

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, MAY 11, 2017

Presiding: Mayor David D. Ogden  
Meeting Convened at 6:30 p.m.  
Prayer: Matt Garner  
Pledge of Allegiance

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Bruce Arnell, Matt Garner, and Joe Cherrington; City Public Works Director Zane Baler; Chairman Brent Barrus of the Planning and Zoning Commission; City Attorney Bill Forsberg; Old Farm Estates Owner/Developer Ryan Lerwill; *Standard Journal* Reporter Adam Jacobs; Citizens Jesse and Virginia Brown, Paul Jeppson, Elaine King, and Brent Kinghorn.

Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on April 27, 2017. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Arnell and seconded by Councilman Garner to accept the minutes; motion carried.

Mayor Ogden asked if there were any corrections to the minutes of the special public hearing meeting held on March 15, 2017. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Arnell and seconded by Councilman Garner to accept the minutes; motion carried.

**RECONCILIATION REPORTS:** Wendy presented the April reconciliation reports for the General Fund. It was moved by Councilman Garner and seconded by Councilman Arnell to accept the April reconciliation reports for the General Fund; motion carried. Wendy presented the April reconciliation reports for the Utility Fund. It was moved by Councilman Arnell and seconded by Councilman Garner to accept the April reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$56,429.07. It was moved by Councilman Garner and seconded by Councilman Arnell to pay the current bills, together with all regular May bills; motion carried.

**PLANNING AND ZONING COMMISSION REPORT:** Chairman Brent Barrus reported on the following items:

**Old Farm Estates Public Hearing:** The commission reported that a public hearing was held April 6 for the Old Farm Estates applications for a preliminary plat and zone change for Division #3. Commissioner Chairman Brent Barrus presented the findings, conclusions and recommendations to the council (see Attachments #1 and #2). The Planning and Zoning Commission reviewed the documents with Attorney Bill Forsberg. They voted to recommend the preliminary plat and zone changes for Division #3.

**Impact Area:** The commission asked the county for a meeting date to discuss expansion of the city's impact area. The county will get back to them to set a date.

**Proposed Land Use Revisions:** The commission asked for a date to meet with the council at a public work meeting to review the land use schedule.

## **OLD FARM ESTATES DIV #3 PRELIMINARY PLAT AND ZONE CHANGE**

**FINDINGS, CONCLUSIONS AND RECOMMENDATIONS:** Mayor Ogden summarized the findings, conclusions and recommendations on the preliminary plat for Old Farm Estates before the council. Planning and Zoning found the preliminary plat and zone change applications:

- Complete and relevant
- Conforms to the master plan, as amended
- Meets requirements and standards of the Idaho Code
- Meets requirements and standards of the City Code
- Received all necessary reports from experts, departments, and agencies, with no objections
- Adequate infrastructure including streets to serve the development

The commission approved the preliminary plat and zone changes, with these conditions as listed:

- Provide final approval from the Idaho Transportation Department (ITD) on the intersection located at Idaho Highway 33 and West 5<sup>th</sup> South
- Identify water and wastewater plan documents and connections, if connecting to the city
- Provide a storm water system plan and drainage in accordance with the Sugar City Code
- Provide the design and operation of a pressurized irrigation system (if any)
- Update the impact study to reflect the new zone changes/densities

Councilman King thanked the Planning and Zoning Commission for all their work on processing the applications. He added that those opposed to the preliminary plat and zone changes do not oppose growth but oppose growth they view to be against the Comprehensive Plan. Mr. King presented to the council several items for the council to consider before accepting the findings, conclusions and recommendations. He added that he believes it would be “reckless, irresponsible and highly unwise” to go forward without considering these concerns. He framed 15 questions around what he feels are important points:

- Changing zones R1 and R2 to MU1 and MU2 gives developers license to build apartments as well as businesses
- The Sugar City Code does not require the applicant to build any businesses at all in the MU1 and MU2 zones (The developer can put the whole acreage in apartments.)
- 1,433 apartment units are possible, if all development went into apartments
- The Land Use Schedule has not yet been officially updated to show permitted uses in separate MU1 and MU2 zones
- The development agreement has not been updated
- The tax base question hasn't been fully explored
- The city hasn't fully weighed the advantages and disadvantages of apartment complexes and “anything-goes” businesses (“Tax base is an advantage. Demands on schools and other services apparently are not. What about concerns raised by Jeff Nelson of Madison County Fire Department? He warned that when you invite a lot of high-density housing, you invite more crime.”)
- The applicant should meet the conditions recommended by the Planning and Zoning Commission before the council approves the findings, conclusions and recommendations
- The parking requirements for MU1 and MU2 conflict with parking requirements elsewhere in the code

- The zone change and preliminary plat applications are incomplete and inaccurate (For instance, the applications are not completely filled out and the zone-change application says 120 acres on page 1 but the parcels in the map add up to considerably less acreage than that.)
- The findings, conclusions and recommendations documents contain errors
- The council has not held its own public hearing
- The council violated open meeting laws
- Instead of approving such sweeping changes, why not deny them and then request the applicant reapply for a smaller area when he has a developer with a firm proposal
- The city is not bound by the Comprehensive Plan Land Use Map, which shows most of the area under consideration as multiple use.

There were some details presented by Councilman King that the city attorney questioned as being misleading or not legally presentable. Mayor Ogden asked if there was any evidence that the council violated any open meeting laws, upon which Mr. King made no concise comment. When asked if the council should consider the items presented by Councilman King, the attorney agreed the council may review them in order to understand potential concerns but that such material should not be a basis for their decision. Bill added: "You owe it to the city to consider Bruce's comments." After much discussion, the council made no decision but will review the documents and requested a copy of Bruce's concerns, with tentative plans to make a decision at the next council meeting.

**OLD FARM ESTATES DIV #2 FINAL PLAT:** The council did not discuss the final plat on division #2. There are recent proposed revisions on the storm water and sewer pipe size that could improve the infrastructure outcome and a final notice of approval had not been received from the Idaho Transportation Department about the intersection on West 5<sup>th</sup> South and Idaho 33.

**MAYOR'S REPORTS:** Mayor discussed the following items:

**City Employee Picnic:** The mayor suggested a summer picnic for the employees, councilmen, and families. The park should be reserved. A date will be set sometime early in June at the next staff meeting.

**Rural Planning Organization (RPO) Report:** The meeting was brief and mostly about the intern selection to help the City of Rexburg, Madison County, and Sugar City with tasks that would benefit each organization. Sugar City would like help with a traffic study.

**Association of Idaho Cities (AIC) June Training:** The council was encouraged to attend the spring training for city officials in June. A block of rooms have been reserved. The Planning and Zoning Commission have also been invited.

**MOTION TO AMEND AGENDA:** It was moved by Councilman Cherrington and seconded by Councilman King to amend the agenda to include consideration of moving the June 22 council meeting to Thursday, 29 June, 2017, because of the AIC June training meeting held on June 21 – 23 in Boise; motion carried.

**MOTION:** It was moved by Councilman Arnell and seconded by Councilman Garner to move the second council meeting in June to Thursday, 29 June 2017, at 6:30 p.m.; motion carried.

**WATER RATE STUDY AND PUBLIC HEARING DATE SET:** A public hearing date was set for Thursday, 8 June, 2017, at 6:30 to adopt a new water fee rate using "equivalent residential

units” (ERU) instead of meter size. It is felt that using ERUs will be more accurate and fair for residents and businesses alike. A recommended base rate of about \$34 would equal one ERU. The ERU schedule will be made available for citizens to review.

**OTHER ANIMAL FEE AND PUBLIC HEARING DATE SET:** A public hearing date was also set for Thursday, 8 June, 2017, at 6:30 p.m. to set penalty fees for animals other than dogs. The city currently does not have a resolution for these fees.

**MOTION:** It was moved by Councilman Arnell and seconded by Councilman Garner to set a public hearing date for Thursday, 8 June 2017, for the proposed new water rate schedule and to set the penalty fees for animals other than dogs; motion carried.

