

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, FEBRUARY 8, 2024

Presiding: President Nielsen/Mayor Adams
Meeting Via Internet and at City Hall Convened at 6:30 p.m.
Prayer: Councilman Dayley
Pledge of Allegiance: Councilman Stanford

Present at City Hall and Online: Mayor Adams; Councilors Joy M. Ball, Glenn Dayley, Catherine Nielsen, Carter Stanford; City Clerk-Treasurer Wendy McLaughlin; Public Works Director Arlynn Jacobson; Planning and Zoning Administrator Kurt Hibbert; City Attorney Chase Hendricks; Rink 99 Owner Jeff McClure; Citizens Jamie and Paige Birch, Hadley and Shelli Chambers – Salem, Rhonda Harris, Necia Hoopes, Doug McBride – Sugar Salem, Maren Nichols, Ryan Sorensen - Rexburg, Nyle Fullmer, and others who may have joined electronically or otherwise but not identified.

CONSENT AGENDA:

MOTION: It was moved by Councilwoman Ball and seconded by Councilwoman Nielsen to approve the Consent Agenda with corrections; motion carried.

RINK 99 REPORT: Jeff McClure reported that the ice-skating rink has been a popular attraction for kids and adults alike. The weather has recently been unseasonably warm but he plans to open again on Monday. He thanked the city for the opportunity. He may consider curling next year.

STRATEGIC INITIATIVE GRANT MEMORANDUM OF UNDERSTANDING: The city was awarded \$550,000 to straighten the “S” curve coming into town from the south on Railroad Avenue. The project will begin this spring and coordinated with other road projects from Rexburg and the county. There is no match requirement which is unusual. Pipes for a second irrigation system to water the parks will be installed with the construction.

MOTION: It was moved by Councilwoman Nielsen and seconded by Councilwoman Ball to approve the Strategic Grant Memorandum of Understanding. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Ball, Dayley, Nielsen, Stanford
Those voting nay: None

Motion carried.

County Road Swap: City Attorney Chase Hendricks will draw up papers to swap road ownership. South Front Street to the city and South Railroad Avenue to the county.

PUBLIC COMMENT:

Jamie Birch: elected spokesman for soccer parents was denied comment on the proposed Sugar Salem Development Agreement before the council on grounds of ex parte communication.

PUBLIC FACILITIES ZONE: moved to Calendared Items.

SUGAR SALEM SCHOOL CTE BUILDING AND SITE PLAN SPECIAL USE PERMIT:

MOTION: It was moved by Councilman Dayley and seconded by Councilman Stanford to approve the Planning and Zoning Findings (see Attachment #1) for the Special Use Permit; motion carried.

SUGAR SALEM SCHOOL MASTER SITE PLAN AT 205 E 3RD NORTH SPECIAL USE PERMIT:

MOTION: It was moved by Councilman Dayley and seconded by Councilman Stanford to approve the Planning and Zoning Findings (see Attachment #2) for the Special Use Permit; motion carried.

SUGAR SALEM SCHOOL DEVELOPMENT AGREEMENT:

MOTION: It was moved by Councilman Dayley and seconded by Councilman Stanford to approve the Development Agreement. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Dayley and Stanford.

Those voting nay: Councilors Ball and Nielsen

Mayor Adams refused to break the tie. The item will be placed on the next agenda for further review and discussion.

PLANNING AND ZONING REPORT: Kurt Hibbert reported on the following items:

Post Office Mailbox Rules: The new postmaster asked to be included in the design review of all new developments to ensure that mailbox placement and standards are met.

Toscano Development Agreement: The current old agreement is out of date and full of encumbrances that conflict with current proposals. Mayor Adams, Councilwoman Nielsen, and City Attorney Chase Hendricks will draft a Letter of Intention that will consider the existing infrastructure for a new Development agreement.

Impact Area: the county invited the city to their commissioners meeting next Monday, February 12, 2024 for their decision on the city's proposed Impact Area. Mr. Hibbert and Councilwoman Nielsen will attend the meeting.

PUBLIC WORKS: Mr. Jacobson reported on the following items:

TAP Alternative Transportation Grant: The city was awarded \$700,000 for additional city sidewalks. A 7.34% match is required. About \$40,000 will be budgeted over the next two years for the match.

Teton Island Lift Station: should be up and running next week.

Rocky Mountain Power VFD Monitor Report: RMP found no problems on their end. The city will investigate further on our end.

