

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, MARCH 12, 2015

Presiding: Mayor Lamont Merrill  
Meeting Convened at 6:30 p.m.  
Prayer: Burch Drake  
Pledge of Allegiance

Present: Mayor Lamont Merrill; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Burch Drake, and Bruce Arnell; Councilman Matt Garner was excused. Vice Chair Christine Lines of the Planning and Zoning Commission; David Caleb Despain of the *Standard Journal*, Citizens Terry Mortensen, Mason and Rachel Guymon, Dan Porter, and Carter Stanford.

Mayor Merrill asked if there were any corrections to the minutes of the regular meeting held on February 26, 2015. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Arnell and seconded by Councilman Drake to accept the minutes; motion carried.

**RECONCILIATION REPORTS:** Wendy presented the February reconciliation reports for the General Fund. It was moved by Councilman Drake and seconded by Councilman King to accept the February reconciliation reports for the General Fund; motion carried. Wendy presented the February reconciliation reports for the Utility Fund. It was moved by Councilman Drake and seconded by Councilman Arnell to accept the February reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$45,393.56. Councilman Arnell suggested the city investigate a joint exercise of powers agreement, which is an arrangement in which the state treasurer invests city reserves/savings per Idaho Code 67-1210A, with the goal of earning a higher rate of return on city resources than paid by certificates of deposit, etc. Clerk-Treasurer McLaughlin will check out the option. It was moved by Councilman Arnell and seconded by Councilman King to pay the current bills, together with all regular March bills; motion carried.

**PLANNING & ZONING COMMISSION REPORT:** P&Z Vice Chair Christine Lines presented to the council the Findings of Fact, Conclusions of Law, and Recommendations of the commission drawn from its Thursday, March 5, 2015, public hearing and discussion (see Attachment 1). The commission unanimously recommends that the City Council approve the application for a zone change from R1 to R3 for the River Bend Ranch property. Testimony was given for, against, and neutral on the requested change, as summarized below:

For:

- Zone change from R1 to R3 for flexibility in types of housing offered, not density
- Sugar City's Comprehensive Plan considered and accommodated
- Sufficient water resources available

Against:

- Noise and smells from nearby farming operations and “city living” are not compatible
- Flooding from the North Fork of the Teton River that runs through River Bend Ranch – “not if but when”

Neutral

- Potato operation waste-water distribution on adjacent fields could become point of contention

Vice Chair Christine “Sam” Lines noted that the commission will not meet on Thursday, March 19, 2015, due to lack of a quorum. The commission would also like more time to study the Comprehensive Plan in light of the newly appointed commissioners and the changes they are recommending.

**PUBLIC HEARING ZONE CHANGE DISCUSSION AND POSSIBLE DECISION:** The council briefly reviewed the Findings of Fact, Conclusions of Law, and Recommendations submitted by the Planning and Zoning Commission. The council is glad for the development but asked for more time to review the material provided and to consider input at the public hearing before making a decision.

**FAIR HOUSING RESOLUTION:** Mayor Merrill read in full the annual Fair Housing Resolution. It was moved by Councilman King and seconded by Councilman Arnell to adopt Resolution 2015-1; motion carried. (See Attachment 2.)

**DEQ WATER RESOLUTION:** Since Mayor Dalling's resignation and the subsequent appointment of Mayor Merrill, it has become necessary to adopt an amended Authorizing Resolution Form B, giving Mayor Merrill authorization to sign “applications, grant agreements and amendments, and other documents relating to drinking water facilities planning grants.” (See Attachment 3.)

**MOTION:** It was moved by Councilman King and seconded by Councilman Arnell to adopt the amended Authorizing Resolution Form B; motion carried.

**LARGE VEHICLE PARKING STREETS:** The council reviewed Public Work's Director Zane Baler's recommendation on streets that could be identified to allow large vehicle parking. Baler looked at streets in the city designed to hold heavy traffic; however, they were either too narrow, or parking large vehicles would block businesses and schools. South Railroad Avenue along the west side of Mayor's Park is the only place that trucks could safely park off the street. The council asked that City Attorney Bill Forsberg draft a resolution, if needed, to be voted on in the next council meeting.

**CITY PARK SCHEDULING/USAGE FEES:** Usage fees need to at least recover the costs to the city of wear and tear on city ball fields. Team games will need to be scheduled. The council asked that Councilman Garner and Clerk-Treasurer McLaughlin update a new fee and use schedule.

**ANIMAL ORDINANCE REVISIONS:** The council discussed at length proposed revisions to the animal ordinance, summarized below:

- Cats likely will need to be licensed
- Smaller animals like chickens, rabbits, etc. possible could be allowed; numbers may need to be limited
- Nanny goats and ewes possibly may be allowed; No billy goats and rams

Councilman King will update the ordinance with the proposed wording revisions in preparation for further discussion and a possible vote next council meeting. Attorney Bill Forsberg will be consulted on Covenants, Conditions and Restrictions (CC&Rs) for subdivisions.

