

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, JUNE 27, 2019

Presiding: Mayor David D. Ogden  
Meeting Convened at 6:30 p.m.  
Prayer: Connie Fogle  
Pledge of Allegiance

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilors Brent Barrus, Sid Purser, and Connie Fogle; City Attorney Dylan Anderson; Public Works Director Arlynn Jacobson; Chairman Dave Thompson, of the Planning and Zoning Commission; City Building Inspector Cliff Morris; Old Farm Estates Developers Jeff and Ryan Lerwill, Blake Walker, and Ray McDougal; Reporter Lisa Smith, *Standard Journal*; Abby Townsend a BYU student; Citizens Joy Ball, Barbara Lusk, and Quinton Owens.

**MINUTES:** Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on June 13, 2019. Each councilor had a copy of the minutes prior to the meeting.

**MOTION:** It was moved by Councilwoman Fogle and seconded by Councilman Barrus to accept the minutes; motion carried.

**RESOLUTION FOR INCREASED DOG FEES:** The council tabled the item since raising the dog fees to \$15 from \$12 for registration is more than a 5% increase and requires a public hearing. The city has been charging the increased rate for the past year. The clerk will check to see if a public hearing was held.

**BRAD ORME'S CITY LEASE REVIEW:** The council will keep the Brad's Exxon lease at \$300 for another year. The narrow strip of land next to city hall is well maintained as a parking area and the council felt it was a good price.

**MOTION:** It was moved by Councilman Barrus and seconded by Councilwoman Fogle to continue the lease with Brad's Exxon for \$300 for another year; motion carried.

**CITY-WIDE CLEAN-UP DUMPSTER VS CITY:** The council decided to keep the city-wide clean-up as usual this fall but will seek citizen input on using dumpsters instead by next spring. The city is losing about \$5,000 annually for the cost of picking up the garbage twice a year.

**PLANNING AND ZONING (P&Z) COMMISSION REPORT:** Chairman Dave Thompson reported on the following items:

**Public Hearings:**

**Old Farm and Targhee Townhomes Findings of Fact:** Chairman Thompson presented the Findings of Fact for two preliminary plat applications for Developer Ray McDougal and Ryan Lerwill in Old Farm Estates Division #3 known as Old Farm Townhomes and Targhee Townhomes. The commission recommended the plats with the noted following conditions and concerns for the council to address:

- City Code 8-6-2 (O) Backing onto Public Right of Way – the individual owners of the units would be backing out onto a city street
- Front of the units are mostly concrete and asphalt and should have a 40/60 ratio between hardscape and softscape
- Total square footage per lot
- City code is conflicting and lacking concerning townhomes

**Sugar Ridge and Sugar Meadows Cottage Homes Findings of Fact:** Chairman Thompson presented the Findings of Fact for two Planned Use Developments (PUD) applications for Developer Blake Walker in Old Farm Estates Division #3 known as Sugar Meadows Cottage Homes and Sugar Ridge Cottage Homes. The commission recommended the PUDs with the noted following conditions and concerns for the council to address:

- Total square footage of some homes are less than 1,000 square feet
- Minimum lot size is too small
- City code is conflicting and lacking concerning cottage homes

**Revisions to P&Z Code Title 9:** A public hearing date was set for Thursday July 18, 2019 at 7pm at city hall for 9-1-3 P&Z Administration and 9-1-4 Annexation.

**BRADSHAW SPECIAL USE PERMIT AND ZONE CHANGE FINDINGS OF FACT:**

After a lengthy discussion the council tabled the item for the Special Use and Zone Change until the Findings of Fact was complete.

**MODIFICATION OF CITY CODE FOR PARKING SPACE REQUIREMENTS:** The council adopted Ordinance No. 339\_2019. The parking space requirements in zones R-3, MU1, and MU2 will be changed from 1.5 parking spaces per unit to 2.0 parking spaces per unit.

**ORDINANCE NO. 339\_2019 (To Modify Parking Requirements in Zoning Districts):**

Ordinance No. 339\_2019 was introduced by title only by Councilman Barrus entitled:

**“AN ORDINANCE TO MODIFY THE PARKING REQUIREMENTS CURRENTLY USED IN THE ZONING DEFINITIONS FOR ZONES R-3, MU1, AND MU2 FROM 1.5 PARKING SPACES PER UNIT TO 2.0 PARKING SPACES PER UNIT, WHICH IS IN LINE WITH OTHER PARTS OF THE CITY CODE.”**

It was moved by Councilman Barrus and seconded by Councilwoman Fogle to waive reading of the ordinance on three different days and to place it upon its final passage. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, and Fogle

Those voting nay: None

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilman Barrus and seconded by Councilman Purser to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, and Fogle  
Those voting nay: None

Ordinance No. 339\_2019 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No 339\_2019 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho.