Street Lights: knocked out by lighting and will need to be rebuilt.

Snow Plowing: the city plows at three inches of snow; sidewalks first, then roads. Salt and sand are also applied.

Well #5: there are still a few issues being worked out. The well is supplying all of the city's water since November.

GENERAL BUSINESS:

RFP Report: the notice was published in the Post Register February 2 and again on the 9th. State and national companies will pick up the notice from the publication. Local companies were also invited.

CALENDARED HEARING ITEMS:

Third Discussion –

ORDINANCE NO. 390_2024 (Public Facilities Zone): Ordinance No. 390_2024 entitled:

“AN ORDINANCE OF SUGAR CITY, IDAHO, ADOPTING A NEW GENERAL DEFINITION FOR PUBLIC FACILITIES ZONE IN 9-3-2, AMENDING 9-3-6 LAND USE SCHEDULE FOR PUBLIC FACILITIES AND ADOPTING A NEW SECTION 11, CHAPTER 3 OF THE TITLE 9 OF THE SUGAR CITY CODE AND DESCRIBING A PUBLIC FACILITIES ZONE AND FURTHER DESCRIBING ITS PURPOSE AND OBJECTIVES; PERMITTED USES; LOT AREA; LOT WIDTH; LOT FRONTAGE; YARD REQUIREMENTS; BUILDING HEIGHT; PERMISSABLE LOT COVERAGE; FACILITIES; AND SALE OF A PUBLIC FACILITY ZONED PROPERTY; REPEALING ALL OTHER ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.”

It was moved by Councilwoman Nielsen and seconded by Councilwoman Ball to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Ball, Dayley, Nielsen, and Stanford

Those voting nay: None

Ordinance No. 390_2024 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. 390_2024 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.

ORDINANCE NO. 391_2024 (Professional Services Cost Ordinance): Ordinance No. 391_2024 entitled:

“AN ORINANCE OF THE CITY OF SUGAR CITY, STATE OF IDAHO, CREATING A NEW SECTION 9 IN TITLE 9, CHAPTER 1 OF THE SUGAR CITY ORDINANCE IS ENACTED TO REGULATE AND ESTABLISH A FRAMEWORK FOR THE REIMBURSEMENT OF PROFESSIONAL SERVICES, SUCH AS ENGINEERING AND LEGAL SERVICES INCURRED BY THE CITY. IT CONTAINS THE ORDINANCE TITLE, THE AUTHORITY AND PURPOSE BEHIND ITS ENACTMENT, THE PROCEDURES FOR REIMBURSING PROFESSIONAL SERVICE COSTS, A FEE SCHEDULE FOR SUCH SERVICES, AND THE REQUIREMENTS FOR RECORDING DOCUMENTS AT THE MADISON COUNTY RECORDER’S OFFICE. IT ALSO OUTLINES THE PENALTIES FOR VIOLATIONS, REPEALS CONFLICTING ORDINANCES, AND SPECIFIES ITS EFFECTIVE DATE. THE ORDINANCE AIMS TO ENSURE THAT DEVELOPERS, APPLICANTS, OR OTHER INDIVIDUALS REIMBURSE THE CITY FOR PROFESSIONAL SERVICE COSTS, THEREBY PREVENTING THE CITY FROM SUBSIDIZING THESE

EXPENSES. IT ALSO PROVIDS FOR PENALTIES FOR NON-COMPLIANCE AND SETS FORTH THE CONDITIONS UNDER WHICH THE ORDINANCE WILL TAKE EFFECT.”

It was moved by Councilwoman Nielsen and seconded by Councilman Dayley to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Ball, Dayley, Nielsen, and Stanford
Those voting nay: None

Ordinance No. 391_2024 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. 391_2024 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.

MAYOR AND COUNCIL REPORTS:

Sugar Days: scheduled for Saturday, June 15. Sponsors and volunteers are needed.

Distinguished Citizen and Public Servant Awards: the community will be asked for names for the awards in the next city Newsletter.

Use of City Hall for Other Meetings: Several other public organizations have asked to use the city hall. It is convenient and easily accessed. However, the attorney warned of possible liability.

Motion was made for adjournment. Meeting adjourned at 8:30 p.m.

