

CITY OF SUGAR CITY, ID
PLANNING & ZONING MINUTES
Thursday, June 4, 2026, 7:00 P.M.
PUBLIC HEARING

Commissioners in attendance: Chairman Spencer Haacke, Rick Robertson, Cory Roberts & Chandler Lessing

Staff in attendance: P&Z Administrator Kurt Hibbert, Deputy Clerk Shelley Jones, Building Inspector Quinton Owens

Citizens: Brian Dold (Acton School), Megan Dold, Mitchell Nielsen, Igel Jones, Mike Rupp, Ashley Rupp, Dora Jensen, Dan P. Jensen, Kate Adams, Caleb Wayne, Amanda Wayne, Debi Coatney, Trever Baggett, Ryan Rasmussen, Dawson Klingler, Sawyer Klingler and numerous youth

7:05 p.m. The meeting was called to order by Chairman Spencer Haacke

Prayer by: Chandler Lessing

Pledge of Allegiance led by: Spencer Haacke

Public Hearing: Special Use Permit for Acton Academy, a Micro-School and After School Youth Program located at 1223 S. Railroad Ave.

Chairman Haacke asked commission members if there was any ex-parte communications concerning the hearing and all verified that there hadn't been.

Administrator Hibbert Introduced the Special Use Permit Application and stated that a school was allowed in this zone by Special Use Permit and turned the time over to Brian Dold to present their proposal.

Mr. Brian Dold and his wife Megan are the Founders of Acton Academy Rexburg which has been running the past three years. Mr. Dold presented their proposal and stated they learned about the Acton Academy schools and fell in love with the program. The school focuses on letting children lead with adults there to be game makers and create real world challenges and create structure and systems for children to take off on their own and to learn to lead in a multi-age classroom built for problem solving in a modern world. There are 300 schools around the world with nearly 7,000 students from pre-school to college age. They currently need room for expansion for this coming fall term as each of the past three years they have doubled in size. This building is currently the only one on the market that will work for a school like this. In the early 2000's it was renovated for use as a youth mental health facility, so it already has the proper bathrooms, crash bars, etc.

They will have four to five staff members with a maximum of seventy kids ages four to fourteen. Administrator Hibbert asked if they had turned in a site plan and they responded that they did not know they needed to have one but said they would get one turned in. Building inspector Owens will need to approve the building and the building has all requirements for low impact. It will need approval from the fire department as well. When all things are approved, they will apply for a city business license.

For the future after school program, staffing will be different. The after-school program will have STEM, arts, and entrepreneurship. All teachers will have a background check. If all gets approved, they will close on buying this building on June 22nd.

Administrator Hibbert said he had confidence in the program as it is part of the IdahoSTARS program.

Submitted Written Testimony:

For:

- City Engineer Dick Dyer emailed stating they should be required to hook up to the city sewer line (*which they already have) and an inventory will be needed of the uses (number of employees, number pupils, etc.) to determine the sewer equivalent user amount – and connection and monthly user fees will need to be calculated and assessed.
- City Public Works Director Arlynn Jacobson emailed stating he approves of using the building for a school, provided it meets all city and state requirements. The city will need to update the usage and billing. He would also like to know the expected traffic volume entering and exiting to determine if we need controlled access to their lot.

- **Neutral:** None
- **Against:** None

Public Hearing Sign In:

For: Six

Neutral: None

Against: None

Verbal Testimony:

For: Eight individuals spoke in favor of the school. Comments included having children in the school has helped them tremendously by learning to read better, problem solve, learn leadership skills, conflict resolution, work hard and do things for themselves. Parent of autistic children stated their kids have improved so much and the smaller group setting has been good for them. Children that couldn't read a year ago are now reading well.

Two of those who were in favor of this were guides for Acton Academy, one of whom had been through the system growing up and said it had such a positive impact on her life that she wanted to teach at the school. It taught her to think for herself and be a leader and help other children. One person mentioned this was called "The Heroes Journey" and that it taught kids to work and think and do things for themselves.

Neutral: None

Against: None

Totals: For – 16, Neutral – 0, Against – 0

Commission comments: Commissioner Lessing was curious about programs like orchestra and choir and sports. Mr. Dold stated that kids could sign up for after school programs in high school.

Rebuttal by applicant: Mr. Dold thanked those that came and expressed support for the school.

7:43 p.m. Public Hearing closed by Chairman Haacke

**CITY OF SUGAR CITY, ID
PLANNING & ZONING MEETING MINUTES
Thursday, June 4, 2025
REGULAR MEETING**

Discussion of Public Hearing: Special Use Permit for Acton Academy, a Micro-School and After School Youth Program located at 1223 S. Railroad Ave.

Commissioner Robertson asked if we would need a traffic study. Administrator Hibbert reminded the commission that if they approve, they could do so with conditions to have the city engineer approve a traffic plan. Commissioner Roberts felt once we received the site plan, building code and fire code was satisfied, it would be good to go. Commissioner Robertson loved the idea of teaching kids to think for themselves. Commissioner Haacke loved the program, especially the critical thinking part of it as it is much needed.

