

Sugar City Planning & Zoning Meeting

At Sugar City Hall

Thursday, November 18, 2021, 7:00 PM

Attendance: Chairman Dave Thompson, Commissioners Lines, Jeppson, Fluckiger, and Nott. Administrator Owens, Consultant Hibbert, Secretary Brosius, Zoom: City Attorney Chase Hendricks, Claire Rushforth

Meeting was called to order at 7:12 pm by the Chairman.
Prayer, & Pledge of Allegiance

Welcome new P&Z Commissioners: set for a future date

Public comment: No response.

Report from Design Review: No report

Land Use Table Discussion:

The Land Use Schedule and table are close to being finalized. R1 R2 R3 will be retained, MU1 MU2 should be changed back to MU. Meeting and minutes from 4 November show previous discussion about adding R4, with suggested wording changes and suggested density values. The Chairman noted if anything is going to public hearing we should not discuss it.

A question was asked about why Sexually Oriented Business can't be ruled out. Per Federal Law they must have a prescribed distance from a church, residence, or school. Moving the area of impact back is more congruent and in line with the city.

Back to the Land Use Schedule, we need to add Airbnb's, cottage homes, accessory units, tents, and yurts. To better expand and better differentiate, we need to add better definitions to all those elements. Code already states that if it is not defined in the code, we use a current dictionary as a definition for those items. Manufactured homes, mobile homes, tiny homes, cottage homes, clustered homes, dwelling units, mother-in-law homes, shipping containers, cardboard boxes, tents, yurts, and all other myriads of accessory dwelling units should be defined.

Setbacks, side setbacks, rear setbacks need to be re-defined. Attention to townhouse units, newer codes, ones we haven't got yet, building codes brought in a good solution for that, definitions if we need to incorporate. Identify a townhome code group with setbacks. Address pavement amounts.

11-23-21 Public Hearing: Annexation RR, Special Use and Business Park

12-1-21 Public Hearing: Impact areas, Expansions, code changes, Buffering, Dark Sky, and 9-3-2 space.

Because we are at public hearing status, we are cautioned to keep a record of where, when, and who, and a brief description of what was discussed, and invite them to come to the public hearing to avoid ex parte discussion.

Zoning Height Discussion:

With changes in our impact area with Salem and Highway 33, there is a need to prevent sprawl and increase the current height requirement. Having more fire trucks will allow the city to extend that and make it taller. We are going to have to increase the density of our city, if we don't incentivize our existing land to get those additional heights then we will just sprawl. Match the growth and accommodate the development but still maintain the values we want in the city.

The question was asked about land stability, structures vs. soils. Sugar City has the greatest soils to build on. Developers do soil testing, slope analysis, and environmental studies. Soils meet what they are building. A health-based study can be done. Some of these studies can be \$50M. A thought to pass it to developer engineers as part of the application was suggested. A nutrient sample study can be requested. Careful what you require. Questioned if we have a map of water table levels. We have upper valley soil data maps. Add to-do list: Add component for doing the meeting to have an element in there. A process by which the developer would have to go through to prove that the solid can handle that figured type of load or whatever.

Teton County requires their code if you are going to build on a hillside you have slopes then do a slope analysis, engineering analysis. They require those environmental studies to be done.

You can always, under the hoopla, require anything if you feel something that is not right or could be questionable. Require the developer to provide you with documentation that those soils are suitable for what they are proposing. It is in the State Statute. Even require any health safety-based studies.

Future people on P&Z should make sure a checkbox on the application and put in code. Have a checklist just to make sure you are receiving their complete application knowing that a certified Engineer is the one who stamps it and takes responsibility for it. It was brought up to be somewhat careful on what you are required and how you require it. For instance, the \$150M nutrient pathogen could be the deciding factor to build in another county.

Sugar City has a northeast to the southwest flow of groundwater. About 15' under the ground that it flows like a river. Sugar is over a sole source aquifer. We have really good soil maps of the entire Upper River Valley. The Conservation Services keep the records for 100 years. We have really good data on the solid capability of fair development.