Signed: _____
Mayor, Steven Adams

Attested: _____
Wendy McLaughlin, Clerk-Treasurer

Before the City of Sugar City
Planning and Zoning Commission

In the Matter of an Application(s))	
)	
SPECIAL USE PERMIT)	FINDINGS OF FACT AND
CTE BUILDING)	CONCLUSIONS OF LAW,
Sugar-Salem School District)	(REASONING DECISION)
1 Digger Drive)	
)	
Sugar City, Idaho)	
)	
Applicant.)	

RECOMMENDATION TO CITY COUNCIL REGARDING SUGAR-SALEM SCHOOL DISTRICT SPECIAL USE PERMIT FOR CTE BUILDING

FINDINGS OF FACT
(Reasonings)

1. SYNOPSIS:

This document outlines the Findings of Fact related to the proposed expansion of Sugar-Salem School District #322, as discussed during the public hearing held by the Planning and Zoning Board on February 1st 2024. The Career Technical Education (CTE) building's development south of the current High School in Sugar City is a significant project that will see the relocation of the baseball diamonds to the campus area that was previously discussed. The School District has been awarded a substantial grant of \$2.7 million, which will facilitate the construction of this new facility, dedicated to teaching valuable technical skills that are highly sought after in the workforce.

City staff have engaged with the School to review the plans for the CTE building and prepared to issue Staff Memos addressing any issues for the Planning and Zoning (P&Z) Commission's hearing. It was noted that had the Public Facilities Ordinance already been in effect, as currently under review, this Special Use Permit would not have been necessary. However, an approved site plan would still be required. This requirement is not going away as part of the new PF Zone.) However, due to the School's eagerness to initiate construction and planning for this new facility, the matter is being expedited for P&Z review. Approved development plans will be required in the future once they are finalized and submitted for a building permit.

To date, there appear to be no major concerns regarding the CTE building project. On the contrary, there is commendation for the School's initiative in bringing such a valuable educational resource to the area. The facility is anticipated to be a boon for Sugar City, providing excellent opportunities for individuals to develop skills that are essential for future employment.

The responsibility of the P&Z Commission now is to review the Site Plan and Development Agreement and to determine if the project can be approved with any necessary and appropriate conditions. This step is crucial to ensure that while the project moves forward swiftly, it remains aligned with the city's planning and development standards.

The School District has been awarded a \$2.7 million grant earmarked for developing a vocational facility directly south of the Sugar/Salem High School. The Special use permit will outline any conditions for the project, including, but not limited to, transportation, parking, access, and utilities for the project. As a result of this project, no additional vehicular access will be needed on Digger Drive. The new parking lot and building will utilize existing vehicular approaches. The students of the CTE building will primarily be from the current student body, so no additional loads will be placed on the system. The District proposes that water service to the building is needed to accommodate the fire suppression system, sprinklers and additional hydrants if required. The District's architect and engineers will work with City staff to develop a viable solution via conditions. This may require the extension of existing City watermain. Legal Described:

Property located in Section 4, Twp. 6N., Rge. 40 E., Boise Meridian, Madison County, Idaho, and being more particularly described as follows:

Commencing at the southeast corner of Section 4, Township 6 North, Range 40 East, Boise Meridian, and running thence North 1320 feet, thence West 844.7 feet, then South 1320 feet, thence East 844.7 feet to the point of beginning, same being within the boundaries of the Sugar City Townsite.

2. Sugar-Salem School District #322 are the record owner of the property.
3. A public hearing on the application was held on February 1st at 7:00 p.m. at Sugar City Hall.
4. The application was deemed 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. Deputy clerk for the city of Sugar City signed affidavit of the above.
5. The Site Plan complied with Sugar City Ordinance(s) Title 9 Chapter 6; Idaho Code Title 50, Chapter 3; and Idaho Code §67-6511A.
6. The Applications were properly Noticed according to Idaho Code 67-6509 and 67-6511A.

7. RESPONSES FROM PUBLIC ENTITIES

The Fire Marshall gave approval for the Plan.

8. STAFF REPORTS:

The discussion also touched on logistical and infrastructure considerations, such as water and sewer connections, and aimed to ensure good neighborly relations throughout the development process.

APPLICANT:

Jared Jenks introduced the Application(s). Jared Jenks, the Superintendent for Sugar-Salem School District:

Career Technical Education (CTE) building at 1 Digger Drive. The applicant, Jared, was asked to give background information on the CTE project, which was made possible through a state grant aimed at creating career-ready students. Jared explained that the state of Idaho allocated \$45 million for such projects, and Sugar Salem applied for a \$3.8 million grant, eventually receiving \$2.7 million. These funds, along with contributions from industry partners and potentially more from other grants, will finance the construction of the CTE building and equip it for various vocational programs like auto, welding, CNA, and possibly EMT training.

