

MINUTES OF SPECIAL MEETING  
SUGAR CITY COUNCIL  
WEDNESDAY, May 18, 2005

Presiding: Glenn W. Dalling  
Meeting Convened at 7:00 p.m.  
Prayer: Harold Harris  
Pledge of Allegiance

Present: Mayor Dalling; Sharon L. Bell, Clerk; Council members Tim Kershaw, Brent Barrus, Walter Deitz and Harold Harris; Scott Lee, City Attorney; Sharee Palmer, Mike Withers, Keith Nielson, Brad Orme, Bruce King, Garry Jeppesen, and Bob Oliphant, Planning & Zoning Commission; Jan Gallup; Eddie Pincock; Melvin F. Eckman; John Pocock; Dave Thompson; Wallace Eldredge; Don Rydalch; John Hymas; Jacob Ricks; Barry King; Verla Moss; Elaine King; and Laurie King.

7:05 p.m. There was a public hearing held regarding the Comprehensive Plan and changes in the Comprehensive Plan Map and Transportation Map. A tape recording is available.

The Mayor expressed appreciation to the Planning & Zoning Commission for their hours spent in preparation of the comprehensive plan to this point and to Jan Gallup for all of her work. We appreciate their efforts to get people interested. The card they sent out was very appropriate and well done. He welcomed the citizens who were present and turned the time over to Jan, who has been the writer and the proponent of pushing things along.

**PUBLIC HEARING:** Jan Gallup gave a power point presentation on the Sugar City Comprehensive Plan revised in 2005. Every city in the State of Idaho was instructed to put together a comprehensive plan. A comprehensive plan establishes a vision of a community's future and describes how to achieve that vision during the next 20 years. She said they have been working on the comprehensive plan for over a year now. She discussed all the comprehensive plan chapters and their format. She said they hired the Dyer Group to do a 20-year growth impact study. They identified the area that we wanted included in the study and notified Salem residents that they would be part of that study. The committee used that information to develop the transportation map and comprehensive plan map.

Jan specifically discussed the land use chapter because land use seems to generate the most response. Land is the most basic and most valuable resource of Sugar City. The wise use of the land is the community's greatest stewardship. The people on P&Z are committed to that statement. Land use involves zoning districts, zoning ordinances and subdivisions. We don't talk about those specific things in the comprehensive plan. We don't address subdivision ordinances, zoning ordinances or zoning districts, but it says in the land use section that we need to address those things. Then it gives guidelines of the direction we want to go. The information that they

gleaned on our current land use is that we have 572 acres of single-family residential in Sugar City, 46 acres of medium to high density residential, no neighborhood commercial, 16 acres of community commercial. We have 116 acres of light industrial, 92 acres of heavy industrial and 18 acres of public service (which amounts to parks). In the impact area we have 1,202 acres of agricultural, 57 acres of residential-agricultural, 38 acres of highway commercial, and 37 acres of manufacturing. Jan discussed land use goals. She projected the land use map and explained this is how they feel the area will develop in the next 20 years.

Jan discussed the transportation map, where they designated major arterials, minor arterials, major collectors, minor collectors and local streets. Highway 20 is a major arterial. She discussed right-of-way widths for the streets.

Open space was discussed. Jan said as we get into the subdivision ordinance, it requires a certain percentage of land be set aside for open space. The open space will be in the area where we need it, and it can be moved around in the area. The City has the ability to use their judgment, and we have to be concerned about the desires people have for their property. There must be leeway for a future City Council and Mayor to change things.

Jan said once the comprehensive plan is approved, we couldn't change it for six months. If there needed to be changes to it, then we would go through the process again. Once the City Council passes it, it goes to the County Commissioners and they have to approve it. Attorney Lee said that the comprehensive plan is out there but it is not set in concrete that can never be changed. We would have to go through the same public hearing process again.