**CODE ENFORCEMENT OFFICER ORDINANCE AUTHORIZATION AND POSSIBLE ADOPTION:** The council tabled the discussion until the next council meeting due to other needed revisions recently discovered.

**DOOR TO DOOR SALES:** Again the council did not want to revise its solicitation ordinance to allow permitted door-to-door sales. It seems that each spring salesmen from various companies are asked to leave the city for solicitation. Only a few exceptions are currently allowed such as Boy Scout groups, proselyting, or political campaigning.

**DEPARTMENT REPORTS:**

**COUNCILMAN ARNELL:** No report

**COUNCILMAN KING:** Councilman King reported the Arbor Day Celebration will be held tomorrow at 11:00 a.m.

**COUNCILMAN GARNER:** Councilman Garner reported the city spring cleanup went well. There were 44 loads picked up. The large dumpster provided by the city seems to help.

**COUNCILMAN CHERRINGTON:** Councilman Cherrington reported that the Teton Dam Marathon is coming up. He still needs 60 volunteers to help man the watering stations. Also, Heritage Park will be improved for the girls’ baseball games and practice. Park reservations will need to be coordinated with baseball games.

Meeting adjourned at 8:55 p.m.

Signed: \_\_\_\_\_  
David D. Ogden, Mayor

Attested: \_\_\_\_\_  
Wendy McLaughlin, Clerk-Treasurer

**Before the City of Sugar City  
Planning and Zoning Commission**

	)	
<b>In the Matter of an Application for a Preliminary</b>	)	<b>FINDINGS, CONCLUSIONS</b>
<b>Plat of the Property Commonly Known as Old Farm</b>	)	<b>AND RECOMMENDATION</b>
<b>Estates</b>	)	

**SUMMARY OF APPLICATION AND HEARING**

1. The City Council of the City of Sugar City, Idaho, requested that the planning and zoning commission consider an application for a preliminary plat for phase three of the Old Farm Estates Development.

2. The property proposed to be rezoned is described as follows:

**OLD FARM ESTATES DIVISION No. 3**

COMMENCING AT A POINT THAT IS THE WEST 1/4 CORNER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO; AND RUNNING THENCE N00°11'21"W 1582.97 FEET; THENCE N24°53'59"E 124.20 FEET; THENCE N30°08'18"E 726.52 FEET TO A POINT OF A CURVE WITH A RADIUS OF 540.00 FEET AND A CHORD THAT BEARS N50°43'52"E 379.86 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 388.17 FEET THRU A CENTRAL ANGLE OF 41°11'09" TO A TANGENT CURVE WITH A RADIUS OF 1976.58 FEET AND A CHORD THAT BEARS N72°49'09"E 103.15 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 103.16 FEET THRU A CENTRAL ANGLE OF 02°59'26"; THENCE N89°54'01"E 242.32 FEET; THENCE N00°06'04"W 30.00 FEET; THENCE N89°54'01"E 154.18 FEET; THENCE S00°11'34"E 1399.47 FEET; THENCE N89°47'55"E 387.78 FEET; THENCE S00°11'34"E 139.99 FEET; THENCE N89°47'52"E 180.00 FEET; THENCE N00°11'34"W 10.00 FEET; THENCE N89°47'52"E 109.00 FEET; THENCE S00°11'34"E 663.14 FEET; THENCE S89°51'03"W 169.00 FEET; THENCE N00°11'34"W 21.66 FEET; THENCE S89°48'26"W 120.00 FEET; THENCE S00°11'34"E 440.00 FEET; THENCE S89°25'13"W 1597.64 TO THE POINT OF BEGINNING, CONTAINING 80.158 ACRES.

**TOGETHER WITH:**

BEGINNING AT A POINT THAT IS S45°08'40"E 42.46 FEET FROM THE NORTH WEST CORNER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO; AND RUNNING THENCE N89°54'01"E 355.33 FEET; THENCE S30°08'18"W 703.70 ALONG THE WEST RIGHT OF WAY LINE OF THE EASTERN IDAHO RAILROAD; THENCE N00°11'21"W 607.96 TO THE POINT OF BEGINNING, CONTAINING 2.479 ACRES.

3. A public hearing was held at the Sugar City Hall, located at 10 East Center Street, Sugar City, Idaho at 7 p.m. on April 6, 2017 pursuant to Idaho Code, 67-6509. The application is complete, all required notices were published, mailed, and posted in a timely fashion as required by law.

4. The owners of the subject property was represented by Kurt Roland, Engineer for Eagle Rock Engineering, who was present at the hearing.

5. Citizens who attended, include the following:

Ard Bruce	Ard Steven	Barney Mary Louise
Bird Connie	Brandt Rebecca	Brown Jess
Call Alan	Call Jane	Cleverly Nantalie
Crofoot Bo	Crofoot Jodie	Distelhorst Rachel
Fuquay Hannah	Fuquay Timothy Beau	Hoopes Necia
Jeppson Paul	Jones Shelley	King Elaine
King Laurie	King R. Barry	Kinghorn R. Brent
Lerwill Jeff	Lerwill Ryan	Lines Christine
Lines Todd	Lusk Barbara	Madsen Betty
Madsen Ralph	McDougal Ray	Merrill Lamont
Morgan Craig	Morris Darcee	Morris Mitchell
Nielsen Jeff	Nielsen Lawrence	Nielsen Robert
Orme Brad	Orme Daedre	Pinnock Glade
Ricks Charles	Ricks Karalee	Roland Kurt
Searcy Robert	Sharp Laina	Thompson Debra
Walker Blake	Williams Amanda	Williams Suzanne
Williams Travis	Williams Troy	

6. Citizens listed whether they were for, against, or neutral at sign in, and were given the opportunity to testify if they would like. Other materials were sent in to the city prior to the hearing, and are attached to these findings, conclusions, and recommendation. The Lerwills first presented on their applications to rezone, and the preliminary plat, after which the hearing was opened for public comment. Because the applications involved the same property, and people had a desire to address both applications congruently, this summary includes feelings and comments for both the zone change and preliminary plat applications. The following is a summary of the hearing, and the remarks made for and against the application for a change of zones in the described property and of the proposed preliminary plat:

A. Presentation

The Lerwills presented their vision for what they would like to see happen with Division #3.

Kurt Roland, engineer for Eagle Rock Engineering, gave a brief introduction and slides were presented showing drawings of the possible patio homes and apartments and businesses that could eventually fill Division #3.

Jeff Lerwill also explained that they wanted to help Sugar City grow; gain a better tax base and thrive to stay alive and believes this will be a good way to help reach that goal.

Bruce Ard, former Mayor of Ammon, came at the request of the Lerwills to explain how the city of Ammon dealt with a similar situation having Idaho Falls grow out to meet them, as Rexburg is growing out to meet us, and felt this would be beneficial to Sugar City.

**B. In Favor**

Those indicating that they were in favor of the proposed zone change include:

Arnold Brock	Clinton Arnold	Ron Arnold
Jamie Ashcraft	Charese B	Kelle B
Cash Baker	Logan Baker	Kent Barrus
Allan Christean	Jeff Christensen	Torrey Clawson
Dashia Fransen	Kevin Galbraith	Bridgett Gerdes
Jared Handy	Jenn Handy	Bryan Harris
Grant Hawkes	Brad Hirschi	Jocelyn Hobbs
Karen Jacobson	Jared Jenks	Kimber Jones
Kya Klingler	Jeff Lerwill	Alana Lerwill
Kalle Lerwill	Ryan Lerwill	Ian Luke
Ray McDougal	Kelly McKamey	Lamont Merrill
Rus Michaelson	Craig Morgan	William Moss
Jerry Muir	Josh Norman	Brad Orme
Daedre Orme	John P	Jose Perez
Barry Pierce	Zane Powell	Nicole Quirl
Blair A Rigby	Melvin Rudd	Sari Shawcroft
Hailey Simmons	Ron Smith	Rachel Sorenson
Scott Stears	Angie Valdez	Blake Walker
Stephanie Widdison	Jen Wood	Jenna Wood

With the following choosing to make a comment either at the hearing, or in writing which are in summary:

Brock Arnold - I think it would be great to make these changes. I grew up in Sugar City, and I don't believe these changes would change the feel of the small town of Sugar City. It will help excising business, and add money to the community. (See attached.)

