



Inc. 1910

Planning and Zoning Department

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May 7, 2012

Curt Moore
Planning Department
Teton County, Idaho
150 Courthouse Drive
Driggs, ID 83422

RE: The Willows Vacation and Second Filing

Curt:

This letter accompanies the City of Driggs files for the above referenced application, located in the Driggs Area of Impact. The Driggs City Council is recommending approval of the new The Willows plat and Phasing Agreement as presented to the Council on April 17, 2012.

The file contains the following:

CITY DOCUMENTS

City Council Findings, Conclusions and Recommendation
City Council Meeting Minutes (4/17/12)
Planning and Zoning Commission Minutes (3/14/12, 8/24/11, 6/8/11)
City Council Hearing Notice
List of Property Owners w/in 300ft
Draft Phasing Agreement
Draft Development Agreement
Water and Sewer Will Serve Letter

MATERIAL SUBMITTED BY APPLICANT:

Application
→ Preliminary Plat and Master Plan (4/3/12)
Construction Cost Estimate from 7/29/11
Letter of Authorization from David and Michele Cutler, part owners in the property

WRITTEN COMMENTS

James Fitzgerald, adjacent landowner (3/12/12, 8/23/12, 5/30/11)
Anna Trentadue, VARD (6/8/11)
Marc Anderson, Fire Marshal (3/7/12)
Mike Dronen, Eastern Idaho Public Health (3/21/12) – note that Mr. Dronen was reviewing an earlier version of the plat, which proposed individual wells. The plat now proposes city water

and sewer service, and the city council approved such service at their 4/17/12 meeting (Will Serve Letter attached). Mr. Dronen will need a new application containing the revised plat and Will Serve letter to be submitted by the applicant.

This application was received prior to the effective date of the recently adopted ordinance amending the Driggs Area of City Impact. Therefore, the previous Area of Impact agreement / code should be followed, and a final hearing should be scheduled for this application with the Board of County Commissioners.

The Plan and Ordinances applicable within the Driggs Area of City Impact at the time of application are: Driggs Comprehensive Plan adopted by Driggs Resolution 264-10, Driggs Zoning Ordinance #281-07 (both adopted by the Teton Board of County Commissioners on February 10, 2010), and the Driggs Subdivision Ordinance 259-05.

The applicant has been informed of the need to file a county application and pay the associated fee.

Please contact me at City Hall if you have any questions.

Sincerely,

Doug Self, AICP
Planning & Zoning Administrator



Meeting Date: 4/17/2012

APPLICATION SUMMARY

Applicant

Dreamcatcher Estates, LLC is the owner of record for all property within the subdivision, except lot 3, which is owned by David and Michele Cutler. A Letter of Authorization was received from the Cutlers, authorizing Dreamcatcher Estates, LLC and Nelson Engineering to act as an agent on their behalf in regards to replatting of their property.

Applicant Request

This plat amendment application requests approval for the following amendments to The Willows subdivision plat (attached to preliminary plat), which was approved by the County on June 12, 2008, and recorded on June 15, 2009:

- Removal of 2 lots in the area NW of Teton Creek (between the creek and Ski Hill Rd)
- Elimination of Phase IV South of the Creek (now labeled as Future Development)
- Adjustment of lot boundaries to reduce encroachment into the Teton Creek corridor and to reflect the proposed CLOMR submitted by Teton County, which would extend floodway boundaries into the project.
- Elimination of the vehicle bridge across Teton Creek
- Addition of pedestrian/bike easement from South pathway to Ski Hill Rd (crossing creek along sewer line)

The applicant requests a Phasing Agreement that will allow the Preliminary Plat Approval for 3 phases to remain valid beyond the usual 1 year time period. The existing plat would be vacated by the county at the time of Preliminary Plat approval. The applicant has submitted a letter to the county in support of the plat being vacated. Each phase would be submitted for Final Plat according to the following schedule and would have to be constructed within 2 years of the Final Plat being recorded:

Phase I – Final Plat to be submitted within two (2) years of Preliminary Plat Approval.

Phase II – Final Plat to be submitted within five (5) years of Preliminary Plat Approval.

Phase III – Final Plat to be submitted within eight (8) years of Preliminary Plat Approval.

Development Status

The developer is in default on The Willows development agreement and in violation of the Driggs Subdivision Ordinance due to the incompleteness of required improvements within the required two year period following the date of final plat recording. The improvements to date in The Willows Subdivision consist generally of a sewer main line, in Phase III and IV, connected to and accepted by the City of Driggs.

Material for a berm along Ski Hill Road has also been placed by the developer under a County Scenic Corridor Permit. The berm has been seeded in Fall 2011 with native grasses, but never fully landscaped. Portions of the berm appear to be located within the 100 year floodplain of Teton Creek and no floodplain development permit has been issued for the berm material to be placed in the 100 year floodplain. The developer proposes to remove those portions of the berm that are within the 100 year floodplain.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval of The Willows Amended Preliminary Plat, with the following conditions:

- That all plat revisions requested in the Planning and Zoning Administrator's Staff Report be addressed.
 - Staff: these revisions have been addressed on the April 3, 2012 preliminary plat masterplan.