Jan finished her presentation and turned the time to Mayor Dalling. Several members of the public made comments as follows:

**EDDIE PINCOCK (testifying for Gary Stillman):** Mr. Pincock read a letter from Mr. Stillman: "Dear Council: I own the 15 acre parcel of land on the corner exiting Sugar City going to Rexburg. It is presently zoned manufacturing. We would like to change it to commercial. We would enter this piece of land from the country road. Please be advised that Eddie Pincock will answer any questions on this parcel and has my authority to speak for me on the zoning of this land. Thank you for your time. Sincerely, Gary O. Stillman." Mr. Pincock said the Council is changing that property from heavy manufacturing to single-family residential. It is his opinion, and also Mr. Stillman's desire, that that be changed from heavy manufacturing into a commercial zone. He feels the highest and best use of that property would be some type of commercial, not residential. Mr. Pincock said he is Mr. Stillman's real estate agent and he has listed all of Mr. Stillman's property for sale.

Mr. Pincock, **personally speaking**, also said Harold Harris has a piece of property that he would like to see multi-family. He feels some of the commercial should be put south on the road to Rexburg. He also feels multi-family housing should be implemented within the City and not just at Sun River Lake Estates.

**ATTORNEY SCOTT LEE (testifying for Vaun Waddell):** Mr. Lee read a letter from Mr. Waddell: "Dear Sugar City Council and P&Z Committee Members: Thank you for your efforts to prepare a comprehensive plan for Sugar City. Planning will help preserve the heritage of our community and encourage wise future development. Being absent until mid-June, I've

asked Brad Orme to present my voice until then. I favor his suggestion, given earlier this spring, that Center Street be zoned commercial. My concern as a property owner is that as future commercial zoning is planned, activities now permitted on Center Street may be removed from the current list of permitted activities in the C-1 zone. I am not in favor of narrowing the list of permitted commercial activities in C-1, as this would adversely affect the value of property such as mine that is not yet developed for commercial use. I look forward to further information, and participating in the process later this year. Sincerely yours, Vaun Waddell.” Mr. Waddell asked Mr. Orme to represent him, but he couldn’t because he is a newly appointed member of the Planning & Zoning Commission.

**DON RYDALCH:** He thanked those who have worked on the comprehensive plan. It has been well done and well presented. His concern is that future development of multi-family housing be kept in a strict and on a low-side ratio to the development of single-family housing so that the City adheres strictly to the very first statements of the vision statement saying it is an area of single-family residences, realizing there will be some future multi-family housing come in, but not that it goes way out ahead in proportion to what is now existing in the City limits.

The Mayor said he would be happy to honor anyone else who would like to testify, even though they didn’t indicate they wanted to testify on the attendance list. No one testified further.

8:20 p.m. The public hearing ended and the Council resumed their special meeting.

Discussion was had on some of the comments that were made. Jan asked what might prevent the Council from approving it, and what hesitations they might have. She suggested each Council member state their opinion:

**Council member Deitz:** Walter feels the things Mr. Pincock brought out on the Stillman property need some looking into. The road that goes across 3<sup>rd</sup> South into Sun-Glo should be considered. He is concerned that the multi-family (R-2) designation that we’ve had in the past within the City limits has been taken completely out of town and moved to the impact area. Jan said once the plan goes into effect it doesn’t change the districts at that point. We still have R-1 and R-2 and the same zones. They stay the same for the time being. She said as part of the implementation stage that we need to look at those districts that we have now and decide if we want to change those, then we go through this entire process again and discuss what zones we want to have, what new districts do we want to have, what districts do we want to do away with, then we will reassign those zones that we come up with to a planning and zoning map which will be more detailed.

A discussion was had on the Stillman property, which is zoned manufacturing. Jan said the reason it was designated as residential is because of the awkward access getting into that property. If we put it commercial, what type of commercial would we be considering because it is in predominately residential.

Council member Deitz was concerned about a landscape ordinance, wherein P&Z is telling people how they can landscape their land. Jan said the design standards, which would include building, fencing, landscaping standards for these areas – new commercial, manufacturing, business parks, institutional, office, multi-family residential projects, signs, common areas, subdivision signage, proposed conversion, proposed changes in land use and/or building use, exterior remodeling or repainting with a color different than what is existing, exterior restoration

and enlargement or expansion of existing buildings, signs, sites, etc. The following are specifically excluded from the requirements of the design review overlay district: development of an individual single-family detached home on a single parcel, an individual duplex, and an individual town home. What they are looking at is having a design standard for commercial, manufacturing, multi-family – those kinds of developments. They are not looking to regulate single-family residences. She said there are some landscaping standards already in the planning and zoning ordinance, but they are minimal. She said she is just starting to work on this document this week, and it is not part of what she needs approved now.