**OLD FARM ESTATES DIVISION #3 OLD FARM TOWNHOMES FINDINGS OF FACT AND PRELIMINARY PLAT:** The council adopted the Findings of Fact and Preliminary Plat for Old Farm Estates Division #3 known as Old Farm Townhomes. A narrow strip of land connected to the plat which was not included or platted will be maintained as a park or planted into crops to control weeds (see Attachment #1).

**MOTION:** It was moved by Councilman Barrus and seconded by Councilwoman Fogle to adopt the Findings of Fact and Preliminary Plat for Old Farm Townhomes with all conditions including that the strip of land be maintained. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, and Fogle  
Those voting nay: None

Thereupon, the mayor declared the motion passed.

**OLD FARM ESTATES DIVISION #3 TARGHEE TOWNHOMES FINDINGS OF FACT AND PRELIMINARY PLAT:** The council adopted the Findings of Fact and Preliminary Plat for Old Farm Estates Division #3 known as Targhee Townhomes (see Attachment #2).

**MOTION:** It was moved by Councilman Barrus and seconded by Councilman Purser to adopt the Findings of Fact and Preliminary Plat for Targhee Townhomes with all the conditions. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, and Fogle  
Those voting nay: None

Thereupon, the mayor declared the motion passed.

**OLD FARM ESTATES DIVISION #3 SUGAR MEADOWS COTTAGE HOMES FINDINGS OF FACT AND PLANNED UNIT DEVELOPMENT (PUD):** The council adopted the Findings of Fact for Old Farm Estates Division #3 known as Sugar Meadows Cottage Homes (see Attachment #3).

**MOTION:** It was moved by Councilman Barrus and seconded by Councilwoman Fogle to adopt the Findings of Fact and PUD for Sugar Meadows Cottage Homes with all conditions. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, and Fogle  
Those voting nay: None

Thereupon, the mayor declared the motion passed.

**ORDINANCE NO. 340\_2019 (To Approve the PUD Known as Sugar Meadows Cottage Homes):**

Ordinance No. 340\_2019 was introduced by title only by Councilman Barrus entitled:

**“AN ORDINANCE APPROVING A PROPOSED PLANNED UNIT DEVELOPMENT NAMED SUGAR MEADOWS COTTAGE HOMES, LOCATED AT OLD FARM ESTATES DIVISION #3, LOT 5 BLOCK 17, SUGAR CITY IDAHO.”**

It was moved by Councilman Barrus and seconded by Councilwoman Fogle to waive reading of the ordinance on three different days and to place it upon its final passage. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, and Fogle

Those voting nay: None

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilman Barrus and seconded by Councilman Purser to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, and Fogle

Those voting nay: None

Ordinance No. 340\_2019 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No 340\_2019 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho.

**OLD FARM ESTATES DIVISION #3 SUGAR RIDGE COTTAGE HOMES FINDINGS OF FACT AND PLANNED UNIT DEVELOPMENT (PUD):** The council adopted the Findings of Fact for Old Farm Estates Division #3 known as Sugar Ridge Cottage Homes (see Attachment #4).

**MOTION:** It was moved by Councilman Barrus and seconded by Councilman Purser to adopt the Findings of Fact and PUD for Sugar Ridge Cottage Homes with all conditions. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, and Fogle

Those voting nay: None

Thereupon, the mayor declared the motion passed.

**ORDINANCE NO. 341\_2019 (To Approve the PUD Known as Sugar Ridge Cottage Homes):**

Ordinance No. 341\_2019 was introduced by title only by Councilman Barrus entitled:

**“AN ORDINANCE APPROVING A PROPOSED PLANNED UNIT DEVELOPMENT NAMED SUGAR RIDGE COTTAGE HOMES, LOCATED AT OLD FARM ESTATES DIVISION #3, LOT 7 BLOCK 11, SUGAR CITY IDAHO.”**

It was moved by Councilman Barrus and seconded by Councilwoman Fogle to waive reading of the ordinance on three different days and to place it upon its final passage. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, and Fogle

Those voting nay: None

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilman Barrus and seconded by Councilman Purser to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, and Fogle

Those voting nay: None

Ordinance No. 341\_2019 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No 341\_2019 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho.

