

MINUTES OF PUBLIC HEARING & SPECIAL MEETING  
SUGAR CITY COUNCIL  
WEDNESDAY, MAY 20, 2020

Presiding: Mayor Steven Adams  
Meeting Via Internet Convened a 6:40 p.m.  
Prayer: Mayor Adams  
Pledge of Allegiance: Councilwoman Nielsen

Present Online: Mayor Steven Adams; Councilors Joy M. Ball, Steve Davis, Connie Fogle, and Catherine Nielsen; Clerk-Treasurer Wendy McLaughlin; City Building Inspector Quinton Owens; Public Works Director Arlynn Jacobson; City Engineer Dick Dyer; Chairman Dave Thompson of the Planning and Zoning Commission; Design Review Board Chair Paul Jeppson; Attorney Chase T Hendricks; Old Farm Estates Attorney Michael Brown; Old Farm Estates Developers Jeff and Ryan Lerwill, Jonathan McMullan, Jeff Patlovich, and Blake Walker; Sugar Salem Jr High School Representative Brent McFarland; Citizens Audrey, Elaine King, Lawrence Nielsen, Matt Taylor, Nathan Williams, and others who joined electronically but not identified.

**WELCOME:** Mayor Adams conducted the meeting and welcomed everyone present. The meeting was held live over the internet and those who wished to be present were invited to attend. Social distancing guidelines were followed. No citizens attended the meeting in person. Mayor Adams, Planning and Zoning Chair Thompson, and City Clerk McLaughlin were present at city hall.

**PUBLIC HEARING (Zone Change New Sugar Salem Jr High School):** The City Council took comments from the public and asked questions of the public and developers. Public testimony was limited to 3 minutes each.

Several items were made part of the record:

- Public Hearing Notice
- Hearing Publication Affidavit
- Planning and Zoning Findings of Fact
- Legal Descriptions and Maps
- City Engineer Review 4-24-20
- All prior written testimony

**Staff Testimony:** Planning and Zoning (P&Z) Administrator Quinton Owens testified that the Planning and Zoning Commission recommended the Zone Change to the Council with no conditions. The zone will be changed from Transitional Agriculture (TA) to Community Commercial (C2).

**Applicant Testimony:** Sugar Salem School District Representative Brent McFarland testified that the school is anxious to move forward on the project.

Citizens for, against, or neutral were given the opportunity to submit written comments or testify

at the hearing.

**In Favor:** None

**Neutral:** None

**Against:** None

**Applicant Rebuttal:** None

Public hearing closed.

**PUBLIC HEARING (Special Use Permit New Sugar Salem Jr High School):** The City Council took comments from the public and asked questions of the public and developers. Public testimony was limited to 3 minutes each.

Several items were made part of the record:

- Public Hearing Notice
- Hearing Publication Affidavit
- Planning and Zoning Findings of Fact
- Legal Descriptions and Maps
- City Engineer Review 4-24-20
- All prior written testimony

**Staff Testimony:**

**P&Z Administrator Owens:** introduced the application and testified that P&Z recommended the Special Use permit to the council on the following conditions:

- Complete all city engineer corrections and follow all engineer guidelines
- Create a draft development agreement
- Follow all city and state regulations

**City Engineer Dick Dyer:** testified that he recommends approval of the Special Use permit because of its benefit to the community and minimal impact to adjacent properties. He also stated that the school is making the necessary corrections and a development agreement is being drafted.

**Applicant Testimony:** Mr. McFarland testified that the school has reviewed the city engineer's recommendations and is in agreement.

Citizens for, against, or neutral were given the opportunity to submit written comments or testify at the hearing.

**In Favor:** None

**Neutral:** None

**Against:** None

**Applicant Rebuttal:** None

Public hearing closed.

**PUBLIC HEARING (Old Farm Estates Div #4 Single Family Residence Preliminary Plat):**

The City Council took comments from the public and asked questions of the public and developers. Public testimony was limited to 5 minutes each.

Several items were made part of the record:

- Public Hearing Notice
- Hearing Publication Affidavit
- Planning and Zoning Findings of Fact
- Legal Descriptions and Maps
- All Idaho Land Consulting Letter 4-2-20
- City Engineer Review 4-24-20
- City Engineer Option Memo
- All prior written testimony

**Staff Testimony:**

**P&Z Administrator Owens:** introduced the application and testified that P&Z recommended the Preliminary Plat to the council on the following conditions:

- Follow all city engineer guidelines
- Plat Idaho Avenue to eventually proceed south over the canal
- Complete a traffic study
- Draft a development agreement
- Plat Lot 18 as open space and deeded to the city
- Hold a 2<sup>nd</sup> public hearing
- Follow all city and state code

**City Engineer:** testified that he recommends approval of the Preliminary plat. He is satisfied with the completed traffic study and recommends that it be attached to Old Farm Estates Division #3 apartment complex development since the traffic impact with this subdivision is minimal. The platting of Lot 18 as open space and dedicated to the city and Idaho Avenue as a through street will need to be addressed with the final plat.