Motion by: Chandler Lessing for approval of the Special Use Permit with the conditions:

- Site Plan is submitted and approved.
- Fire inspection is approved.
- Building code is met.
- ICC (International Code Council) approval later in the program

Second by: Rick Robertson

All were in favor, motion carried.

Approval of 5-21-2026 Minutes:

Motion to approve minutes made by: Rick Robertson

Second by: Cory Roberts

All were in favor, motion Carried.

Public Comment: None at the present time

Discussion on Zoning Ordinance Amendment Application by Dawson Klingler:

Developer Dawson Klingler (also ADU owner and resident) presented his application and reasons why he is applying for this code amendment. He stated the biggest concern and feedback that they are receiving is that the owner occupancy requirement is limiting their flexibility without solving neighborhood concerns. He pointed out that ADU's are allowed in the city. He said there is a strong demand for renters and buyers and mentioned that people are renting to own and that they may not be able to keep investment property if they move out, therefore they want this removed from our current city code.

Points mentioned:

- This doesn't change density.
- Families in their twenties can have a pathway from renting to being an owner.
- Life scenarios come up that may require an owner to move out.
- Owners should be able to rent their property just like a regular homeowner can.
- Owner occupancy is not what creates a good neighborhood.
- Responsible tenants maintain properties.
- City can enforce existing standards.

Comprehensive plan says:

- Ordinances should adapt as conditions change.
- People should have property rights.
- Sustain economy.
- Have thoughtful growth.

Investors can already buy traditional homes. This rule makes property not investable for young people.

Mr. Klingler then requested that the commission move forward by setting a public hearing for this code change.

The commission then discussed what was presented. Mr. Haacke asked why Mr. Klingler felt this impacts young families. It was stated that it would be difficult to maintain the investment if only one side could be rented if the owner had to leave to live somewhere else. They may end up having to sell. Mr. Lessing said he felt if both sides could be rented it becomes a duplex which is zoned differently with a different density. Building code would govern this.

Administrator Hibbert stated that there were big differences between ADU's and duplexes in our code and in the building code. Sugar City started planning for ADU's three years ago before the state did because the city felt it would be beneficial to have ADU's to rent out to help subsidize mortgage payments. Retirement situations were also a reason. They wanted this in low-density neighborhoods but with conditions so that it wouldn't change the neighborhood environment to an all-rental neighborhood. They wanted consistent long-term residents in the homes. When fifty percent of the residents are watching the other fifty percent of residents because it is in their best interest to not let them destroy their homes, it is a totally different atmosphere than a duplex. Then you have a continual transitory population or the potential for that. The stability neighborhood issue is what is not being addressed in Mr. Klingler's presentation. Does the city want a city of complete rental units?

Mr. Klingler pointed out that there are neighborhoods in town where several single-family homes are owned by one person that are being rented out. He asked if we want a community where long-term renters come in and invest in the product and if we want a product that is working? Do we want more of a good product or less, do we want people that can only afford \$600,000 on a home? They have many families in the rentals.

Commissioner Robertson commented that the ADU's made it possible.

Mr. Klingler stated they are bringing in good renters and the next step for them is to become an owner. Some people own both sides but don't rent out a side. Is it the city's job to try and enforce this? How are you going to enforce this? There has been issues with city turning trying to turn off utilities with the confusion of whether the property was occupied or not and contacting rental management companies. We understand it's a new thing, but we feel like there are legal issues. He felt like good products in a good neighborhood is what makes people stay in the community, not whether you can rent a house or not.

Commissioner Lessing stated that whether you rent the house or not, it's still a good product.

Mr. Klingler agreed, but stated it limits ability to bring in people, asking if in the future, is this something I can bring into a portfolio. Most homes being built are pre-sold.

Commissioner Lessing also stated whether it is owner occupied or not, he was feeling like if we removed the code, it would come across as making it a better product which is not the case.

Mr. Klingler stated it's a better investment.

Mr. Hibbert stated we are under 10,000 people so current code states they must be owner occupied. The city is not opposed to rentals and apartments. The current use is still single-family homes.

Commissioner Robertson felt it would be good to have the public hearing to see what residents think.

Mr. Hibbert commented on the fact that the state changed the code from allowing cities with a population of 5,000 or more to remove owner occupancy requirements to cities with a population of 10,000 or more because it has a much bigger impact on the smaller cities. We need to examine why they changed it to larger population density. It's an indication where they are trying to protect the smaller cities. It's been devastating for other smaller communities in Idaho where they allowed non-occupancy. Mr. Hibbert went on to say that the city was in the forefront of allowing ADU's 3 years ago to stimulate housing in the community and Mr. Klingler came in at that time and said it would be a good thing for the city. Mr. Hibbert said he was very aware from the very beginning of the owner occupancy requirement and he has worked with that from the beginning and talked with him about it. It was in place at that time. Mr. Klingler stated he was unaware of that until recently. Mr. Haacke stated that this has been a major part of ADU's, and Mr. Hibbert agreed.

