

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, AUGUST 8, 2019

Presiding: Mayor Dave Ogden  
Meeting Convened at 6:30 p.m.  
Prayer: Steve Davis  
Pledge of Allegiance

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilors Brent Barrus, Sid Purser, Connie Fogle, and Steve Davis; City Building Inspector Cliff Morris; Planning and Zoning Chair Dave Thompson; City Attorney Dylan Anderson; Citizens Joy Ball, Barbara Lusk, and Catherine Nielsen.

**MINUTES:** Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on Thursday, July 25, 2019. Each councilmember had a copy of the minutes prior to the meeting. It was moved by Councilwoman Fogle and seconded by Councilman Purser to accept the minutes; motion carried.

**RECONCILIATION REPORTS:** The council asked general questions to clarify items on the bank statements and financial reports.

Wendy presented the July reconciliation reports for the General Fund. It was moved by Councilman Barrus and seconded by Councilman Davis to accept the July reconciliation reports for the General Fund; motion carried.

Wendy presented the July reconciliation reports for the Utility Fund. It was moved by Councilman Purser and seconded by Councilman Barrus to accept the July reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$83,129.69. It was moved by Councilman Barrus and seconded by Councilman Davis to pay the current bills, together with all regular August bills; motion carried.

**BRADSHAW ZONE CHANGE FINDINGS OF FACT:** The council adopted the Findings of Fact for the Bradshaw Property zone change. The Quit Claim Deeds were signed and recorded earlier; however, the county did not like the reference to the township missing on the legal descriptions. The city will correct the legal description to include a township and re-record the deeds. The zone will change from Community Commercial (C2) to Light Manufacturing (M1) where storage units are desired and Highway Commercial (C3) where an RV Park is desired (see Attachment #1).

**MOTION:** It was moved by Councilman Barrus and seconded by Councilman Davis to adopt the Planning & Zoning Findings of Fact for the Bradshaw Zone Change application with the condition stated; motion carried.

Ordinance No. 343\_2019 was introduced by title only by Councilman Barrus entitled:

**“AN ORDINANCE APPROVING PROPOSED ZONE CHANGES AND AMENDING THE ZONING MAP OF THE CITY OF SUGAR CITY, PROVIDING FOR THE ADOPTION OF THE AMENDED MAP, PROVIDING FOR REPEAL OF ANY CONFLICTING PROVISIONS OF THE CODE AND PROVIDING FOR EFFECTIVE DATE OF THIS ORDINANCE.”**

It was moved by Councilman Barrus and seconded by Councilwoman Fogle to waive reading of the ordinance on three different days and to place it upon its final passage. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, Fogle, and Davis  
Those voting nay: None

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilman Barrus and seconded by Councilman Davis to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, Fogle, and Davis  
Those voting nay: None

Ordinance No. 343\_2019 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No 343\_2019 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho (see Attachment #2).

**BRADSHAW SPECIAL USE PERMIT FINDINGS OF FACT:** The council adopted the Findings of Fact for the Bradshaw Special Use Permit application and granted the Special Use Permit to allow for an RV park with the listed conditions (see Attachment #3).

**MOTION:** It was moved by Councilman Barrus and seconded by Councilwoman Fogle to adopt the Planning & Zoning Findings of Fact and approve the Bradshaw Special Use Permit application; motion carried.

**PLANNING AND ZONING CODE TITLE 9 REVISIONS AND FINDINGS OF FACT:** The council tabled their decision until the next meeting in order to further review the Planning and Zoning’s recommendations to Title 9 Administrator and Mayor Ogden’s exceptions to their recommendations. The basis for his exceptions is that the administrator and commission are independent of each other. Duties of the administrator would include:

- Performs all administrative tasks, both prior to and after the commission’s decision
- Streamlines the process
- Checks the balance of power so that no one individual can hold the process hostage

**PLANNING AND ZONING REPORT:** No report

**CLEAR VISION TRIANGLE REVISIONS:** The council tabled the adoption of an ordinance on the clear vision triangle until further research was conducted on measuring points to be used to measure the triangle. The council felt the city’s “right of way edge “point of reference seemed too intrusive into individual property boundaries.

**BACKFLOW DEVICE TESTING:** The council adopted the backflow inspection scheduling revision. It allows for residential backflow devices to be checked every other year in accordance with Federal regulations. Even house numbers will be checked in even numbered years and odd house number addresses will be checked in odd numbered years. The city also provides of list of certified device testers (see Attachment #4).