- That a floodplain development permit be obtained for the berm or that it be removed from the 100 year floodplain.

CITY COUNCIL CONCLUSIONS AND RECOMMENDATION

The City Council finds that the proposed preliminary plat conforms to the Driggs Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance, and that the plat revisions recommended by staff have been completed. The proposed development would have less impact on wildlife habitat and creek function than the existing plat, which was approved under the same regulations. The Amended Plat and Phasing Agreement will remedy a development that is in default and secure a more flexible development schedule while reducing impacts and increasing open space and pathway amenities.

The City Council recommends approval to the Board of County Commissioners of The Willows Amended Preliminary Plat and Master Plan, Phasing Agreement and Development Agreement, with the conditions that:

1. **A floodplain development permit be obtained for The Willows berm or that the berm material be removed from the 100 year floodplain.**
2. **Revegetation of the sewer easement be provided for in the Phase I construction cost estimate as proposed.**
3. **The existing (The Willows) plat be vacated upon approval of this preliminary plat.**
4. **The applicant (owners) provide consent for future annexation of the property.**
5. **Any scenic corridor permit violations be remedied [no timeline specified].**

FINDINGS

ATTACHMENTS

- Revised Preliminary Plat and Master Plan (4/3/12)
- Planning and Zoning Commission Minutes (3/14/12, 8/24/11, 6/8/11)
- Draft County Development Agreement (incorporating Kathy Spitzer comments from 3/4/12)
- Draft Phasing Agreement
- Construction Cost Estimate from 7/29/11 (updated estimates will need to be submitted with final plats)
- March 12, 2012, August 23, 2011 and May 30, 2011 letters from James Fitzgerald, neighboring landowner
- June 8, 2011 letter from Anna Trentadue, representing Valley Advocates for Responsible Development
- March 7, 2012 letter from Fire Marshal Marc Anderson

ZONING ORDINANCE CONFORMANCE

- a. Density: OK. 34 lots are allowed; 22 lots are proposed (reduced from 25).
- b. Lot Size: OK. All lots exceed the minimum 9000sf lot size.
- c. Set Backs: OK. All building envelopes provide more than the required minimum setbacks.
- d. Access: OK. All lots have at least 30ft of road frontage.

SUBDIVISION ORDINANCE CONFORMANCE

The subdivision plat and plans conform with the general subdivision ordinance requirements; issues of special concern are addressed as follows:



Meeting Date: 4/17/2012

- I. Natural Features: *Existing natural features which add value to residential development and enhance the attractiveness of the community such as, watercourses, historic spots, and similar irreplaceable assets shall be preserved, insofar as possible, in the design of the subdivision (pg. 30, Ord 259-05).* Idaho Fish and Game recommends that the developer and/or landowners should be prohibited from removing any riparian vegetation beyond the designated building site. The applicant's Wildlife Impact Statement recommends that *tree removal should only be done if a tree or tree limbs present a hazard to people or property.* The applicant's Environmental Impact Statement states that "Siting of homes in more open spaces and creating tight envelopes will minimize impacts to native vegetation."
 - a. Original lots 4, 7 and 8, which were 'second-tier' lots closest to the creek, have been removed. Building envelopes are established on all lots to locate buildings outside of drainage ways and, where possible, to take advantage of natural clearings.
 - b. Plat notes prohibit vegetation removal outside of building envelopes and requiring mitigation of any removed vegetation.
- II. Subdivision in a Floodplain – Justification for Development: Must find that *the development will not present a hazard to life, limb or property, adversely affect safety, use of a public way or drainage channel or the natural environment.* (pg. 45-47, Ord. 259-05)
 - a. The applicant submitted a LOMR request to revise the floodway and floodplain boundaries, which was approved by FEMA. The new floodplain appears on the plat.
 - b. The applicant also made revisions to building envelope placement on lots 3 and 4 to provide for increased setbacks from the proposed floodway that would result from the Teton County CLOMR application for a restoration project on Teton Creek.
 - c. All utilities are floodproofed (manholes lifted) above the floodplain.
 - d. Wet and Dry channels were mapped throughout the development and a strategy of protecting those channels has been created, including:
 - i. 15ft setbacks from building envelopes to channels;
 - ii. Easements for channels that protect them from being filled or altered;
 - iii. Channel crossing designs - culverts and swales – that protect the flow of floodwater through the development.
- III. Subdivision in a Floodplain – Appropriateness of the Subdivision: Must find that the proposed subdivision conforms to the Comprehensive Plan, which states that developments in the floodplain should be required to *utilize cluster designs that reduce impacts to wildlife, creek function and scenic views* (pg ##, Hazardous Areas Chapter)
 - a. Original lots 4, 7 and 8, which were 'second-tier' lots closest to the creek, have been removed. With the exception of lot 3 (owned by the Cutlers), the remaining lots North of the creek have been reduced in depth, which reduces individual lot encroachment into the creek corridor by 60-90ft.

