

SUGAR CITY PLANNING & ZONING MEETING MINUTES
REGULAR MEETING OCTOBER 5, 2017

Commissioners in attendance: Dave Thompson, Tyson Harris, Jeanne Wright, Quinton Owens

Others in attendance: Shelley Jones, Vaun Waddell, Paul Jeppson, Cliff Morris, Dylan Anderson, Elaine King, Debra Thompson, Greg Venema

7:45 p.m.

The meeting was called to order by Dave Thompson

Pledge of Allegiance

7:47 p.m. Minutes:

The minutes of **September 21, 2017** were reviewed

Motion to approve the minutes as amended: Jeanne Wright

Motion 2nd: Tyson Harris

Discussion on the motion: none

Motion carried

7:55 p.m. Council Meeting Report by Councilman Greg Venema:

The council reviewed Vaughn Price's application for preliminary plat in Old Farm Estates Division #2, Lot 6, Block 14 and approved it. The council is preparing documents to hand out to the citizens about the water bond election on November 7. They also adopted a resolution for land use for gravel mining. For a full report, see the council minutes for September 28, 2017.

8:00 p.m.

Motion to amend the agenda to go over public hearing protocol for new P&Z members made by: Tyson Harris

Motion 2nd: Jeanne Wright

Dave Thompson went over the protocol for public hearings explaining the steps taken and to let the members know that once a public hearing is scheduled, the members are not to discuss anything about the hearing with each other or the public.

At this point Citizen Vaun Waddell requested a point of order and gave a letter to the P&Z, which the city's attorney Dylan Anderson reviewed and then Jeanne Wright read the letter aloud to the P&Z. The letter is attached to these minutes.

The P&Z went on with their discussion and whether to keep the public hearing scheduled for October 19th for the Land Use Schedule Revisions. It was the consensus to cancel and reschedule the hearing for another time due to the need to clarify some items on the land use schedule and definitions and to update some colors on the land use map.

Commissioner Bartholick was unable to attend the meeting tonight but sent an email to Chairman Thompson concerning the meeting. Chairman Thompson read the email to the Planning & Zoning Commission. Commissioner Bartholick said he noticed that there was a notice of hearing in the Standard Journal. He was concerned because the discussion in the previous meeting as a committee was to complete the schedules and definitions prior to setting the hearing. He felt it was more important to get a finished polished product and then submit it.

Motion made to cancel the public hearing to finish preparing for a hearing at a future date made by: Quinton Owens

Motion 2nd by: Jeanne Wright

Motion carried

8:32 p.m. Discussion on Land Use Ordinances for Tiny/Cottage/Patio Homes:

No report

8:32 p.m. Discussion on Land Use Schedule, Definitions & Map:

The commission discussed clustering on tiny homes with common yards. Amenities need to be prepared to cater to the elderly or young couples which are where the highest demand for cottage homes is.

The commission reviewed the map and felt some of the colors weren't friendly for the viewer and will have some colors changed.

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 dwellings are grouped close together with a common area left for recreation. In effect residents have extremely small yards but can enjoy the large common spaces. 8-10 homes are allowed per acre.

Cottage/Patio Homes: A single family dwelling on a small lot, often with one wall of the home abutting the property line. Patio homes have no common ~~structural~~ walls with adjoining structures, but their 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-plexes, six-plexes, etc.

Pre-Fabricated Homes: See Modular and Manufactured Homes.

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

Tiny Home: A single family residence of 400 sq. feet or less, excluding a loft area. Wheels are removed or on a foundation.

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.

11:58 P.M. Discussion on City Application Procedures:

No report

11:58 P.M Discussion on Association of Idaho Cities Training:

No report

11:58 p.m. Motion made by Quinton Owens to table the balance of the agenda until our next meeting:

Motion 2nd by Tyson Harris

Motion carried

12:00 p.m.

Motion to adjourn the meeting: Jeanne Wright

Motion 2nd by: Tyson Harris

Motion carried

Meeting adjourned. Our next regular P&Z meeting and a public hearing will be held October 19, 2017 @ 7:00 p.m.

October 5, 2017

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

Dear Mr. Thompson:

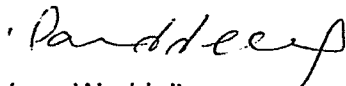
Notice appeared in the *Standard Journal* on October 3, 2017, of a public hearing to be held before the Sugar City Planning and Zoning Commission on October 19, 2017, "regarding: Land Use Schedule, Definitions & Map Revisions."

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