**PSI RATE INCREASE:** The council reviewed the garbage budget in light of an additional 2% rate increase from PSI this March 2015 and a 4% increase last March 2014. The city has not passed on rates for dumpster customers since 2013. For fiscal year 2016, the city plans a possible customer rate increase of 2 to 3%.

**DEPARTMENT REPORTS:**

**COUNCILMAN KING:**

**Ordinance #307 – Official Maps** - Madison County’s public hearing on Sugar City’s Ordinance #307 is scheduled for Thursday, April 9. The ordinance gives primary governing authority to the city in the impact area. The ordinance includes two maps – a boundary map and a zoning map – both for the impact area. Councilman King suggested that the zoning map for the impact area and city be combined. He also suggested that the land use map of the comprehensive plan be combined with the boundary map of Ordinance 307. The two combined maps would reduce confusion and simplify map usage. Establishment of “official” city maps will need to wait until the Madison County Commission adopts Ordinance 307. Councilman King will talk to Attorney Bill Forsberg about whether the boundary and zoning maps of the ordinance were prepared from actual legal descriptions – in other words, if they are accurate.

**COUNCILMAN DRAKE:**

**Glenn Dalling Retirement Party:** The retirement open house for Mayor Glenn Dalling will be tomorrow, Friday, March 13, from 5 to 7 p.m. in the high school commons. Grant Johnson of the Tree and Beautification Committee will serve as emcee for the recognition event. Councilman Drake will present Glenn a plaque. Councilman King would like an opportunity to publicly thank the mayor during the program.

**COUNCILMAN ARNELL:**

**Water Concerns:** Councilman Arnell met with representatives of Forsgren Associates, Inc. There is growing concern about ensuring adequate water and water rights. Arnell gave the council a news report addressing the issues and what local authorities are doing about it. “It is a most important issue,” Councilman Arnell said. Wells with the most recent rights could be shut down during a water shortage.

**COUNCILMAN GARNER:** Excused.

**Easter Egg Hunt:** Scheduled for Saturday, April 4, at 9 a.m. in Sugar City’s Smith Park. Local youth groups have helped stuff the plastic eggs.

**Teton Dam Marathon:** Councilman Garner has met with the committee.

**MAYOR’S BUSINESS:**

**Mayor Merrill:**

**City Phone and Digital Recorder:** The city provides a cell phone for the mayor, Public Works Director Baler, his assistant, Arlynn Jacobson, and Building Inspector Cliff Morris. The city also purchased another digital recorder for public hearings.

**School Gates:** Mayor Merrill will talk to Jay Miller about the gate being left unlocked south of the high school. The unlocked gate encourages parking in a no-parking zone, creating a hazard.

**Salt Lake Express Buy-in:** Salt Lake Express has expressed an interest in tapping into the city’s sewer system. A buy-in fee should be considered along with the normal sewer hook-up fees.

**Grant Applications:** The city plans to again apply to the CHC Foundation for money to pave the walking path in the business park. The application and budget have been stream-lined in hopes that the grant committee will fund the project this spring. The city also is interested in pursuing grants available for school-crossing lights.

**Syringa Wireless Agreement:** The city is working on a new agreement with Syringa Wireless that offsets their discontinuance of cell phones offered in trade. The rent the city charges will be increased to accommodate the cell phones purchased from AT&T. Syringa could not provide sufficient cell coverage.

Meeting adjourned at 9:45 p.m.

Signed: W. Lamont Merrill  
W. Lamont Merrill, Mayor

Attested: Wendy McLaughlin  
Wendy McLaughlin, Clerk-Treasurer

**Before the City of Sugar City  
Planning and Zoning Commission**

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)  
**In the Matter of** an Application for a Zone Change )

Triangle R LLC )  
970 West Broadway )  
Jackson, WY 83001 )  
Applicant )

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND RECOMMENDATION

FINDINGS OF FACT

1. Thom Garlock, managing member of Triangle R LLC, 970 West Broadway, Jackson, Wyoming, 83001, submitted an application for a zone change on December 21, 2014. The affected property is described as follows:

Township 7 North, Range 40 East, Boise Meridian, Madison County, Idaho, Section 33, S1/2NW1/4, N1/2SW1/4; that portion described as follows:

