

**SUGAR CITY PLANNING & ZONING MEETING MINUTES**  
**REGULAR MEETING OCTOBER 19, 2017**

**Commissioners in attendance:** Dave Thompson, Jeanne Wright, Quinton Owens, Sean Bartholick, Clay Rasmussen  
**Others in attendance:** Shelley Jones, Paul Jeppson, Cliff Morris, Greg Venema, Joy Ball, Mark Daybell, Enrique Reyes

**7:13 p.m.**

The meeting was called to order by Dave Thompson

Pledge of Allegiance

**7:15 p.m. Minutes:**

The minutes of **October 5, 2017** were reviewed

Motion to approve the minutes after our land use discussion and amendments: Jeanne Wright

Motion 2<sup>nd</sup>: Sean Bartholick

Discussion on the motion: none

Motion carried

**7:23 p.m. Council Meeting Report by Councilman Greg Venema:**

- The city council approved the final plat for Ray McDougal in Old Farm Estates Division #2.
- The YMCA is doing a feasibility study and has had positive feedback from the community.
- A flyer of the water project that is up for vote November 7 will be handed out to citizens before the election to better inform them.
- The council is reviewing the animal ordinance.
- A judicial review is pending concerning Old Farm Estates Division #3 as mediation failed.

For a full report, see the council minutes for October 12, 2017.

**7:27 p.m. Discussion on Potential Duplex located at 220 S. Teton**

Enrique Reyes bought Dalen Tolman's property which previously had been reviewed for becoming a duplex. Mr. Reyes would like to continue with Mr. Tolman's plans for the property. He wanted to know what the Planning & Zoning had requested of Mr. Tolman. The P&Z had a public hearing on Mr. Tolman's Special Use Permit to allow his home to become a duplex on August 23<sup>rd</sup>, 2017 and recommended approval to the city council. The commission shared with him their concerns for having enough parking spaces for 2 units. Mr. Tolman had agreed to expand his front driveway 2' in width to make sure he had ample parking for two units. Mr. Reyes assured the P&Z that he would follow the city's code in making any modifications to the home.

**7:50 p.m. Discussion on Business Park Lot 8 Block 2**

The plan for this property will go before Design Review. The P&Z commission was filled in on what the landowner wants to do with the property, which was to be storage units, but now wants building to be 4 sections to rent out for business use. They had some items to notify the builder of, which would be beneficial for him to have on his drawings before going to Design Review.

**8:23 p.m. Discussion on Land Use Ordinances for Tiny/Cottage/Patio Homes:**

Motion to amend the agenda to not have *ordinance* discussion but to discuss land use definitions: Jeanne Wright

Motion 2<sup>nd</sup> by: Sean Bartholick

Discussion on the motion: none

Motion carried

**8:25 p.m. Discussion on Land Use Definitions:**

Dave Thompson gave an update on the Land Use Map. It is going to be printed with new colors and hash marks to make it easier to read and make it more congruent with all city maps. There was discussion on cargo homes being added to the Land Use Schedule. The commission felt that cargo homes would most likely not be an issue in the near future for our community so did not add cargo units to the Land Use Schedule at this time. The commission reviewed the definitions from our last meeting.

Changes and additions to definitions are in red.

**Definitions reviewed:**

Apartment: ~~In a multi-family dwelling, one or more rooms are designed as one separate housekeeping unit to be rented, including permanently installed kitchen and bathroom.~~ An individual dwelling unit intended for rental use.

Auction Establishment: An establishment where auctions are held to sell off items for profit or non-profit.

Cluster Homes: A subdivision technique where 8-10 dwellings are grouped close together with a common area shared by the 8-10 dwelling cluster.

Cottage/Patio Homes: A single family dwelling on a small lot, ~~often with~~ can have one wall of the home abutting the property line. Patio homes have no common ~~structural~~ walls with adjoining structures, ~~but their~~ and can have one zero lot line. ~~walls may form part of a neighbor's back or side yard fence/wall. The lot may have a small back or side yard suitable for a patio or garden.~~

Dwelling Unit: ~~One or more rooms, as within a multi-family dwelling, arranged as a separate housekeeping unit, including permanently installed kitchen and bathroom.~~ A single unit providing complete independent living facilities for one or more people, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Manufactured Home: A single family dwelling fabricated in one or more sections at a location other than the home site, each section bearing a label certifying compliance with federal manufactured home construction and safety standards, June 15, 1976, also meeting HUD ~~and building code~~ standards.

