILDING REGULATIONS AND FLOOD CONTROL **(ACTION ITEM)** *Continued from May 7, 2024*

Mayor Chadwick opened the hearing at 8:22 p.m.

City Planning Administrator Shawn Nickel reviewed Municipal Code Titles 1-7 and 10, changes are to Titles 3-7. Staff worked with the Police Chief after the last meeting to come up with wording for alcohol as well as removing the animal ordinance to be brought back at a later date to allow time to review state guidelines.

Mayor Chadwick said Chief Hessing and the legal team are supportive of the wording for the alcohol changes and feel it is defensible

Councilmember Salmonsensen asked if this means alcohol vendors at events must have their drinks in clear cups and cannot sell cans or bottles. Assistant City Planner Ryan Field said this language came from Terry Derden at Ada County sheriff's office and is currently used in Boise, he doesn't have an answer he will defer and bring an answer back later. Councilmember Salmonsensen said the vendor may want to sell it in the original can rather than pouring it into a cup. Ryan said his interpretation is it would have to be poured into a clear cup. It was clarified that the permit section, and events covered under that section, isn't changing. Unless there is a permit to do something different this would be the rule.

Mayor Chadwick closed the hearing at 8:31 p.m.

- Councilmember Salmonsensen said she is comfortable with all the changes, and moved to approve the municipal code updates as presented with one change in 4-9-3-a with change of to or; Councilmember Wheelock seconded the motion. - ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsensen – aye; Neilsen – aye. Motion carried.

Mayor Chadwick recessed the meeting at 8:33 p.m.

Mayor Chadwick reconvened the meeting at 8:28 p.m.

C. PUBLIC HEARING-Erlebach Properties (FILE: AZ-24-02, DA-24-02 & PR-24-01): The Applicant is requesting approval of an Annexation & Rezone (R1), Development Agreement and private road consisting of 32.64 acres. The property is located at 23853 Can Ada Road, Star, Idaho 83669. The future intent is to create 4 buildable lots. **(ACTION ITEM)**

Mayor opened the public hearing at 8:40 p.m. He reviewed hearing rules asked if there was any ex parte contact to report; none was reported.

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City Planning Administrator Shawn Nickel presented the application reviewing zoning and stating that the applicant is requesting to develop 4 residential lots and two private streets. Noticing and site posting has been done in compliance with code. There are no late exhibits, staff is recommending with approval with conditions that would be included in the development agreement if approved. He provided the location and conceptual plan for the property. Shawn discussed the topography being mostly hillside, he said the city engineer has reviewed the application. Councilmember Neilsen mentioned is it quite steep.

Dave Erlebach, 17801 Steel Court Falls, Nampa discussed the development. His family and a friend will own each of the lots. It does have a considerable slope to it. He said at some point additional lots could be put on 1 acre parcels at the bottom of the property.

Councilmember Salmonsens asked about the street being a private street. She asked about the 4 way stop at Can Ada Road and wondered about maintenance of the frontage on the foothill road. Their plan would be to keep that maintained. She said there is a section on Floating Feather owned by ACHD that gets out of control weeds. She asked if he would be open to a condition of maintenance along the road to which Dave said they would agree to that. It was verified there are no fencing restrictions except that there be no barbed wire or chain link. The blind corner in that area was discussed.

All four units will have fire sprinklers, Dave understands that is based on square footage. Whatever is required will be done. City Engineer Ryan Morgan said there are currently no fire hydrants in the area and the elevation is higher than water pressure can service so that requires the sprinklers to be included. Fire Chief Victor Islas stated that due to the elevation fire sprinklers will be required in each of the structures on all of the lots. The lower lots wouldn't have restrictions as they would be lower elevation and able to have access to hydrants.

Robert Hime, 23996 Camadrie Lane, Star said his property touches on the north end, he is the president of the Camadrie Heights HOA which owns Camadrie Lane. The map he was sent shows a driveway leading from lot 4 southward to almost Foothill and then jogs to Camadrie Lane. Shawn Nickel verified that is what is in the proposal. Robert stated Camadrie is a private road and they would like to keep it that way rather than allowing other properties to access it. He said a neighborhood meeting was held to discuss the access to the private road. He said the proposal for use of or easement on the private road hasn't been discussed with the owners of the private road, they haven't given consent for an easement. Shawn Nickel stated that one of the proposals would be a driveway along Camadrie Lane and then access the highway district public right of way.