Kent Barrus-In support of zone change, I believe that an increased tax base will benefit the city of Sugar City and especially the Sugar Salem School District. (See attached.)

Cache Baker - I like the idea of this growth, very supportive of it! (See attached.)

Allan Christean- commented on petition: Sugar City, like many small communities before it, runs the very real risk of languishing with no increase in tax revenue and a rapidly aging and/or vacant core. Taking a “no change” approach does nothing but guarantee deterioration and the loss of all outward attractiveness and appeal. The city’s representatives should be very receptive to those private entities who have the resources and interest in improving Sugar City - while seeking a balance amongst the kind of infrastructure and improvements we need both towards “the center” and “edges”. We can keep the historical tradition as a family community with strong values, while allowing changes and growth in our midst.

Jeff Christensen - Support the plan. There is need for diversity in our community other than just single family plots tax base will increase with growth, and growth will help pay for infrastructure needs Growth is inevitable, and we should do this. (See attached.)

Torrey Clawson- commented on petition: My wife graduated from Sugar Salem before attending college, and my kids currently are attending school in the junior high and elementary schools. Sugar City is great place with great people and it deserves to thrive.

Dashia Fransen- commented on petition: Because this effects our children. They are the next generation for this town, it is important to give them a place they can call home.

Kevin Galbraith - marked for on the sign-in sheet, verbal testimony was given with a concern that our 41 year old infrastructure is decaying and would be very expensive to do roads, sewer and wells. He felt we should have thoughtful planned growth and felt that this was. He likes what the Lerwill’s are doing and he appreciated the Lerwill’s. He stated that growth is coming whether we like it or not so let’s be pro-active and bring in commercial and high density but be cautious. He was in favor of the zone change.

Jenn Handy- commented on petition: Sugar is one of the poorest districts in Idaho, we can and need to take necessary changes to make this happen!!

Bryan Harris-commented on petition that he welcomes more businesses in town and that we need more tax base to offset rising property taxes.

Kimber Jones-commented on petition that we need a bigger tax base to have better schools and take care of our infrastructure

Alana Lerwill- commented on petition: change and growth is good and will benefit everyone.

Kalle Lerwill- commented on petition: I think growth is so important for support and opportunities.

Ryan Lerwill - commented on petition: Sugar City, like many small communities before it, runs the very real risk of languishing with no increase in tax revenue and a rapidly aging and/or vacant core. Taking a “no change” approach does nothing but guarantee deterioration and the loss of all outward attractiveness and appeal. The city’s representatives should be very receptive to those private entities who have the resources and interest in improving Sugar City - while seeking a balance amongst the kind of infrastructure and improvements we need both toward “the center” and “edges”.

Ray McDougal - Commented on petition doesn’t want Sugar City to be swallowed up by Rexburg. Ray saw this happen in Clearfield Utah, and doesn’t want it to happen here.

Kelly McKamey - commented on petition: Rexburg city and county governments have usurped power and abused authority for years - being self serving and internally corrupt. Sugar City needs and deserves to be able to determine it’s own growth/future without bowing to the embedded powers threatening it.

Lamont Merrill– marked for on the sign-in sheet, verbal testimony stated that he thought the Lerwill’s wanted to address the rights and concerns of the citizens and thought they were doing what is best for Sugar City and also make an income. He recommended to vote in favor of the development.

Craig Morgan - marked for on the sign-in sheet and had verbal testimony stating that he thought expanding the tax base with this zone change would be important. Worried about the water bill if Sugar City doesn’t grow, and spread the cost of water.

William Moss - commented on petition: Having grown up in Sugar, and seeing the harm done by the Wal-Mart move to Sugar and the school district, I support Sugar City.

Jerry Muir - I support development. Nice to see something happening. (See attached.)

Brad Orme -marked for on the sign-in sheet (also commented on petition). Comment that property rights were very relevant, and read from the comprehensive plan, “Property rights mean the fundamental freedom to own, control and enjoy land. This freedom includes the liberty to develop, rent, lease or dispose of through sale or gift the land used in the property as desired, as long as that use does not infringe upon the rights of the neighbors or of the community as a whole.” Aside from property rights, the comprehensive plan factors in short term growth of residential, followed by exponential economic growth, and this proposed zone change and plat meets the comprehensive plan.

John P - Madison County has one of the poorest school districts in Idaho, if we look around what business base do we have to pull tax money from, Arco, Mtn West Bark, and a handful of potato warehouses, and very few in Sugar Salem district. If we do not support local business, and try to

grow, Sugar City will not stand on its own feet, it will be swallowed up, and become a suburb. Ammon decided this years ago, look at the tax base they have now, nobody likes change, but it is better than the alternative.

Jose Perez - commented on petition: I love the city of Sugar City. The community is very friendly and it is a great place for my kids to grow up.

Barry Pierce - I support this.(See attached.)

Zane Powell - commented on petition: Sugar City will die the wayside if growth is eliminated. (See attached.)

Nicole Quirl -signed petition in support of growth as her children attend Sugar Schools

Blair Rigby - Ones Showcase Interiors on the road from Rexburg to Sugar City for over 42 years. Blair has seen some tremendous growth in rexburg and around, but not in Sugar City. Feels there is a need for Sugar City to grow, and this zone change will allow it to grow. (See attached.)

Halee Simmons - I would like to see Sugar City grow and participate in the growth that is happening in the area. (See attached.)

Scott Stears - Growth is great for the city. It will expand your tax base and allow the city to have more money for schools and city improvements. (See attached.)

Blake Walker -commented on petition: There is not enough inventory in Rexburg, and more traffic in Sugar City would help commerce as well as provide a greater tax base.

### **C. Neutral**

Steven Adams, Rebecca Brandt, Jared Stewart, Dale Pickering, and Ray Pocock all indicated that they were neutral, with the following making comments:

Steven Adams - was in support of private land owner doing what he wanted to do with his property. His concern was that there seemed to be poor planning for generations, such as not having impact fees and having new developers help pay for infrastructure. He was supportive of the development.

Dale Pickering- commented on petition: Would like P&Z to evaluate the infrastructure needs for the density of 16-24 units per acre. Needs such as water and increase of ambulance calls.

Ray Pockock- Sugar City has a great opportunity to increase tax base and progress. This is a great opportunity for the town. (See attached.)

Jared Stewart- Doesn't have a problem with multi-unit housing if its well maintained. If it becomes too run down, they can become dangerous to kids and families. (See attached.)

#### **D. Opposed**

Those indicating that they were in opposed to the proposed zone change include:

Barney Mary Louise	Berg Kylie	Bird Connie
Brown Jess	Call Allen	Call Jane
Cleverly Nantalie	Cook Miriam	Crofoot Bo
Cutler Lisa	Distelhorst Rachel	Fuquay Hannah
Jeppson Paul	King Barry	King Elaine
King Laurie	Kinghorn R. Brent	Lines Christine
Lines Todd	Lusk Barbara	Madsen Betty
Mitchell Morris	Morris Darcee	Neilsen Robert
Neilson Lawrence	Nielsen Catherine	Ricks Charles
Ricks Karalee	Searcy Robert	Sharp Alaina
Thompson Deborah	Virgin Debbie	Williams Amanda
Williams Suzanne	Williams Travis	Williams Troy

With the following choosing to make a comment either at the hearing, or in writing which are in summary:

Yler and Devorah Andreasen - commented by letter. (See Attached)

Mary Louise Barney- Mary Louise asked what the current zoning of the property was, and what was meant by a mixed use overlay. Bill Forsberg clarified that there was no mixed use overlay, but an ordinance was adopted for the Land Use Schedule earlier stating mixed use as the preferred use of this property. May Louise also had concerns about a road going through her property.