Jared's efforts were publicly acknowledged as he played a significant role in securing the second-largest grant amount in the state. The enthusiasm for the project was palpable, with industry partners like car dealerships and Chevrolet committing equipment and funding to support the initiative. Jared emphasized that this project is envisioned as a starting point for expanding CTE offerings in the district.

In summary, the CTE building project was presented as a beneficial addition to the school district, providing future vocational opportunities for students. It was financially backed by a significant state grant and industry partners, with Jared being a pivotal figure in securing the funds. The project's alignment with city zoning and the necessity of a special use permit were discussed, with indications that the city's rezoning to public facilities might streamline future developments. The hearing concluded with an emphasis on moving forward with no public opposition and a transition to discussing broader zoning considerations.

9. PUBLIC COMMENT

An opportunity to give testimony was given for those in favor, neutral and opposed to the applications.

- THE TESTIMONY OF THOSE IN FAVOR STATED:

None

- THE NEUTRAL TESTIMONY STATED:

None

- THOSE IN OPPOSITION STATED:

None

Jared expressed concerns about the necessity of a special use permit, given a recent zoning change to 'O-Zone' without the school district's knowledge. [It should be noted the City changed it to a PF zone, not an O Zone but the Zoning map includes both it the Map], which was not in keeping with city code or responsibilities. However, he showed appreciation for the city's efforts to correct

this by changing the zoning to public facilities, which might eliminate the need for a special use permit.

During the public comments, no objections were raised, and the hearing proceeded without opposition. Staff members briefly spoke, indicating their support for the new zoning, which would simplify the approval process for educational buildings and reduce the need for special permits. They also addressed infrastructure concerns, suggesting that the necessary fire flows for the building were likely already in place.

In synthesis, the proceedings were primarily positive, with significant support for the CTE building project, thanks to state grants, industry partnerships, and diligent grant writing efforts.

10. DELIBERATION:

The commission moved to deliberate on the special use permit and site plan for the Career Technical Education (CTE) facility for the Sugar Salem School District at 1 Digger Drive. The commissioners considered any concerns or special conditions that might need to be addressed.

The motion for the CTE was to recommend approval to the City Council with the stipulation that concerns stated in the staff reports are addressed. The motion was put forward and seconded without further discussion or concerns raised by staff or commissioners.

The vote was called, and the motion carried unanimously.

In summary, the commission's deliberation was straightforward, with a clear path to approval conditioned upon addressing the recommendations outlined in the staff reports. The unanimous vote and absence of opposition or further discussion suggest a consensus on the commission's support for the CTE project's benefits to the Sugar Salem School District.

CONCLUSIONS OF LAW (Decision)

The Sugar City Planning and Zoning Commission conclude the Special Use Permit and Site Plan for the CTE Building Applications meet Sugar City Ordinance(s) Title 9 Chapter 6; Idaho Code Title 50, Chapter 13; and Idaho Code §67-6511A.

Conditions:

1. That the recommendations outlined in the staff reports be addressed in the development phase with the submittal of a building permit.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Including all of the above, the Sugar City Planning and Zoning Commission recommend that the City Council approve the Special Use Permit and Site Plan for the CTE Building Applications. It is also noted that the comprehensive plan, the land use schedule, public entity comment, public testimony and comments and expert testimony and comments were considered in the decision. The School will need to submit an approvable site plan as part of the building permit and development process.

Signed and Dated this ___ day of February 2024.

Attest: By: _____ Chairman, Derik Taylor
Planning and Zoning Commission

City Deputy Clerk

Before the City of Sugar City
Planning and Zoning Commission

In the Matter of an Application(s))	
)	
SPECIAL USE PERMIT)	FINDINGS OF FACT AND
CAMPUS)	CONCLUSIONS OF LAW,
)	(REASONING DECISION)
Sugar-Salem School District)	
205 E 3 rd North)	
Sugar City, Idaho)	
)	
Applicant.)	