Beginning at the Southwest Corner of the N1/2SW1/4; thence N. 89° 51' 36" E. Along the South Line of the said aliquot part 823.35 feet to a monument set on the North Bank of the Teton River; thence N. 53° 37' E. along said bank 66.2 feet; thence N. 120° 6' E. along said bank 501.5 feet; thence N. 39° 55' E. along said bank 204.0 feet; thence N. 24° 37' E. along said bank 184.5 feet; thence N. 64° 42' E. along said bank 139.4 feet; thence N. 87° 42' E. along said bank 276.8 feet; thence N. 53° 16' E. along said bank 173.3 feet; thence N. 31° 51' E. along said bank 636.9 feet; thence N. 70° 09' E. along said bank 115.0 feet; thence N. 11° 05' E. along said bank 163.0 feet; thence N. 39° 53' E. along said bank 98.5 feet; thence S. 88° 13' E. along said bank 94.4 feet; thence S. 73° 00' E. along said bank 272.3 feet to a monument set on the north bank of said river and East Line of the S1/2NW1/4; thence N. 020° 17' W. along said line 882.59 feet to the Northeast Corner of said part; thence S. 89° 45' 57" W. along the North line of said part 2636.86 feet to the Northwest Corner of said part; thence S. 022° 54' E. along the West Line of said part 2635.06 feet to the Corner of Beginning.

2. Triangle R LLC is the record owner of the property proposed for rezoning.

3. The property consists of approximately 120 acres all of it presently zoned R-1 Residential. This zoning district allows for the construction of one and two family residences at a density of four residences per acres. The land surrounding the proposed development is mix of agricultural, commercial and residential uses.

4. A public hearing on the application was held on March 5, 2015 at 7:00 p.m. at City Hall.

5. Wendy McLaughlin, Sugar City Clerk-Treasurer, attended the hearing. She reported that the application was complete, and that all fees had been paid. All required notices regarding the hearing had been published, mailed and posted in a timely fashion as required by the Sugar

City Zoning Ordinance and Idaho State law. The affidavit of publication and affidavit of mailing and posting were entered in the record and are included with this recommendation.

6. Zane Baler, Sugar City Public Works Director, was in attendance. He had no comment on the application.

7. There were ten members of the public in attendance at the public hearing.

8. There was one letter, from Basic American Foods, received and entered into record.

9. Mr. Steve Sletner, PE of Short Elliott Hendrickson Inc. whose address is address is 10901 Red Circle Drive, Minnetonka, Minnesota, a representative of the applicant, testified regarding the reasons for and effect of rezoning the property.

I first met the developer Tom Garlock back in about 2005. We had been working on a couple of projects for him and at a certain point a great unpleasantness hit the economy and caused a slowdown, that since has come and gone and we're still here and still at the property and it is an exciting time to be back before this board and be dedicated to moving forward, but moving forward in a sensible way that's good for everybody and that what we would like to talk about tonight and that's why we are asking for the consideration to re-zone the property to R3.

My presentation is going to focus on two things, it's going to focus on, how we comply with the code, and your ordinances, and secondly the second part of the presentation will be addressing the comprehensive plan and how we feel we fit into the comprehensive plan.

The property is the old Blair Calloway property. It is on the north side of the North Fork, its bordered on the south west corner is where the historic bridge is that someday will end up being a transfer to another part of the state, hopefully soon as I understand it. So that's where we are in comparison to the rest of Sugar City.

The water and sewer connections these come up in frequent questions that have been asked so I am going to try to address some of those all according to the specifics to the plan. We want to talk about how we blend in and how we fit in to not only the future of this project but the future of Sugar City, and that's what we will be focusing on. With the water and sewer connections, were put in as part of the Tuscano Subdivision, so we will be tying into those, the sewer connection is further to the south than the water and the reason for that is because the lift station never got put in, in the Tuscano project, the pit is there but none of the mechanical stuff is there, so we are planning on hooking into the existing pit with our lift pumping equipment. We have had discussions with Zane and discussions with Dick Dyer and so that led us to the information regarding the existing sewage system.

We do not want what happened with the Toscano development to happen again, Sugar City has been through some tragic times, the economy was tragic for a lot of folks but not only do we not want this to happen to us, we do not want this to happen to Sugar City. And that's again why we are asking for our re-zone tonight. And you can see as I go through this why we think it is important to be zoned as an R3. Again just to go through your zoning map the project location, this is where the project is its zoned as R1, you will notice that the Tuscano property to the south side of the river is all zoned commercial, and usually when you have commercial up against residential you will have more of a transition then going right from single family to commercial, so that would be another reason why we think that how our plan will have a really

good transition from being an existing commercial and what we are planning, again this is not talking about use this is just talking about the property. We do show a road system that is much more efficient than you have probably seen in the past. We will talk about that after we hopefully get approval of our rezoning application.

We do show an area down on the corner that is labeled assisted living and will talk about that more as we go through it. So why R3? That's really the question we are here to answer tonight, that's why I want to focus on that throughout my presentation. Let's go straight to your subdivision code, this part of the code we have done presentations in about probably 200 communities across the united states and this is the most ignored and neglected part of your code, the purpose and intent, its why you have any ordinances in the first place, what are you trying to create and what is important to your community?