Connie Bird - marked against on the sign-in sheet and also had a letter stating that she did not want the claustrophobic feel of apartments in her front yard. She would rather see businesses there. She was also worried about placement of road and light pollution in her windows at night.(see attached)

Jess Brown - marked against on the sign-in sheet, he gave verbal testimony sharing a study about overcrowding which showed that it can cause nervousness in people and causing psychological

and emotional issues such as anti-social behavior, fighting and people were more unhealthy living in crowded environments as well.

Alan Call - commented by email: (see attached)

Nantalie Cleverly - marked against on the sign-in sheet, verbal testimony was given with the concern that the Lerwill's presentation was not a guarantee of what would come as a developer could do what they wanted to their property once purchased.

Lisa Cuttler - commented by email: (See attached.)

Rachel Distelhorst - testified about with concerns with Rexburg's sewer moratorium. Also thought that if Lerwills were going to be the actual developers, then that would be great, but worried what other developers would do.

Paul Jeppson- expressed concern over whether the applications were complete or not. He thought the plans from the presentation looked attractive. He questioned if ITD had given approval yet and if we had feedback from other public agencies. He thought there should have been a better explanation on the application than "see attached zone change map". He was also concerned with traffic safety and bottleneaking traffic. He wondered if the map met city code requirements. He was also concerned with the land use schedule working with the new zone changes. Also commented by email. (See attached.)

Elaine King - Elaine expressed concerns over Rexburg's sewer moratorium. She felt impact fees should be in place first before new developments come in. If there are no potential developers why change zones in such a hurry. She felt the zone change went against the Comprehensive Plan. She worried about home values being lowered. And felt there needed to be well-balanced growth to no overload schools, water and sewer.

Christine Lines - Christine has concerns about the zone change not following the comprehensive plan and that the current Land Use Schedule would not fit the Lerwill's requests. Christine worries that this project does not fit the small town feel of Sugar City, and also worries that clustering, which is allowed in the code, will increase the density allowed beyond the acreage listed in MU-1 or MU-2. Christine was concerned about what was allowed in MU-2, and read off a list of acceptable uses. However, this list was for M2, not MU-2, and that was clarified after she spoke.

Todd Lines-testimony was given expressing the Comprehensive Plan not being followed and he quoted from Title 67, Chapter 65, State Government Local Land Use Planning Paperwork reminding the committee that they are to consider promoting health, safety and welfare of the people and protect their property rights. Todd expressed concerns about the process that P and Z was taking, and questioned whether citizen's voices were being heard.

Barbara Lusk - marked against on the sign-in sheet, verbal testimony given expressed concern about Rexburg's moratorium on sewer issues. She felt that infrastructure for sewer and water should come first. Barbara also felt that the Lerwill's presentation isn't real and that a developer may do something different with the property than what the vision was that was presented.

Lawrence Neilson -Lawrence stated that people want single family homes in the community. He felt we should get community input if we want to change the Comprehensive Plan. He had concerns about the water issues as well.

John Pinnock - commented by letter: (see attached)

Deborah Thompson - growing too fast is not good and she wanted clarification of the percentages that a new well would cover. Lamont Merrill asked for permission to answer her concern. Given the permission he said that we have that a new well would be for projected future growth, not just for this development. Deborah also had concerns for more traffic. She wanted the make sure the P&Z were aware that they should protect local people not the developer and brought out the comprehensive plan states that we should have predominant single family housing. She liked the idea of cottage homes instead of high density and businesses in front of the homes on 7th West.

Jerry and Karen Yates- commented on petition: Feel that this would increase traffic and be hazard to children, and also devalue our property.

#### **E. Summary of Testimony**

A summarization of those in favor expressed that this development would:

- be a great opportunity to increase our tax base
- be a benefit to other businesses in town
- bring more money for needed school improvements
- bring funds for aging infrastructure and other needed city improvements
- bring diversity to our community
- bring local employment opportunities
- keep fees for infrastructure repair lower for current citizens
- bring possibilities for more recreational activities for citizens
- keep Sugar City alive with necessary growth
- be preferable to non-conforming rental units
- keep Rexburg from swallowing up Sugar City
- give younger families the opportunity to live in our city at an affordable cost

A summarization of those who were neutral expressed concerns over:

- increased infrastructure needs
- increased water needs

- increased need for emergency services

A summarization of those against expressed the following concerns:

- amount of potential traffic
- increased crime that high density housing may bring
- inadequate room for students in school district
- loss of small town feel and view of nature
- noise & light pollution
- cost to current residents
- high turnover of residents
- increased sewer & water usage
- the development not following the comprehensive plan
- having more property used for apartments rather than needed business growth
- belief that developers will not pay impact and infrastructure fees
- belief that the apartments will not be well maintained
- no fence or barrier between homes and apartment complexes for privacy
- applications possibly not being complete and accurate
- land use schedule revisions not being completed before accepting the applications
- lowering of property values
- ill effects to mental & physical health and social behavior from overcrowded living

7. The Planning and Zoning Commission notes that the testimony and documentation was almost exclusively directed at the application to change the zones in the described land.

## FINDINGS

Based upon the relevant evidence of record, including the application, attached documents and maps and testimony presented at the hearing relevant to the preliminary plat, the planning and zoning commission finds as follows:

### 1. The applicant has submitted a completed Application Form:

A completed application form for preliminary plat together with numerous supporting documents has been submitted to the City.

### 2. Existing Conditions Summary:

a. The plat contains a vicinity map showing the subdivision in relation to roads and streets with their classifications and in relation to any adjacent subdivision.

b. The plat contains a tract map showing existing conditions:

- (1) The plat contains boundaries of the tract to be subdivided, with dimensions and acreages.
- (2) The plat contains contour intervals indicating drainage characteristics of the land.
- (3) There are water features and the development is not in a flood plain.
- (4) There are no special conditions as defined in Title 10, chapter 5 of the Sugar City Code.
- (5) The plat does identify locations, widths, names, and classifications of streets, railroads, rights of way, easements, public areas, structures to remain after development (including water wells), and city boundaries within or adjacent to the tract.
- (6) The plat identifies other infrastructure.
- (7) The application identifies the (proposed) zoning classifications of all portions of the tract.
- (8) The application included a draft of restrictive covenants.
- (9) The application does not include a utility services plan as such. The utilities for the development would be supplied by the city, the power company and the gas company. The plat does identify the land to be dedicated to utilities.
- (10) There is an impact study, dated June 2, 2016, including, but not limited to: transportation and traffic; water, drainage, and sanitary sewer; city services; natural, environmental, and historical features; and demographic and commercial factors.
- (11) There is an approved Development Agreement for the entirety of Old Farm Estates.

## CONCLUSIONS

The Sugar City Planning and Zoning Commission concluded regarding the preliminary plat of the above described property:

1. The information in the application was complete and relevant to the plat submitted.
2. This is a part of the phased development in conformance with the master plan as amended.

3. The plat meets the requirements and standards in the Idaho Code.
4. The plat meets the requirements and standards in Title 9, Chapters 4 and 5 of the City Code, and other applicable parts of the Code.
5. With the exception of the final approval of the intersection of Highway 33 and West 5<sup>th</sup> South, all necessary reports from experts, departments, and agencies have been received and no objections to the plat from any concerned agency have been made.
6. The plat does not contain any streets requiring special approval under subsection 10-4-4H of the City Code.
7. The preliminary plat and development agreement does not propose “clustering” or a planned unit development and there are no conditions relevant to special subdivisions (chapter 5 of this title).
8. The streets, water and utilities will be adequate to serve the development provided for in the preliminary plat. Adjacent land uses are generally compatible with the development allowed by the zoning and plat.

#### PLANNING AND ZONING COMMISSION RECOMMENDATION

Concluding all of the above, the Sugar City Planning and Zoning Commission unanimously recommends as follows:

1. That the City Council approve the preliminary plat with the following conditions:
  - That the intersection located at Highway 33 and West 5<sup>th</sup> South receive final approval by the Idaho Transportation Department.
  - That the applicant identify whether its sewer and water will be supplied by the City, and if so, identify the water and wastewater plan document(s) which provides for such service as well as its plan showing connections to the City facilities.
  - That the applicant provide its plan for the design, operation, volume of the storm water system and other drainage identified on the plat be in accordance with Sugar City Code 10-3-5(A)(3)(e)
  - That the Design and operation of common pressurized irrigation system (if any) is shown in accordance with 10-3-5(A)(3)(e).