RELATED ISSUES & CONCERNS

- I. Public Comment



Meeting Date: 4/17/2012

- a. James Fitzgerald, May 30, 2011 letter, stating concerns with phasing plan and revegetation of disturbed areas; August 23, 2011 letter stating that if a non-paved turnaround is used for Phase I, then Mr. Fitzgerald "would be willing to release Floyd and Ginny etc. from requirements on future landscaping and be satisfied with the sewer and water access lines from the end of Salix way to Teton Creek just remaining as 'come-back' native vegetation provided some soil is put down." Mr. Fitzgerald submitted a second letter, dated March 12, 2012, clarifying the terms of the Property Boundary Agreement. As this is a private agreement between the applicant, James Fitzgerald and Richard Berg, the city finds that there need not be any city or county involvement in the specific requirements of that agreement. Revegetation of the sewer easement is a condition in the development agreement and provided for in the construction cost estimate.
 - b. Anna Trentadue, representing Valley Advocates for Responsible Development, letter dated June 8, 2011, stating questions regarding plat amendment process, extension policy and existing plat validity, as well as concerns with phasing and design.
- II. Agency Comment:
- a. Marc Anderson, Teton County Fire Marshal – submitted written comment on March 7, 2012, stating that the Fire Department approves the amended plat design.



CITY OF DRIGGS
COUNCIL MINUTES
April 17, 2012

Pursuant to adjournment of the City Council meeting held April 3, 2012, and to the call of the Mayor, the Driggs City Council met on April 17, 2012 at 7:15 p.m. Present: Council President Mosher; Council Members Dye, Jones, Mossman; Also present: City Attorney Zollinger (7:30 p.m.), Planning and Zoning Director Self, and Public Works Director Gunderson. Excused: Mayor Powers. Council President Mosher led in the *Pledge of Allegiance*.

Approval of Minutes

- April 3, 2012: **Mossman moved to accept the April 3, 2012 minutes as corrected. Jones seconded.** Motion carried.

Approval of Claims

- Questions:
 - Caselle [Monthly Software Support]
 - Upper Case Printing, Ink [Newsletter]
 - Hill & Sons [Hydroseeding]
 - Treasure Valley Coffee: [Bottled Water]
- **Dye moved to approve Claims dated April 3-April 17, 2012, as presented, except Hill & Son which will be held until further notice. Mossman seconded.** Motion carried.

Shakespeare Funding and Art Boxes – Linda Lopez

- Linda Lopez, Chair, for the Teton Arts Council (TAC) presented the Council with two letters. The first requested a \$2,000 donation in support of Shakespeare 'On the Green' to be held August 1, 2012 in front of City Hall. **Mossman moved to table this request until the next Council meeting on May 1, 2012. Jones seconded.** Motion carried.
- Lopez's second letter requested City assistance in receiving approval from the Idaho Transportation Department (ITD) to paint the traffic control box at the northwest corner of Little and Main by the 'Buffalo' building. No financial assistance was being requested; however, permission to use photos of the box in future promotional materials was requested. Self will be the City's contact for questions from the TAC or ITD. **Jones moved to support TAC's efforts in obtaining permission from ITD to paint the NW corner traffic control box at Little & Main. Mossman seconded.** Motion carried.

7:45 p.m. Public Hearing: The Willows Plat Amendment – Preliminary Plat

Eric Walker, engineer from Nelson Engineering, opened the Public Hearing with a brief history of the changes being requested in the plat amendment. Changes include a decrease in the density of lots and a deferral of one-half of the project to future dates. This preliminary plat includes three phases with all open space work slated for completion in Phase I.

Questions from the Council/Response from Walker:

- What is the plan for the berm? The portion of the berm in the 100 year floodplain will be removed by the developer.

- In the original plat there was a bridge across the creek. Is the bridge still in Phase I? In the amended plat there is no vehicle access [bridge] across the creek.
- Are there only two lots developed in Phase III? Lots will be developed in phases to meet demand; doing so will remove upfront infrastructure costs for undeveloped lots.
- Has the fire department approved of the proposed changes? Yes. In Phase I & II a temporary turnaround is present; this turnaround will be removed in Phase III with full road development.

Self reviewed Planning & Zoning (P&Z) recommendations with the Council and answered questions. P&Z recommended approval of the amended preliminary plat with two conditions: 1) that all plat revisions requested by the P&Z Administrator be addressed [done on the April 3, 2012 preliminary plat masterplan] and 2) that a floodplain development permit be obtained for the berm or that it be removed.

Self also recommended approval of the plat amendment based on the developer meeting four [possibly five] conditions: 1) that a floodplain development permit be obtained for the berm or that the berm be removed from the floodplain, 2) revegetation of the sewer easement be provided for in Phase I construction cost, 3) the existing Willows plat be vacated upon approval of the amended plat, 4) the applicant (owners) provide consent for future annexation of the property, and 5) add a scenic corridor permit.

8:10 p.m. The floor was opened for comments:

- FOR = none
- NEUTRAL
 - Vancie Turner questioned what pedestrian access across the creek will be like. She also stated that the berm is her top concern as past efforts to reintroduce natural grasses have been "unacceptable." Her final comments spoke to the presence or absence of a pedestrian/bike pathway and its placement by the developer.
- AGAINST = none

8:15 p.m. The regular session was rejoined.