What is important to your community is stated in the purpose section of your ordinance. Often what happens is, and I am engineer by trade, so you will hear me every once in a while say something derogatory about engineers because I can because I see how it happens. We focus so much on going straight into the engineering and straight into the public works section, we don't focus on the people, we don't focus on what's best for the community, we just focus on meeting the standards, and so when we focus on the intent and purpose of your whole subdivision ordinance it gives us a whole different outlook on how we plan and how things feel.

We don't look at the back end of the process so to speak. We need to be different, the rectangular block; straight-line subdivision has gone on since the 1950's, probably before that actually I have seen plats clear back to the 1860's and why this happens is very simple and very easy. It's easy for engineers and it's easy for surveyors. It's based on standards from surveyors that they had plum logs, levels and chains.

Surveying has changed dramatically since then we don't need to do just offset lines, with today's technology we can do much better than this. The only thing that happens in these neighborhoods is that everybody has what I call backyard conflict, everybody's backyards is up against somebody else's, and I don't know if anybody remembers there use to be a show called tool time, and the guy was always sticking his head over the fence saying howdy- ho neighbor, it's that privacy thing where people don't tend to use their yards as much or they always fence it in to create that feeling of privacy so what we try to do in the design set that our company along with Rick Harris and site design, we try to get rid of those rear yard conflicts and give people the feeling of space, privacy, and feeling apart of the community and those are the things that as we move forward, that is what we look forward to doing. The other thing is that this is done because it is easy for the engineer and surveyor but it is not the best thing for residents they deserve better and expect better and that's what we try to deliver in the projects and that's what River bend ranch is all about delivering what people deserve.

This is the history of how a development has always been done, developer buys a chunk of land and divides that chunk of land and hires someone like myself, I look at the city requirements and within your city requirements there is all sorts of things that say a minimum of, not less than, in all of those words what we see as engineers is we see those words, but they disappear in a second, we just focus on the number it might say front yard setback not less than 30 feet so we just see 30, and we set everything at 30 feet so we see the numbers we don't see the flexibility that ordinances allow and so that's what we focus on is trying to instead of meet the city requirements, that's just what it has always been and that's where you get the grid

patterns from and then what happens is the residents just get what's left and what everyone else thinks is best for them and that's really not the way the process should go.

What we have decided and what we do a lot of work on is creating a resident focus, no disrespect to Mr. Garlock but we're not going to focus on him, we're going to focus on the residents and as a result of that when we do that we create a feeling of place, we create a place where people can call home, where they are proud to own and they feel like they are part of something and by doing that then the simple thing is this typically will exceed the city minimums, would give the residents more than what they would typically get and the real winner is the City because you develop a new standard for the City and it sets you up for success and it's really interesting instead of focusing on the top when you flip it over, typically we find everybody is more successful because we look at the end users more. So that is the process that we bring into focus here.

I don't think a lot has ever been sold and somebody went oh my gosh look at the man-holes, and how they laid those fire hydrants out, I have to live here, this is where I need to live, That's what engineers think of! I actually know one engineer that bought his lot because of the way his lot lined up with the man-hole and fire hydrant. Why do real people buy lots? What do they look for in a lot to build on?

These are the reasons why: it's all things based on family, based on resale, based on pride and based on municipal amenities. If you can create a neighborhood that has all of those things you have succeeded not only for the developer but for the residents and for the community. That's what we will try to bring forward through the process of the re-zoning.

So let's talk about your ordinance, why R3? And why R3 is first of all again I am going to go back and I like to read ordinance and comprehensive plans, not a lot of people like to do that stuff but it's pertinent business. Your single family R1 set up for single family dwellings maximum density of four per acre. Medium Density R2 again single family dwellings, maybe some town homes in it and maximum density of five per acre. And then we go, everybody would use the term all the way up to our R3, and why they use that is based on the bottom line that says maximum density of twelve units per acre.

We are not here to increase the density. That's not why we want the R3. Obviously we are going on record to say that and I'll show you why. The definition section of your Code calls out different types of single family homes. The ones that are key to us are the varieties of single family homes, because we intend to develop single family homes. There is a definition in your code for patio homes. Patio homes are a single family home that is on a smaller lot. They are not a twin home or town home attached to another structure, but they are on smaller lots and where lots might be very close together. I'll talk about why we like that product and why we want to talk about that more. Obviously twin homes are included in the Code's definitions but we are not focused on them. We are not focused on town homes, but we are thinking that there is an opportunity in this community to have some sort of an assisted living facility; we've identified it as a need potentially for the market. And the other thing that is in the definitions is a nursing home and the difference between assisted living and a nursing home is a nursing home administers medical care and assisted living is not.