RECOMMENDATION TO CITY COUNCIL REGARDING SUGAR-SALEM SCHOOL DISTRICT SPECIAL USE PERMIT AND MASTER PLAN FOR CAMPUS

FINDINGS OF FACT

(Reasonings)

1. SYNOPSIS:

This document outlines the Findings of Fact related to the proposed expansion of Sugar-Salem School District #322, as discussed during the public hearing held by the Planning and Zoning Board on February 1st 2024. The expansion seeks to address the growing educational needs of our community, proposing the construction of additional facilities and the modification of existing zoning regulations to accommodate the development. The hearing provided a platform for stakeholders, including residents, school representatives, and planning officials, to voice their opinions, concerns, and support for the project. The dialogue centered on the project's impact on local infrastructure, and traffic patterns, alongside considerations for sustainable development and community well-being. This document synthesizes the discussions, community feedback, and the board's preliminary analysis, setting the stage for informed decision-making that aligns with our shared goal of fostering educational excellence while preserving the quality of life in our community.

The Special Use Permit and Master Plan concerning the School Property around the Junior High and Bus Barn have a complex history. The land, originally farmed by the Dalling family, was annexed to the city and designated as C2 Commercial. The Dallings donated the parcel to the School District with conditions to prevent it from being subdivided and sold off, ensuring the land would remain a comprehensive campus.

The Dallings also retained easements for property access and farming rights, which the School District is obliged to respect. The city had specific concerns when the School planned to develop the Junior High in 2021, leading to a Development/Utility Agreement that allowed construction to proceed with the understanding that the city's issues would be addressed later.

The city's concerns are mainly about creating a proper transportation network, a utility plan for water and sewer services, and adequate parking to prevent overuse of city roads. While the utility and parking plans have seen smooth cooperation between the School and the City, the road network has been contentious. The conflict arose when the Junior High was built over a proposed major north-south road envisioned in the City's Alternate Transportation Plan.

To address this, the School District proposed a new transportation approach, suggesting the extension of Railroad Ave along the west side of the campus and reserving land on the east for future road development. They sought flexibility in the implementation of these plans through special conditions in a Development Agreement, which the majority of city staff agreed would resolve the city's concerns. Additional measures, like widening 3rd North, have been considered to manage increased traffic.

The Master Plan serves as a guiding document for current and future leaders, providing a framework for mutual obligations and the flexibility to adjust to new challenges and opportunities. It acknowledges that planning must accommodate unforeseen needs and that property development is often a response to emerging potentials.

City staff have reviewed the plans with the School and prepared comments for the Planning and Zoning Commission's hearing. The commission's task is to assess whether the School's proposal, including the bus depot and the broader Master Plan, will adequately address the city's future concerns, emphasizing the need for adaptability in planning.

In summary, the Special Use Permit and Master Plan for the School Property involve balancing the School's development needs with the city's infrastructure and service considerations. The proposed solutions aim to respect historical land uses, address immediate concerns, and establish a long-term vision that allows for necessary evolution and growth.

1. SUGAR-SALEM SCHOOL DISTRICT #322 The Sugar Salem School District has submitted an application to obtain a Special Use Permit for the entire School District Property Campus (hereinafter "Campus") around the current Junior High, generally located at the address of 205 E 3rd North. The school has submitted a proposal regarding the dedication or reservation of land for the extension of Railroad Avenue and the northern route from Park Avenue. The School proposes to facilitate a center turn lane on 3rd North and to include utility easements in the public roadways of Railroad and Park Avenues. Legally described:

The Property is described as:

Property located in Section 4, Twp. 6N., Rge. 40 E., Boise Meridian, Madison County, Idaho, and being more particularly described as follows:

Commencing 1485 feet West of the Southeast corner of the NE1/4, and running thence North 1320 feet; thence West 1092.5 feet, more or less, to the East line of the railroad right of way; thence Southwesterly along right of way to half section line running East and West; thence East to the point of beginning. Less railroad rights of way and spur rights of way.

ALSO: Commencing 1485 feet West of the Southeast corner of the NE1/4, thence North 1320 feet; thence West 1092.5 feet more or less to the West line of railroad right of way; thence Northeasterly along West line of the railroad right of way 1336.5 feet; thence North 360 30' West 206.25 feet more or less to the North line section; thence East 1472 feet to a point 15 feet West of the Centerline spur; thence South 6°45' East 548 feet, thence South 538 feet; thence West approximately 169 feet to the center line of spur (approximately 1543 feet North and 538 feet West of the SE corner of NE1/4); thence Southerly along centerline of spur 273 feet; thence North 89°08' West 266.1 feet; thence South 350 20 East 460 feet; thence Southerly along centerline of spur 427 feet; thence West 89 feet; thence South 185 feet; thence West 438 feet; thence South 301 feet; thence 414 feet to the point of beginning less railroad rights of way and spur rights of way.