Self responded to Turner's question about a pathway noting that pathway improvement is not required with small developments; however, since a pathway easement is still in place on the SE side of the creek, the City will continue to work with interested parties and will continue to pursue funding. Eric Walker, engineer for Nelson Engineering, addressed questions brought out during the public hearing. He stated the developer's intention to maintain a pathway easement on the SE side of the creek. He also explained that landscaping of the remaining berm will require water to be successful. Access to water for the berm is covered in Phase I. Finally, he addressed Council questions surrounding phasing. He pointed out that lot development over ten years, in three phases, will afford the developer the time to keep the entire project going as development of all infrastructure in Phase I would be "too costly" and would threaten the viability of the entire project. A planned, phased development will be "good for the community" and it will avoid overextension. A lengthy discussion between the Council, Self,

Walker, and Mr. & Mrs. Cutler (developer) followed. Quantum physics, economics, road development/abandonment, landscaping/weed control, the berm, and what happens if the developer fails to complete each phase in a timely manner were all discussed.

Jones moved to approve The Willows plat amendment – preliminary plat, with the four conditions recommended by Self. Dye seconded. Discussion: Mossman asked that the fifth condition of obtaining a scenic corridor permit be added. **Jones & Dye acknowledged the addition of the fifth condition to the motion.** The question was called. Motion carried.

3rd Reading of Ordinance #269-12

Dye again questioned elimination of the turn-off fee. Mosher asked Gunderson whether or not the fee should be retained. Gunderson responded that he was “okay” with elimination of the turn-off fee.

- **Mossman moved to adopt Ordinance 269-12 as presented. Dye seconded.** Motion carried. The ordinance will be in effect May 1, 2012.

Public Works – Jared Gunderson

- **Roads:**
 - **Howard and Howard Avenue**
 - School District (SD) 401 Trustees have denied any funding toward Howard Avenue; Teton Valley Hospital is still in play for Howard. Bids received for Harper & Howard will be brought back to the Council for approval.
 - **5th Street Sidewalk**
 - School zone lights will be similar to those in Alta, WY. The SD will “find some funds” according Gunderson quoting Monte Woolstenhulme, SD 401 Superintendent
 - **DuraPatch**
 - Street potholes are being marked with pink paint in preparation for DuraPatching. Approximately one-mile of chip sealing will also be done when the County starts chip sealing. It is anticipated that parts of Main, Ross, & Booshway will be sealed.
- **Treatment Plant:** final plans have been submitted to William Teuscher at ITD and reviewed with Scott Rogers at Aqua Engineering. Bids could be out as early as next week.
- **Lions Park:** The old backstop is out. Public Works will start work on installation of the new backstop and lights.
- **Community Garden:** Comments noted in this week’s paper will be reviewed with the organizer & the Parks Committee at its next meeting on 4/30. Of special concern was the comment that a fee will be charged next year.
 - Patrick Burke will finish the Master Gardener Class on 4/26.

Planning & Zoning – Doug Self [absent]

- **Idaho Transportation Department Funding Agreement for Winter 2012-2013 Grand Targhee Shuttle Operation:** Self walked the Council through the City’s ITD Grant # ID18X037, which will help support the shuttle to Grand Targhee during the winter season 2012-2013. While reassuring the Council that Federal funding “is in place,” Self pointed out

City of Driggs
PLANNING AND ZONING COMMISSION MEETING
MINUTES
MEETING HELD AT CITY HALL
March 14, 2012
6:30pm

MEMBERS PRESENT: Rene Lusser (Conducting), Rick Baldwin, and Chris Valiante.

OTHERS PRESENT: Planning and Zoning Administrator Doug Self and Deputy Planning and Zoning Administrator Kreslyn Schuehler and other community members.

1) Approval of Minutes

The Commission reviewed the minutes from February 8, 2012.

Commissioner Rick Baldwin made a motion to approve the minutes from February 8, 2012. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.

2) The Willows – Plat Amendment – Tabled from 8-24-11

Erik Wachob, from Nelson Engineering, spoke on the applicant's behalf regarding the application. He explained the changes to the plat, which included a reduced number of lots, preservation of open space and elimination of the creek crossing. The intent of the plat amendment was to phase construction in a way that matched the market demand, while still having restrictions on building envelopes, strict CC and R's and protection of the creek and its drainage with easements.

Doug Self stated changes to the Development Agreement and the Phasing Agreement had been made since the recording of the final plat. The applicant was seeking preliminary approval for Phase 1, 2 and 3 and would record Phase 1 and the Phasing and Development Agreements. The other phases would follow the same process to have final plats approved at a later date.

Mr. Self spoke to the Commission and presented the staff report. He stated the application was tabled in August in order to work on the Phasing Agreement and the Development Agreement with the County. He stated there were no comments from Kathy Spitzer regarding the Phasing Agreement. There were minor changes on the plat drawings which were addressed and agreed upon by the applicant.

Mr. Self reviewed a letter submitted by James Fitzgerald. Mr. Fitzgerald had concerns regarding a landscape agreement between the two property owners. Mr. Self did not feel the city should be involved in the landscape agreement. However, if there were concerns, those could be shared with the applicant. Mr. Fitzgerald was also concerned that the pedestrian easement would encourage people to trespass on his property. Again, Mr. Self stated that the city should not be concerned with this, as the property owner should take care of the issue with fencing or signs. Mr. Fitzgerald was concerned with increase run-off between Lots 7 and 8 as well.