So why R3? If you look at the uses, the R3 is best for this development because of its flexibility of living unit type. If we look at R1 I can put single family dwellings and multifamily dwellings in it and have a city park. But the reason why we want to be successful and I think the

reason why a lot of folks these days especially post-recession, the big thing is to offer a variety of home types in a community and that makes sense.

So we can offer a variety of home types, the patio home as you can see was allowed in R2 and R3 assisted living is allowed in R-3 by special use permit. So the uses that we are looking to utilize are all in R-3. We can develop without having to re-zone in the future as all are allowed within the R-3 zone. We do not have any multi-family (apartments) in our plan at this time. We are looking at different opportunities for single family and potentially assisted living.

In summary, we want R-3 zoning because it offers us flexibility. That's why we're here. Sticking with the theme why R-3? There are advantages to it. There are several significant advantages to R-3. And they are, we can offer several different product types, and how I mean by product types is different sizes of homes, different characters in homes that gives people opportunity on both ends of the spectrum and everywhere in between to have starter homes, to have empty nester homes, and have those areas in between to start a family and to maintain and grow your family and run through life in one neighborhood.

It also allows us flexibility to market different types of living units. One of the things that happened in 2008, it was a huge deal, is in 2008 when the market crashed if you had one type unit in your property and it didn't sell, you were done. And for most places that didn't matter you still were done. So by having R-3 we have a variety of different sizes of housing that we can exercise flexibility if and as the housing market changes. That's very important to our plan. I think quite frankly it is important to the city because you want us to be successful.

Success to us is filling up a subdivision with homes, filling a subdivision with community families and to create a tax base for the community. It doesn't do a lot of good to put in a bunch of roads and everything else and then not reap the benefits of the tax base from it and so that's part of the community look at things. There is a higher probability of success when we have that flexibility for the developer and as I just said for the city as well. There is a community need, potentially, for assisted living. Patio homes are homes that offers empty nesters like myself that maybe don't want to have all of that maintenance or have all of that space anymore, as well as those first time home buyers that maybe want to take an advantage of not wanting to rent but having the ability to get into a home on an affordable basis and again it is not about density.

So let's talk a little bit about density. When I look at the concepts that we have had so far were looking at four different widths or potential widths of lots, again so we can have different price levels of lots to accommodate different price levels of different homes. Those homes go anywhere from 60 to 90 foot wide lot depending on the products and what people are looking for and then we also have the patio homes. And the patio homes again are a smaller product that allows us flexibility. But here's the key, at our preliminary look at the property right now we are at a density of plus or minus of two units per acre. If you recall, your R-1 density allowable is four units per acres. We're not here about the density. It's about flexibility.

We are sincere about not wanting to increase density. Our request for rezoning this property is not about the twelve units per acre; it's about the ability to offer variety. I just want to bring this up real quickly and this is regarding open space. Most communities, much like yours, have different open space requirements for different types of uses if you look down at your single family, twin homes you require a minimum of 10% open space. Our plan as it sits today and which we intent to introduce after our zoning requests is heard, provides for a little over 20% open space. We have in our plan as we look at it we have dedicated the entire river front to a

community walking trail not just lining it up in people's back yards but usable recreational space available to all.

So we have doubled the amount of the open space and that would be typically expected. Now I want to go in a little bit and talk about your comprehensive plan. Like I said if I don't read it our plan doesn't focus on what's important in this community, so what I have done is taken language right out of your comprehensive plan and try to focus on things that I saw, do we meet your comprehensive plan? Do we have the same expectations for a plan as you folks did in 2008 under comprehensive plan?

What I see is a revolving theme throughout it, there is a lot of focus on community, a lot. A lot of focus on natural environment and a lot of focus on open space and being a friendly sociable community. I see that throughout your comprehensive plan. I found it in about twenty different places; it's a big deal to you folks. We want to make sure that we understand that, so as I go through and read where we think we are focusing the recreation open space and density were double in our concept plans we more than double what the requirements are in the code.

We're very focused on sociability and taking and bringing attachment to community and creating a place that people gather, walk and play and relax and that's part of the plan. Those two things are very important to us. When you look at the goals of your comprehensive plan, I'm going to obviously admit to being a salesman, it's part of my job if I wasn't in the sales role here tonight Tom would chastise me, but I am also passionate about this stuff, so if this was my backyard and my community I would look at this the same I can honestly say that.

I'm an engineer. We have trouble lying it's just not in our nature. When I read through the different things that are important to you folks, opportunities for full enjoyment, balancing public interest with property, insuring transportation systems. I go down through the list, I strongly feel that if you go back through your comprehensive plan and you guys look at these bullet points when you get to that point you will see that we are meeting and exceeding every one of these expectations. That's what I really wanted to convey to you tonight is to go through the three that I think are the most important are the recreational opportunities, housing that providing housing opportunities for every resident. That's a big deal some of these places just focus on the legal requirements.