- That the impact study be updated to reflect the new zone changes/densities, and preliminary plat. in accordance with 10-3-5(A)(5).

Signed and Dated this 15<sup>th</sup> day of May, 2017.

By: Burt Barr  
Chairman, Planning and Zoning  
Commission

Attest:

Wendy McLaughlin  
City Clerk

**Before the City of Sugar City  
Planning and Zoning Commission**

	)	
<b>In the Matter of an Application for a Zone change</b>	)	FINDINGS, CONCLUSIONS
of the Property Commonly Known as Old Farm	)	AND RECOMMENDATION
Estates and Amendment of the Official Zoning Map	)	
of the City to Reflect the New Zoning	)	

SUMMARY OF APPLICATION AND HEARING

1. The City Council of the City of Sugar City, Idaho, requested, pursuant to *Sugar City, Idaho Municipal Code*, Section 9-13-2 A. 2. that the planning and zoning commission consider a recommendation to amend the zoning of the hereinafter described parcels of real property current zones as R-1 and R-2 to be zoned as M1-light manufacturing, MU1- Multiple Use 1, and MU2 - Multiple Use 2.

2. The property proposed to be rezoned is described as follows:

**PARCEL 1:**

LIGHT MANUFACTURING AREA- M1

BEGINNING AT A POINT THAT IS S45°08'40"E 42.46 FEET FROM THE NORTH WEST CORNER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO; AND RUNNING THENCE N89°54'01"E 355.33 FEET; THENCE S30°08'18"W 703.70 ALONG THE WEST RIGHT OF WAY LINE OF THE EASTERN IDAHO RAILROAD; THENCE N00°11'21"W 607.96 TO THE POINT OF BEGINNING, CONTAINING 2.479 ACRES.

**PARCEL 2:**

MULTIPLE USE 1 AREA- MU-1

COMMENCING AT A POINT THAT IS N00°11'21"W 1751.26 FEET AND N89°48'39"E 85.31 FEET FROM THE WEST 1/4 CORNER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO; AND RUNNING THENCE N30°08'18"E 661.86 FEET TO A POINT OF A CURVE WITH A RADIUS OF 540.00 FEET AND A CHORD THAT BEARS N50°43'52"E 379.86 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 388.17 FEET THRU A CENTRAL ANGLE OF 41°11'09" TO A TANGENT CURVE WITH A RADIUS OF 1976.58 FEET AND A CHORD THAT BEARS N72°49'09"E 103.15 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 103.16 FEET THRU A CENTRAL ANGLE OF 02°59'26"; THENCE N89°54'01"E 242.32 FEET; THENCE N00°06'04"W 30.00 FEET; THENCE N89°54'01"E 162.18 FEET; THENCE S00°11'34"E 1295.46 FEET TO A POINT OF A CURVE HAVING A

RADIUS OF 25.00 FEET AND A CHORD THAT BEARS S44°48'09"W 35.35 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 39.27 FEET THRU A CENTRAL ANGLE OF 89°59'26"; THENCE S89°47'55"W 262.29 FEET TO A POINT OF A CURVE HAVING A RADIUS OF 461.00 FEET AND A CHORD THAT BEARS N75°01'55"W 241.27 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 244.12 FEET THRU A CENTRAL ANGLE OF 30°20'25"; THENCE N59°51'42"W 698.95 FEET TO A POINT OF A CURVE HAVING A RADIUS OF 25.00 FEET AND A CHORD THAT BEARS N14°51'42"W 35.36 FEET THRU A CENTRAL ANGLE OF 90°00'00 TO THE POINT OF BEGINNING, CONTAINING 25.050 ACRES.

**PARCEL 3:**

OLD FARM ESTATES DIVISION No. 3  
LEGAL DESCRIPTION MU-2

COMMENCING AT A POINT THAT IS THE WEST 1/4 CORNER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO; AND RUNNING THENCE N00°11'21"W 1582.97 FEET; THENCE N24°53'59"E 56.30 FEET TO A POINT OF A CURVE WITH A RADIUS OF 25.00 FEET AND A CHORD THAT BEARS N72°31'08"E 36.93 FEET; THENCE TO THE RIGHT ALONG SAID CURVE 36.93 FEET THRU A CENTRAL ANGLE OF 95°14'19"; THENCE S59°51'42"E 690.87 FEET TO A POINT OF A CURVE WITH A RADIUS OF 541.00 FEET AND A CHORD THAT BEARS S75°01'54"E 283.14 FEET; THENCE TO THE LEFT ALONG SAID CURVE 286.47 FEET THRU A CENTRAL ANGLE OF 30°20'23"; THENCE N89°47'55"E 668.77 FEET; THENCE S00°11'34"E 1211.30 FEET; THENCE S89°25'13"W 1597.64 FEET TO THE POINT OF BEGINNING, CONTAINING 48.725 ACRES.

LESS THE FOLLOWING:

COMMENCING AT A POINT THAT IS N89°25'13"E 34.00 FEET FROM THE WEST 1/4 CORNER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO; AND RUNNING THENCE N00°11'21"W 305.01 FEET; THENCE N89°25'14"E 285.75 FEET; THENCE S00°34'46"E 305.00 FEET; THENCE S89°25'13"W 287.83 FEET THE POINT OF BEGINNING, CONTAINING 2.00 ACRES.

3. A public hearing was held at the Sugar City Hall, located at 10 East Center Street, Sugar City, Idaho at 7 p.m. on April 6, 2017 pursuant to Idaho Code, 67-6509. After a finding that the application was complete, all required notices were published, mailed, and posted in a timely fashion as required by law.

4. The owners of the subject property was represented by Kurt Roland, Engineer for Eagle Rock Engineering, who was present at the hearing.

5. Citizens who attended, include the following:

Ard Bruce	Ard Steven	Barney Mary Louise
Bird Connie	Brandt Rebecca	Brown Jess
Call Alan	Call Jane	Cleverly Nantalie
Crofoot Bo	Crofoot Jodie	Distelhorst Rachel
Fuquay Hannah	Fuquay Timothy Beau	Hoopes Necia
Jeppson Paul	Jones Shelley	King Elaine
King Laurie	King R. Barry	Kinghorn R. Brent
Lerwill Jeff	Lerwill Ryan	Lines Christine
Lines Todd	Lusk Barbara	Madsen Betty
Madsen Ralph	McDougal Ray	Merrill Lamont
Morgan Craig	Morris Darcee	Morris Mitchell
Nielsen Jeff	Nielsen Lawrence	Nielsen Robert
Orme Brad	Orme Daedre	Pinnock Glade
Ricks Charles	Ricks Karalee	Roland Kurt
Searcy Robert	Sharp Laina	Thompson Debra
Walker Blake	Williams Amanda	Williams Suzanne
Williams Travis	Williams Troy	

6. Citizens listed whether they were for, against, or neutral at sign in, and were given the opportunity to testify if they would like. Other materials were sent in to the city prior to the hearing, and are attached to these findings, conclusions, and recommendation. The Lerwills first presented on their applications to rezone, and the preliminary plat, after which the hearing was opened for public comment. Because the applications involved the same property, and people had a desire to address both applications congruently, this summary includes feelings and comments for both the zone change and preliminary plat applications. The following is a summary of the hearing, and the remarks made for and against:

A. Presentation

The Lerwills presented their vision for what they would like to see happen with Division #3.

Kurt Roland, engineer for Eagle Rock Engineering, gave a brief introduction and slides were presented showing drawings of the possible patio homes and apartments and businesses that could eventually fill Division #3.

Jeff Lerwill also explained that they wanted to help Sugar City grow; gain a better tax base and thrive to stay alive and believes this will be a good way to help reach that goal.