Ordinance No. 344\_2019 was introduced by title only by Councilman Purser entitled:

**“AN ORDINANCE TO CHANGE THE SCHEDULING AND REQUIREMENT OF INSPECTION OF BACKFLOW DEVICES FOR IRRIGATION SYSTEMS IN THE CITY OF SUGAR CITY.”**

It was moved by Councilman Purser and seconded by Councilman Barrus to waive reading of the ordinance on three different days and to place it upon its final passage. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, Fogle, and Davis  
Those voting nay: None

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilman Purser and seconded by Councilwoman Fogle to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, Fogle, and Davis  
Those voting nay: None

Ordinance No. 344\_2019 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No 344\_2019 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho (see Attachment #1).

**DESIGN REVIEW REVISIONS:** The council tabled their decision for further discussion on the Design Review revisions. There are two types of design review; board review or administrative review and includes multi-family dwellings and commercial buildings. Residential and twin homes are not subject to design review.

#### **MAYOR’S REPORTS:**

**Public RV Dump:** The city may consider partnering with Bradshaw’s RV Park to provide a public RV dump. The city would then need help with the cost. The council thought it would be better to let future developments provide the dump and maintain them.

**Transient Solicitor:** The mayor asked the council to consider changing the current city code which prohibits door to door solicitation to allowing door to door solicitation with a required permit which would include a background check.

**Circuit Breaker Program:** The mayor will pursue a circuit breaker program which will help low income families pay their utility bills. City water rates have doubled in the last few years. Low income families will need to qualify. The program is funded by donations and administered by a third party.

**DEPARTMENT REPORTS:**

**COUNCILMAN BARRUS:**

**Community Breakfast and Parade:** The city fed about 800 people at the community breakfast this year. The mayor and Councilman Barrus rode in the St. Anthony 24<sup>th</sup> of July parade in an old refurbished Impala from Mike Stears Classic Cars Museum.

**COUNCILMAN PURSER:** No report.

**COUNCILWOMAN FOGLE:**

**Sugar City Pavilion:** Connie reported that she is helping with sponsors for the proposed Sugar City Heritage Park Pavilion. She has approached several businesses and bank in Rexburg who are willing to donate but need a cost sheet for the project. She is also looking at a grant from the National Association of Realtors.

**COUNCILMAN DAVIS:** No report

Meeting adjourned at 9:00 p.m.

Signed: \_\_\_\_\_  
Mayor Dave Ogden

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

Before the City of Sugar City  
Planning and Zoning Commission

_____		)
<b>In the Matter of an Application for a <u>Zone Change</u></b>	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW
	)	AND RECOMMENDATION
Chester & Kacy Bradshaw	)	
250 W 3 <sup>rd</sup> N	)	
Sugar City, ID	)	
	)	
Applicant	)	
	)	

FINDINGS OF FACT

1. Chester & Kacy Bradshaw, of 250 W 3<sup>rd</sup> S, Sugar City, Idaho, 83448, submitted an application for a zone change on March 8, 2019 to change the current zone of C2 (Community Commercial) to M1 (Light Manufacturing) where storage units are desired and from C2 (Community Commercial) to C3 (Highway Commercial) where an RV Park is desired with the application of a Special Use Permit. The affected property is described as follows:

**(STORAGE UNIT ENTRANCE)**

SITUATED IN THE STATE OF IDAHO, COUNTY OF MADISON, BEING PART OF SECTION 4, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A REBAR WITH AN ALUMINUM CAP FOUND MARKING THE CENTER QUARTER OF SECTION 4; THENCE SOUTH 89°56'29" WEST, A DISTANCE OF 1,008.88 FEET TO A POINT; THENCE NORTH 00°02'27" WEST, A DISTANCE OF 400.51 FEET TO A REBAR WITH AN ALUMINUM CAP FOUND, MARKING THE POINT OF BEGINNING; THENCE NORTH 89°58'17" WEST, A DISTANCE OF 70.00 FEET TO A REBAR WITH A PLASTIC CAP SET, STAMPED "PLS 13856"; THENCE NORTH 00°02'27" WEST, A DISTANCE OF 185.68 FEET TO A REBAR WITH A PLASTIC CAP FOUND; THENCE WITH AN ARC OF A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 90°00'59", A RADIUS OF 85.00 FEET, AN ARC LENGTH 133.54 FEET, WITH A CHORD BEARING OF NORTH 45°02'56" WEST, WITH A CHORD DISTANCE OF 120.23 FEET TO A REBAR WITH A PLASTIC CAP FOUND; THENCE NORTH 89°56'34" EAST, A DISTANCE OF 155.02 FEET TO A REBAR WITH A PLASTIC CAP SET, STAMPED "PLS 13856"; THENCE SOUTH 00°02'27" EAST, A DISTANCE OF 270.81 FEET TO THE POINT OF BEGINNING. CONTAINING 0.47 ACRES OF LAND, MORE OR LESS.

