

**City of Driggs**  
**PLANNING AND ZONING COMMISSION MEETING**  
**MINUTES**  
MEETING HELD AT CITY HALL  
December 8, 2010  
7:15pm

**MEMBERS PRESENT:** Rene Lusser (conducting), Rick Baldwin, 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 November 10, 2010. Commissioner Lusser made a correction to the minutes.

**Commissioner Delwyn Jensen made a motion to approve the minutes from November 10, 2010 as corrected. Commissioner Rick Baldwin seconded the motion. The motion passed with all in favor.**

**2) Sign Permit – Anytime Fitness**

Mr. Self explained that in order for the signs to conform, the east elevation should be considered the front. Because this side faces Highway 33, the applicant would prefer to have the bigger sign on that side of the building.

Commissioner Lusser questioned how the area of the sign was determined. Mr. Self stated that a tight rectangle was made around the lettering. He further stated that even if the area of each letter were taken, it would not meet the requirements for the side elevation of 5% of the surface.

**Commissioner Delwyn Jensen made a motion to approve the wall signs for Anytime Fitness with the east elevation being considered the front. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor.**

**3) Sign Permit – Trapper’s**

Kreslyn Schuehler presented information to the Commission. She stated that the portable sign was too big. She had tried to inform the applicant, but had been unable prior to the meeting. Commissioner Jensen felt the application should be tabled. Mr. Self stated that the sign could not be placed in the road way as presented and that the entire sign must be smaller than 4 feet high, including the ice cream cone.

**Commissioner Ralph Mossman made a motion to table the Trapper’s sign application until the next meeting. Commissioner Rick Baldwin seconded the motion. The motion passed with all in favor.**

**4) Sign Permit – Kunz Chiropractic**

Mr. Self stated the sign conformed to the Sign Code.

**Commissioner Ralph Mossman made a motion to approve the sign with the conditions that the lights do not shine anywhere but the sign and that one cannot see the bulbs from the street. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.**

**5) Sign Permit – Jeff Carter Building at 285 E. Little Avenue**

Mr. Self stated that the proposed application was for two 20-foot banners signs. Banner signs are not allowed in the C1 Zone and he explained the options which included having a temporary sign which can be erected for 14 days, or a for sale sign no larger than 6 square feet.

Mr. Carter stated that the signs were made of vinyl fixed by screws and felt it was thicker than a typical banner sign. Mr. Self felt that they could be made into a wall sign, which would need a simple wood frame. Mr. Carter was agreeable to that solution.

**Commissioner Dewlyn Jensen made a motion to approve the wall signs for the Jeff Carter Building at 285 E. Little Avenue with the condition that a frame is around the sings. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor.**

**6) Discussion of Snow Machine Retail and Service Business on South First East**

Mr. Self stated that the purpose of the discussion was to determine whether a snowmobile and all off road vehicle retail and service business should be classified under retail, automobile sales lot and auto repair shop or whether a new classification was needed. The most desirable option for the business owner would be to allow this use in the zone. If the use increased parking more than 15%, the Commission would need to review the parking plan. Another option was to amend the zoning for the property to C2 (Downtown Commercial). The applicant could then apply for a Conditional Use Permit, which would allow the Commission to attach conditions. Mr. Self felt this was the best option.

Mr. Self stated there have not been any complaints and the owner had been notified that the City would not enforce the Zoning Code for the first 6 months of the lease due to the miscommunication from City Hall that the applicant could proceed as a business.

Commissioner Mossman did not feel the use was in a bad location. Eric Kay, owner of the business, stated that he wanted to figure out a control factor for the neighborhood as there are other snow machines and motorcycles that have been going up and down the street that have nothing to do with his business. Mr. Kay does not want the neighbors to equate these disturbances to his business, as he takes the machines off site to test and run them.

Commissioner Rene Lusser questioned if rezoning the property to C2 was a reasonable approach for the owner. Mr. Kay stated he wanted the easiest solution that was best for everyone. Commissioner Lusser felt that downzoning was a step backward.

