

MINUTES OF SPECIAL MEETING  
SUGAR CITY COUNCIL  
WEDNESDAY, JULY 13, 2005

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

Present: Mayor Dalling; Sharon L. Bell, Clerk; Council members Tim Kershaw, Brent Barrus, and Harold Harris; Scott Lee, City Attorney; Sharee Palmer, KaraLee Ricks, Bruce King,, and Bob Oliphant, Planning & Zoning Commission; Jan Gallup; Laurie King; Don Rydalch; Noel Zaugg; and Elaine King. Council members Walter Deitz and Tim Kershaw were excused for portions of the meeting.

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

The Mayor welcomed everyone and turned the time over to Jan Gallup.

**PUBLIC HEARING:** Jan stated this is our third public hearing on the comprehensive plan. She said the County Commissioners have asked us to hold off on approving the comprehensive plan map and the transportation map until negotiations can take place between Rexburg and Sugar City concerning the land that is south of the North Rexburg Interchange and the Burns Brothers litigation is completed. That negotiation will probably take place in August. Even though we will postpone approval of the map, she said concerns should be expressed tonight because we will still be working on revisions between now and when the City Council meets with Rexburg's city council to negotiate that property. Jan finished her comments and turned the time to Mayor Dalling. Several members of the public made comments as follows:

**LAURIE KING:** She expressed concerns about land use in the comprehensive plan. From our survey, she said 90% of our citizens favor growth with single-family homes and is concerned about the high-density designation. Jan explained it is listed as combined medium to high density residential because that is how it is listed currently in our planning and zoning ordinance. She can't list it any different than what it is listed currently. Right now in our R-2 zone, with a special use permit, they can have multi-family residential. Mrs. King is concerned about the comprehensive plan map. She likes the map dated 4-28-05 because she could tell what was there and what we were getting and she knew what areas were what, but she is having a hard time accepting the 7-13-05 revision because she can't follow it or understand it. She said we talked about a little bit of multi-level housing and a little bit of commercial, and now she sees huge amounts of it. She feels it is overboard from what was really requested or presented and she is concerned. She expressed appreciation to the Council and explained as we work as a community and a City Council that we can come together on things and get what is best for our community.

**NOEL ZAUGG:** He echoed some of Mrs. King's concerns with how the comprehensive plan map of April 7<sup>th</sup> differentiated between single family and multi family housing. The designation on the July 13<sup>th</sup> map of medium density doesn't cover all the areas that are currently medium density within the community. As a citizen, he thinks it is very important that we have an opportunity to know where the multi-family developments are going to be. He is concerned that there is no designation on the new map distinguishing between single family and multi family. On the new map most of the currently designated medium density areas are bounded on essentially all sides by either public facilities or minor arterials or major collectors. He is concerned about traffic on 3<sup>rd</sup> South if we end up with a multi-family housing development there. He feels it makes much more sense to extend this area which is south of 3<sup>rd</sup> South over to 7<sup>th</sup> East and then we would have a nice compact medium density area which could turn into multi-family right across the street from the school and next to the proposed commercial development.

**DON RYDALCH:** He said he appreciates the chance to meet with the Council to express his concerns. He realizes the comprehensive plan is a laborious task and it needs to be because it is so important. He feels the underlying principle for the whole thing is that the ordinary citizens understand it, can decipher it, can read it and understand what is actually projected. The best land use map that he has seen was the one dated April 28<sup>th</sup>. He spoke in favor of that at the next public hearing. It was not approved by the Council at that time and he came back and mentioned there was an expression of looking for more multi-family dwellings and commercial space. The good thing about that map is exactly what Noel and Laurie had mentioned – the clear designations between single family and multi family, which is the item of most concern and interest to the average citizens in Sugar City. The next map changes that and is not nearly as clear, and the coloring is very difficult to decipher. He said in a special council meeting on April 27<sup>th</sup> the Council voted unanimously to keep seven designations on the comprehensive map, including single and multi-family designations. Since then it has gone by the board. The biggest change, however, is the allocation of space for medium-density residential. He said he looked at the maps closely and it appears that all of the space that was previously designated as multi family is now included in the medium density. He realizes that all the medium density won't be multi family, but multi family that was earlier designated is in those locations now, which tells him that all of the space could be multi family, and certainly a fair share of it will be. He doesn't have much faith in districts and zonings, etc., for corrections in the future. He knows that is the obvious answer that is generally given. His experience has been that there are public hearings regularly to change designations after they have been in place for years, and virtually all of those are approved. It is rare that such requests are turned down. He feels the land use map should be the best possible, even though it takes longer. He quoted from one of the earlier public meetings: "The comprehensive plan is a guidebook for the City Council. It is a legal document. It is what we go by." He said the comprehensive plan map needs to be very clear particularly between single and multi-family housing. It needs to be very clear on the map and by name where that is going to be.

7:45 p.m. The public hearing ended and the Council resumed their special meeting.  
Council member Deitz arrived.

Discussion was had on the comments that were made and the differences in the maps that have been presented. Jan said the difference that most of the public comment refers to is that on the earlier version we were very specific where multi-family housing would be placed and where it

would be single-family residential. The current map also has a lot more commercial because of our negotiations with Rexburg. That is why there is so much commercial south of the North Rexburg Interchange. She said most of the comments refer to changing the current map so that we refer to residential as low density and medium density. She feels that is what the problem is. She said this was done because the City Council felt it was too restrictive to have it identified strictly as multi-family or single-family residential, so the comprehensive plan committee tried to find a way that there could be a compromise. The consultant that we used, Jerome Mapp, recommended that we do it by density level. So it was a combination of a recommendation from Mr. Mapp and also trying to find a compromise between City Council and the committee. Council member Kershaw remembers that the counsel that we were given was to keep it more general on the comprehensive plan and then get more specific in the zoning and land use ordinances. He feels we should make it clear to the public that the plan isn't to evade designating where those are. It's to not do it in the comprehensive plan. Jan said that is accurate. She said the citizens are asking us to be more specific in our comprehensive plan. Because the comprehensive plan extends to 20 years and beyond, you want to have it so that you have some flexibility in your planning. You can change it only every six months, if needed.