LESS: Commencing 1485 feet West of the SE corner of the NE1/4 and running thence West 1650 feet, more or less, to a point 35 feet East of existing railroad right of way, thence Northeasterly 160 feet, more or less, parallel to said right of way to a point 150 feet North of South section line of said Section 4; thence East 1580 feet, more or less, to a point 1485 feet West and 150 feet North of the SE corner of the NE1/4; thence South 150 feet to the point of beginning. Containing 5.6 acres more or less. Together with 20 shares of capital stock of Salem Irrigation Canal Company.

ALSO: Beginning at a point 633 feet West of the Southeast corner of the NE1/4 of Sec. 4, Twp. 6 N., Rge. 40 E., Boise Mer., and running thence West 438 feet; thence North 301 feet; thence East 438 feet; thence South 310 feet to the point of beginning.

2. Sugar-Salem School District #322 are the record owner of the property.
3. A public hearing on the application was held on February 1st at 7:00 p.m. at Sugar City Hall.
4. The application was deemed 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. Deputy clerk for the city of Sugar City signed affidavit of the above.

5. The Special Use Permit for Master Plan complied with Sugar City Ordinance Title 9 Chapter 5; Idaho Code Title 50, Chapter 3; and Idaho Code §67-6511A.

6. The Applications were properly Noticed according to Idaho Code 67-6509 and 67-6511A.

7. COMMENTS FROM PUBLIC ENTITIES

The Fire Marshall gave approval for the Plan. Had some general concerns about the emergency path into the Bus depot having enough curvature for the fire trucks to enter.

Madison County Planning Administrator Gary Armstrong supported the Applications but thought that Special Use Permits were not the most appropriate applications such as these.

8. STAFF REPORTS:

Chase Hendricks., the City Attorney, discussed a history of the parcel and current objectives regarding the application for a special use permit for the development of the Sugar Salem School District Campus and Master Plan:

The school district needs flexibility for growth, and the city recognizes this need. The master plan is designed to be adaptable, allowing the school and city to adjust as new requirements arise over time. It's understood that the layout presented in the master plan, including the location of baseball fields and other features, is not fixed and can be altered as necessary. There is a distinction made between planning, which is the current phase, and development, which will come later. The planning phase involves creating a general concept map that outlines the school's potential growth and changes. The actual development will involve specific building plans and adherence to city regulations, particularly concerning utility plans. As the school is a government entity, it has to meet certain specifications. The school's building plans must be reviewed by the city engineer and public works department to ensure they align with the city's utility plans. This is critical due to past issues with other developments. Specific concerns, such as the fire marshal's requirements for vehicle access and the avoidance of problematic traffic layouts, have led to changes in the proposed plans. For example, the bus barn's location and access points are designed to accommodate both school buses and fire trucks without creating congestion. The city is focused on avoiding restrictions that could complicate future developments for neighboring properties. While the master plan serves as a guideline, the city retains the ability to modify plans as necessary when new developments are proposed in adjacent areas. In any layout or plan, the city has three primary concerns: transportation, utilities, and parking. These are crucial elements that affect the neighboring community and must be addressed in the planning process. The city's approach involves presenting a broad overview before delving into the specific details of the proposal. This allows for an initial understanding before the school district presents its application in full. In summary, the city is working to create a master plan that provides a flexible framework for the school's future growth, which takes into account the need for change, ensures coordination

with city services and regulations, and minimizes impact on neighboring properties while focusing on the city's main concerns of transportation, utilities, and parking.

Dick Dyer, the city engineer, addressed the Planning and Zoning Commission to clarify several issues regarding the land use and development proposals for the school district's master plan. He highlighted the distinction between land use and development issues, noting that the questions before the Commission were related to land use appropriateness, zoning requirements, and neighborhood layout. Development details would follow in due course, with the school district providing detailed plans for utilities and construction.

Dyer underscored the process of transitioning from a high-level view down to detailed planning. He referenced a previous memo which is part of the public record, emphasizing the need for detailed planning and review as part of the public facility zone requirements when specific developments are proposed by entities like the school board.

He explained the long-term planning for transportation and utilities within the city, including plans made as far back as 2005. These plans anticipated growth and how it would affect infrastructure like water, sewer, and transportation facilities. Dyer pointed out that while the current layout for the junior high had disrupted some of these plans, current efforts were aimed at preserving transportation corridors and ensuring cohesive development for future utility needs.