Mr. Self stated that the business might fit into the zone with tourism and recreation and could be good for downtown, but it should not upset neighbors or become an eyesore. He suggested

including a design review and look at parking and storage as he felt that exterior storage might be an issue.

John Foster spoke to the Commission and stated his family owned the business in the past before Mr. Kay bought it in 2001. He was unaware that the zone had changed in 2006 and stated he was not notified of this.

Commissioner Valiante stated he felt the zoning ordinance amendment should be considered. Commissioner Baldwin agreed, as he was not in favor of “spot zoning.” Mr. Self questioned if the city should do the amendment and take on other amendments to the ordinance.

Cleve Booker spoke to the Commission. He requested that the fee for a Conditional Use Permit be reduced or waived. Mr. Self stated that the fee scheduled would be reviewed. He further stated that if a zoning amendment was done, that was a bigger process. Commissioner Lusser felt the applicant should pay for the actual costs. Commissioner Jensen questioned if the City wanted to start this “trend.” Mr. Self stated that the situation was different as the City was at fault by allowing the business to proceed.

**Commissioner Ralph Mossman made a motion to include off road sales and repair in a package of amendments to the zoning ordinance.**

**Commissioner Ralph Mossman amended the above motion to include power sports sales and repairs in a package of amendments to the zoning ordinance and include that use as a conditional use in the district. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.**

**Commissioner Delwyn Jensen made a motion to recommend to the City Council to allow the fees to be at cost. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

#### **7) Discussion of Fencing Plan for Non-Operated Vehicles on Lot 8 in Flying Saddle Subdivision**

Mr. Self stated that Rick Hunt proposed to put fabric over existing fencing. Mr. Self stated that this did not achieve the purpose to screen the non-operated vehicles. He suggested that the Commission allow the owners to screen the site by June 1, 2011 as the vehicles are in a small portion of the lot. He further stated that the existing nuisances were present when annexed into the city and should have been a condition to clean up the lot before annexation.

**Commissioner Delwyn Jensen made a motion to see a plan for screening by February 2011 and build-out by June 2011. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor.**

#### **8) Public Hearing to Review the Area of City Impact Boundaries – 7:40pm**

Mr. Self stated that the Area of Interest would not be a formal adoption through the State Code, but an informal arrangement with the county. Since the last discussion, Mr. Self suggested that the only extension to add to the Area of Impact would be to include Huntsman Springs. All

others should wait until the review of the Comprehensive Plan, as the planning and future land use map was not complete for those areas.

Commissioner Lusser opened the Public Hearing. Kathy Rinaldi, Teton County Commissioner, spoke to the Commission. She stated the county was looking for a process that would be simple and easy to deal with. She suggested one set of ordinances or a smaller area of impact boundary. Commissioner Jensen suggested that the county come up with the process for the area of impact. Ms. Rinaldi felt that would occur with the Comprehensive Plan.

Mr. Self felt that the process now was very simple and stated he met with the planner at the county to determine how the process should be improved for the applicant and the decision makers at the City and County. He felt that if the information were provided for both parties, it would remain very simple to understand that the City Ordinances are used in the Area of Impact.

Mr. Self explained the issues that should be reviewed when determining an area of impact, which included annexation areas, service areas that generally include the school district, and geographical areas.

Anna Trentadue spoke to the Commission. She stated there were minimal building permits in both the city and county in the last two years and the valley continued to have an abundant number of empty homes and vacant lots. She wanted to ensure this process would bring success to the city. She agreed that the area south and east of the current boundary should not be included in the area of impact. She also suggested taking some portions out of the impact area such as the area south of the creek.

Commissioner Mossman felt that the entire riparian area should be either in the city or county and not divided down the middle. Ms. Trentadue stated that several properties are on either side of the creek. Commissioner Jensen felt that the Commission spent too much time on the plan for 1000East and therefore did not want to see that area back in the control of the County. He didn't feel it was their place to bind future Commissions by making strict regulations. Commissioner Mossman felt that one reason for making the Area of Impact larger was to keep lands out of the control of the county.

