

**SUGAR CITY PLANNING & ZONING MEETING MINUTES**  
**PUBLIC HEARING - THURSDAY, JULY 18, 2019**

**Commissioners in attendance:** Dave Thompson, Quinton Owens, Justin Merrill, Christine Lines, Paul Jeppson, Sean Bartholick, Tyler Hoopes

**Others in attendance:** Building Inspector Cliff Morris, Deputy Clerk Shelley Jones, Citizen Sharee Palmer

**7:35 P.M.**

**Meeting called to order by:** Dave Thompson

**Public Hearing for Revisions to Planning & Zoning Code 9-1-3 Administrator and 9-1-4 Commission:**

See Attachment #1 for the proposed revisions to SCC 9-1-3 and 9-1-4. Chairman Thompson read into the record that Deputy Clerk Shelley Jones attested that all required notices regarding the hearing had been published and posted in a timely fashion as required by Sugar City Code and Idaho State law.

There was one member of the public in attendance at the public hearing that signed in for this hearing and indicated if they were for, against, or neutral.

**Public Hearing Sign-In Sheet:**

Of those who indicated, none were in favor, one was neutral, and none were against.

**Marked for:**

**Marked neutral:** Sharee Palmer

**Marked against:**

Citizen Sharee Palmer, who marked neutral on the sign-in sheet with no comments, later questioned the addition of P&Z determining the number of members on its board.

**8:00 P.M. Public Hearing Ended**

**9:00 P.M.**

**Motion made by:** Paul Jeppson to re-open public hearing per Chairman Thompson's request to verify if there had been any ex-parte communications prior to the public hearing.

**Motion seconded by:** Sean Bartholick

**All were in favor, motion carried**

Chairman Thompson asked the commission members if there had been any ex-parte communications concerning the public hearing. All attending reported there had been none.

Public hearing re-closed.

## ATTACHMENT # 1

### **9-1-3 ADMINISTRATOR** (Proposed changes to current code are in red)

- A. Unless the mayor, with the consent of the city council, appoints another person as planning and zoning administrator, the administrator shall be the city clerk. The administrator may be provided with the assistance of such other persons as directed by the mayor with approval of city council.
- B. The administrator shall provide **or arrange** for:
  - 1. Information and advice concerning this title;
  - 2. **Notification to news media regarding matters of public interest;**
  - 3. Aid to applicants in preparation and expedition of applications;
  - 4. Receipt of applications and fees;
  - 5. On-site inspection (with permission of the owner) of properties subject to application;
  - 6. Collection, filing, and distribution of **all required** materials relevant to applications;
  - 7. Coordination with other Sugar City departments and public agencies concerning applications and permits;
  - 8. **Preparation of planning and zoning** Creation of meeting agendas, minutes, findings of facts and other materials as requested and directed by Planning & Zoning Chairman;
  - 9. Issuance of **required** permits, notifications, letters, and similar items;
  - 10. Investigation of violations and written communications with violators; and
  - 11. Assistance to the planning and zoning commission and city council in carrying out provisions of this title.

#### HISTORY

*Adopted by Ord. 290 on 10/14/2010*

### **9-1-4 PLANNING AND ZONING COMMISSION**

- A. Membership: The planning and zoning commission shall consist of not fewer than three (3) nor more than twelve (12) voting members, **as determined by the Planning & Zoning Commission. A quorum shall consist of more than 50 percent of the commission.** The administrator or his or her assistant and a member of the city council acting as liaison to the commission are nonvoting members. The following provisions apply to the voting members:
  - 1. Proportionate Representation: Members shall be apportioned to give proportionate representation to the incorporated city and the area of city impact, based on respective populations, as provided in Idaho Code 67-6526(g). City council shall review the apportionments from time to time and adjust the membership as needed.
  - 2. Conditions Of Membership: The following conditions are intended to carry out Idaho Code 67-6504(a):
    - a. A member shall have resided in the area he represents (city or impact area) for at least two (2) years prior to his appointment, and must remain resident during his service on the commission.
    - b. Members are appointed by the mayor with the consent of the city council. The mayor may seek recommendations from the Madison County commission as to who should be members representing the impact area. The areas and interests within the city and area of city impact should be broadly represented on the commission.