Mr. Wachob stated that through time in the field, the principle drainage swales were identified. He further explained where they were located and how they would be diverted with culverts and be affected with the 100-year flood.

Mr. Self stated that with the Phase 1 Final Plat, construction drawings and an updated cost estimate would need to be submitted. He also stated in the previous hearing, the applicant proposed to re-see the berm along Ski Hill Road. That had been done and therefore did not need to be a condition prior to recording the plat for Phase 1. He further stated that a Flood Plain Development Permit should be obtained and this should be a condition on the recommendation to the county.

Mr. Self felt the Development Agreement was the major change to the application. The County had a template agreement, which he felt was very redundant and duplicative of itself and needed work. Mr. Self stated the Public Hearing was closed in June. However, the Commission took comment at the August meeting and therefore should again, concerning only the changes.

Commissioner Rene Lusser opened the Public Hearing stating that public comment would be heard to address any changes to the Phasing and Development Agreement.

Richard Berg, property owner in Aspen Meadow, spoke to the Commission. He felt the applicant should get a floodway permit for the berm and was concerned with the drainage from the berm, as it ran off into his property. He questioned how the Commission could come to a conclusion that the application does not have an adverse effect on the community until an analysis was completed.

Ann Trentadue spoke to the Commission. She was concerned because the applicant was not developing the property immediately and with the changes of ordinances and regulations over the years, those standards could change over time. She suggested the applicant develop Phase 1 and then have the rest of the development follow the regulations that are current for that time period.

Kathy Spitzer, County Attorney, spoke to the Commission. She stated she reviewed the Development Agreement and sent Mr. Self initial comments, reviewing it further before it was presented to the County Commissioners. She was concerned as to when the actual subdivision would be built out, as the county requires that the infrastructure be built before the final plat was recorded.

Mr. Self questioned the template the county used for the Development Agreement. Mr. Self stated the template allowed for bonded infrastructure and asked the current template be sent to him. Mr. Spitzer stated that was a current template and was developed before the county changed the code which no longer allows plats to be recorded before infrastructure was completed. She stated the template was to be used as a guideline. Mr. Self questioned if the county allowed bonding before infrastructure and Mrs. Spitzer stated the county did allow for that, but the plat could not be filled until the infrastructure was complete.

Mr. Self stated he felt the issue with the public involved the phasing of the development. He stated there was a meeting regarding phasing with himself, Angie Rutherford, Ms. Spitzer and Curt Moore. He questioned if Ms. Spitzer now had concerns that were not brought up at that meeting. Ms. Spitzer stated that staff "sometimes doesn't have good direction" and what they feel will be approved, may not be what the Commissioners want to approve.

Commissioner Rene Lusser closed the Public Hearing.

Mr. Griggs responded to the public comments. He stated this was the first time Mr. Berg had voiced his concern regarding the berm. Mr. Wachob stated he was unaware of a permit being obtained for the berm, but felt it would have no impact on the floodplain.

Mr. Self replied stating that the berm was a county enforcement issue and they need to look at their recorders and follow up with it.

Mr. Wachob stated the applicant consented to moving the problem area of the berm that causes the concerns of drainage.

Commissioner Lusser questioned if the structure of the phasing was keeping with the interested of the city. Mr. Self felt that the existing plat was being vacated and a better development plat was taking its place, which included less impact, a pedestrian easement and more open space. He then reviewed the Phasing Agreement with the Commissioners.

Commissioner Chris Valiante made a motion to recommend approval of the plat amendment with the conditions that changes to the preliminary plat suggested by staff be made, comments from staff on the Final Plat be addressed with the Phase 1 Final Plat submittal, and that a floodplain permit be obtained or the berm be modified so that it does not encroach on the floodplain and if the berm is moved re-seeding would take place. Commissioner Rick Baldwin seconded the motion. The motion passed with all in favor.

3) Review and Discussion of the Lighting Ordinance Recommended by the Driggs Outdoor Lighting Standards Committee and Lighting Related Amendments to the Zoning and Sign Chapters of the Driggs City Code

Carl Jordan, a member of the Lighting Committee, spoke to the Commission. He gave an overview of the proposed Lighting Ordinance and stated the main objective was to prevent glare and direct light and to protect the night sky.

Mr. Jordan explained that standards for existing lighting would need to come into conformance within 10 years. All new lighting would have to follow this ordinance.

Mr. Jordan explained the difference and reasoning behind the requirements for the color and temperatures of future lighting. Discussion of LED lighting began.

Mr. Self asked the Commission if the current wording on 5,000 Kelvins per site was adequate as there were several sites that may be very large or very small. The Commission felt that the language should be changed to make it clearer.

Mr. Jordan stated a Lighting Policy would be submitted to the City Council with the intent that the city would change street lights as best as they were able. Mr. Self hoped they would adopt the lighting standards into the city standards.

Commissioner Valiante felt that athletic fields should not face the same curfew and Mr. Jordan agreed stating that this shouldn't be a costly process, which it would be if schools had to replace athletic lighting.