I'm from the Minneapolis area, the areas average home price in 2006 was three hundred thousand dollars. In 2014 the average home price was four hundred thirty thousand dollars. Now how is that meeting any of your comprehensive goals, not just for your community but for any community? We are focused on trying to make sure we maintain that through the integrity of our plan. I believe where I'm from they have lost complete and utter control of what we think is right. And in the special areas I believe we have a river front that is unique to this property at least on one side of it to the city and we want to make sure and promote that.

The natural open space is being well preserved and used under our proposal. The land use it organizes a community and it shows appropriateness as far as relating to the infrastructure and other opportunities and to preserve open space again, I just see this on every page as I read it is to preserve open space so I know how important it is to the community and I really strongly feel that we did a good job with that as we move forward and we will do a wonderful job of that. Transportation is served well by our plan modes of transportation related to the pedestrian - bike traffic, creating walkable connected communities, are addressed in our concept plan. We will make sure that you are wowed by the connectivity by the features and amenities of the property.

Public Service I am just going to focus on a couple here to require development to provide additional wells, storage facilities and pumps we will be installing a new well for the community on the property, as well as a new pump house. It adds to the integrity and redundancy of the existing system, which we have talked with Zane and Dick of needs that need taken care of.

Going back to transportation we will be building and paying for the roads within the subdivision and we will be recharging the ground water system.

Recreation it's really interesting that first section there, we also think that when you are serving this group you are serving the first time home buyers as well that are looking for less maintenance and need less room. And again it is that theme of open space and recreation.

Housing is interesting just a couple of things the first sentence is very interesting, public opinion in favor of continuing various size lots. As I have shown you before we are looking at several different sized lots plus patio homes we really think we are hitting what the public opinion is within the city, arrange lots sizes, promote a range of housing size and afford ability and those are very important things that will be a part of the plan as we move forward. Last one is just clustering of homes which that is how we get our open space, will do some clustering of homes is what we are anticipating, we going to enhance and take care of the potential repairs along areas of the river. One last thought there are walking and biking trails in our plan. The northwest corner is connected by the trails that people of the town can come and enjoy those amenities.

My last comment is that anybody can do this. We have done it for 50 years probably longer and what happens is the more you do that instead of seeing the sign as you come into Sugar City that says welcome. We want to create a community for people to be proud and happy to live here and be able to spread to the news that this is a good place to be.

10. Harold Harris spoke in favor of rezoning the property.

My name is Harold Harris I live in Sugar City; I have a farm adjoining this anticipated subdivision. Basically I am in favor of this project, I am really concerned about the density though, that Mr. Rudd talks about 12 units per acre. None of you folks are old enough to understand or remember when Idaho Falls developed an area called Bel Air Addition. The streets were designed similar to this and I am not opposed to that, but the homes there were in per acre, and each home the only space between each home was an area they fenced off between two garages and they couldn't control the weeds that were between the two, so

I am always worried about the density and I think Brigham Young had something important to do or to say when he built the streets designed them in Salt Lake City like he did. If you go back east and see the snow removal problem they have got on streets curved similar to this and narrow, no place for vehicles to park. If you have twelve homes per acre that is going to be pretty difficult to house everything off the street but basically

I am in favor of development. I'm adjoining that property or I adjoin it and am not concerned about what it is doing to my property, I'm not in the impact zone, I am still in the county.

I think when it gets a little further along and we start looking at designs of the homes I think that they are important. Bel Air for instance, ten per acre and they are all stucco homes and of course that was seventy years ago. So I think when it gets to a point where we start looking at home design and those kinds of things that I'm sure these folks will put in, I think it is a particular interest to be able to see that there is some fine design quality, I don't think we want to have twelve per acre, you're looking at low income housing I think but for the most part, down to the final word, I am in favor of this subdivision from the stand point of a property owner.

11. Two witnesses spoke against approval of a zoning change:

12. Kem Palmer spoke not in favor of rezoning the property.

I'm Kem Palmer, 2147 East 200 North, St. Anthony Idaho. I'm speaking for the Salem Union Canal Company, our canal goes right through the middle of there, we have a dam in the Teton River that would boarder the east side we pull water out so, I'm not as polished as these guys I'm a farmer /rancher, I swear quite a bit so I'll try to contain myself. We come in on the top and we have got one right there on the east bottom side of the dam in the Teton River.

Our concern is they say that the flood plain has been changed there as I understand it's not a flood problem anymore, were not concerned about if it floods, were concerned about when it is going to flood, it might be twenty years it might be thirty years, it might be ten years. If something comes down that river and I know this has all been discussed before to do the first one and we went through all of this and we had a man speak and it's on documentation that we opposed it then. But if something comes down that river and plugs off on that river on the dam it is going to shoot out onto some property, it's going to come down on the bottom part of that or it will stay on the side of that canal. We have had water right across from Jerry Dalling's house kind of where that assisted living is we have had water there at one time dang near the size of the road. This is our concern that we hate to put an assisted living in there, we have got old people in there, and we just want to be on record so you are not coming after us or somebody else.