Public Comment:

Ryan Rasmussen, ADU owner, commented on the possibility of having a life changing event having to move out for a time, and expressed that he would not be able to keep his house and must sell but if the market has dropped then loses value. Code requires living in one unit for six months out of the year. How do you enforce this? It is not the owner of the home but the value of the home that will make a difference in the neighborhood. If you have homes of lesser value next to you, it may make a difference in how a home is cared for.

Trevor Baggett stated he lived in an ADU in Salt Lake City which made it possible to save up money so he could start building homes and wants to help people get into more affordable homes. Buying a home and renting out one side helps with payments, but to have ability to move out in the future and keep this home and rent both sides is an asset.

Sawyer Klingler is a real estate agent and has a home with an ADU. This rule is scaring investors away. Builders of spec homes are having a hard time selling because of this code.

Administrator Hibbert shared that the current city code states an ADU is only allowed with a single-family owner. It is not a duplex or a twin home. The product you're wanting is a duplex, but these are not built as duplexes in the code.

Building Inspector Quinton Owens shared that in current 2018 building codes there is no ADU provision, it's more of a hybrid. Is it single family or duplex? 2024 ICC adopted an appendix to the code for provisions for this hybrid (ADU's) between single family homes and duplexes. Duplexes require two water meters. Single family ADU's do not. For an ADU you do not have to have fire separation between the two units, but you then must connect all smoke alarms throughout both units. Or you can choose to do the fire separation between the units like a duplex. Reducing the size of the ADU reduces the risk of fire danger. From a building code standpoint, not having the expense of fire separation does reduce the cost and make the house more affordable to buy as well as renting an ADU out. This has been a nationwide issue. In the building code, with these tradeoffs of not having to separate and being a smaller size, they required owner occupancy. They wanted to correlate with the zoning rules. If we are not going to have the owner in there, this goes back to how we define accessory to the main unit. If you have an investor buying one and renting out both sides, how is it accessory to the owner? How are these two different family's accessory to each other? It's no different than a duplex. We had this where someone said this is an ADU by zoning rules, but it was too big. It does not meet the building code, so we built it as a two-

family dwelling and had it built with fire separation. If it meets zoning code, you can call it an ADU and use it as an ADU even though the size is bigger. We've then taken care of the building safety by separating it.

Administrator Hibbert commented that two stand-alone units are not accessory anymore. Everything should be built to duplex standards if they intend to do this and sell as separate dwellings and this would resolve the issue of rentals and the word accessory itself, it's not accessory anymore, it's stand alone. Everything should be built to duplex standards then you don't have to be related to have someone else in one of the units. In discussing the definition, we can redefine what ADU means.

Chairman Haacke asked if you can sell an ADU and you cannot, a duplex you can.

Inspector Owens stated in one case an ADU was built to duplex standards by building code because it didn't meet ADU standards but met the zoning code. You may say ADU, but for building safety purposes it would be built as a duplex. If ADU's are built to a lesser standard, with no fire separation but zoning is approved, we'd have to go back in and do the fire separation. We can make a duplex an ADU by zoning but for building purposes we do the fire separation if it does not meet building requirements and owner occupancy is one of those requirements.

Mr. Klingler asked a question about populations of 10,000 having ADU's non-owner occupied. He asked if it is called accessory because of size requirements being less than 50% of building.

Building code determines fire risk is higher because of larger size. No fire separation is higher risk even with fire alarms throughout both units.

ADU's are allowed in zones R1 with a Special Use Permit, R2 , R3 and Rural Ranchette. Duplexes are only allowed In R1 with a Special Use Permit, R2, R3, and MU with a Special Use Permit.

Motion made to set the June 24th date for a public hearing for Zone Ordinance Amendment Application by: Rick Robertson

Second by: Chandler Lessing

All were in favor, motion carried.

Land Use Code, Table & Requirement Changes from Special Use Permits to Conditional Use Permits

Documents were handed out at the last meeting. Mr. Hibbert handed out an updated land use table.

After discussion it was decided to also hold a public hearing for this land use table change on June 24th.

Administrator Hibbert shared that City Council approved suggested interchange exit names to be sent on to the county. Home Depot is going to be built east of the Teton River Temple and Sunglo had their open house today and it was well attended.

Salem Zoning Map and Land Use Map Review:

The commission reviewed the new land use map and suggested several updates. Administrator Hibbert will have those amendments added to the map for public hearing.

Motion to set hearing for July 16th for Salem Zoning & Zoning Map Amendments 1 through 22 by: Cory Roberts

Second by: Rick Robertson

All were in favor, motion carried.

10:00 P.M.

Motion to adjourn meeting made by: Cory Roberts

Second by: Chandler Lessing

All were in favor, motion carried.