**Applicant Testimony:** Old Farm Estates Developer Ryan Lerwill testified that they have reviewed P&Z's recommendations and that all items have been discussed and fully addressed.

Councilwoman Ball asked if there was any reimbursement to the developer in exchange for dedicating Lot 18 as open space and to the city. There is no reimbursement to the developer. The city would use the lot for walking paths and trails. The maintenance of the non-buildable lot will be addressed in the development agreement.

Citizens for, against, or neutral were given the opportunity to submit written comments or testify at the hearing. Summaries of testimonies are listed below.

**In Favor:**

**Old Farm Estates Developer Blake Walker** – testified that the developers have made a valiant effort to comply with P&Z's recommendations. The city's Comprehensive Plan

encourages single family residences which Division #4 is. It should be approved.

**Old Farm Estates Developer Jonathan McMullen** – testified that homes in Sugar City are a quick sale. He feels that the 40 home development proposal would be a great addition and fit for the area. The new families would be accommodated with the new school and water systems and help with costs.

**Neutral:** None

**Against:**

**Elaine King** – testified that she is not against single family homes but is concerned that there is not enough dedicated open space. There should be 10% open space in a single family residential development. The open space should be dedicated up front and not left to the end taking a chance that it would be left undone or lacking.

**Applicant Rebuttal:**

**Old Farm Estates Representative Jeff Patlovich** – testified that Lot 18 is shown as open space and will be dedicated on the final plat.

Councilwoman Ball was concerned that Lot 18 might not be enough open space for the single family development. Developer Ryan Lerwill stated that they have dedicated 10 acres of open space on the master plan that isn't shown on this preliminary plat. P&Z Administrator Owens said the city wants larger open spaces rather than several smaller spots that are harder to maintain and less useful to citizens.

Public hearing closed.

**PUBLIC HEARING (Old Farm Estates Div #3 Apartment Complex Teton Heights Special Use Permit):** The City Council took comments from the public and asked questions of the public developers. Public testimony was limited to 5 minutes each.

Several items were made part of the record:

- Public Hearing Notice
- Hearing Publication Affidavit
- Planning and Zoning Findings of Fact
- Special Use Permit Application
- All Idaho Land Consulting Letter 4-2-20
- City Engineer Review 4-24-20
- Traffic Study 4-28-2020
- Site Plan 3-11-20 24-Plex Plat 8
- All prior written testimony

**Councilwoman Fogle** disclosed that she has put one townhome under contract in Old Farm Estates Division #3 Targhee Townhomes development.

**Staff Testimony:**

**P&Z Administrator Owens:** introduced the application and testified that P&Z recommended the Special Use Permit to the council on the following conditions:

- Permit needs to conform to applicable city, state, federal laws and regulations.
- Utility infrastructure in place or under construction before development starts.
- Utility infrastructure plan in place and meet city engineer's approval.
- Storm water plan in place and meet city engineer's approval.
- Connection to city plus other points of city engineer's email Feb 6 2020
- Traffic Study updated
- Snow removal plan in place and meet city engineer's approval
- Date's and other items corrected shown on application documents.
- MU2 zone is a "Mixed use zone" as stated in city code this is only single use. City Counsel to make determination if this development complies.
- Open space to be platted as defined by city code (IE : as a lot)
- Comprehensive Plan points of concern addressed and resolved, i.e.: "predominately single family" (Comprehensive plan states the city will be predominately single family homes. This project is of concern if it puts the city in a state contrary to that expectation in the Comprehensive Plan. This should be evaluated)
- 2nd public hearing is recommended (many could not hear, speak, or access the P & Z hearing of April 2, 2020).

**City Engineer** – testified and recommended granting the Special Use as this location was identified for this use in the Settlement Agreement and the proposed development is consistent with the nature and uses of proposed adjacent development in the approved master plan.

His recommended conditions for the special use permit are:

- Obtain approval of the City Engineer for the private utility design within the development, and method and manner of connections to public utility systems, prior to beginning construction;
- Construct approved public infrastructure for Division No. 3 necessary to adequately and safely serve this development prior to or commensurate with the issuance of building permit(s);
- Agree to construct necessary street or road improvements required to appropriately handle traffic with turning lanes; and
- Ban snow storage in parking lots that will eliminate the use of approved parking stalls or that will create blind corners for driver visibility and pedestrian safety.