**BUDGET:** The council set Friday, July 12, 2019 at 4 p.m. for a work meeting to go over budget items. The public is invited to attend.

**COUNCIL TRAINING:** The mayor reviewed several items with the council on the Open Meeting Law. Public entities are governed by the Law to make sure citizens are apprised of meetings and that decisions are discussed and made openly in front of the public. Some of the items discussed are listed below:

- Ex Parte Communication
- Agenda Notice
- Amending the Agenda
- Executive Session
- Meetings Subject to Open Meeting Laws

**MAYOR’S REPORT:** Mayor Ogden reported on the following items:

**AIC Annual Training:** No report

**Adoption of Intl Plumbing and Electrical Codes:** No report

**Sugar Days Update:** No report.

**DEPARTMENT REPORTS:**

**COUNCILMAN BARRUS:** No report.

**COUNCILMAN PURSER:** No report

**COUNCILWOMAN FOGLE:** No report

Meeting adjourned at 10:55 p.m.

Signed: \_\_\_\_\_  
David D. Ogden, Mayor

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

Before the City of Sugar City  
Planning and Zoning Commission

_____ )	
<b>In the Matter of</b> an Application for a Preliminary Plat )	FINDINGS OF FACT,
Mac Brothers Holdings, LLC )	CONCLUSIONS OF LAW
1066 N. Yellowstone Highway )	AND RECOMMENDATION
Rexburg, ID 83440 )	
Applicant )	
)	

**FINDINGS OF FACT**

1. Mac Brothers Holdings, LLC, of 1066 N. Yellowstone Highway, Rexburg, Idaho, 83440, submitted an application for Preliminary Plat Approval for **Old Farm Townhomes Phased Development** for property located in Old Farm Estates Division # 3, a portion of Lot 3 & Lot 4, Block 15, Sugar City, Idaho. The Old Farm Townhome Development includes three buildings, two with six units each and one with for units totaling 16 units. The affected property is described as follows:

A 135 foot wide Parcel of Property generally located in a portion of the NW ¼ of Section 9, Township 6 North, Range 40 East of the Boise Meridian, more particularly described as follows:

The East 135 feet of Lot 3 and Lot 4 lying West of the West Right-of-Way Line of South 3rd West, Block 15 between the South Right-of-Way Line of West 3rd South and the North Right-of-Way Line of West 4th South Extended West of South 3rd West of the Recorded Plat of Old Farm Estates, Division No. 3 Recorded May 25, 2018 under Instrument No. 416668, containing 1.57 acres more or less.

2. Mac Brothers are the record owners of the property featured in the Preliminary Plat Application.

3. A public hearing on the application was held on June 25, 2019 at 7:00 p.m.

4. Deputy Clerk Shelley Jones 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 Sugar City Code 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.

5. Blake Walker of South Fork Design Group, LLC, introduced the Preliminary Plat Application. Mr. Walker stated that this development presented solutions for families to have the ability to purchase and own an affordable home. Townhomes are allowed in the city code with the zoning and density specified.

6. There were ten members of the public in attendance at the public hearing that signed in for this hearing and indicated if they were for, against, or neutral.

**Submitted written testimony:**

City Engineer Dick Dyer emailed a letter to the commission with questions about townhomes being adequately served with utilities and if off-street parking was in the required setbacks and questioned if Lot 4 would be green space.

**Public Hearing:**

Of those who indicated, six were in favor, two were neutral, and two against.

**Marked for:**

- Ron Smith
- Bruce Arnell
- Kimber Jones (**verbal**) felt this community needs affordable housing.
- Ray McDougal (**verbal**) felt this creates affordable housing, townhomes are more affordable than cottage homes and would be nice for our community and will give young people an opportunity to own a home.
- Ryan Lerwill (**verbal**) stated there is a market demand for more affordable homes, such as townhomes. Mr. Lerwill also stated that the previous talk of 1800 apartments going in here has no truth. These are single family homes that will be individually owned. They will be good for the area. According to Smart Growth Solutions, this can be salvation for the future housing crisis.
- Blake Walker

**Marked neutral:**

- Elaine King (**verbal**) questioned the densities complying with code.
- Joy Ball (**verbal**) stated that the development agreement should be used as a guide for smart growth and appreciated the number of units being cut back from allowable density.