Comprehensive Plan Discussion:

Has anyone been working on their SWOT assignments? If you did not receive one look in the shared folder.

What that does for us, as you are aware, is identify issues that could or often will be for the greater good of our comp plan. Reminder on what you want your city to look like. Public hearings are going on right now so keep that in mind.

Okay so we won't talk specifics and leave that to the public hearing, we will talk about the process. The process is, cities have to negotiate with the county of areas of city impact, so it is a requirement of the Local Land Use Planning Act. The fact that Salem is not a municipality incorporated under Idaho law is a segment or subset of the county. The city municipality of Teton and the municipality of Newdale are all wanting to work with

Sugar City on what is being done, in piggyback, on what this city is doing right now with Madison County. To make one comprehensive, really thought out wonderful plan to present to Madison County. All the communities are talking about the same things at the same time. One of the things that are unprecedented and unusual for what is happening right now.

Especially when you have a non-incorporated area of a county wanting to work under the auspice and municipal authorities of the jurisdiction, and then toward the jurisdiction that they want to piggyback on the overall process. So that are comprehensive plans, kind of mirror each other, our impact area mirror of each other, Even our ordinance to piggyback on the work that is happening right now. Adopt the very ordinances as their own with just a few tweaks that kind of individualize it to their cities. Imagine how a developer would feel about that? A developer to say anywhere in North Madison County. All those cities are on the same page with development. They would want the same type of development, zoning, densities, codes. We don't have to learn anything new to go anywhere in this area. It would make it easy for them in these municipalities. We need to be careful not to offend or step on toes but yet to properly go through that process. Be open-minded, listen, and have good thoughts come in and do the best scenario whatever that may be. Walk softly, be kind and go forward in good faith for the benefit of the larger community.

County Commissioners were formally reminded we are working on what we are talking about. They originally requested that we go immediately to the commission of nine. The commission feels this may not be applicable.

In January we would like to make sure that we have most of the documents for that total package. Some of the old vision stayed in writing the comp plan, good values, some did not fit in the environment today. You can modernize it, update it, and even add to it, but once in a while you will take away the irrelevant, but it is going very well.

A reminder was mentioned: we need to get parents' permission slip forms out to the school to have 4th & 5th-grade students do a drawing they can do to release so we can publish. Add that component to the plan on how they visualize what the city would look like in the future.

Some other things are old historical pictures and photos. The Sugar City factory picture has never been seen before. A community survey component will have a whole section for that with updated demographics looking at the community's desires. This survey was a lot of work and is much appreciated. The survey and data set up a really good policy direction. Salem should be integrated into the comprehensive plan. Maps both old and new. Need to zone the new projected impact area. Those essay questions, the way we are going to handle those and pulling out names and special words of praise or admiration, a summarization. All analyzing the data so that we do get that point we and all be in fellowship in the comp plan.

Sugar needs community balance because we won't have enough commercial to handle the previous Sugar City and not including the new growth of Sugar City.

A 1903 map showed Moody Road as it was intended to be. It displays that our comp plan showed for a long long time that the Moody Road was the line of our impact area. The commissioners need to see the map and data as this would have been valuable to prevent Rexburg encroachment. That map was given to P&Z to add to the commissioners' packet

Chairman Report:

Showed the Old Toscano area on the map. Chairman received a call from their engineer today informing them that they are ready and want to move forward. They were asked to reach out to our Administrator with their plans. They would like an informal time to ask questions. If they want to do a presentation they need to run it by the Administrator to see if anything is major before they finalize their plans and we see that might be beneficial. A site plan review meeting before staff. Then after they can bring it forward to P&Z as they want to get through that in December. It was too late to add to today's agenda.

A project is going to happen and I have reviewed preliminary stuff with them. It was reported at the county meeting. Teton and Newdale are on board working together once a week, one of us will be in touch with them. They are coming to our training. They came to Monday training and will probably come to our public hearings.