I'm not opposed to people moving out in the country, I am somewhat because I bail hay at night and they try to cause me a lot of trouble because they don't like that stuff going on. You say ok well the river is never going to flood, where the Teton (North Fork and the South Fork split off) there is a splitter up there, they can adjust that river, now if they get a bad flood year or a lot of water, instead of flooding Rexburg, Idaho they are going to send more water in the North Fork of the Teton and that is going to come right on this property line.

These are our concerns, instead of flooding Rexburg; there are fewer people out in the country that they can probably take it better. We have a drain in our canal about where that bottom road comes down and makes a wind we have a drain that comes out of that canal and comes straight to that river, if we have any problems we can drain water back to the river if we have flooding problems that causes our concern. If this thing happens to flood and I don't know what these folks would want to do but they way to get rid of that water would be to get some water in our canal to get it out of there. Now we have got some stock holders and these people are some of our stock holder's Terry you own water in our canal and I'm just stating facts here but anyways were not going to dump a bunch of water down there and flood out a bunch of our stock holders to help the situation out. We can run a little water out but that is our problem we don't want to burden our stock holders with this situation. So that is kind of the things I wanted to talk about. Our concern is we have houses that have kids in the canal and they drown and Terry wasn't this taken out of the flood plain? Terry: yes. When was that taken out? Terry: 2007.

Were you going to talk Zane? He's my brother and he has a farm next to us. I was wondering if I needed to finish or if he could finish? Thank you very much.

13. Zane Palmer spoke not in favor of rezoning the property.

My name is Zane Palmer; my address is 1189 N. 7<sup>th</sup> E. Sugar City, Idaho. I'm not well polished either but one thing Palmers are not known for is public speaking I would just assume work twenty hours a day then speak five minutes in public so forgive us for that. I'm here representing my father, who is Max Palmer who owns ground boarding this development on the east side. Kem said he wasn't necessarily against people coming out into the country and I will have to disagree with my brother, I do not care for new developments coming out into the country, I've been here before when you started moving your city limits out towards us and I was against that and it didn't make any difference you still moved out there.

I have concerns with as people move out in the country and we are trying to do our farming as my brother Kem stated people love to live in the country but they want to be protected like it is the city, they don't want to have adverse things happen to them or have bad smells, or people working all hours of the night which we do when we put up hay or irrigate. Irrigating would not be a lot of loud noise just a four wheeler running around, but when we do put up hay it is a large hay bailer that makes noise. But I have heard of a farmer out in Rexburg that was out trying to bail his hay during the night and the police came and told him to quit bailing his hay because they had complaints from the people that were living near his farm and they made him quit bailing hay because of the complaints and that really bothers me and that would be a great concern.

Also we pasture cattle in the fall of the year and if anyone knows about cattle sometimes they will get out and they could get out onto this property and I'm sure people would not like that and we would probably be liable for any damage that they would have caused in that matter. Also I kind of wish that I would have been here when this all started so I could have voiced my opinion against moving the city limits out there which I have already stated that I was against. I don't really see a need for this where you already have several developments that have started and nothing has happened they just become an eye sore, so I don't really see why we need another one out there and I guess they hope that it will fill and I just hope that it does not fill, I would just assume that nobody was out there. Do you have any questions for me? We're just hoping that things like that don't happen but as development happens we can foresee those types of problems arising.

I have felt that we are a minority and don't have a voice with all of this process and when they started putting the impact zone in I come and testified against it and I had one of the council members tell me that I was crazy for not wanting the impact zone but the city limits he said you are crazy for not wanting them to come out to your area and now that person has moved to the country and does not live in the city limits. Also I had a piece of ground that we developed out here and it is in the city limits and when we come to the city to tell them that we want to develop that piece of ground the Mayor stated you are in the city limits but we are not offering you any help from the city. They want you to be in the city limits because they want to pick up more taxes but they do not want to provide any services I have found in my specific case. So I am not big on cities coming out into the rural areas. I think one of the big draws for sugar city has been its small community and I don't know why everybody thinks it is so great to put these developments on and make it bigger. That's all I have to say.

14. The Sugar City Comprehensive Plan provides for residential use and development of this area of the City.

15. The only evidence before the commission as to the ability of the City to provide utility services was from the developer, but the evidence indicated that there was at this time sufficient capacity in the system to support a development of the size projected if the developer provides the necessary water rights and pumping station for potable water and provides the necessary infrastructure to bring sewage to the existing city sewer system.

16. There was no evidence indicating any other public services could not be delivered to his property if the zoning was changed.