**Marked against:**

- Barbara Lusk (**verbal**) had concerns about snow removal, narrow roads, ample parking and minimal landscaping and asked if there would be street lighting.
- Timothy Frogue

7. Blake Walker addressed the statements. He felt the townhomes would be a good fit and beneficial to the community. There is designated snow removal areas, there will be landscaping and lighting and the parking is compliant with city code. The density is under allowable maximum. Mr. Walker also stated that he and Building Inspector Cliff Morris met with Fire Inspector Dale Pickering to review all plans and there were no concerns.

8. The Commission felt that all concerns by the public and City Engineer Dick Dyer and questions were addressed by Blake Walker and Ryan Lerwill and found that:

- a) the extra parking space eases public concerns expressed for visitor parking.
- b) they are providing a generous amount of open space.
- c) they are coming in under the maximum allowable density.
- d) these are different types of developments that haven't happened in Sugar City and the Comprehensive Plan suggests diverse housing.
- e) the commission found inconsistencies in city code and townhomes are not addressed adequately.
- f) townhomes provide an opportunity for single family homes and ownership versus apartments which do not offer this.

9. We find the relaxing of city code is in the public interest based on the aforementioned items b), c), d), and f) in view of necessary facts and because of inconsistencies of city code.

### CONCLUSIONS OF LAW

The Sugar City Planning and Zoning Commission concluded regarding the Preliminary Plat Application that:

1. The application complies with the Comprehensive Plan.
2. The permit complies with applicable state and federal laws and regulations.

### PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Concluding all of the above, the Sugar City Planning and Zoning Commission unanimously recommends that the City Council approve the Preliminary Plat Application with the following conditions:

1. The townhomes will have a diversity of appearance, especially different colors in the buildings, and will need Design Review's approval.
2. There will be an increase of decorative landscaping.
3. The space between parking spaces shall be softscape.
4. Landscaping will be required in Lot 4 of the plat unless it continues as farm ground where crops are to be raised.

The commission also recommends relaxing city code where three concerns were discussed with the consideration of the previous findings stated.

1. SCC 8-6-2 O regarding parking in a front yard setback. This states that no vehicles may back into a public right-of-way and the townhomes have driveways backing into a road.
2. SCC 8-6-2 M regarding maximum 40 percent hardscape in a front yard. With a townhome design the percentages of hardscape exceed this by approximately 12 to 14 percent.
3. SCC 8-6-2 M states a 12 foot wide driveway is allowed per covered parking area. The townhome design has a third parking space for visitor parking for each unit which does increase the hardscape percentage.

It is also noted that the comprehensive plan, the land use schedule and expert testimony were considered in the decision.

Signed and Dated this 1st day of July, 2019.

By: \_\_\_\_\_  
Chairman, Planning and Zoning  
Commission

Attest:

\_\_\_\_\_  
P&Z Administrator

Before the City of Sugar City  
Planning and Zoning Commission

	)	
<b>In the Matter of</b> an Application for a Preliminary Plat	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW
	)	AND RECOMMENDATION
Lerwill Development, LLC	)	
1190 Stocks Ave #1	)	
Rexburg, ID 83440	)	
Applicant	)	
	)	

**FINDINGS OF FACT**

1. Lerwill Development, LLC, of 1190 Stocks Ave. #1, Rexburg, Idaho, 83440, submitted a Preliminary Plat Application for **Targhee Townhomes Phased Development** for property located in Old Farm Estates Division # 3, Lot 4, Block 15, Sugar City, Idaho. The Targhee Townhome Development includes eight buildings with six units each totaling 48 units. The affected property is described as follows:

The East 157 feet of Lot 4, Block 15 lying West of the West Right-of-Way Line of South 3rd West, between the South Right-of-Way Line of West 4th South Extended West of South 3rd West and the North Right-of-Way Line of West 5th South of the Recorded Plat of Old Farm Estates, Division No. 3 Recorded May 25, 2018 under Instrument No. 416668, containing 3.03 acres more or less.

2. Lerwill's are the record owner of the property featured in the Preliminary Plat Application.

3. A public hearing on the application was held on June 25, 2019 at 7:00 p.m.

4. Deputy Clerk Shelley Jones 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 Sugar City Code 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.

