

Sugar City Planning & Zoning Commission
Regular Meeting December 18, 2008
Minutes

Commission attending: Brian Hawkes, Ray Barney, Bruce Bills, Vaun Waddell, Steve Hawkes, Ninette Galbraith, Stephanie Blackham

Public attending: Terry Mortensen, Elaine King, Craig Cobia, Chantal Cobia

Chairman Hawkes convened the meeting in between public hearings. Following the public hearing on the transportation map, there was no discussion. Ray moved to recommend the Comprehensive Plan Transportation Map, Appendix B dated 11/24/08 to city council. Vaun seconded the motion and it passed unanimously.

Ninette had gathered some information on sexually oriented businesses. She noted they are regulated by zoning and by licensing. Their content and message are protected by the 1st and 14th amendments, but they are driven by profit not freedom of speech. Cities cannot keep them out. It was suggested that a log of research be kept in case of legal challenges to our ordinances.

In discussing the land use map, Vaun pointed out a clerical error in the comprehensive plan in Chapter 6, agriculture and residential are on the same bullet. Steve felt that the area in the southwest corner of the city is confusing. Bruce moved to recommend the Comprehensive Plan Land Use Map, Appendix A dated 11/24/08 to the city council. Ray seconded the motion and it passed unanimously.

In other business, the commission felt it appropriate for Brian to let the city council know how much professional maps are appreciated. Brian mentioned that Mendoza's have asked what is necessary for their property to be included in Sugar City's impact area. It was noted that the city council has to make a request to the county commission. It was again brought up that we need an agreement with the county on impact area ordinances.

In discussing the revisions to Title 10, Brian felt we needed clearer wording on the 6th revision. In regards to curbing, the commission felt that that particular revision provided more flexibility as the current ordinance requires rolled curbing in all zones in the city. Ray moved to recommend to city council revisions 1-9 to Title 10. Vaun seconded the motion and it passed unanimously.

Ninette moved to accept the modified minutes of 12/4/08. Bruce seconded the motion and it passed unanimously. In discussion of the Title 9 revisions, it was noted that the clarifying illustration of Title 9-6-7-C-2 which Bruce presented in the public hearing will be included in the text of the revisions. The commission felt Chapter 15 was a good starting point and after it is in place, the city could call for volunteers to do further research and study. Brian also warned the commission to be prudent in letters to the editor. Stephanie recommended the revisions to Title 9 as well as Chapter 15 be sent to the city council. Ray seconded the motion and it passed unanimously.

Brian asked commission members to be thinking of items for a new Priority A list and he will talk to Sharon about the date for the next P&Z meeting. Chairman Hawkes adjourned the meeting.

Brian D. Hawkes

15 Jan 2009

Sugar City Planning & Zoning Commission
Public Hearing-Comprehensive Plan Transportation Map, Appendix B
December 18, 2008
Minutes

Commission attending: Brian Hawkes, Ray Barney, Bruce Bills, Steve Hawkes, Ninette Galbraith, Vaun Waddell, Stephanie Blackham

Public attending: Terry Mortensen, Elaine King, Craig Cobia, Chantal Cobia

Chairman Hawkes opened the public hearing. Steve presented the commission's views on the transportation map and noted that it was prepared by a professional engineering firm.

There was no public testimony.

Chairman Hawkes closed the public hearing.

Sugar City Planning & Zoning Commission
Public Hearing-Comprehensive Plan Land Use Map, Appendix A
December 18, 2008
Minutes

Commission attending: See above minutes.

Public attending: See above minutes

Chairman Hawkes opened the public hearing. Steve presented the commission's views on the land use map and noted that it differs from the zoning map of the city.

There was no public testimony.

Chairman Hawkes closed the public hearing.

Sugar City Planning & Zoning Commission
Public Hearing-Title 10 Revisions December 18, 2008
Minutes

Commission attending: See above minutes

Public attending: See above minutes

Chairman Hawkes opened the public hearing. Ray presented the Title 10 revisions as follows:

- 1) public hearings for preliminary plats
- 2) mailing labels must be provided for owners whose land abuts or is separated by a road from a new development
- 3) criteria for considering an preliminary plat application
- 4) time limits for action on preliminary plat public hearings
- 5) time limits for city council action on preliminary plat public hearings
- 6) final plat application time limits
- 7) definitions for "Loan-firm" and "Sexually oriented business/adult business
- 8) curbing requirements
- 9) topsoil provision included in development agreement

Terry Mortensen presented testimony from a neutral position. He wondered about ribbon curbing being allowed in residential developments and if there were time limits for preliminary plat construction.

Ray noted that ribbon curbing may be a future consideration.

Chairman Hawkes closed the public hearing.

Sugar City Planning & Zoning Commission
Public Hearing-Title 9 Revisions and Chapter 15 December 18, 2008
Minutes

Commission attending: See above minutes

Public attending: See above minutes

Chairman Hawkes opened the public hearing. Bruce presented the Title 9 revisions as follows:

- 1) variability of lot sizes
- 2) definitions for "Loan firm", "Sexually oriented business/adult business" and "Twin home"
- 3) update the land use schedule and remove "Pawnshop" definition

Bruce also gave some background on Chapter 15 concerning adult businesses. Two key things led to the P&Z's proposal to include this chapter. One is that sexually oriented businesses (sob's) target small communities and sob's are protected by the 1st and 14th amendments. Sugar City's current ordinance allows them in any retail business location.

Elaine King testified against Chapter 15. She was made aware of the issue by a local newspaper article titled "Preparing for Porn." In her opinion, this chapter is not compatible with the comprehensive plan and she feels the city should be guided by values not fear. She recommended more study.

Terry Mortensen feels the city should be as tough as possible where adult businesses are concerned and appreciates the commission's desire to protect the city. He has seen these kind of businesses crop up in remote areas around farming communities.

Craig Cobia wanted to emphasize keeping decency in the community. He felt more time was needed for research and that legal advice should be obtained.

Bruce's closing comments noted that the commission appreciates the desire for more research, but the commission feels that this is a well-funded industry that targets small towns like Sugar City and that an ordinance in place that can be amended is better than nothing.

Chairman Hawkes closed the public hearing.