Don Rydalch asked permission to read from the minutes of April 27, 2005: "Jan presented a revised comprehensive plan map dated April 27. After the last meeting she sent the comprehensive plan map to the city engineer and to our consultant in Boise, Jerome Mapp, and asked them to review it. They said it was too detailed and recommend that we reduce the number of categories to seven: agricultural, single-family residential, multi-family residential, commercial, manufacturing, public facilities, and open space. The Council unanimously agreed with the seven categories."

Jan said there is a difference between the City Council approving the map to go to public hearing and approving the map to be the comprehensive plan map. We have approved these maps to go before the public so we get public feedback, but we are not approving them to be the official comprehensive plan map. She said Mr. Rydalch has a valid point, though. At one time the City Council thought that that was a good map to take to the public. Jan said as the committee talked about it, they didn't go with all of the recommendations that Mr. Mapp made. When they had concerns about where multi-family housing would go, then they addressed those.

Jan said Eddie Pincock testified and requested that the property that is south of 3<sup>rd</sup> South be commercial. He also made the point that he thought the existing trailer court would be a good spot to have multi-family housing. That comment is what caused the City Council to reconsider the map. She said she was given the charge to go back to the comprehensive plan committee and try to work something out that would address those two issues – the commercial area and Mr. Harris' trailer court properties.

Mayor Dalling said to summarize the concern tonight is that the medium-density housing is vague and they would like the multi-family housing and single-family housing put back the way it was. Council member Kershaw said the reason he was okay with this is because it is his intention to designate those specifically at some point in time in the zoning map. He assumed that would be okay, but the comments made tonight made him reconsider that. The citizenry doesn't feel as safe with those designations in the zoning map than they do in the comprehensive plan. Attorney Lee said the intent is to be more specific as we get into the process and to designate those areas that would be single-family and multi-family.

Jan said to satisfy the public tonight, she would go back and specifically designate areas of single-family residential and multi-family residential on the comprehensive plan map and she would be very specific about where those areas were. She said the comprehensive plan

committee voted unanimously to make the change to have it low density and medium density. She said as she has talked with citizens who have called her with a concern about this, she tried to explain that the people that own the property have a right to have flexibility also. That has been a concern of this Council and of the Mayor that individual property owners in this community have a right to develop their property the way they would like. By doing it this way, if someone is in a medium-density category on the comprehensive plan map and then on the zoning map it is designated as single-family residential, because the medium density takes in single-family and multi-family, they can request a zone change and they would go through the public hearing process and request that zone change. People on both sides would have an opportunity to come in and express their views and feelings about it. It is an equitable way of maintaining that balance between existing residents and property owners. They would have to change the comprehensive plan map, and then they would have to request a zone change.

Jan said as they are working on the zoning ordinance, medium density is R-4, four lots per acre; R-5 is five lots per acre; 12 units in a multi-family complex; and 16 units in a multi-family complex. That is what Planning & Zoning is working on now.

Council member Harris explained that the comprehensive plan is a long-term vision and to have a few citizens make short-term decisions here, it seems like we need some flexibility. That's why he thinks the comprehensive plan map was a good way to go to get some flexibility. But if we are looking at long-term and then having a narrow gate to view this long-term situation, it seems like we are narrowing that up more. We are eliminating possibilities of some flexibility and he feels the comprehensive plan does a good thing, but we can tighten up the regulations in the zoning ordinance. He feels we still need the flexibility to think on a longer term on what are specific issues today.

8:20 p.m. Council member Kershaw was excused.

**Revising Ordinances:** Sharee Palmer addressed the Council on the direction they are taking in revising the ordinances and how they will deal with multi-family housing – it won't just be the box and typical housing project. Our design review board is coming up with landscaping; they will have to have open space in a multi-family area. It will be a lot different. There will be a lot more that will be required of them. When we do multi-family, there will be some strict requirements that they will have to follow. These need to be addressed right up front.

Bruce King said a point that is not being touched on that is important is the citizens' response to the 2004 public survey. We need to consider the general views that have been expressed of the citizens to limit multi-family housing in Sugar City. He was one of the P&Z Commission who opposed the new map thinking a great part of it was needed. He said if strengthening the comprehensive plan a certain way reflects the wishes of the citizenry, then that's all the more reason we want to do that even for the long term.

A discussion was had whether a developer could sue or press a lawsuit on the City because it is medium density on the comprehensive plan, but may be zoned differently. Attorney Lee said they have to comply with the zoning map. As long as the definitions of medium density are such that it covers single-family housing, the City still has the ability to put zones within the medium density, and a developer cannot come in and sue to make that change. He said a person can sue for anything, but he doesn't think they could prevail on that. Sharee said they could appeal a decision on a zone change.

**EXECUTIVE SESSION:**

8:30 p.m. It was moved by Council member Harris and seconded by Council member Barrus to go into executive session to discuss a personnel matter. The Mayor invited the P&Z Commission to remain. He called for a roll call vote.

Those voting aye: Council members Barrus, Deitz and Harris

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

9:15 p.m. The executive session was closed, and the meeting adjourned.

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

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