Commissioner Baldwin was concerned with enforcement and wanted to make sure the lights were not erected before the fact. He suggested that there was language in Layman's terms for the public to understand. Mr. Self stated it would take a lot of dedication to educate the public about the new standards and to eliminate the enforcement issues.

A public workshop to discuss the ordinance would be scheduled in May 2012.

Mr. Jordan explained the difference between foot candles and lumens.

Commissioner Chris Valiante made a motion to adjourn. Commissioner Rick Baldwin seconded the motion. The motion passed with all in favor and the meeting was adjourned at 8:58pm.

City of Driggs
PLANNING AND ZONING COMMISSION MEETING
MINUTES
MEETING HELD AT CITY HALL
August 24, 2011
6:30pm

MEMBERS PRESENT: Rene Lusser (conducting), Rick Baldwin, Delwyn Jensen, Chris Valiante, and Ralph Mossman.

OTHERS PRESENT: Planning and Zoning Administrator Doug Self and Deputy Planning and Zoning Administrator Kreslyn Schuehler and other community members.

1) Approval of Minutes

The Commission reviewed the minutes from July 13, 2011 and August 2, 2011.

Commissioner Delwyn Jensen made a motion to approve the minutes from July 13, 2011 and August 2, 2011. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.

2) The Willows Plat Amendment – Continued from June 8, 2011

Doug Self presented information to the Commission. He stated the public hearing in June had been tabled for outstanding issues that had mostly been resolved. The city received a letter from James Fitzgerald which stated he was willing to disregard the boundary agreement if the turnaround was not paved.

Mr. Self stated the fire turnaround was shown on the amended plat and wanted to ensure it was shown on the improvement plans as well. He questioned if the Commission felt there was a reason for the paved turnaround. The Commission felt that gravel would be agreeable as long as it was approved by the Fire Marshal.

Mr. Self discussed the Phase 4 access plan and cost estimate. He did not feel that it was critical to have this information until the final plat of Phase 4 was submitted as, at this time, it was just the Master Plan and final plat for Phase 1 that was being discussed.

The sewer easement and re-vegetation of that easement was included in the revised cost estimate sheet. The berm re-vegetation was part of the scenic corridor permit with the county and should be enforced by the county. Grass seed would be laid on the berm this fall. The applicant obtained a sign permit, scenic corridor permit and right-of-way encroachment permit, but did not have a copy of the floodplain development permit. Mr. Self stated the latter should be required by the County Commissioners.

The ownership of the open space was now deeded to the Home Owners Association instead of the Friends of the Teton River.

Mr. Self began discussing the phasing schedule. He explained the Driggs ordinance stated construction must be completed within two years after the final plat was recorded, allowing for an additional one year extension. The Development Agreement requested 9 years for completion. He suggested the Commission give their recommendations for phase completion to the County Commissioners who would make the final decision.

Teton County submitted a Conditional Letter of Map Revision which was submitted before the restoration of Teton Creek. A new floodway was extended further into The Willows property. Lot 3 property lines now included a portion of the floodway. Mr. Self, Diane Temple, with Nelson Engineering, and Curt Moore, Teton County Planner, worked together to find a better location for the building envelope on Lot 3 and a portion of Lot 4 and that change was explained to the Commissioners.

Mr. Self discussed the idea of a pedestrian easement on the south side of Phase 1 and Phase 3 which would connect with Ski Hill Road and would allow connection to the planned pathway. A pedestrian bridge over the creek had also been added.

The applicant would like to vacate all properties within The Willows subdivision, except for those located in Phase 1. Mr. Self explained that Lot 3 was owned by someone else which was a problem in vacating the land. A building could not be placed on the land until improvements for Phase 2 were completed. This issue should be a matter between the property owner and Dreamcatchers, LLC. He further stated that if Lot 3 was included in Phase 1, the above issue would be resolved.

Floyd Hill stated that the purchaser of Lot 3 completed the sale before the lot boundaries were determined. Diane Temple further explained that the document or title was not recorded and Mr. Hill was still paying property tax on the lot. She felt this was an issue that was between Mr. Hill and the property owner.

Commissioner Mossman was concerned about seeding the berm and questioned how that process would be completed. Ms. Temple stated that topsoil would be brought in to help. Commissioner Mossman further stated that he felt someone should "check on it because you won't get what you plant." Mr. Hill stated they would spray the area for weeds to help regrow the natural grass.

Anna Trentadue from Valley Advocates for Responsible Development (VARD) spoke to the Commission. She spoke about timelines and when the original plat was approved. She was concerned with allowing the completion to be done so far into the future because standards, ordinances, and community ideas change over time. Ms. Trentadue stated the first time this application was presented, the County Planning and Zoning Commission denied it. However, it was approved by the County Board of Commissioners. She further stated other conflicts with the process, concluding that the Development Agreement should be followed with all parties involved, not just with the applicant and county.

Ron Weston, a property owner in Shadow Brook, spoke to the Commission. He questioned when and how the water line would be connected. Mr. Self suggested he speak to Jared Gunderson, the city's Public Works Director, to discuss his concerns.

Ms. Temple stated her client had a substantial investment and that the CC&R's for the subdivision were stricter than FEMA's standards in regards to building. They were willing to work with the city and county and be transparent to make and complete a worthy project.

