

SUGAR CITY PLANNING & ZONING MEETING MINUTES

PUBLIC HEARING - THURSDAY, DECEMBER 5, 2019

Commissioners in attendance: Dave Thompson, Paul Jeppson, Christine Lines, Justin Merrill, Quinton Owens, Tyler Hoopes
(via phone)

Others in attendance:

Deputy-Clerk Shelley Jones, City Building Inspector Cliff Morris, City Engineer Dick Dyer, Applicant Jeff Lerwill and Lerwill's representative Jeff Patlovich, LaVon Yorgensen, Trevor Weekes, Tyler Fillmore, Jason Wansgard, Jed Jacobs, Rayce Speth, Bruce & Elaine King, Lawrence & Catherine Nielsen, Barbara Lusk, Joy Ball, Jill Moss, Steve Adams, Ray & Mary Louise Barney, JoAnn Clark, Nantalie Cleverly, Debra Thompson, Blake Walker, Mitch Workman, Tyler Andreasen, Joshua Rigby

7:10 P.M. Public Hearing for Preliminary Plat for Old Farm Estates Division #4 for 40 single family homes

The meeting was called to order by Chairman Dave Thompson

Prayer by Christine Lines

Pledge of Allegiance

The commission reviewed the application.

Chairman Thompson asked if there had been any ex parte communications or issues. Chairman Thompson stated that he did have some citizens ask him questions about the public hearing as did Commissioner Jeppson which both declined to answer the questions due to ex parte communication rules. Christine Lines received an email with questions which she stated she did not respond to.

7:28 P.M. Applicant's Presentation by Mr. Jeff Patlovich:

Mr. Patlovich described the plat for Old Farm Division #4. The plat has 41 lots, 1 of which is unbuildable which is the long thin lot on the east side of the property. Mr. Patlovich stated that he felt the utilities have already been approved. This statement is incorrect. The property is zoned for single family homes. Commissioner Jeppson had some questions but Commissioner Merrill called a point of order to request that Mr. Patlovich finish his presentation.

The commission also questioned where the East Parkway Corridor may be someday. Open space requirements were questioned. Mr. Patlovich voiced an R1 zone does not require open space and felt there was a conflict in the city ordinance. The entire development of Old Farm requires an open space percentage but not in this division. It was stated that an unbuildable lot would need to be recorded as open space. The commission wanted an alternate transportation included and wondered if the transportation study would be updated. Mr. Patlovich stated for OFE #4 it would not be updated, possibly when more development occurs.

Engineer Dick Dyer stated that OFE #4 would have to conform to the development agreement. Open space would have to conform before the entire development is completed. Traffic is not a concern within the single family home plat, but had concern over all traffic in OFE. Future connectivity (from South Idaho to property south of the canal) would be in the city's best interest. Mr. Dyer had the preliminary plat with utilities and connections and gave technical comments. The development engineer agreed and an updated version was addressed.

8:17 P.M. Public Testimonies:

Chairman Thompson received a notification of required postings by Deputy Clerk Shelley Jones.

Submitted written testimony:

For:

- Marie Butcher (See attachment #1)

Neutral: none

Against: none

Public Hearing Sign In:

Marked for:

- Blake Walker (**verbal**) stated that he feels the open space requirements were covered by the development agreement and master plan. It fits the comprehensive plan for Sugar City which allows single family homes.

Marked neutral:

- Joshua Rigby (**verbal**) read Madison County Subdivision Ordinance. It states that open space should be a percentage of the overall development.
- Ray Barney (**verbal**) liked the single family homes and commented that a transportation map showed Idaho Avenue continuing on to Moody Road. He also questioned where the East Parkway Corridor would go in the future as one choice was once shown

to go on the north side of the canal. He also stated that the transportation study was for a lower density and a different development. He would like to see the stub on South Idaho go through to Moody Road.

- Mary Louise Barney
- Tyler Andreasen

Marked against:

- Jill Moss (**verbal**) questioned open space requirements. She felt a traffic study should be done. No green space was identified and it needs a master plan.
- Bruce King (**verbal**) liked the single family homes but felt the application was incomplete. A new development agreement has not been completed and therefore not a part of the application. He felt the old agreement was obsolete. The settlement agreement pertains to OFE # 3.
- Elaine King (**verbal**) liked the single family homes but felt the application was incomplete because it did not include a new development agreement which has not yet been approved by city council. She questioned which development agreement would be used. She felt the applicant should have waited to turn in the application until a new development agreement was completed. Open space was not on map.
- Barbara Lusk (**verbal**) agreed with Bruce & Elaine King's comments and stated the application did not include a master plan. It did not include the new development agreement that is being considered. She felt the East Parkway corridor maps are not accurate.
- JoAnn Clark (**verbal**) agreed with concerns previously mentioned. She felt the application was not complete. She stated the application did not include a master plan.
- Lawrence Nielsen (**verbal**) had a concern with open space percentages. He felt there was not enough green space and parks.
- Nantalie Cleverly – left the meeting.