**Council member Barrus:** Brent feels a road could be developed in the Stillman property to make it commercial. He likes to see commercial along a highway, especially Highway 33 going to Rexburg. He feels we should also put some commercial on the Moody highway.

**Council member Kershaw:** Tim said he would like some input from the Planning & Zoning Commission to see how they feel about the Stillman property. He has another concern about approving the comprehensive plan tonight. We ought to get some input from the County and the City of Rexburg to see what they are planning for Moody Road on Rexburg's side. Jan Gallup asked Attorney Lee if the comprehensive plan could be approved, less the comprehensive plan maps and then have a special hearing for the comprehensive plan map. Attorney Lee asked if there were direct references to the map. Jan said that is why it is put in as an appendix because the map can be changed without changing the entire plan; so if you need to change the map, you would just have public hearings on the map. The transportation map is part of the plan. Jan would like the Council to approve the written part and then have Planning and Zoning review your concerns on the comprehensive plan map, and then have another public hearing for the map.

Attorney Lee suggested we put the transportation map as an appendix also because there may be some changes. Tim shares concerns that Walter has, but he thinks as we flush out the ordinances and those types of things, his concerns can be addressed. He said he doesn't have a problem with the written portion. He does have some reservations about some of the maps.

**Council member Harris:** Harold has concerns because he feels we should be addressing highway commercial along Highway 33 to Rexburg. His other concern is we have almost eliminated completely, with the exception of Sun River Estates, multi-family housing in the City proper and he feels there has to be a mix. He said Mr. Rydalch alluded to having a low ratio of multi-family to residential. He is not in favor of that, so he opposes the land use map.

The Mayor said we have come to the point where the Council could approve the written portion of the comprehensive plan, as Jan requested. The transportation map and the land use map will be appendices and will not be approved at this time. Jan said the transportation map would have to stay with the written part.

Jan said Planning & Zoning is having a meeting Wednesday, May 25<sup>th</sup> at 7 p.m., and Dick Dyer will be here. They will be specifically talking about land use, new districts they would like to see. They will also be talking about the impact area. She said the Council's concerns about the comprehensive plan map are well justified. Dick will be representing Sugar City as their engineer. They have had the understanding that Sugar City and Rexburg's Planning & Zoning would have open discussion about the property. She said at the meeting they had with Rexburg and Madison County a week ago, Madison County did ask for and received a copy of the comprehensive plan

map. They asked some specific questions about the plan, which she answered. So their Planning & Zoning does have a copy of the map and they know the direction we are taking.

Attorney Lee suggested they remove the transportation map and make it an appendix. At that point a motion could be made to approve the written portion of the comprehensive plan with the exception of the transportation map and the land use map, which will continue to be worked on. Jan asked for permission to consult with Jerome Mapp, the consultant she has been working with, to make sure it is okay to make this change. She doesn't want it approved until the Council feels really good about it. Jan said she would appreciate it if the Council would refer the comprehensive plan back to the committee to review the map and review specifically Harold's comments about multi-family housing and Walter's comments about the commercial area. That will give them a chance to have a meeting with Dick Dyer and give them a better idea of what is happening in the impact area on the Moody Highway. Council member Harris expressed concerns about Dick Dyer being chairman of Rexburg's Planning & Zoning and he is trying to advise us as our city engineer. Jan said if the information we share was not public, if it was executive information or if Dick were giving us information as an engineer for Rexburg, then she would be hesitant.

**MOTION:** It was moved by Council member Kershaw and seconded by Council member Deitz that we refer the comprehensive plan back to the Planning & Zoning Committee for further consideration of the public comment that has been made and the concerns of the City Council. The Mayor called for a roll call vote.

Those voting aye: Council members Kershaw, Barrus, Deitz and Harris

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

Meeting adjourned at 9:00 p.m.

Signed: Glenn W. Dalling  
Glenn W. Dalling, Mayor

Attested: Sharon L. Bell  
Sharon L. Bell, Clerk