Bruce Ard, former Mayor of Ammon, came at the request of the Lerwills to explain how the city of Ammon dealt with a similar situation having Idaho Falls grow out to meet them, as Rexburg is growing out to meet us, and felt this would be beneficial to Sugar City.

## B. In Favor

Those indicating that they were in favor of the proposed zone change include:

Arnold Brock	Clinton Arnold	Ron Arnold
Jamie Ashcraft	Charese B	Kelle B
Cash Baker	Logan Baker	Kent Barrus
Allan Christean	Jeff Christensen	Torrey Clawson
Dashia Fransen	Kevin Galbraith	Bridgett Gerdes
Jared Handy	Jenn Handy	Bryan Harris
Grant Hawkes	Brad Hirschi	Jocelyn Hobbs
Karen Jacobson	Jared Jenks	Kimber Jones
Kya Klingler	Jeff Lerwell	Alana Lerwill
Kalle Lerwill	Ryan Lerwill	Ian Luke
Ray McDougal	Kelly McKamey	Lamont Merrill
Rus Michaelson	Craig Morgan	William Moss
Jerry Muir	Josh Norman	Brad Orme
Daedre Orme	John P	Jose Perez
Barry Pierce	Zane Powell	Nicole Quirl
Blair A Rigby	Melvin Rudd	Sari Shawcroft
Hailey Simmons	Ron Smith	Rachel Sorenson
Scott Stears	Angie Valdez	Blake Walker
Stephanie Widdison	Jen Wood	Jenna Wood

With the following choosing to make a comment either at the hearing, or in writing which are in summary:

Brock Arnold - I think it would be great to make these changes. I grew up in Sugar City, and I don't believe these changes would change the feel of the small town of Sugar City. It will help excising business, and add money to the community. (See attached.)

Kent Barrus-In support of zone change, I believe that an increased tax base will benefit the city of Sugar City and especially the Sugar Salem School District. (See attached.)

Cache Baker - I like the idea of this growth, very supportive of it! (See attached.)

Allan Christean- commented on petition: Sugar City, like many small communities before it, runs the very real risk of languishing with no increase in tax revenue and a rapidly aging and/or vacant core. Taking a "no change" approach does nothing but guarantee deterioration and the loss of all outward attractiveness and appeal. The city's representatives should be very receptive to those private entities who have the resources and interest in improving Sugar City - while seeking a balance amongst the kind of infrastructure and improvements we need both towards "the center" and "edges". We can keep the historical tradition as a family community with strong values, while allowing changes and growth in our midst.

Jeff Christensen - Support the plan. There is need for diversity in our community other than just single family plots tax base will increase with growth, and growth will help pay for infrastructure needs Growth is inevitable, and we should do this. (See attached.)

Torrey Clawson- commented on petition: My wife graduated from Sugar Salem before attending college, and my kids currently are attending school in the junior high and elementary schools. Sugar City is a great place with great people and it deserves to thrive.

Dashia Fransen- commented on petition: Because this affects our children. They are the next generation for this town, it is important to give them a place they can call home.

Kevin Galbraith - marked for on the sign-in sheet, verbal testimony was given with a concern that our 41 year old infrastructure is decaying and would be very expensive to do roads, sewer and wells. He felt we should have thoughtfully planned growth and felt that this was. He likes what the Lerwill's are doing and he appreciated the Lerwill's. He stated that growth is coming whether we like it or not so let's be pro-active and bring in commercial and high density but be cautious. He was in favor of the zone change.

Jenn Handy- commented on petition: Sugar is one of the poorest districts in Idaho, we can and need to take necessary changes to make this happen!!

Bryan Harris-commented on petition that he welcomes more businesses in town and that we need more tax base to offset rising property taxes.

Kimber Jones-commented on petition that we need a bigger tax base to have better schools and take care of our infrastructure

Alana Lerwill- commented on petition: change and growth is good and will benefit everyone.

Kalle Lerwill- commented on petition: I think growth is so important for support and opportunities.

Ryan Lerwill - commented on petition: Sugar City, like many small communities before it, runs the very real risk of languishing with no increase in tax revenue and a rapidly aging and/or vacant core. Taking a "no change" approach does nothing but guarantee deterioration and the loss of all outward attractiveness and appeal. The city's representatives should be very receptive to those private entities who have the resources and interest in improving Sugar City - while seeking a balance amongst the kind of infrastructure and improvements we need both toward "the center" and "edges".

Ray McDougal - Commented on petition doesn't want Sugar City to be swallowed up by Rexburg. Ray saw this happen in Clearfield Utah, and doesn't want it to happen here.

Kelly McKamey - commented on petition: Rexburg city and county governments have usurped power and abused authority for years - being self serving and internally corrupt. Sugar City

needs and deserves to be able to determine it's own growth/future without bowing to the embedded powers threatening it.

Lamont Merrill- marked for on the sign-in sheet, verbal testimony stated that he thought the Lerwill's wanted to address the rights and concerns of the citizens and thought they were doing what is best for Sugar City and also make an income. He recommended to vote in favor of the development.

Craig Morgan - marked for on the sign-in sheet and had verbal testimony stating that he thought expanding the tax base with this zone change would be important. Worried about the water bill if Sugar City doesn't grow, and spread the cost of water.

William Moss - commented on petition: Having grown up in Sugar, and seeing the harm done by the Wal-Mart move to Sugar and the school district, I support Sugar City.

Jerry Muir - I support development. Nice to see something happening. (See attached.)

Brad Orme -marked for on the sign-in sheet (also commented on petition). Comment that property rights were very relevant, and read from the comprehensive plan, "Property rights mean the fundamental freedom to own, control and enjoy land. This freedom includes the liberty to develop, rent, lease or dispose of through sale or gift the land used in the property as desired, as long as that use does not infringe upon the rights of the neighbors or of the community as a whole." Aside from property rights, the comprehensive plan factors in short term growth of residential, followed by exponential economic growth, and this proposed zone change and plat meets the comprehensive plan.

John P - Madison County has one of the poorest school districts in Idaho, if we look around what business base do we have to pull tax money from, Artco, Mtn West Bark, and a handful of potato warehouses, and very few in Sugar Salem district. If we do not support local business, and try to grow, Sugar City will not stand on its own feet, it will be swallowed up, and become a suburb. Ammon decided this years ago, look at the tax base they have now, nobody likes change, but it is better than the alternative.

Jose Perez - commented on petition: I love the city of Sugar City. The community is very friendly and it is a great place for my kids to grow up.

Barry Pierce - I support this.(See attached.)

Zane Powell - commented on petition: Sugar City will die the wayside if growth is eliminated. (See attached.)

Nicole Quirl -signed petition in support of growth as her children attend Sugar Schools

Blair Rigby - Ones Showcase Interiors on the road from Rexburg to Sugar City for over 42 years. Blair has seen some tremendous growth in rexburg and around, but not in Sugar City.

Feels there is a need for Sugar City to grow, and this zone change will allow it to grow. (See attached.)

Halee Simmons - I would like to see Sugar City grow and participate in the growth that is happening in the area. (See attached.)

Scott Stears - Growth is great for the city. It will expand your tax base and allow the city to have more money for schools and city improvements. (See attached.)

Blake Walker -commented on petition: There is not enough inventory in Rexburg, and more traffic in Sugar City would help commerce as well as provide a greater tax base.

### **C. Neutral**

Steven Adams, Rebecca Brandt, Jared Stewart, Dale Pickering, and Ray Pocock all indicated that they were neutral, with the following making comments:

Steven Adams - was in support of private land owner doing what he wanted to do with his property. His concern was that there seemed to be poor planning for generations, such as not having impact fees and having new developers help pay for infrastructure. He was supportive of the development.

Dale Pickering- commented on petition: Would like P&Z to evaluate the infrastructure needs for the density of 16-24 units per acre. Needs such as water and increase of ambulance calls.

Ray Pocock- Sugar City has a great opportunity to increase tax base and progress. This is a great opportunity for the town. (See attached.)

Jared Stewart- Doesn't have a problem with multi-unit housing if its well maintained. If it becomes too run down, they can become dangerous to kids and families. (See attached.)