Totals: For –2, Neutral – 4, Against – 7

8:56 P.M. Closing comments by applicants' representative Jeff Patlovich:

- As far as open space comments, Jeff Patlovich stated that Old Farm Estates Development has a master plan and a current development agreement and it does require a percentage of open space for the entire development which will be met for the entire development, not individually for each phase but for the whole development. Mr. Patlovich disagreed with the statement that the subdivision requires 10 percent open space. It is his opinion that the entire development requires 10 percent, not this phase.
- A portion of Madison County Code was read which is not applicable for this application as it is in city limits.
- There is a transportation plan that has been adopted by the city. Mr. Patlovich turned in the transportation plan that is part of our current comprehensive plan which is what the city had on its website.
- The city engineer, public works director and the developers are okay with the design of South Idaho Avenue and it will have an easement so that when there needs to be a connection across the canal in the future should it be needed, it can be accomplished.
- Comments on a pending new development agreement do not apply to this application. The application has to use what is law today which is the current development agreement.
- The East Parkway Corridor is not relevant right now as it could be built 40 years from now.
- The applications asked for draft CC&R's, not final, and draft CC&R's were turned in.

Comments by Commissioners:

Commissioner Merrill stated the following: All concerns had been addressed by the applicant. There are nice big lot sizes and the applications fits with the comprehensive plan. The commission reviewed the application against legal council's checklist. Public comments have been heard.

Commissioner Jeppson stated the plat looks attractive; felt that more open space is required and that an updated transportation plan was not represented as part of this application. He agreed Madison County Code cited did not apply. He stated no one has had a chance to look at the new development agreement that is being worked on. Commissioner Jeppson also suggested the transportation study be revised.

Commissioner Owens stated we can't look at what is coming; we have to go by current code and the current development agreement.

9:08 P.M. Public hearing ended.

NOTICE OF PUBLIC HEARING
REGARDING PRELIMINARY PLAT APPLICATION

NOTICE IS HEREBY GIVEN, that a public hearing will be held on **Thursday, December 5th, 2019 at 7:00 p.m.** before the Sugar City Planning and Zoning Commission at Sugar City Hall, located at 10 East Center Street, Sugar City, Idaho, regarding:

- **Preliminary Plat Application for Property Located at Old Farm Estates Division # 4, Sugar City, Idaho.** Old Farm Estates Division #4 is located south of West 5th South and east of Idaho Ave. and west of S. Austin and north of the Teton Island Canal. The application is for 41 lots on 21.275 acres. Block 8, lots 2-7, Block 9, lots 2-7, Block 10, lots 8-10, Block 19, lots 3-15, Block 17, lots 6-18. Block 17, Lot 18 is an unbuildable lot. The remaining 40 lots are for 40 single family homes. See attached map.

At such hearing the Commission will hear all persons and all objections and recommendations relative to the proposed preliminary applications. Written comment will be accepted in regards to the proposed applications no later than **December 2, 2019, at 4:00 p.m.** at Sugar City Hall located at 10 East Center, Sugar City, Idaho 83448.

The public is invited to attend and public comment is encouraged. More information is available at Sugar City Hall. If special access needs are required to attend the hearings, please call Sugar City Hall at least 48 hours in advance of the hearings.

1. Check the appropriate lines and return to the Sugar City Clerk by **December 2, 2019, at 4:00 p.m.** Please include your name and address on any correspondence.

- Neutral
- Comments (attached)
- Support applicant's request**
- Comments (attached)
- Do not support applicant's request**
- Comments (attached)

mailing address:
1106 Coyote Willow Way
Rexburg, ID 83440

2. Visit our office with your written comments.
3. E-mail to: siones@sugarcityidaho.gov.
4. Mail to:
Sugar City Hall, P.O. Box 56, Sugar City, ID 83448
5. Fax your comments to (208) 359-2624.
6. Attend the Public Hearing.

Name(s) and Address:

Marie Butcher
515 Janine Dr.
Sugar City, ID

Comments:

SUGAR CITY COUNCIL

By: Shelley Jones
Deputy Clerk-Treasurer