Commissioner Valiante questioned what the timeline for the project was. Mr. Self stated that Phase 1 was the only phase that needed to be considered since the final plat for each was not being approved at this time. Commissioner Lusser questioned if the applicant saw a problem with completing Phase 1 within two years from the time the plat was recorded. Mr. Hill did not feel there would be a problem in doing so.

Commissioner Lusser stated the applicant was requesting that Phase 1 be completed by 2018. Ms. Temple stated that request was in "an ideal world" and would negotiate with the County. At this time, the applicant had better direction from the city and could move forward. Mr. Hill stated they did not want to spend the money on infrastructure that would be unused in a poor economy. He further stated that Teton Valley did not need more vacant lots. Mr. Self suggested that an expiration date be placed on the Master Plan to resolve the issue.

Commissioner Mossman questioned if the applicant was willing to change the phasing agreement. Mr. Hill stated they would plan on seeding the berm and put top soil on the sewer easement, controlling weeds in both areas. However, he felt there was great benefit in not starting construction until lots were sellable.

Mr. Self suggested the application be tabled until the Development Agreement and phasing was finalized.

Commissioner Ralph Mossman made a motion to table the application for The Willows. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.

3) Discussion of Land Use Table Amendments-

The Commission decided to table this discussion at this time.

The Commission will meet again on September 28, 2011 at 6:30pm.

Commissioner Ralph Mossman made a motion to adjourn. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor and the meeting was adjourned at 8:08pm.

City of Driggs
PLANNING AND ZONING COMMISSION MEETING
MINUTES
MEETING HELD AT CITY HALL
June 8, 2011
6:30pm

MEMBERS PRESENT: Rick Baldwin (conducting), Delwyn Jensen, Chris Valiante, and Ralph Mossman.

OTHERS PRESENT: Planning and Zoning Administrator Doug Self, Deputy Planning and Zoning Administrator Kreslyn Schuehler and various other community members.

1) Approval of Minutes

The Commission reviewed the minutes from April 13, 2011.

Commissioner Ralph Mossman made a motion to approve the minutes from April 13, 2011. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.

2) Motion to Amend Agenda to Include Curves and Forage Sign Permits and the Lot Split Applications

Commissioner Ralph Mossman made a motion to amend the agenda. Council Member Chris Valiante seconded the motion. The motion passed with all in favor.

3) Sign Permits- Curves

Kreslyn Schuehler explained the sign permit application stating that the applicant was over the total allowed sign area without the proposed sandwich board sign. The applicant, Cat Caldwell was present to discuss the matter with the Commission.

Ms. Caldwell explained that the reason to have the sandwich board sign was to promote a new program. She further stated that other Curves operations had done so and attracted a lot of new members and she wanted to do what she could to remain open.

Commissioner Valiante questioned if both wall signs were important or if one could be removed. Ms. Caldwell felt they were, as one was more positioned for pedestrians and one for vehicle traffic. After doing some research, she stated that a person had to see a sign 7-9 times before they came in the door and felt that the more signs and contacts that were in the community, the better off her business would be.

Commissioner Mossman suggested that the white wall sign be placed inside the window to gain area for the sandwich board sign. Ms. Caldwell questioned what could be done to receive more square footage for signs. Commissioner Mossman explained that the ordinance would have to be amended, which took time.

Doug Self stated the application could be tabled and the Commission could direct staff not to enforce the sign code until an amendment was considered. He further stated that a number of

sign applications had shown that the total sign area that was calculated by 1 square foot per 1 lineal foot of frontage was a problem for smaller lots.

Commissioner Delwyn Jensen made a motion to table the application pending the review of the sign ordinance and direct staff not to enforce the sign code. Commissioner Chris Valiante seconded the motion.

Commissioner Mossman questioned if the applicant would be allowed to put up her proposed sign. Commissioner Jensen felt the Commission should change the ordinance or deny the application. Mr. Self suggested allowing Broulim's to submit the application or treat the entire Broulim's subdivision as one building, if they were willing to do so. However, he felt that increasing the total sign area would help.

Commissioner Delwyn Jensen withdrew the above motion.

Commissioner Mossman questioned which sign was more important to the applicant; the sandwich board sign or the white wall sign. Ms. Caldwell again stated she felt that both were equally important to her business. Other options were discussed. Commissioner Valiante stated that the Commission wanted to work with the applicant and had interest in amending the ordinance.

Commissioner Mossman stated that the Commission had recently discussed the abundance of sandwich board signs and felt the larger wall sign for Curves was ineffective.

Commissioner Chris Valiante made a motion to table the application and direct staff not to pursue enforcement regarding the size of the sign while the sign ordinance was reviewed.

Commissioner Mossman did not want to allow the above motion as the sign was not currently being displayed. Mr. Self stated that the Commission should treat all future sign applications equally and table other applications where the sign exceeds the total sign area allowed.

Commissioner Chris Valiante amended the above motion and moved to direct staff not to enforce the maximum sign for businesses that have less than 40 lineal feet. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.