THE ABOVE DESCRIPTION WAS PREPARED BY JEFFREY M. ROWE, PLS 13856 IN MAY 2019 AND IS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

**(RV PARK LEGAL)**

BEGINNING AT A POINT THAT IS N.89°46'41"W. ALONG THE EAST-WEST CENTER SECTION 1008.52 FEET AND N.00°13'19"E 299.80 FEET FROM THE CENTER 1/4 CORNER OF SECTION 4, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN; RUNNING THENCE N.00°13'19"E. 212.60 FEET; THENCE S.89°46'41"E. 619.70 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SOUTH RAILROAD AVENUE (NORTH YELLOWSTONE HIGHWAY); THENCE S.30°24'32"W. ALONG SAID WESTERLY RIGHT OF WAY LINE 245.95 FEET; THENCE N.89°46'41"W. 496.03 FEET TO THE POINT OF BEGINNING.

SUBJECT TO: EXISTING EASEMENTS OF RECORD.

CONTAINING 2.723 ACRES

**(STORAGE UNITS LEGAL)**

BEGINNING AT A POINT THAT IS N.89°46'41"W. ALONG THE EAST-WEST CENTER SECTION 1008.52 FEET AND N.00°13'19"E. 512.40 FEET FROM THE CENTER 1/4 CORNER OF SECTION 4, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN; RUNNING THENCE N.00°13'19"E. 148.79 FEET; THENCE S.89°46'41"E. 706.25 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SOUTH RAILROAD AVENUE (NORTH YELLOWSTONE HIGHWAY); THENCE S.30°24'32"W. ALONG SAID WESTERLY RIGHT OF WAY LINE 172.13 FEET; THENCE N.89°46'41"W. 619.70 FEET TO THE POINT OF BEGINNING.

SUBJECT TO: EXISTING EASEMENTS OF RECORD.

CONTAINING 2.265 ACRES

2. The Bradshaw's are the record owner of the property featured in the Zone Change Application.
3. The property that the zone change application will apply to consists of approximately 4.97 acres.
4. A public hearing on the application was held on April 24, 2019 at 7:00 p.m.
5. Deputy Clerk Shelley Jones attended the hearing. She reported that the application was complete, and that all fees had been paid. All required notices regarding the hearing had been published, mailed and posted in a timely fashion as required by Sugar City Code and Idaho State law. The affidavit of publication and affidavit of mailing and posting were entered in the record and are included with this recommendation.
6. There were 4 members of the public in attendance at the public hearing that signed in for this hearing, and indicated if they were for, against, or neutral.
7. Johnny Watson of JRW Associates introduced the Zone Change Application request.
8. Of those who indicated, three were in favor, one was neutral, and none against.

- The sentiment of those in favor felt the use of the land fit in the area and would be a benefit of the city because of the need for business growth. The RV park would have a western theme which fits into the area.
- The neutral vote was from Dale Pickering of the Madison County Fire Department. He stated access for fire safety was good.
- There were none against.

9. The Commission felt that all concerns and questions were addressed by Johnny Watson and Chester Bradshaw.

#### CONCLUSIONS OF LAW

The Sugar City Planning and Zoning Commission concluded regarding the Zone Change Application that:

1. The application complies with the Comprehensive Plan.
2. The permit complies with applicable state and federal laws and regulations.

#### PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Concluding all of the above, the Sugar City Planning and Zoning Commission unanimously recommend that the City Council accept the zone change application with the condition that the process of the quit claim is completed. It is also noted that the comprehensive plan, the land use schedule and expert testimony were considered in the decision.

Signed and Dated this 25th day of July, 2019.