Dyer also touched on the development agreement under refinement, which would detail stipulations including roadway alignments. He explained conceptual representations, traffic concerns, and the importance of preserving transportation corridors. He also highlighted the need for careful planning for the bus maintenance facility, including adjusting plans to avoid traffic complications at an existing strange intersection.

Addressing a concern about cutting property in half with a road, Dyer explained the need for corridor preservation to maintain connectivity within the city, especially given that there is a significant distance with no other connection from Park Street over to the east. He emphasized the importance of planning for the future and seeing the end from the beginning.

The discussion also included future development considerations, such as the involvement of property owners to the east and the potential development there. The Commission was reminded that while specifics may change, the underlying concept of a needed road was established, and the exact location was yet to be determined.

In conclusion, Dyer recommended approving the special use permit tied to the development agreement, ensuring that specific community conditions were met. He expressed appreciation for the school district's cooperation and the Commission's role in facilitating informed decisions.

A commission member expressed concerns about the proposed location of the bus barn as part of the school district's campus master plan. The member questioned the logic of placing a bus

maintenance facility adjacent to a school, suggesting it might limit the potential growth of the campus. The concern was that the bus barn might not fit the overall vision for the campus's use and could create traffic problems, particularly on Railroad Ave, which had already been discussed.

In response to this concern, the question was raised whether the school board had considered alternative locations for the bus barn that would be more appropriate and cause fewer traffic issues. The school district's representatives explained that the chosen location was seen as the least intrusive option, as it would be difficult to place other buildings in that corner of the property. They mentioned that the school district did not have funds to purchase additional land for the bus barn, indicating that financial constraints played a role in the decision.

Furthermore, the school district is considering selling their current property off the main street, which they believe would benefit the city. This move could imply a future strategy to reallocate resources and perhaps address the bus barn's location more suitably.

Kurt Hibbert, P&Z Administrator, added that there were no additional concerns apart from those detailed in his staff report, which addressed specific issues like fire suppression, curbs, gutters, and sidewalks. It was suggested that these issues could be included in the commission's motion as conditions for the special use permits or could be dealt with later in the development agreement process.

APPLICANT:

Jared Jenks, Jared Jenks, the Superintendent introduced the Application(s) for Sugar-Salem School District:

Jenks expresses gratitude to city employees for their collaboration throughout the planning process, which has fostered a better relationship between the city and the school district. He acknowledges the generous donation of 45 acres by Glenn and Dorothy Dalling, which has enabled the district to create an educational campus. The donation included easements for the Dalling family to access their property. Jenks details the construction of Sugar Salem Junior High that started in 2020, emphasizing the collaborative efforts with the city to develop site plans and agreements. The school, which fronts West, was positioned between Fremont Street and Park Street with access roads aligned with the nearby streets. The district received an occupancy permit in November 2021. He describes the application process for a new bus and maintenance shop funded by federal funds, and the delay in the city's response. Following initial unproductive meetings, he credits productive discussions and negotiations since December for the current progress. Jenks discusses the easement for Railroad Ave and acknowledges a mistake where the district built a soccer field on the Dowling Trust's easement, offering an apology and discussing the resolution with the Dowling Trust. He outlines three options for future road development in relation to the Dowling Trust's property, emphasizing these are potential solutions and not fixed plans. Jenks explains the district's funding mechanisms, highlighting the challenges of financing road construction through bonds and levies, and stating the difficulty in gaining approval for such projects from patrons outside

the city limits. The district commits to building Railroad Ave incrementally as needed for school development and to seek grants for its construction. Jenks concludes by thanking city officials and the board of trustees for their efforts and expresses hope that the planning and zoning commission will approve the special use permit.

In summary, Jared Jenks offers gratitude for the collaborative efforts between the city and school district, outlines the history and planning of the school campus, acknowledges past mistakes and resolutions regarding property easements, and presents the financial and planning commitments of the district moving forward.

PUBLIC COMMENT

An opportunity to give testimony was given for those in favor, neutral and opposed to the applications.

- THE TESTIMONY OF THOSE IN FAVOR STATED:

Jason Flaig, a resident at 22 N Maple Ave, offered his comments during a public meeting regarding the special use permit for the bus barn and master plan. He began by commending the collaborative efforts between the school and the city that allowed for the advancement of significant projects valued at approximately \$5 million, acknowledging the efforts of individuals like Chase, Jared, Kurt, and Dick Dyer for reaching a compromise. While he didn't agree with all aspects of the plan, he recognized it as a potentially good compromise and offered his support with one critical recommendation.