5. Blake Walker of South Fork Design Group, LLC, introduced the Preliminary Plat Application. Mr. Walker stated that this development is in two phases. The second phase will be driven by demand. Townhomes are allowed in the zone and buildings meet setbacks and green space requirements. They have mitigated any clear vision triangle concerns and the concerns with backing into the roadway by changing the driveway to one approach instead of two. The plans allow for adequate snow storage.

6. There were ten members of the public in attendance at the public hearing that signed in for this hearing and indicated if they were for, against, or neutral.

**Submitted written testimony:**

City Engineer Dick Dyer emailed a letter to the commission with a question of off-street parking in the required setbacks, having an access easement to the west of the property with enough room for utilities to be placed and excavated if needed and questioned access from 5<sup>th</sup> South which is a collector street.

**Public Hearing:**

Of those who indicated, six were in favor, two were neutral, and two against.

**Marked for:**

- Ron Smith
- Bruce Arnell (**verbal**) would like to see adequate landscaping, questioned adding an extra egress road in the development.
- Kimber Jones
- Ray McDougal
- Ryan Lerwill (**verbal**) stated there is a market demand for more affordable homes, such as townhomes. Mr. Lerwill also stated that the previous talk of 1800 apartments going in here has no truth. These are single family homes that will be individually owned. They will be good for the area. According to Smart Growth Solutions, this can be salvation for the future housing crisis.
- Blake Walker

**Marked neutral:**

- Elaine King
- Joy Ball (**verbal**) stated that the development agreement should be used as a guide for smart growth and appreciated the number of units being cut back from allowable density. She had concerns about increased traffic.

**Marked against:**

- Barbara Lusk (**verbal**) had concerns about snow removal, narrow roads, ample parking and minimal landscaping and asked if there would be street lighting.
- Timothy Frogue

7. Blake Walker addressed the statements. He stated that a traffic study had been done and was approved based on the maximum allowable density. There is adequate lighting planned. There is more than the required open space. Mr. Walker also stated that he and Building Inspector Cliff Morris met with Fire Inspector Dale Pickering to review all plans and there were no concerns.

8. The Commission felt that all concerns by the public and City Engineer Dick Dyer and questions were addressed by Blake Walker and Ryan Lerwill and found that:

- a) extra parking space eases public concerns expressed for visitor parking.
- b) they are providing a generous amount of open space.
- c) they are coming in under the maximum allowable density.
- d) these are different types of developments that haven't happened in Sugar City and the Comprehensive Plan suggests diverse housing.
- e) the commission found inconsistencies in city code and townhomes are not addressed adequately.
- f) townhomes provide an opportunity for single family homes and ownership versus apartments which do not offer this.

9. We find the relaxing of city code is in the public interest based on the aforementioned items b), c), d), and f) in view of necessary facts and because of inconsistencies of city code.

### CONCLUSIONS OF LAW

The Sugar City Planning and Zoning Commission concluded regarding the Preliminary Plat Application that:

1. The application complies with the Comprehensive Plan.
2. The permit complies with applicable state and federal laws and regulations.

### PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Concluding all of the above, the Sugar City Planning and Zoning Commission unanimously recommends that the City Council approve the Preliminary Plat Application with the following conditions:

1. An access and utility easement meeting all legal and city code requirements including proper width and ADA requirements, including recommendations made by the city engineer Dick Dyer, located directly West of the requested plat.
2. The townhomes will have a diversity of appearance, especially different colors in the buildings, and will need Design Review's approval.
3. There will be an increase of decorative landscaping.
4. The space between parking spaces shall be softscape.

The commission also recommends relaxing city code where three concerns were discussed with the consideration of the previous findings stated.

1. SCC 8-6-2 O regarding parking in a front yard setback. This states that no vehicles may back into a public right-of-way and the townhomes have driveways backing into a road.
2. SCC 8-6-2 M regarding maximum 40 percent hardscape in a front yard. With a townhome design the percentages of hardscape exceed this by approximately 12 to 14 percent.
3. SCC 8-6-2 M states a 12 foot wide driveway is allowed per covered parking area. The townhome design has a third parking space for visitor parking for each unit which does increase the hardscape percentage.

It is also noted that the comprehensive plan, the land use schedule and expert testimony were considered in the decision.

Signed and Dated this 1st day of July, 2019.