By:

\_\_\_\_\_  
Chairman, Planning and Zoning  
Commission

Attest:

\_\_\_\_\_  
City Deputy Clerk

**ORDINANCE NO. 343\_2019**

AN ORDINANCE APPROVING PROPOSED ZONE CHANGES AND AMENDING THE ZONING MAP OF THE CITY OF SUGAR CITY, PROVIDING FOR THE ADOPTION OF THE AMENDED MAP, PROVIDING FOR REPEAL OF ANY CONFLICTING PROVISIONS OF THE CODE AND PROVIDING FOR EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the land hereinafter described is within the City of Sugar City, Idaho and is currently zoned C2, and is requested to be zoned as M1-Light Manufacturing where storage units are desired, and C3 Highway Commercial where an RV park is desired. The specific legal descriptions are as follows:

**(STORAGE UNIT ENTRANCE)** Requested Zone M1-Light Manufacturing. SITUATED IN THE STATE OF IDAHO, COUNTY OF MADISON, BEING PART OF SECTION 4, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A REBAR WITH AN ALUMINUM CAP FOUND MARKING THE CENTER QUARTER OF SECTION 4; THENCE SOUTH 89°56'29" WEST, A DISTANCE OF 1,008.88 FEET TO A POINT; THENCE NORTH 00°02'27" WEST, A DISTANCE OF 400.51 FEET TO A REBAR WITH AN ALUMINUM CAP FOUND, MARKING THE POINT OF BEGINNING; THENCE NORTH 89°58'17" WEST, A DISTANCE OF 70.00 FEET TO A REBAR WITH A PLASTIC CAP SET, STAMPED "PLS 13856"; THENCE NORTH 00°02'27" WEST, A DISTANCE OF 185.68 FEET TO A REBAR WITH A PLASTIC CAP FOUND; THENCE WITH AN ARC OF A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 90°00'59", A RADIUS OF 85.00 FEET, AN ARC LENGTH 133.54 FEET, WITH A CHORD BEARING OF NORTH 45°02'56" WEST, WITH A CHORD DISTANCE OF 120.23 FEET TO A REBAR WITH A PLASTIC CAP FOUND; THENCE NORTH 89°56'34" EAST, A DISTANCE OF 155.02 FEET TO A REBAR WITH A PLASTIC CAP SET, STAMPED "PLS 13856"; THENCE SOUTH 00°02'27" EAST, A DISTANCE OF 270.81 FEET TO THE POINT OF BEGINNING. CONTAINING 0.47 ACRES OF LAND, MORE OR LESS.

THE ABOVE DESCRIPTION WAS PREPARED BY JEFFREY M. ROWE, PLS 13856 IN MAY 2019 AND IS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

**(STORAGE UNITS LEGAL)** Requested Zone M1-Light Manufacturing. BEGINNING AT A POINT THAT IS N.89°46'41"W. ALONG THE EAST-WEST CENTER SECTION 1008.52 FEET AND N.00°13'19"E. 512.40 FEET FROM THE CENTER 1/4 CORNER OF SECTION 4, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN; RUNNING THENCE N.00°13'19"E. 148.79 FEET; THENCE S.89°46'41"E. 706.25 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SOUTH RAILROAD AVENUE (NORTH YELLOWSTONE HIGHWAY); THENCE S.30°24'32"W. ALONG SAID WESTERLY RIGHT OF WAY LINE 172.13 FEET; THENCE N.89°46'41"W. 619.70 FEET TO THE POINT OF BEGINNING.

SUBJECT TO: EXISTING EASEMENTS OF RECORD.

CONTAINING 2.265 ACRES

(RV PARK LEGAL) Requested Zone C3-Highway Commercial.  
BEGINNING AT A POINT THAT IS N.89°46'41"W. ALONG THE EAST-WEST  
CENTER SECTION 1008.52 FEET AND N.00°13'19"E 299.80 FEET FROM THE  
CENTER 1/4 CORNER OF SECTION 4, TOWNSHIP 6 NORTH, RANGE 40 EAST  
OF THE BOISE MERIDIAN; RUNNING THENCE N.00°13'19"E. 212.60 FEET;  
THENCE S.89°46'41"E. 619.70 FEET TO THE WESTERLY RIGHT OF WAY LINE  
OF SOUTH RAILROAD AVENUE (NORTH YELLOWSTONE HIGHWAY);  
THENCE S.30°24'32"W. ALONG SAID WESTERLY RIGHT OF WAY LINE 245.95  
FEET; THENCE N.89°46'41"W. 496.03 FEET TO THE POINT OF BEGINNING.