Flaig's recommendation focused on protecting property rights, referencing the 5th and 14th amendments of the U.S. Constitution and Idaho law. He cited a guideline by the Idaho Attorney General that outlines city actions which could trigger a regulatory taking of private property, necessitating just compensation. He questioned whether changes in zoning or the imposition of a public road on a landowner, without the willingness to give a building permit, could be considered a regulatory taking. If the answer is affirmative, it could result in a public taking that requires compensation.

He presented a checklist from the guideline, insisting that the city must answer six critical questions before passing a regulation. This checklist includes considerations like physical occupation of property and requirements for dedications or easements. Flaig suggested that if any of these questions are answered in the affirmative, the issue should be directed to the legal counsel, presumably Chase, for a thorough legal analysis. Only after this should the Planning and Zoning City Council make an informed decision.

Flaig urged the city to utilize this checklist to avoid infringing on property rights, comply with the law, minimize legal exposure, and provide a safety check to answer concerns like those of Commissioner Williams.

The staff did not have any additional concluding remarks to add, suggesting that the development code requirements for utilities and roads are standard and do not represent an undue burden on property owners. This indicates that the processes and considerations raised by Flag are part of the standard procedure and are intended to ensure that developments serve both community interests and the interests of property owners.

- THE NEUTRAL TESTIMONY STATED:

None

- THOSE IN OPPOSITION STATED:

None

- RESPONSE BY DEVELOPER:

7. DELIBERATION:

During the deliberation phase of the public hearing, commission members discussed concerns and comments regarding the special use permit for the Sugar Salem School District's project at 205 E, 3rd North. The commission members were satisfied that their concerns would be addressed in the development phase and submittal of approvable building permit. They expressed a collective understanding that the project would be beneficial for generations, and they were well-informed about the details, thanks to thorough staff reports and comprehensive information provided during the hearing.

Commissioner Spencer Haacke raised a concern about the burden of road construction costs on a small city like theirs, where developers typically handle such expenses. He stressed the importance of including these roads in the master plan, possibly through a partnership similar to the one established for the tennis courts. The city's limited resources were mentioned as a challenge in this context.

In response, staff member Dick Dyer mentioned the possibility of obtaining grants for such infrastructure projects. He noted that grants often consider the economic status of the community and the cooperative partnership between the school district and the city could be a strong point in grant applications.

Commissioner Suzanne Williams echoed the concerns about the roads, and Commissioner David discussed the importance of addressing these concerns during the development agreement and building permit stage. A key point of discussion was the potential five-way intersection near the proposed bus maintenance facility. The staff recommended against creating such an intersection due to safety concerns and suggested it should be addressed in the development agreement.

The motion was made to recommend to the City Council the approval of the special use permit and site plan for the school district, with the conditions that a development agreement be signed addressing staff concerns, and special attention be paid to safety around the potential five-way intersection. The motion included that the development agreement must be signed and that the concerns about the five-way intersection must be considered for safety during the planning stage. There was consensus on the motion, and it was passed unanimously by the commission. The commission then moved to close the public hearings and proceed with the regular meeting, including approving the minutes from the previous session. The detailed consideration of safety, particularly the five-way intersection, and the financial implications of road construction for the school district, were emphasized as critical points in the decision-making process.

CONCLUSIONS OF LAW
(Decision)

The Sugar City Planning and Zoning Commission recommend to City Council to approve the Special Use Permit and Master Plan and Site Plan Applications meet Sugar City Ordinance(s) Title 9 Chapter 6; Idaho Code Title 50, Chapter 3; and Idaho Code §67-6511A.

Conditions:

1. A Development Agreement be signed addressing staff recommendations and outlining the requirements as outlined by the Master Plan which was submitted by the School.
2. For the Bus Barn, Special attention be paid to safety around the potential five-way intersection.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Including all of the above, the Sugar City Planning and Zoning Commission recommends that the City Council approve the Special Use Permit and Master Plan. It is also noted that the comprehensive plan, the land use schedule, public entity comment, public testimony and comments and expert testimony and comments were considered in the decision.

Signed and Dated this ___ day of February 2024.

Attest:

By: _____
Chairman, Derik Taylor
Planning and Zoning Commission

City Deputy Clerk