The Council had some questions and concerns on the Traffic Study, snow removal, and handicapped parking.

**Applicant Testimony:** Old Farm Estates Developer Ryan Lerwill testified that they have reviewed the engineer's recommendations and are in full agreement and intend to comply with all that is required. They have complied with what is allowed in the zone. Snow storage will be off parking lots. The development has 40% open space instead of the required 20%.

Citizens for, against, or neutral were given the opportunity to submit written comments or testify at the hearing. Summaries of testimonies are listed below.

**In Favor:**

**Old Farm Estates Developer Blake Walker** – testified that most concerns expressed are not part of zoning conditions. The apartments will increase the tax base to the city. He feels they are doing a good job in meeting the requests.

**Old Farm Estates Developer Jonathan McMullen** – testified that the restrictions are more to do with arbitrary opinions rather than land use. The development fits the zoning and that the focus should be on land use.

**Neutral:**

**Matt Taylor** – testified that the development does not have any buffering or enough transitioning between single family residences and high density apartments. The proposed development is too abrupt and does not comply with the Comprehensive Plan for an “overall single family feel”.

**Against:**

**Elaine King** – testified that all P&Z conditions should be met before issuing a Special Use Permit. The apartment complex development is zoned Mixed Use but only multi-family residences are planned. Open spaces cannot be used for snow storage. The Traffic Study understates the estimated 400 – 500 additional cars from the apartment complex which should be more like 1,500 plus cars. She also feels that additional studies on social, economic, and environmental impacts should be done before granting a permit. The development agreement should also be complete before issuing a permit.

**Applicant Rebuttal:**

**Old Farm Estates Developer Ryan Lerwill** – testified that transitioning and buffering are planned for and part of the overall master plan. The proposed cottage home developments are examples of efforts to transition from low density to higher density. The traffic study was done professionally – there is no validation for 1,500 plus cars unless each family unit owned 5.88 cars each. The complex will provide a club house with fees and dues and extended stay apartments could be considered a commercial aspect of the project for mixed use. The project meets the zoning requirements of the city.

Public hearing closed.

**SPECIAL COUNCIL MEETING CONVENED: 8:40 PM**

**CONSENT AGENDA:**

**Minutes 5-14-2020** – tabled to the 5-28-20 regular Council meeting.

**PROPOSED ZONE CHANGE NEW SUGAR SALEM JR HIGH:** The Council approved the zone change for the new Sugar Salem Jr. High for 44.81 acres north of N 3<sup>rd</sup> Street without conditions.

**MOTION:** It was moved by Councilwoman Ball and seconded by Councilman Davis to approve the Transitional Agriculture (TA) Zone change for the new Sugar Salem Jr. High School

Community Commercial (C2); motion carried.

**PROPOSED SPECIAL USE PERMIT NEW SUGAR SALEM JR HIGH:** The Council approved the Special Use Permit for the new Sugar Salem Jr. High for 44.81 acres north of N 3<sup>rd</sup> Street with conditions and a friendly amendment to change the time for conditions to be completed.

**MOTION:** It was moved by Councilwoman Ball and seconded by Councilwoman Nielsen to approve the Special Use Permit for the new Sugar Salem Jr. High School on conditions recommended by the city engineer.

- Obtain approval from the city engineer for the site plan, public infrastructure plans, and utility connections/layout prior to connecting to city utilities, and
- Execute a development agreement prior to connecting to city utilities

Motion carried.

**PROPOSED PRELIMINARY PLAT OLD FARM ESTATES DIVISION #4**

**RESIDENTIAL DEVELOPMENT:** The Council approved the Preliminary Plat for the Old Farm Estates Division #4 residential development.

**MOTION:** It was moved by Councilwoman Nielsen and seconded by Councilwoman Fogle to approve the Old Farm Estates Preliminary Plat for Division 4 having been reviewed and recommended by Planning and Zoning and on the city engineer's conditions listed below:

- Idaho Avenue be platted to extend through to the south boundary of the subdivision as dedicated right-of-way as recommended by our city engineer,
- The east long thin Lot 18 along the east boundary shall be dedicated open space, and
- This development will be subject to the new and revised master development agreement for old farm Estates.

Motion carried.

**PROPOSED SPECIAL USE PERMIT OLD FARM ESTATES DIVISION #3**

**APARTMENT COMPLEX:** The council tabled this item until next week's council meeting.

Meeting adjourned at 10:10 p.m. Councilwoman Nielsen motioned to adjourn the meeting. Vote was unanimous.

Signed: \_\_\_\_\_  
Steven Adams, Mayor

Attested: \_\_\_\_\_  
Wendy McLaughlin, Clerk-Treasurer