SUBJECT TO: EXISTING EASEMENTS OF RECORD.

CONTAINING 2.723 ACRES

WHEREAS, the City Council has approved and adopted the findings of facts and conclusions of law as recommended by the planning and zoning commission.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, AS FOLLOWS:

The parcels requested to be zoned M1, as described above are hereby rezoned as M1, Light Manufacturing.

The parcels requested to be zoned C3 as described above is hereby rezoned as C3, Highway Commercial.

Section 1. The Zoning Map for the City of Sugar City is hereby amended to reflect the approved changes.

Section 2. The amended map is hereby adopted as the official zoning map of the City of Sugar City.

Section 3. All provisions of the Sugar City Code in conflict herewith are repealed in so far as they are in conflict with this Ordinance.

Section 4. This Ordinance shall be in full force and effect from and after its passage, execution and publication in the manner provided by law.

ENACTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 8<sup>th</sup> day of August, 2019.

CITY OF SUGAR CITY, IDAHO

  
DAVID D. OGDEN, MAYOR

ATTEST:

Wendy McLaughlin  
WENDY MCLAUGHLIN,  
CITY CLERK-TREASURER

(SEAL)

PARCEL 2

LANDSCAPE			
LAND USE	CODE	TSR (sqft)	LANDSCAPE AREA (sqft)
M1	2.81	8,842	15,164
C3	2.81	15,233	42,141

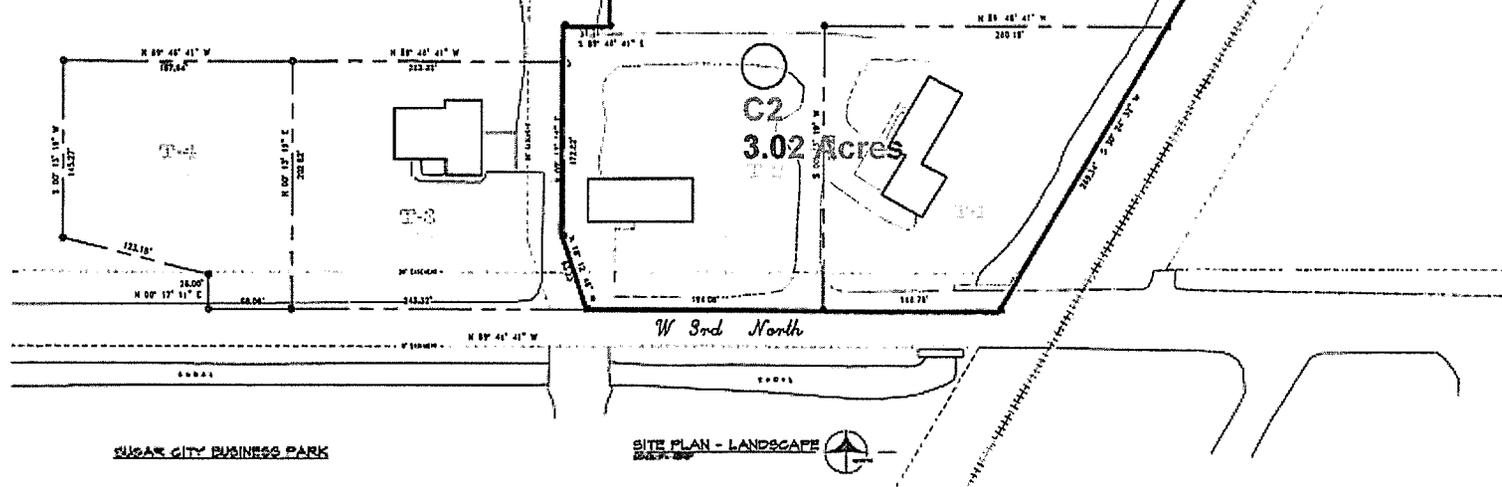
  

LEGEND	
LAMP	
GRAVEL (ROAD BASE)	
TREE	

M1  
2.28 Acres

C3  
2.69 Acres

C2  
3.02 Acres



<b>JRW &amp; ASSOCIATES</b>	
PROJECT: CHESTER BRADSHAW DEVELOPMENT	
DRAWING NO.: SD.1	
DATE: 05/01/2010	BY: JWS
SCALE: 1" = 20'	PROJECT: CHESTER BRADSHAW DEVELOPMENT
SITE PLAN - LANDSCAPE	