Modular Home: A single family dwelling involving a module or modules as a basis of construction fabricated at a location other than the home site but built to the adopted building code standards of installed location.

Machine Shop: A room, building or company where machining is done to make parts usually of metal, plastic, glass or wood.

Multi-family dwellings: A ~~detached~~ building containing two or more dwelling units. Under this definition, twin homes, townhouses, condominiums and apartments are multi-family dwellings, as are duplexes, ~~three~~ tri-plexes, six-plexes, etc.

Pre-Fabricated Homes: See Modular and Manufactured Homes.

Public utility yard: Land used for storage of materials, equipment or operations related to providing public utility services.

Tiny Home: A single family residence of 400 sq. feet or less, excluding a loft area.

Travel Trailer: A vehicle equipped with wheels capable of unrestricted highway use, intended for temporary human occupancy and for vacation travel or recreational purposes; includes, but not limited to, travel trailers, motor homes, ~~and~~ camper units.

Travel Trailer/~~Tiny Home/Recreational Vehicle~~ Park: A parcel intended for rental of spaces for temporary placement of travel trailers, ~~recreational vehicles or tiny homes.~~

Warehouse and Storage: A. Limited: Storage space for personal property or commercial goods in an enclosed area without direct public ~~access~~ access to individual storage spaces. Excludes operations such as wholesaling, distribution, limited access mini-storage and vehicle storage.

Wood Processing Plant: The production of forest products, such as pulp and paper, construction materials and tall oil.

Items for future discussion:

Tiny, patio & cottage homes need to have front porches. (Save for PUD area)

Cottage & Patio Homes shall be 401-1000 sq. feet maximum.

Single Family, Tiny Homes, Patio & Cottage Homes that are less than 1000 sq. feet must be clustered.

Floor Area Ratios

**10:20 p.m.** Motion to approve the minutes as amended after reviewing Land Use Definitions by: Sean Bartholick

Motion 2<sup>nd</sup> by: Jeanne Wright

Motion carried

**10:22 p.m. Discussion on City Application Procedures**

No report

**10:22 p.m. Discussion on Association of Idaho Cities Training**

No report

**10:23 p.m.**

Motion made by Quinton Owens to read letter from Vaun Waddel

Motion 2<sup>nd</sup> by: Sean Bartholick

Jeanne Wright read Mr. Waddell's letter to the commission. Letter is attached to these minutes.

**10:35 p.m.**

Motion to adjourn the meeting: Jeanne Wright

Motion 2<sup>nd</sup> by: Quinton Owens

Motion carried

Meeting adjourned. Our next regular P&Z meeting and a public hearing will be held November 2, 2017 @ 7:00 p.m.

October 5, 2017

David Thompson, Chairman  
Planning and Zoning Commission  
Sugar City ID 83448

Dear Mr. Thompson:

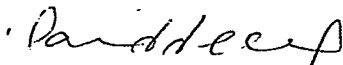
Notice appeared in the *Standard Journal* on October 3, 2017, of a public hearing to be held before the Sugar City Planning and Zoning Commission on October 19, 2017, "regarding: Land Use Schedule, Definitions & Map Revisions."

Minutes of recent Planning and Zoning meetings do not contain any P&Z action to set such a public hearing. Citizens for the Rule of Law request to be informed when the decision was made to hold this public hearing and by whom.

In light of the item on today's meeting agenda, "Discussion on Land Use Schedule, Definitions & Map & Possible Setting of Public Hearing Date," the publication appears to circumvent the requirement in Idaho Code and the City Code for 15-day public notice of a decision to conduct a public hearing. Actual discussion, today, on this agenda item, or setting a date for a public hearing, would nullify the publication already before the public, calling for a new publication.

Further, Citizens for the Rule of Law have challenged the City's application of MU-1 and MU-2 zones in a Motion for Reconsideration. The City Council denied the Motion, but Citizens have filed a Petition for Judicial Review, meaning that the matter is pending a legal decision. If the P&Z chooses to revise the land use schedule on the subject of MU-1 and MU-2 zones at the present time, the challenge would expand: has the P&Z demonstrated in reasoned argument that proposed revisions are consistent with the Comprehensive Plan? Absent such demonstration, Citizens would conclude that the points of revision in these zones is in violation of the Idaho Local Land Use Planning Act.

Sincerely yours,



Vaun Waddell  
Member, Citizens for the Rule of Law