5) Public Hearing – 6:45pm – Plat Amendment for The Willows Subdivision

Diane Temple and Ginny Griggs were present. Ms. Temple stated that the proposed amendment would reduce the number of lots from 25 to 22, redesign some parcels located along Teton Creek which would widen the open space and increase the riparian area, eliminate the bridge, and provide a new access to the southern cluster of lots.

Ms. Temple further stated that the applicant had provided an updated LOMR to have the most up-to-date floodplain mapping possible. Mr. Self explained to the Commission the difference between a floodplain and a floodway and the intent of a LOMR. Ms. Temple stated the floodplain channels had been identified and there were no major changes in the utilities. The applicant was trying to keep the building envelopes as similar as possible to the original plat.

Ms. Temple stated that a draft development agreement had been provided to the Teton County Attorney and the City of Driggs. The phasing of the subdivision was based on the future market and phasing costs and was similar to what was already approved with the exception that Phase 4 and 5 were combined.

The improvement plan has been reviewed and Ms. Temple stated a meeting had taken place with the Teton County Engineer and they were aware of the changes that needed to be made. Ms. Temple stated the developer was willing to have the application tabled until the peak flows could be observed for the 100-year flood event of Teton Creek.

Mr. Self read his staff report. The amendments conform to the Zoning Ordinance. Regarding the Subdivision Ordinance, Mr. Self stated that the Idaho Fish and Game recommended that the developer and/or landowners should be prohibited from removing any riparian vegetation beyond the designated building site. The plat notes prohibited vegetation removal outside of the building envelopes and require the mitigation of any removed vegetation.

He stated the Commission must find that, "the development will not present a hazard to life, limb or property, adversely affect safety, use of a public way or drainage channel or the natural environment." He reiterated that the applicant had submitted a LOMR request to revise the floodway and floodplain boundaries, which was approved by FEMA. All utilities were floodproof above the floodplain, and wet and dry channels were mapped through the development and setbacks and easements were made to protect swales and culverts.

The Commission also must find that, "the proposed subdivision conforms to the Comprehensive Plan, which states that developments in the floodplain should be required to utilize cluster designs that reduce impacts to wildlife, creek function and scenic views." With the removal of lots 4, 7 and 8, individual lot encroachment was reduced by 60-90 feet.

James Fitzgerald, an Aspens homeowner, submitted a letter which was given to the Commission to review. Bret Campbell, Teton County Fire Marshal, stated that the Fire Department approved the amended plat design.

Mr. Self stated there were a number of issues in the Development Agreement that the county may have issues with, but that it should be left up to the County to determine. An engineer should determine where a turn-around should be placed. A re-vegetation plan should be submitted and it should be made sure that scenic corridor and right of way permits were obtained. If the berm was placed in the floodplain, a floodplain permit would need to be received as well.

Mr. Self concluded by stating a letter was received from Anna Trentadue from VARD prior to the meeting. The Commission must decide if they want to hear it as it was submitted a week past the deadline. The Commission agreed it should be submitted for the next meeting.

Commissioner Mossman questioned the cluster design. Mr. Self stated that both the City council and Planning and Zoning Commission believed the development provided clustering in the last

review. If any further clustering was to be done, he felt all of the lots would be on the south side of the creek. He reminded the Commission that the original design looked at not just the creek, but at the open areas that already existed. He stated the density could be increased on the south side of the creek, but the lots would be less valuable without the bridge and it would be closer to the landfill.

Commissioner Mossman questioned the phasing aspect. Mr. Self stated that the City Ordinance stated that improvements had to be completed within 3 years.

The Commission had questions regarding the Development Agreement. Mr. Self stated the Development Agreement would be between Teton County and the developer and he would check with the County Attorney regarding the discrepancies.

Ginny Griggs stated they did not want to put in the infrastructure only to have it go bad when lots did not sell quickly. They wanted to leave the land as it was until the economy changed. Mr. Self suggested that a master plan be done and then each phase provide a final plat.

Commissioner Baldwin opened the Public Hearing at 8:03pm. James Fitzgerald spoke. He stated he had been working with the applicants since 2006 and felt they were doing a good job overall. He felt it would be easy to dump topsoil along the sewer line and was worried about the phases, but felt that County would take care of those issues.

The Public Hearing was closed.

Mr. Self recommended the Commission table the application for revisions and clarifications on violation or conformance issues. He also stated that if the Commission wanted to table it until the peak flows appeared, he would take pictures to present.

Commissioner Ralph Mossman made a motion to table the application per staff recommendations and for revision of new information by the applicant as discussed. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.

6) Lot Split for 547 N. Main Street as submitted by Teton County Idaho and the State of Idaho-

Kathy Rinaldi, Teton County Commissioner, spoke to the Council. She stated that the county jointly owned property with the State and were requesting a lot split. The proposed lot line would run where the current fence was and would include a 30-foot easement to the north. She requested that if the lot split was granted, a condition be made that the State approve the split with a signature as well.

Jay Mazalewski, Teton County Engineer, spoke. He stated the current fence would be extended to the highway and a 30-foot easement at the north property line of the north lot would be granted.

Mr. Self stated the lot was in the R3 (Multi-family Residential) zone and if a warehouse was placed on the lot like discussed, a Conditional Use Permit would be needed.