17. Under current zoning, 440 residential units can be built on the property. If a change to R-3 were approved with no conditions, the approved density would allow for 1,440 resident units to be built on the property. Under the applicant's concept, there are a total of 153 residential units planned.

### CONCLUSIONS

The Sugar City Planning and Zoning Commission concluded regarding the application that:

1. The proposal complies with the Comprehensive Plan.
2. The new zone complies with the Zoning Ordinance as noted above.
3. The proposal complies with applicable state and federal laws and regulations.
4. Although there was no evidence presented regarding whether city utilities and other public services such as emergency services, fire fighting services, schools and public transportation would be able provide the necessary public services to this property at the higher density allowed in R-3 zones, the application stated its desire to have the density limited to that of the present R-1 zoning and with that provision, public services are adequate to provide for this property if it is zoned R-3.
5. The witnesses opposed to the change of zone have valid concerns, however, the property is already within Sugar City and already zoned for residential use. The zoning change proposed by the applicant does not change the status quo in any regard that affects the objecting witnesses.

### PLANNING AND ZONING COMMISSION RECOMENDATION

Concluding all of the above, the Sugar City Planning and Zoning Commission unanimously recommend that the City Council approve amending the zone in the above described property from R-1 Residential to R-3 High Density Residential, with the following condition:

The applicants (and/or any subsequent owner of the property) enter into a development agreement as provided for in the Sugar City Municipal Code and Idaho law which restricts density on this property to four dwelling units per acre.

Signed and dated this \_\_\_\_ day of March, 2015.

By: Christine Lines  
Co-Chairman, Planning and Zoning  
Commission

Attest:

Wendy McLaughlin  
City Clerk-Treasurer

*RESOLUTION 2015-1*

*FAIR HOUSING MONTH PROCLAMATION*

*WHEREAS, April 2015 marks the 47th anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act; and*

*WHEREAS, the Idaho Human Rights Commission Act has prohibited discrimination in housing since 1969; and*

*WHEREAS, equal opportunity for all-regardless of race, color, religion, sex, disability, familial status or national origin-is a fundamental goal of our nation, state and city; and*

*WHEREAS, equal access to housing is an important component of this goal-as fundamental as the right to equal education and employment; and*

*WHEREAS, housing is a critical component of family and community health and stability and*

*WHEREAS, housing choice impacts our children's access to education, our ability to seek and retain employment options, the cultural benefits we enjoy, the extent of our exposure to crime and drugs, and the quality of health care we receive in emergencies; and*

*WHEREAS, the laws of this nation and our state seek to ensure such equality of choice for all transactions involving housing; and*

*WHEREAS, ongoing education, outreach and monitoring are key to raising awareness of fair housing principles, practices, rights and responsibilities; and*

*WHEREAS, only through continued cooperation, commitment and support of all Idahoans can barriers to fair housing be removed;*

*NOW, THEREFORE, I, W. Lamont Merrill, Mayor of the City of Sugar City, do hereby proclaim April 2015 to be*

***FAIR HOUSING MONTH***

*In the City of Sugar City, Madison County, State of Idaho.*

*IN WITNESS WHEREOF, I have hereunto set my hand at the City of Sugar City, in Sugar City Hall on this \_\_\_ day of \_\_\_\_\_ in the year of our Lord 2015.*

*W. Lamont Merrill*

\_\_\_\_\_  
*W. Lamont Merrill  
Mayor*

*Wendy McLaughlin*

\_\_\_\_\_  
*Wendy McLaughlin  
City Clerk-Treasurer*

# AUTHORIZING RESOLUTION

Form B

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR CITY IDAHO AUTHORIZING THE MAYOR TO SIGN ALL APPLICATIONS, GRANT AGREEMENTS, AND OTHER DOCUMENTS RELATING TO DRINKING WATER PLANNING GRANTS.**

**WHEREAS**, the City intends to develop a plan for drinking water facilities for the City water system; such plan being necessary to determine the needs of the area for health, safety, and wellbeing of the people; and

**WHEREAS**, the plan is to be developed in accordance with the requirements in Idaho "Rules for Administration of Planning Grants for Drinking Water Facilities" (IDAPA 58.01.22), and will set forth drinking water facilities required to be constructed to serve the needs of the area; and

**WHEREAS**, the costs of the planning of the drinking water facilities are eligible for state funding;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Sugar City that Mayor W. Lamont Merrill is duly authorized to sign applications, grant agreements and amendments, and other documents relating to drinking water facilities planning grants.

Passed and adopted by the City Council of the City the 12th day of March, 2015 by the following votes:

**AYES:** \_\_\_\_\_ **NAYS:** \_\_\_\_\_

**ATTESTED BY:**

Wendy McLaughlin  
Wendy McLaughlin  
City Clerk-Treasurer

W. Lamont Merrill  
W. Lamont Merrill  
Mayor