Laura Scott 23945 Camadrie Lane said they were not aware that was public access, her question is that if the rest of the property below lot 4 is divided is that the access they would use. She is only opposed to the access being connected to Camadrie Lane. Shawn Nickel said the proposal is only for the annexation rezone and can adopt a conceptual plan and a private street on lot 4. Any future development would have public process, his understanding is that the highway district would allow another road between Camadrie and Can Ada Road according to the district.

Michael Scott – 23945 Camadrie Lane said one of the things recently talked about was a driveway to cut into Camadrie Lane and though maybe that could be an add on to the HOA to contribute to HOA maintenance of the road, that might help to save money and help with the road. Shawn Nickel said staff would prefer that option if the HOA would allow that. That would require an easement and a contract with the HOA.

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It was verified that a preliminary plat would not be required as there are two parent lots with one split each.

Dave Erlebach said they were originally going to come off Can Ada and city would not allow that so they would need a frontage street. The county suggested the spin off which they don't like, they would much rather come up Camadrie and go somewhere in the middle. Working with the HOA would be the best solution.

Future developed parcels would not access Camadrie, they would tie in to Foothill. Lot 4 is the only parcel that would be allowed access to Camadrie.

Shawn Nickel said the city cannot force access off another private street, it is up to highway district and this is a very unique and with a bit of public right of way along the stretch, that is what the district is recommending.

Councilmember Salmonsens wondered about adding future sidewalk requirements for further development as a condition. That would be recommended if frontage were on Foothill.

Ryan Morgan circled back to discuss slope of the properties, with the exception of one small corner, all are under 25% slope range.

Mayor Chadwick close at 9:15 p.m.

Councilmember Wheelock supports the application and likes that they are going to work with the neighbors to have lot 4 join Camadrie Lane. He said it is a nice open project.

- Councilmember Hershey – moved to approve the Erlebach Properties annexation and rezone to R-1 and Development agreement with a condition of approval to maintain the vision triangle at the intersection of Can Ada Road and Foothill, removing bushes and trees as necessary, and a condition recognizing that the private street for Lot 4 will not be necessary if the developer and the owners of Camadrie Lane come to an agreement on access for Lot 4 only which would include the recordation for an access agreement along that roadway; Councilmember Salmonsens seconded the motion. -
ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Neilsen – aye. Motion carried.

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. **Shuttle Bus** - Approve / Authorize Purchase of 2004 E450 Shuttle Bus in the amount of \$16,999 (**ACTION ITEM**)

Mayor Chadwick discussed the shuttle bus; it will be utilized by the parks and recreation department to shuttle kids for various programs. Currently a rental is being used.



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- Council President Hershey moved to by the E450 Shuttle at the listed price of \$16,999; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Neilsen – aye. Motion carried.

B. ORDINANCE 403-2024 & DEVELOPMENT AGREEMENT - AN ORDINANCE ANNEXING TO THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO; MORE SPECIFICALLY LOCATED ON STUMP LANE, IN STAR, IDAHO (CANYON COUNTY PARCEL R34001010) AND CONTIGUOUS TO THE CITY OF STAR; THE PROPERTY IS OWNED BY MARY AND JOSEPH WATSON; ESTABLISHING THE ZONING CLASSIFICATION OF THE ANNEXED PROPERTY AS RURAL RESIDENTIAL WITH A DEVELOPMENT AGREEMENT (RR-DA), OF APPROXIMATELY 7.17 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)**

- Councilmember Salmonsens moved to introduce Ordinance 403-2024 and development agreement and pursuant to Idaho Code Section 50-902 the rule requiring an ordinance to be read on 3 different days with one reading to be in full be dispensed with and that Ordinance 403-2024 be considered after reading once by title only; Council President Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Neilsen – aye. Motion carried.
- Councilmember Salmonsens read the title of the Ordinance and moved to approve Ordinance 403-2024 and Development Agreement an ordinance annexing to the City of Star certain real property located in the unincorporated area of Canyon County, Idaho; more specifically located on Stump Lane, in Star, Idaho (Canyon County parcel r34001010) and contiguous to the City of Star; the property is owned by Mary and Joseph Watson; establishing the zoning classification of the annexed property as rural residential with a Development Agreement (rr-da), of approximately 7.17 acres; directing that certified copies of this ordinance be filed as provided by law; providing for related matters; and providing for an effective date; Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hershey – aye; Wheelock – aye; Salmonsens – aye; Neilsen – aye. Motion carried.

7. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 9:23 p.m.