By: \_\_\_\_\_  
Chairman, Planning and Zoning  
Commission

Attest:

\_\_\_\_\_  
P&Z Administrator

Before the City of Sugar City  
 Planning and Zoning Commission

In the Matter of an Application for a Planned Unit Development	)	
	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW
	)	AND RECOMMENDATION
Lerwill Development, LLC	)	
1190 Stocks Ave #1	)	
Rexburg, ID 83440	)	
Applicant	)	
	)	

**FINDINGS OF FACT**

1. Lerwill Development, LLC, of 1190 Stocks Ave. #1, Rexburg, Idaho, 83440, submitted an application for **Sugar Meadows Cottage Homes** Planned Unit Development for Property Located at Old Farm Estates Division # 3, Lot 5, Block 17, Sugar City, Idaho. The Sugar Meadows Planned Unit Development includes 44 cottage homes.

The affected property is described as follows:

Lot 5 of Block 17 Old Farm Estates Division No. 3 An addition of the city of Sugar City, Madison County Idaho, A portion of the NW ¼ Corner of Section 9, Township 6 North, Range 40 East of the Boise Meridian: Approximately 4.65 Acres

2. Lerwill's are the record owner of the property featured in the P.U.D. Application.

3. A public hearing on the application was held on June 25, 2019 at 7:00 p.m.

4. Deputy Clerk Shelley Jones 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 Sugar City Code 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.

5. Blake Walker of South Fork Design Group, LLC, introduced the Planned Unit Development Application. Mr. Walker stated that this development is in six phases. The six phases are designed to be stand alone phases. All interior roads are private. The development will be maintained by a Homeowners Association. There is adequate snow removal storage. It meets city code parking requirements. It is well below the maximum density allowed for the zone. The clusters of homes will share common space and amenities. The developers had to apply for a P.U.D. because the current city code does not address a cluster home development which has smaller lot sizes and setbacks. This will benefit the city and provide good affordable housing. Mr. Walker also stated that he and Building Inspector Cliff Morris met with Fire Inspector Dale Pickering to review all plans and the 16 foot one way road was a concern which is too narrow for fire code. The road will be changed to 20 feet.

6. There were ten members of the public in attendance at the public hearing that signed in for this hearing and indicated if they were for, against, or neutral.

**Submitted written testimony:**

City Engineer Dick Dyer emailed a letter to the commission and had concerns about the parallel parking spot in front of the garage units. He stated the utility layout will need to have proper access and connection. He made suggestion as to how the roads would be built and stated the fire code needs to be met with required road widths and access. He also asked about the balance between green space and homes in the clusters.

**Public Hearing:**

Of those who indicated, six were in favor, two were neutral, and two against.

**Marked for:**

- Ron Smith
- Bruce Arnell (**verbal**) had a concern of road width and stated concerns for an HOA properly caring for the development.
- Kimber Jones (**verbal**) felt this community needs affordable housing.
- Ray McDougal (**verbal**) stated there has been a lot of difficulties in making this development happen. There is a lot of interest in this and people like the concept. The economics of it is hard to pencil out and the application process has been difficult.
- Ryan Lerwill (**verbal**) stated there is a market demand for more affordable homes. Mr. Lerwill also stated that the previous talk of 1800 apartments going in here has no truth. These are single family homes that will be individually owned. They will be good for the area. According to Smart Growth Solutions, this can be salvation for the future housing crisis.
- Blake Walker

**Marked neutral:**

- Elaine King (**verbal**) had concerns about homes being under 800 square feet and being too small and felt two story homes would not be good for retirees.
- Joy Ball (**verbal**) stated that the development agreement should be used as a guide for smart growth and appreciated the number of units being cut back from allowable density. She asked if the city is responsible for the utilities.

**Marked against:**

- Barbara Lusk (**verbal**) was concerned about the size of the homes.
- Timothy Frogue

7. Blake Walker addressed the statements. He stated that there will be ADA access. The parallel parking spot was requested to add additional parking and help with safety issues as homeowners back out of garages. This meets code and has already been addressed. Ray McDougal stated that the design for the cottage homes is adapted to this climate giving garages and closer parking to the units than most cluster home developments. The utility layout was addressed by Ryan Lerwill and stated that the utilities will be a private developer issue. A P.U.D. gives a level of separation from the city. The smaller lot sizes are permissible in a P.U.D. with added green space. The suggestions of Mr. Dyer will be taken into consideration for road materials. All concerns have been addressed. Walker stated that these items have been addressed in previous Planning & Zoning meetings. The smallest home size is approximately 880 square feet of living space not counting a balcony or garage. Other home plans included are between approximately 1250 to 1650 square feet, so they are typically not real small homes; just homes that will be clustered. There are several plans with different layout options. One of the plans has the main living space with master bedroom on the main floor suitable for retirees.