Administrator Report and Discussion:

Last night at the City Council meeting I reported on a couple of things. Talked about the Impact area and set the public hearing. Council had offers on two more lots in the business park. I suggested we can get scheduling done on the meetings so the City can take care of the CC&R's and then we are ready. We are already, at the point, where two owners can be on the Review Committee. This would make 3 from P&Z, 1 from City Council, and 1 from the Development Committee.

The way the business park information went, with Planning and Zoning overseeing the business park until so much was sold. Once we hit a threshold on what they sold at the business park then the business park starts having its representation. At some point, the balance of power shifts from Planning and Zoning to the ownership of the Business Park. To where they can bring in their own leadership since Planning and Zoning have been doing it since the inception. The Owners have a buy-in that it had to be so many sold, having two more sold is the difference in how the business park will function.

For clarification, the 3 from P&Z are not representing P&Z but work as a member of the Review Committee.

More discussion was the Review Committee to redo the CC&R's that we thought were done that weren't filed, but to act on them based on the authority given to them. Get those filed and corrected. Then when P&Z meets they can discuss zoning issues with the business park.

Other discussions:

Were water rights transferred from the School to the City? At the City Council meeting, the school had a presentation on water rights. City Attorney Hendricks was discussing later on those rights and going to propose to the School as we need to protect the City's interest in those water rights. It will go back to them, we have an alternative plan because they talked about having these different properties, and so many acres in Heritage Park. Some of these things are talked about but not sure if they have been resolved yet, but that is another discussion. It can provide Culinary Water to the development on that land. So the water that is now coming out of our tank can be replaced at some point from the water rights on that land. Is it mission-critical, if we continue to supply water to land as the City grows for the water rights to be turned over or we can't supply on-demand culinary water. So we should be turning the water on at the school only until those water rights are transferred. City Attorney Hendricks has a summary, he has a list of State Statutes, things that are not resolved.

It was brought up that Facebook, (interjection was made on Ex Parte) had residents talking about the school. It was inspected and advised what the school needed to focus on. The gym was not done, the building is not ready and may not be ready on 11-23. It was agreed that the water should be shut off until water rights are resolved. A suggestion was made to give the same strong wording to the City Council and the Mayor. A reminder was also brought up that the City Attorney Hendricks has a summary, a list of State Statutes, and things that are not resolved.

Also brought up for discussion was another public safety fire hydrant, but that's been corrected too or in the process of being corrected.

We have been advised that until the water is taken care of we don't move forward on Old Farm Estates.

It was brought up that there is signage that is illegal on Sugar City Storage. No code enforcement officer is here anymore. It can't be enforced until a new one is hired.

Comments on minutes. Use formal position but in motions use names. But if the City Attorney is referred to, use his title and name.

Discussion to get picture(s) for the comp plan was brought up if a drone or other type means and a volunteer came forward to help in any means.

Action to add to Cumulative list, to have us review the informal advice code. This could go through Administrative to give the informal advice. Normally it comes to you and you have the assurance that the staff has already given commentary on it and you know it is okay with them. Most cities it goes to Planning and Zoning after staff and department heads.

Changes to the 11-4 minutes, it was requested to go back to losing the names and using titles. Another agreed but clarified that names will be used in motions and vote count. Once it is approved then this is what goes in the archives for future Planning and Zoning to review. It doesn't matter who said it as it becomes admission. Another expressed the need to summarize to save time and paraphrase discussions which will make it easier that way.

Motion made by Commissioner Jeppson to accept 11-4-21 minutes with the chance to just make those amendments, Commissioners discussed this and not leave it with names and I would feel better with that. So the motion to pass it with those amendments, correct spellings, and punctuation.

Seconded by Committee Member Nott **Motion carries.**

Motion made by Commissioner Jeppson moves to adjourn 8:36 pm. **Seconded by** Commissioner Lines **Motion carries.**