Commissioner Mossman felt that the area should remain as is until the Comprehensive Plan was completed. Mr. Self suggested that the City should include those areas in their Comprehensive Plan. Commissioner Mossman felt that the Huntsman Springs should be included.

Commissioner Lusser closed the Public Hearing.

**Commissioner Delwyn Jensen made a motion to recommend that Huntsman Springs be added to the impact area and for the future to include the east boundary and south boundary be looked at one the Comprehensive Plan is in place. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor.**

#### **9) Lighting Regulations – Key Bank Lighting Discussion – Carl Jordan**

Mr. Self stated that the Key Bank lighting was installed in conformance except that the black caps were not installed to prevent uplighting. Mr. Self has requested that those be installed and Key Bank was in the process of doing so. Mr. Self stated that the lighting level standards should be reviewed.

Mr. Self stated that parking lot lighting should not exceed more than 4 foot candles and the lighting in the Key Bank parking lot was not a part of the proposal and exceeded the 4 foot candles and did not have a full cutoff. Carl Jordan explained the difference between measuring in wattage and lumens and stated that there was a significant difference on the dark sky when dealing with yellow light versus white light.

Mr. Self felt there was a need to revise the lighting standards and asked that the Planning Commission establish a committee to do that. The Commission discussed the operations of the committee.

**Commissioner Delwyn Jensen made a motion to establish a Lighting Standards Committee to develop and recommend to the Commission a Comprehensive set of lighting regulations and standards for commercial, residential and public lighting applications, to allow 18 months to finish the standards, to establish a minimum of 4 and maximum of 7 members with a target of getting on lighting professional, a dark sky advocate, a lighting supplier, a security professional and/or a business owner from the Central Business District and a Driggs resident, and said committee may appoint their own chairman. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

**Commissioner Delwyn Jensen made a motion to appoint Ralph Mossman and Carl Jordan as members of the Lighting Standards Committee. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

Mr. Self stated that Carl Jordan also had interest in the Design Review Advisory Committee.

**Commissioner Ralph Mossman made a motion to appoint Carl Jordan to the Design Review Advisory Committee. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.**

Carl Jordan explained the reasoning for asking for the black ballist caps on the lights for KeyBank. He felt that the white fixture itself did not help with the Dark Sky Ordinance and stated that the illumination was higher than what was recommended by the Luminating Engineers Society. He felt the biggest issue was the light pole in the parking lot, which was about 11 footcandles and exceeds the recommendations. Mr. Self stated that light was never approved or shown on the plans and needs to either be removed or improved to conform to the requirements.

**Commissioner Ralph Mossman made a motion to adjourn the Planning and Zoning Commission meeting. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor and the meeting was adjourned at 10:12pm.**

## **1) Development Impact Fee Advisory Committee – Annual Review of Impact Fees and Study**

Mr. Self stated the findings from the last yearly review were still valid and recommended that the Committee replace the existing fire study and CIP adopted by Driggs, with implementation of fees at 50%, keeping with the current fee schedule. The population data and household data revisions should be made after the 2010 Census numbers are released. He felt that the park inventory and CIP revisions should be done after the needed information became available, at which time another meeting can be scheduled to review the study and ordinance.

Commissioner Ralph Mossman requested that a letter be sent to District 31 Legislators asking to re-examine the need to spend the funds within 8 years. He did not feel the timeline was appropriate for a community like Driggs. He felt there were plenty of limits on how the funds were to be spent and kept.

Mr. Self explained the areas where the impact fees can be spent which included roads, parks and fire. Commissioner Mossman questioned if the Urban Renewal Agency was still going to contribute to public parking or if that should be removed. Mr. Self stated they were, but was unsure of if it would happen since most of their funds were going to help build the Scenic Byway Center.

**Commissioner Ralph Mossman made a motion to pass on recommendations to the City council and revisit the Development Impact Fees in June or July. Commissioner Rick Baldwin seconded the motion. The motion passed with all in favor.**

**Commissioner Ralph Mossman made a motion to adjourn. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor and the meeting was adjourned at 10:31pm.**