### **D. Opposed**

Those indicating that they were in opposed to the proposed zone change include:

Barney Mary Louise	Berg Kylie	Bird Connie
Brown Jess	Call Allen	Call Jane
Cleverly Nantalie	Cook Miriam	Crofoot Bo
Cutler Lisa	Distelhorst Rachel	Fuquay Hannah
Jeppson Paul	King Barry	King Elaine
King Laurie	Kinghorn R. Brent	Lines Christine
Lines Todd	Lusk Barbara	Madsen Betty
Mitchell Morris	Morris Darcee	Neilsen Robert
Neilson Lawrence	Nielsen Catherine	Ricks Charles
Ricks Karalee	Searcy Robert	Sharp Alaina

Thompson Deborah  
Williams Suzanne

Virgin Debbie  
Williams Travis

Williams Amanda  
Williams Troy

With the following choosing to make a comment either at the hearing, or in writing which are in summary:

Yler and Devorah Andreassen - commented by letter. (See Attached)

Mary Louise Barney- Mary Louise asked what the current zoning of the property was, and what was meant by a mixed use overlay. Bill Forsberg clarified that there was no mixed use overlay, but an ordinance was adopted for the Land Use Schedule earlier stating mixed use as the preferred use of this property. May Louise also had concerns about a road going through her property.

Connie Bird - marked against on the sign-in sheet and also had a letter stating that she did not want the claustrophobic feel of apartments in her front yard. She would rather see businesses there. She was also worried about placement of road and light pollution in her windows at night.(see attached)

Jess Brown - marked against on the sign-in sheet, he gave verbal testimony sharing a study about overcrowding which showed that it can cause nervousness in people and causing psychological and emotional issues such as anti-social behavior, fighting and people were more unhealthy living in crowded environments as well.

Alan Call - commented by email: (see attached)

Nantalie Cleverly - marked against on the sign-in sheet, verbal testimony was given with the concern that the Lerwill's presentation was not a guarantee of what would come as a developer could do what they wanted to their property once purchased.

Lisa Cuttler - commented by email: (See attached.)

Rachel Distelhorst - testified about with concerns with Rexburg's sewer moratorium. Also thought that if Lerwills were going to be the actual developers, then that would be great, but worried what other developers would

Paul Jeppson- expressed concern over whether the applications were complete or not. He thought the plans from the presentation looked attractive. He questioned if ITD had given approval yet and if we had feedback from other public agencies. He thought there should have been a better explanation on the application than "see attached zone change map". He was also concerned with traffic safety and bottlenecking traffic. He wondered if the map met city code requirements. He was also concerned with the land use schedule working with the new zone changes. Also commented by email. (See attached.)

Elaine King - Elaine expressed concerns over Rexburg's sewer moratorium. She felt impact fees should be in place first before new developments come in. If there are no potential developers

why change zones in such a hurry. She felt the zone change went against the Comprehensive Plan. She worried about home values being lowered. And felt there needed to be well-balanced growth to no overload schools, water and sewer.

Christine Lines - Christine has concerns about the zone change not following the comprehensive plan and that the current Land Use Schedule would not fit the Lerwill's requests. Christine worries that this project does not fit the small town feel of Sugar City, and also worries that clustering, which is allowed in the code, will increase the density allowed beyond the acreage listed in MU-1 or MU-2. Christine was concerned about what was allowed in MU-2, and read off a list of acceptable uses. However, this list was for M2, not MU-2, and that was clarified after she spoke.

Todd Lines-testimony was given expressing the Comprehensive Plan not being followed and he quoted from Title 67, Chapter 65, State Government Local Land Use Planning Paperwork reminding the committee that they are to consider promoting health, safety and welfare of the people and protect their property rights. Todd expressed concerns about the process that P and Z was taking, and questioned whether citizen's voices were being heard.

Barbara Lusk - marked against on the sign-in sheet, verbal testimony given expressed concern about Rexburg's moratorium on sewer issues. She felt that infrastructure for sewer and water should come first. Barbara also felt that the Lerwill's presentation isn't real and that a developer may do something different with the property than what the vision was that was presented.

Lawrence Neilson -Lawrence stated that people want single family homes in the community. He felt we should get community input if we want to change the Comprehensive Plan. He had concerns about the water issues as well.

John Pinnock - commented by letter: (see attached)

Deborah Thompson - growing too fast is not good and she wanted clarification of the percentages that a new well would cover. Lamont Merrill asked for permission to answer her concern. Given the permission he said that we have that a new well would be for projected future growth, not just for this development. Deborah also had concerns for more traffic. She wanted the make sure the P&Z were aware that they should protect local people not the developer and brought out the comprehensive plan states that we should have predominant single family housing. She liked the idea of cottage homes instead of high density and businesses in front of the homes on 7th West.

Jerry and Karen Yates- commented on petition: Feel that this would increase traffic and be hazard to children, and also devalue our property.

### **E. Summary**

A summarization of those in favor expressed that this development would:

- be a great opportunity to increase our tax base

- be a benefit to other businesses in town
- bring more money for needed school improvements
- bring funds for aging infrastructure and other needed city improvements
- bring diversity to our community
- bring local employment opportunities
- keep fees for infrastructure repair lower for current citizens
- bring possibilities for more recreational activities for citizens
- keep Sugar City alive with necessary growth
- be preferable to non-conforming rental units
- keep Rexburg from swallowing up Sugar City
- give younger families the opportunity to live in our city at an affordable cost

A summarization of those who were neutral expressed concerns over:

- increased infrastructure needs
- increased water needs
- increased need for emergency services

A summarization of those against expressed the following concerns:

- amount of potential traffic
- increased crime that high density housing may bring
- inadequate room for students in school district
- loss of small town feel and view of nature
- noise & light pollution
- cost to current residents
- high turnover of residents
- increased sewer & water usage
- the development not following the comprehensive plan
- having more property used for apartments rather than needed business growth
- belief that developers will not pay impact and infrastructure fees
- belief that the apartments will not be well maintained
- no fence or barrier between homes and apartment complexes for privacy
- applications possibly not being complete and accurate
- land use schedule revisions not being completed before accepting the applications
- lowering of property values
- ill effects to mental & physical health and social behavior from overcrowded living

## FINDINGS

Based upon the evidence of record, including the application, attached documents and maps and testimony presented at the hearing the planning and zoning commission finds as follows:

1. The applicant has submitted a completed Application Form for a zone change.

2. All required notices were published, mailed, and posted in a timely fashion as required by law.

3. The City needs smart growth and revenue. This proposed zone change will likely provide the City with increased revenue, and help improve infrastructure issues.

4. The City needs to take steps to grow, or runs the risk of being enveloped by surrounding cities.

5. The zoning change complies with all requirements of the City of Sugar City Planning and Zoning Ordinances.

6. The school district, public health department, fire district, sheriff's department, city public works department were all asked for their comments on the proposed zoning. None of these entities raised any concerns or objections to the requested re-zoning or plat.

7. The increased population of the City will improve the existing commercial environment.

8. The additional housing will bring increased diversity to the City.

9. New commercial activity in the development will increase employment opportunities in the community.

10. The requested zoning would cause development of more affordable housing that will give younger families the opportunity to live in our city.

11. The requested zoning will allow for development that will increase traffic, however the increased traffic will be mainly in the new subdivision and streets can be sized for such traffic. In so far as there may be increased traffic in the existing part of town, we regularly have sporting and other events which result in substantial increases in traffic and the current city streets have handled that traffic well.

## CONCLUSIONS

The Sugar City Planning and Zoning Commission concluded regarding the application for rezone of the above described property and amendment of the zoning map of the City to reflect the requested change in zoning districts for the above described property as follows:

1. After consideration of the testimony and documentation of record in the application and hearing on the application, the commission finds that the zoning change requested by the City Council is in accord with the City's comprehensive plan.

