

Sugar City Planning & Zoning Minutes Special Meeting - Wednesday, July 27, 2022

Commissioners in attendance: Christine Lines, Paul Jeppson, David Fluckiger, Jerry Miller

Others in attendance: P&Z Administrator Kurt Hibbert, Assistant P&Z Administrator & Building Inspector Quinton Owens, Deputy Clerk Shelley Jones, Engineer Gerald Williams, Developer Representative Dawson Klingler

Public in attendance: Bruce King, Elaine King, Dustin Parkinson

7:54 PM - Meeting Called to Order

The meeting was called to order by Chairman Christine Lines

Discussion on Zone Change Application: Chairman Lines asked for questions from the commissioners.

Commissioner Jeppson had questions about the street size and whether the plans met code. He referred to Ordinance 353_2020. He mentioned that high density road width was 66 feet; R2 was 60 feet and felt the plan did not fit. He felt there would need to be a conditional motion as council can change the code. There is a need for a change to 10-4-4 and a possible repeal to Ordinance 353_2020. The development agreement must be completed before the final plat. A warranty bond should be set up. This will give teeth to the city to get things done. The dedication of right of way, utilities and special easements can be resolved by the final plat.

There was a concern as R1 and R2 do not require a design review. Planning and Zoning cannot mandate open space in each lot. He is excited about R1 going in.

Commissioner Miller stated he has lived here over two years but grew up here and moved away. Planning and Zoning has to meet the code and law. He stated he used to live in a twin home and loved that experience. He liked the R2 zone in the middle of the property. He said the development agreement will give him confidence in the property. We can manage growth to support our community and he felt relatively comfortable in moving ahead.

Commissioner Fluckiger asked why Planning & Zoning did not do public hearings with plats any more.

Commissioner Jeppson stated that in the past they were overly careful and wanted the public to see what things would look like. They were required to do a design review for high density plans. They felt it was more transparent. In checking city code, however, public hearings for plats are not required at all.

Administrator Hibbert stated that there were no requirements in state statute. Most cities do require a hearing but are thinking this can violate land use rights. Hearings were to share paperwork, now the information is available online to see items. The process to get to a final plat takes time. A preliminary plat usually has everything required; a final plat is just the final paper to file.

Commissioner Jeppson stated some information was not included, but Mr. Dyer says these items are being worked on.

Ms. Lines had some points for Mr. Hibbert to clarify:

- Impact study – is good, we have capacity for increased traffic, sewer and water.
- There is a cul-de-sac that could possibly allow us to build a bridge onto Digger Drive if in the future it is needed to help with traffic flow.
- Development agreement – It is complete, but needs to add some language on the water rights transfer and possible future bridge.
- Mr. Jeppson stated there is property between the proposed bridge and the future Parkway Corridor. He felt it was a responsible thing to have this cul-de-sac there.
- There was concern about road width but this will be dealt with by the City Engineer and Public Works Director. It will be done correctly.
- Ms. Lines had a question about open space and wondered if the city would consider an upsized park. Mr. Hibbert stated with a code update; it could be a possibility. This would be a benefit to the community rather than having many small parks and open spaces. She wondered how open space would be dedicated as part of the plat. The developer is open to developing in a way to solve problems.
- There are restrictive covenants (CC&R's) for this property. The CC&R's will be done with the final plat.

- There was a question on the maintenance agreement and it was stated that the infrastructure will be our responsibility. The city has done very well in maintaining our roads. They were put in after the flood in 1977 and are in very good shape for the age that they are. It would cost \$15 million to replace them.

8:32 PM Commissioner Responses

Commissioner Fluckiger felt questions have been answered and felt good to move forward.

Commissioner Jeppson had no concerns and felt good about R1 and R2.

Commissioner Miller was comfortable with R1 and R2 and about the development agreement spelling out the R2 block.

8:37 PM

Motion made by: Commissioner Jeppson that we accept the proposed change to R1 and R2 as outlined with the only condition being we are recommending this to city council.

Motion seconded by: Jerry Miller

All were in favor

Motion carried unanimously

8:39 PM Discussion on Preliminary Plat

Assistant P&Z Administrator Quinton Owens explained the application has been paid for as there was a question about the zone change application fee being waived. Eight parcels were recently annexed and there was one fee for those parcels. The fee has been paid for the 85 lots in this application.

The city did receive a letter from the Post Office back with the annexation process.

Mr. Jeppson outlined what was missing. He also explained that R1 and R2 are not required to have Design Review. We need a completed development agreement and warranty bond put up. Engineer Dyers' concerns need to be resolved before considering a final plat. Commissioners Miller and Fluckiger agreed.

Motion made by: Commissioner Jeppson to conditionally recommend the city council approval once the following points have been resolved:

1. Have a complete development agreement.
2. Set up a warranty bond or other security.
3. City council makes a determination to override Ordinance 353_2020 because of pavement and road size since it is R1 and R2 and not high density.
4. The requirements of the Preliminary Plat and Final Plat be met that were recommended by the city engineer.

Motion seconded by: Commissioner Fluckiger

All were in favor

Motion carried unanimously

Mr. Hibbert made some clarification on warranty bonds as security. He stated they are felt to be not worth the paper they are written on. Most often you have to litigate to get money. The best security is a letter of credit from a bank. We need to work on new code to have other securities besides bonds.

Motion made by: Jerry Miller to adjourn the meeting

Motion seconded by: Commissioner Fluckiger

All in favor

Motion carried unanimously

Meeting adjourned at 8:51 PM