- c. The term of office shall be for three (3) calendar years, with appointments staggered. No person shall serve more than two (2) full consecutive terms without concurrence by two-thirds (2/3) of the city council, adopted by resolution and recorded in the minutes. A vacancy occurring other than through the expiration of the term shall have someone appointed, in the same manner as the original appointment, to complete the unexpired term. Members may be removed for cause by a majority vote of the city council.
  3. Conflict Of Interest/Ex Parte Contacts: A member or employee of the city council or planning and zoning commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest or ex parte contact should be disclosed at or before a meeting at which the relevant action is being heard or considered, and be noted in the minutes. A knowing violation of this section shall be a misdemeanor subject to penalties as provided by law. Illegal participation voids any action taken as a result. Further explanation appears in Idaho Code 67-6506.
- B. Operation Of The Commission: Operations are governed by Idaho Code 67-6504 and other applicable statutes.
  1. Organization: The commission shall elect a chairman and create and fill any other office it deems necessary. To advise and assist in carrying out its responsibilities, the commission may appoint nonvoting ex officio advisors and establish subcommittees, advisory committees, and neighborhood groups. Committees and groups shall comply with open meeting laws and maintain records of their activities as required by law. **As Provided in IC 50-210, the commission provides "its own manner of organizing", as follows:**
    - a. Officers from among the voting members, at minimum, shall include a chairman and may include such other officers as deemed necessary.
    - b. The chairman shall be the executive officer of the commission and preside at and conduct meetings of the commission. In the chairman's absence, meetings shall be conducted by a member designated by the chairman. All commission business must be approved by the commission before the chairman gives approval.
    - c. Members of the commission may suggest agenda items subject to acceptance by the chairman.
    - d. The chairman shall determine the content and wording of drafts submitted to the commission for its consideration as well as matters of public interest, including but not limited to minutes of meetings, findings of fact, conclusions of law and recommendations and public notices.
    - e. The administrator or appointed member shall take minutes of meetings and submit them in draft form to the chairman, and under the direction of the chairman prepare and disseminate materials throughout the commission. The administrator shall assist the chairman in commission business as directed by the chairman.
    - f. The council liaison and the administrator are not members of the commission and have no executive authority over the commission.
    - g. The chairman shall sign all plats and documents after approval of the commission.
  2. Rules: Modified parliamentary rules approved by city council will govern conduct of meetings. Agendas will be prepared and meetings conducted in accordance with the open

public meetings act, Idaho Code 67-2340 through 2345. Business of the commission shall be conducted by discussion and deliberation among the members and by votes taken. In case of a tie vote, the chairman will declare the action tabled until a subsequent meeting. In case of tabling an action because of a tie vote, the deadline for action shall be extended until the next regular meeting if such extension is needed. An applicant may be asked to revise his application in the interim. If the tie is not broken at the second meeting, the planning and zoning commission shall forward the application to the city council with no recommendation.

3. Records: A record of meetings, hearings, resolutions, studies, findings, permits, and actions taken shall be maintained. Written minutes must contain members present, all motions, orders, resolutions, ordinances proposed and their disposition, and results of all votes, and if requested, by roll call. The written minutes shall be subject to approval by vote at a subsequent meeting. A transcribable verbatim record shall be kept of public hearings for at least six (6) months after final action on the matter. Minutes shall be available to the public within a reasonable time after the meeting. A person who desires individual copies may be required to make written request, pay the cost of copies, and wait until copies can reasonably be made.
  4. Meeting Frequency: At least one regular meeting shall be held each month for not fewer than nine (9) months in each year.
  5. Quorum: A majority of currently appointed voting members of the commission shall constitute a quorum.
- C. Powers And Duties: The commission shall exercise the powers and duties provided in Idaho Code 67-6507 through 6511, and such other duties as assigned by city council. Powers and duties include, but are not limited to:
1. Carry out the planning duties set forth in Idaho Code section 67-6508.
  2. Make recommendations to the city council for the adoption, amendment and repeal of the city's comprehensive plan. The commission shall not recommend amendments to the land use map component of the comprehensive plan more frequently than once every six (6) months. The commission may recommend amendments to the text of the comprehensive plan at any time.
  3. Recommend implementing materials, that is, documents that contain details of or authorization for implementation of the comprehensive plan to the city council.
  4. Consider amendments to this title and other relevant titles and make recommendations to city council.
  5. Consider subdivision applications and make recommendation to city council.
  6. Consider applications for annexation, reclassification (zone change), planned unit development, special use permits, and other applications that relate to land use, and make recommendation regarding these applications to the city council.
  7. Consider and decide applications for variances.
  8. Hear and decide appeals from an action or decision of the planning and zoning administrator.
  9. Assist potential applicants in understanding the comprehensive plan, ordinances, and standards.
  10. Other duties as assigned by city council.
- D. Area Of City Impact: Under Idaho Code section 67-6526, the city's land use ordinances apply to the area of city impact. The city's ordinances regarding the area of city impact are administered by Madison County. When the county refers applicants or forwards applications to the Sugar City planning and zoning commission, the commission shall consider the application, make its recommendation to the county, and report its action to the city council.

## HISTORY

*Adopted by Ord. 290 on 10/14/2010*