## **Analysis of whether the Requested Zoning is in Accordance with the City's Comprehensive Plan**

Following are excerpts from the Comprehensive Plan that bear on whether the zone change requests are in accordance with the comprehensive plan. In order to properly evaluate this issue and the objections made by some commenting at the hearing or in writing, we have to apply the comprehensive plan's language as a whole to the zone changes requested. Following is a summary of those portions of the comprehensive plan that, bear on the re-zoning application and our conclusions as to how each impacts this application.

### **Central Values and Supporting Values**

1. "Promote health, safety, and general welfare of people." In spite of the assertion of one individual that "overcrowded living" can have an adverse impact on mental and physical health and social behavior, we conclude there is no credible evidence that the housing permitted under these zones is overcrowded. We conclude that safe, new housing will provide for types of housing needs within Sugar City which are currently under served and does indeed promote the health, safety and general welfare of the people.

2. "Promote livability and orderly growth." For the reasons stated in 1, above we conclude that the housing permitted in these zones does promote livability and orderly growth in the City.

3. "Promotes a safe, clean, prosperous and attractive community." Upholds justice, education, wholesome recreation, the natural environment and respect for the past. There was not evidence that would cause us to conclude this value is not upheld by the proposed zoning.

### **Chapter 3. Property rights:**

4. "Maximum individual liberty with regards to property rights." The zones applied for are what the property owners believe will best allow the intelligent and orderly development of their property. The zones proposed are the same use as has previously been found to be the preferred use for this land in the comprehensive plan. It would be a serious infringement on their legitimate rights as land owners not to grant them the use of their property the comprehensive plan prefers.

5. "Balance public interests with the interests of property owners." Sugar City has an interest in orderly growth and development. This property within the City is currently used for farming. It adjoins other housing including detached single family homes and a mobile home park as well as residences and commercial properties in the impact area. The public interest is served by allowing the type of use applied for here.

6. "To maintain a regulatory framework ensuring that land use policies, restrictions and fees do not excessively impact property values." There was not evidence presented that the use applied for would, in any way impact the property surrounding it. There is already mixed commercial, residential and industrial use either adjoining or very close to the land being considered for rezoning. It is our conclusion that newly constructed residential and commercial development

would enhance local property values while adding significantly to the tax base of the City and school district.

7. "Provide for legitimate applications of police power, which may restrict land use without paying compensation when deemed necessary to protect the public interest." We conclude no such addition to the police power is necessary. See the discussion in 5., above.

#### **Chapter 5. Economic development:**

8. "Encourage economic developments that are suitable to various locations and public needs." There are many ways this property can be developed that could be detrimental to the City and would not be suitable, this is not one of those. We conclude the better evidence clearly established that this development is suitable to its location and is something to be encouraged by the City.

9. "Zone so as to provide optimal settings for each sector of use." This property is outside the core of town. It is virtually a blank slate. It is an ideal place to have multiple use development as is requested in the application.

10. "To encourage cohesive and complete residential neighborhoods and vibrant commercial and business districts." This property is phase three of a development that already has detached single family homes and which is zoned for additional single family homes and lower density multiple family housing. The multiple use zones requested will allow for commercial and medium density housing in appropriate mixes. The actual development will be subject to design review by the City in which the appropriateness and quality of a particular project can be assessed.

#### **Chapter 6. Land Use:**

11. "Residential. Lands used primarily for single-family or multi-family dwellings." The zoning permits multiple family housing mixed with commercial uses. It is our conclusion that this zoning supports the use City land should be primarily used for.

12. "Land Use Map is a roadmap for development." The land use map designate this land for multiple use. This application requests zoning that is what the land use map of the comprehensive plan provides for.

13. "The multiple-use zoning district in the city ordinances, however, is *guided only indirectly by the comprehensive plan*. Lands are designated for multiple use on a case-by-case basis as directed by ordinance, consistent with values and goals in the comprehensive plan. Multiple use may involve lands in any land use classification(s) on the land use map." For the reasons stated above this application's request that the land be zoned for multiple uses is appropriate for multiply use zoning because of its location, existing surrounding uses and such use is consistent with the values of the comprehensive plan as enumerated above.

## **Chapter 11. Housing:**

14. "Promote a range of housing types and affordability." There is very little multiple family housing in the City. The requested zoning will allow for additional multi family housing to be developed and will not detract at all from the development of additional detached single family housing in the city. It is obvious that multiple family housing and cottage style homes all will allow for more affordability for families who are unable to afford to own traditional detached single family housing.

15. "To ensure smooth transitions between housing types." The location of these properties is such that it is not directly adjacent to any existing neighborhood in the City. As noted before, the closest existing neighboring uses are for mixed commercial and residential, mobile home park and industrial. This zoning allows for appropriate transitions to more traditional City neighborhood and the downtown commercial area.

16. "Zone to retain a predominance of single family housing." This is the single item in the comprehensive plan those opposed to the rezone application pointed to in support of their claim that the requested zoning violated the comprehensive plan. Dave Thompson argued eloquently that, although predominance is not defined in the comprehensive plan or City Code, that it required that at least 51 percent of the residences in Sugar City had to be single family detached houses or the zoning would violate the comprehensive plan. Unfortunately, there are some flaws in this analysis. We believe it just as likely that "predominance of single family housing means the area of the City or number of acres of the City zoned R-1, single family housing, compared to all other uses (not just multiply family housing)? Counting theoretical maximums if property is built out in a certain way is speculative and not such outcomes are not supported by our experience. We conclude that if one considers the comprehensive plan in its entirety there is no violation of the comprehensive plan by the proposed zoning.

17. "To require transitional lots and/or buildings-or buffers- as appropriate at zone boundaries and between land uses." Buffers, if and when appropriate can and should be addressed by the design review committee as each project in the development is reviewed. These zones provide plenty of space for such buffering if it is required.

18. "To allow a modest range of densities and encourage appropriate clustering." The requested zones do allow a modest range of densities as provided for the in the City Code. The applicants have not requested any clustering and none is shown on the preliminary plat.

19. "To discourage development of large, independent residential areas outside the city or its impact area." A real concern of the City is that, if development of some medium density multiple family house does not occur within the City, developers will seek to develop land just outside the City's area of impact, close to the Super Wal-Mart and the developing retail shopping area around it. The City would have no voice in such development and it may well result in a significant impact on the City, the School District and the residents of the City without increasing the tax base of the City and detracting from the quality of life in Sugar City. We conclude it is important that the City allow for the development of this area to maximize the

benefits to the City while managing any potential adverse impacts in the way that best benefits the City.

Additionally, we conclude that the rezoning proposal complies with applicable city, state and federal laws and regulations and that recommending approval of the requested zones to the City Council is in the best interests of the City and its residents.

#### PLANNING AND ZONING COMMISSION RECOMMENDATION

Concluding all of the above, the Sugar City Planning and Zoning Commission unanimously recommends as follows:

1. That the City Council adopt an ordinance designating the above described property as M1, MU-1, and MU-2 as applied for;
2. That the City's official zoning map be amended to reflect that this property is a part of a M1, MU-1, and MU-2 zoning districts accordingly.
3. The Planning and Zoning commission unanimously recommends the City Council approve the application that Parcel 1 to be rezoned as M1- light industrial.
4. The Planning and Zoning commission recommends the City Council approve the application that Parcel 2 to be rezoned as MU-1, and Parcel 3 to be rezoned as MU-2. Brent Barrus,, Jeanne Wright and Tyson Harris voted to recommend approval.
5. Dave Thompson initially voted not to recommend approval of the application, he later changed his vote to abstain citing concerns about whether the proposed zoning changes comply with the comprehensive plan, his reservation that multi-use zones only required one and one half parking spaces per unit when all other residential zones in the City require two parking spaces per unit. He also pointed out that the Planning and Zoning Commission had been working on providing detailed guidance for MU-1 and MU-2 zones in the land use matrix in the code. He felt the uses in the zones in the applicants' property should have to comply with the land use matrix when adopted by the City Council.

Signed and Dated this 10<sup>th</sup> day of May, 2017.

By: Bil Barr  
Chairman, Planning and Zoning  
Commission

Attest:

Wendy McLaughlin  
City Clerk