8. The Commission felt that all concerns by the public and City Engineer Dick Dyer and questions were addressed by Blake Walker and Ryan Lerwill and found that:
- a) the extra parking space eases public concerns expressed for visitor parking.
  - b) they are providing a generous amount of open space. There is approximately nearly 40 percent green space and only 20 percent is required.
  - c) they are coming in under half of the maximum allowable density with less than 10 units where 16 are allowed in the zone and with the P.U.D., 20 units are allowed.
  - d) a P.U.D. allows for smaller lot and home sizes.
  - e) these are different types of developments that haven't happened in Sugar City and the Comprehensive Plan suggests diverse housing.

### **CONCLUSIONS OF LAW**

The Sugar City Planning and Zoning Commission concluded regarding the Preliminary Plat Application that:

- 1. The application complies with the Comprehensive Plan.
- 2. The permit complies with applicable state and federal laws and regulations.

### **PLANNING AND ZONING COMMISSION RECOMMENDATIONS**

Concluding all of the above, the Sugar City Planning and Zoning Commission unanimously recommends that the City Council approve the Preliminary Plat Application with the following conditions:

- 1. Materials and designs for additional home plans shall be similar in fashion to previously submitted home plans as forwarded from P&Z Administrator Shelley Jones to commission members for review and approval.
- 2. The concerns of the fire department will be met in changing the 16 foot road to 20 feet, and then approval by the fire marshal shall be obtained. Deputy Clerk Jones will send an updated drawing showing the changes to the commission and any consequent concerns will be addressed if needed.
- 3. Approval of the building designs will be requested and then obtained from the Design Review Board.
- 4. The development needs to be ADA compliant.
- 5. If they wish to make any changes to the existing plans or design of homes, a new application will be required. Homes will have a variation of colors.

It is also noted that the comprehensive plan, the land use schedule and expert testimony were considered in the decision.

Signed and Dated this 1st day of July, 2019.

By: \_\_\_\_\_  
Chairman, Planning and Zoning  
Commission

Attest:

\_\_\_\_\_  
P&Z Administrator

Before the City of Sugar City  
Planning and Zoning Commission

	)	
<b>In the Matter of</b> an Application for a Planned Unit	)	
Development	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW
	)	AND RECOMMENDATION
Lerwill Development, LLC	)	
1190 Stocks Ave #1	)	
Rexburg, ID 83440	)	
Applicant	)	
	)	

**FINDINGS OF FACT**

1. Lerwill Development, LLC, of 1190 Stocks Ave. #1, Rexburg, Idaho, 83440, submitted an application for **Sugar Ridge Cottage Homes** Planned Unit Development for Property Located at Old Farm Estates Division # 3, Lot 7, Block 11, Sugar City, Idaho. The Sugar Ridge Planned Unit Development includes 49 cottage homes.

The affected property is described as follows:

Lot 7 of Block 11 Old Farm Estates Division No. 3 An addition of the city of Sugar City, Madison County Idaho, A portion of the NW ¼ Corner of Section 9, Township 6 North, Range 40 East of the Boise Meridian: Approximately 5.12 Acres

2. Lerwill's are the record owner of the property featured in the P.U.D. Application.

3. A public hearing on the application was held on June 25, 2019 at 7:00 p.m.

4. Deputy Clerk Shelley Jones 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 Sugar City Code 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.

5. Blake Walker of South Fork Design Group, LLC, introduced the Planned Unit Development Application. Mr. Walker stated that this development is in six phases. The six phases are designed to be stand alone phases. All interior roads are private. The development will be maintained by a Homeowners Association. There is adequate snow removal storage. It meets city code parking requirements. It is well below the maximum density allowed for the zone. The clusters of homes will share common space and amenities. The developers had to apply for a P.U.D. because the current city code does not address a cluster home development which has smaller lot sizes and setbacks. This will benefit the city and provide good affordable housing.

6. There were ten members of the public in attendance at the public hearing that signed in for this hearing and indicated if they were for, against, or neutral.