[Quoted text hidden]

Before the City of Sugar City  
Planning and Zoning Commission

	)	
<b>In the Matter of an Application for a <u>Special Use Permit</u></b>	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW
	)	AND RECOMMENDATION
Chester & Kacy Bradshaw	)	
250 W 3 <sup>rd</sup> N	)	
Sugar City, ID	)	
Applicant	)	
	)	

FINDINGS OF FACT

1. Chester & Kacy Bradshaw, of 250 W 3<sup>rd</sup> S, Sugar City, Idaho, 83448, submitted an application for a special use permit to allow an RV park in the proposed zone of C3 (Highway Commercial) on March 8, 2019. The affected property is described as follows:

**(RV PARK LEGAL)**

Beginning at a point that is N.89°46'41"W. along the East-West Center Section 1008.52 feet and N.00°13'19"E 299.80 feet from the Center 1/4 Corner of Section 4, Township 6 North, Range 40 East of the Boise Meridian; running thence N.00°13'19"E. 212.60 feet; thence S.89°46'41"E. 619.70 feet to the Westerly Right of Way line of South Railroad Avenue (North Yellowstone Highway); thence S.30°24'32"W. along said Westerly Right of Way line 245.95 feet; thence N.89°46'41"W. 496.03 feet to the POINT OF BEGINNING.

SUBJECT TO: Existing easements of record.

Containing 2.723 acres

- 2. The Bradshaw's are the record owner of the property featured in the Special Use Permit Application.
- 3. The property that the special use permit will apply to consists of approximately 2.69 acres.
- 4. A public hearing on the application was held on April 24, 2019 at 7:00 p.m.
- 5. Deputy Clerk Shelley Jones attended the hearing. She reported that the application was complete, and that all fees had been paid. All required notices regarding the hearing had been published, mailed and posted in a timely fashion as required by Sugar City Code and Idaho State law. The affidavit of publication and affidavit of mailing and posting were entered in the record and are included with this recommendation.
- 6. There were 4 members of the public in attendance at the public hearing that signed in for this hearing, and indicated if they were for, against, or neutral.

7. Johnny Watson of JRW Associates introduced the Special Use Permit request to allow an RV park in the proposed C3 zone.

8. Of those who indicated, three were in favor, one was neutral, and none against.
- The sentiment of those in favor felt the use of the land fit in the area and would be a benefit of the city because of the need for business growth. The RV park would have a western theme which fits into the area.
  - The neutral vote was from Dale Pickering of the Madison County Fire Department. He stated access for fire safety was good.
  - There were none against.

9. The Commission felt that all concerns and questions were addressed by Johnny Watson and Chester Bradshaw.

#### CONCLUSIONS OF LAW

The Sugar City Planning and Zoning Commission concluded regarding the Special Use Permit Application that:

1. The application complies with the Comprehensive Plan.
2. The permit complies with applicable state and federal laws and regulations.

#### PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Concluding all of the above, the Sugar City Planning and Zoning Commission unanimously recommend that the City Council approve the Special Use Permit for Chester Bradshaw to allow an RV park with the recommendation of having 1 paved parking stall by their kiosk entering the RV park, the 25 foot access will be paved, the graveled areas in M1 and C3 will be hardened and if they do not become a nuisance over the next 2 years and if nuisances are addressed the gravel roads will continue to be allowed. The 70/30 exterior requirement will be relaxed to only affect the kiosk because of the additional landscaping between the M1 and C3 zones and the proposed fencing. The quit claim deed has been discussed for the 50 foot access to be completed. It conforms to the land use schedule, the comprehensive plan and city code.

Signed and Dated this 25th day of July, 2019.

By:

\_\_\_\_\_  
Chairman, Planning and Zoning  
Commission

Attest:

\_\_\_\_\_  
City Deputy Clerk

**SUGAR CITY  
ORDINANCE 344\_2019**

**BACKFLOW INSPECTION SCHEDULING REVISION**

**ORDINANCE TO CHANGE THE SCHEDULING AND REQUIREMENT OF INSPECTION  
OF BACKFLOW DEVICES FOR IRRIGATION SYSTEMS IN THE CITY OF SUGAR CITY.**

**NOW THEREFORE**, be it ordained by the Council of Sugar City, in the State of Idaho, as follows: that the following changes to SCC 7-3-5 be adopted as follows:

**SECTION 1:**        **AMENDMENT** "7-3-5 USE OF BACKFLOW PREVENTION DEVICES" of the Sugar City Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

**7-3-5 USE OF BACKFLOW PREVENTION DEVICES**

- A. Circumstances Requiring Use: Backflow prevention devices shall be installed in connection with water service connections or within any premises where, in the judgment of the City, the nature and extent of the activities or the materials stored on the premises, would present an immediate and dangerous hazard to health and/or deleterious to the quality of the water should a cross-connection occur; even though such cross-connection does not exist at the time, the backflow prevention devices shall be installed under circumstances, including, but not limited to, the following:
1. Auxiliary Water Supply: Premises having an auxiliary water supply, unless the quality of the auxiliary supply is in compliance with Idaho Code and all standards, rules and regulations of the State, the Idaho Department of Health and Welfare and any other Federal, State, County or City authority or agency thereof and is acceptable to the City.
  2. Internal Cross-Connections: Premises having internal cross-connections that are not correctable or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connections exist.
  3. Restricted Entry: Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to ensure that cross-connections do not exist.
  4. History Of Cross-Connections: Premises having a repeated history of cross-connections being established or reestablished.
  5. Substances Under Pressure: Premises on which any substance is handled under pressure so as to permit entry into the City water supply or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.

6. Toxic Or Hazardous Materials Handled: Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a serious health hazard might result.
  7. Facilities Specified: The following types of facilities will fall into one of the above categories where a backflow prevention device is required to protect the City water supply. A backflow prevention device shall be installed at these facilities unless the City and applicable State, County and Federal authorities and agencies determine that no hazard exists:
    - a. Hospitals, mortuaries, clinics.
    - b. Laboratories, including school laboratories.
    - c. Metal plating industries.
    - d. Sewage treatment plants.
    - e. Food or beverage processing plants, potato processing plants.
    - f. Petroleum processing or storage plants.
    - g. Car washes.
    - h. Dry cleaners.
    - i. Livestock watering devices.
    - j. Other premises as specified by the City, where backflow prevention devices are required to protect the City water supply.
- B. Type Of Device: The type of protective device required shall depend on the degree of hazard which exists:
1. Contamination: An air-gap separation or a reduced pressure principle backflow prevention device shall be installed where the City water supply may be contaminated with sewage, industrial waste of a toxic nature or other contaminant which could cause a health or system hazard.
  2. Objectionable Substances: In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air prevention device shall be installed.
- C. Location Of Device: Backflow prevention devices required by this Chapter shall be installed at the meter, at the property line of the premises when meters are not used or at a location designated by the City. The device shall be located so as to be readily accessible for maintenance and testing and furthermore, where no part of the backflow prevention device will be submerged.
- D. Supervision Of Installation: Backflow prevention devices required by this Chapter shall be installed under the supervision of and with the approval of the City.
- E. Approval Of Applicable Agencies: Any protective device required by this Chapter shall be approved by the City, applicable State, County and Federal authorities and agencies. These devices shall be furnished and installed by and at the expense of the customer.

- F. Inspection; Testing: Backflow prevention devices installed pursuant to this Chapter, shall be inspected and tested every other year, with odd addresses inspected on odd years, and even addresses inspected on even years annually, or more often if necessary. Inspections, tests and maintenance shall be at the customer's expense, and, if requested by the City, by a certified tester retained and paid by the customer. Whenever the devices are found to be defective, they shall be repaired, overhauled or replaced at the customer's expense. Inspections, tests, repairs and records thereof shall be accomplished in accordance with all standards, rules and regulations of this Chapter, Idaho Code and all standards, rules and regulations of the State, the Idaho Department of Health and Welfare and any other Federal, State, County or City authority or agency thereof by certified testers retained and paid by the customer.
- G. Underground Sprinkling Device: No underground sprinkling device will be installed without adequate backflow prevention devices at the point from which the water for irrigation is taken from the City water supply.
- H. Failure To Comply: Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this Chapter, Idaho Code and all standards, rules and regulations of the State, the Idaho Department of Health and Welfare and any other Federal, State, County or City authority or agency thereof shall be grounds for the termination of water service to the premises, or, in the alternative, the installation of an air-gap separation at the customer's expense.

**SECTION 2:**            REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 3:**            SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4:**            EFFECTIVE DATE This Ordinance shall be in full force and effect from August 8, 2019 and after the required approval and publication according to law.