**Submitted written testimony:**

City Engineer Dick Dyer emailed a letter to the commission with a question about access from 5<sup>th</sup> South which is a collector street and had concerns about the parallel parking spot in front of the garage units. He stated the utility layout will need to have proper access and connection. He made suggestion as to how the roads would be built and stated the fire code needs to be met with required road widths and access. He also asked about the balance between green space and homes in the clusters.

**Public Hearing:**

Of those who indicated, six were in favor, two were neutral, and two against.

**Marked for:**

- Ron Smith
- Bruce Arnell
- Kimber Jones (**verbal**) felt this community needs affordable housing.
- Ray McDougal (**verbal**) stated there has been a lot of difficulties in making this development happen. There is a lot of interest in this and people like the concept. The economics of it is hard to pencil out and the application process has been difficult.
- Ryan Lerwill (**verbal**) stated there is a market demand for more affordable homes. Mr. Lerwill also stated that the previous talk of 1800 apartments going in here has no truth. These are single family homes that will be individually owned. They will be good for the area. According to Smart Growth Solutions, this can be salvation for the future housing crisis.
- Blake Walker

**Marked neutral:**

- Elaine King (**verbal**) had questions about P.U.D. setbacks and lot lines. She asked if this was sold to a new developer, would the same plan go through.
- Joy Ball (**verbal**) stated that the development agreement should be used as a guide for smart growth and appreciated the number of units being cut back from allowable density. She asked if the roads would also be done in phases. She was concerned about lot the small size of the cottage homes.

**Marked against:**

- Barbara Lusk (**verbal**) had concerns about snow removal, narrow roads, ample parking and minimal landscaping and asked if there would be street lighting.
- Timothy Frogue

7. Blake Walker addressed the statements. He stated that there will be ADA access. The parallel parking spot was requested to add additional parking and help with safety issues as homeowners back out of garages. This meets code and has already been addressed. Ray McDougal stated that the design for the cottage homes is adapted to this climate giving garages and closer parking to the units than most cluster home developments. The utility layout was addressed by Ryan Lerwill and stated that the utilities will be a private developer issue. A P.U.D. gives a level of separation from the city. The smaller lot sizes are permissible in a P.U.D. with added green space. The suggestions of Mr. Dyer will be taken into consideration for road materials. Mr. Walker also stated that he and Building Inspector Cliff Morris met with Fire Inspector Dale Pickering to review all plans and there were no concerns. All concerns have been addressed.

Walker stated that these items have been previously addressed in previous Planning & Zoning meetings.

8. The Commission felt that all concerns by the public and City Engineer Dick Dyer and questions were addressed by Blake Walker and Ryan Lerwill and found that:

- a) the extra parking space eases public concerns expressed for visitor parking.
- b) they are providing a generous amount of open space. There is approximately nearly 40 percent green space and only 20 percent is required.
- c) they are coming in under half of the maximum allowable density with less than 10 units where 16 is allowed in the zone and with the P.U.D., 20 units are allowed.
- d) a P.U.D. allows for smaller lot and home sizes.
- e) these are different types of developments that haven't happened in Sugar City and the Comprehensive Plan suggests diverse housing.

### **CONCLUSIONS OF LAW**

The Sugar City Planning and Zoning Commission concluded regarding the Preliminary Plat Application that:

1. The application complies with the Comprehensive Plan.
2. The permit complies with applicable state and federal laws and regulations.

### **PLANNING AND ZONING COMMISSION RECOMMENDATIONS**

Concluding all of the above, the Sugar City Planning and Zoning Commission unanimously recommends that the City Council approve the Preliminary Plat Application with the following conditions:

1. Materials and designs for additional home plans shall be similar in fashion to previously submitted home plans as forwarded from Deputy-Clerk Shelley Jones to commission members for review and approval. Homes will have a variation of colors.
2. Approval of the building designs will be requested and then obtained from the Design Review Board.
3. The development needs to be ADA compliant.
4. If they wish to make any changes to the existing plans or design of homes, a new application will be required. Homes will have a variation of colors.

It is also noted that the comprehensive plan, the land use schedule and expert testimony were considered in the decision.

Signed and Dated this 9th day of July, 2019.

By: \_\_\_\_\_  
Chairman, Planning and Zoning  
Commission

Attest:

\_\_\_\_\_  
P&Z Administrator