

City of Driggs
PLANNING AND ZONING COMMISSION MEETING
MINUTES
MEETING HELD IN CONFERENCE ROOM
October 14, 2015
6:30PM

MEMBERS PRESENT: Lindsey Love, Chris Valiante, Grant Wilson, and Larry Young

STAFF PRESENT: Ashley Koehler, Planning and Zoning Administrator and Annie Decker, Planning and Grants Technician

PUBLIC PRESENT: Eric Kay (Racin' Station) and Brendan Conboy (VARD)

Chris Valiante called the meeting to order at 6:33 PM.

1. Approval of Meeting Minutes from 9-23-15

Commissioner Young motioned to approve the minutes from 9-23-15. Commissioner Wilson 2nd the motion. Motion passed with all in favor.

2. Public Hearing/Possible Recommendation: Title 9 Ordinance Amendment- Land use regulations for Off-Highway Vehicle Sales and Repair

Decker presented her Staff Report and summarized the previous P&Z meetings and discussions that led to the Ordinance Amendment considered at this meeting. Staff received only one public comment from Eric Kay, owner of the Racin' Station. His comments were regarding the standard requiring an impervious surface and his request that the Commission consider this use as allowed with standards in the CBD and not require an additional CUP process. Staff reported that she consulted with the City Engineer on the distinction between impervious surfaces versus improved surfaces and found that "impervious" would be the appropriate term if the goal of surfacing was for environmental quality such as preventing oil and other fluid from permeating the ground underneath. Staff's analysis found that the amendment as proposed would affect one business in the City, the Racin Station, and that the amendment was consistent with the Comprehensive Plan as it calls for visitor oriented retail in the Central Business District. Staff recommended approval of the Ordinance as proposed by Staff with findings as listed in the Staff Report.

Commissioner Valiante opened the Public Hearing at 6:40 PM

For: *None*

Neutral:

ERIC KAY, RACIN' STATION, 60 S 1st STREET, DRIGGS, ID

Eric's main concern was with the classification of the use as "off-highway vehicles." Previous discussions had considered these "power sports vehicles" and Eric was concerned that he would not comply with the use as proposed if he were to continue servicing street legal ATVs, UTVs, and motorcycles. Regarding impervious versus improved surfaces, Eric had not realized the difference but understood this environmental concern and wanted to discuss the specific wastewater drainage concerns at this site.

Opposed: *None*

Commissioner Valiante closed the Public Hearing at 6:46 PM

Commissioners began their deliberation by considering the differences between impervious and improved surfaces, the appropriate wording for the use classification, and the distinction between residential uses and residential districts specific to standard #6. The Commissioners discussed the use as allowed with standards in the CBD versus a CUP in the CBD and determined that the Conditional Use Permit was not a “deal breaker” for them. Commissioner Valiante noted that although this use might be appropriate at this time without a CUP in the CBD, he would like to see the use require a CUP in the DX District of the proposed Driggs Land Use Code. Staff recommended that any site specific concerns from the Racin Station should not be discussed at this time since the Ordinance covers any and all future properties with this use.

Commissioner Young motioned to recommend to City Council an Ordinance be adopted to amend the Zoning Ordinance 281-07, as amended, with the language as provided by staff but to change the use from a Conditional Use Permit in the Central Business District to “Allowed with Standards” and to change the classification title from “Off Highway Vehicles Repair and Sales,” to “Recreational Vehicle Repair and Sales,” with the understanding that this use still does not include “motor homes.” Commissioner Wilson 2nd the motion. Motion passed with all in favor.

Commissioner Young made a motion that the above recommendation to City Council is based on the findings that the Ordinance Amendment as proposed is in compliance with the Future Land Use Map included in the Comprehensive Plan and is consistent with the goal of visitor oriented economic development as identified in the Comprehensive Plan. Commissioner Valiante 2nd. Motion passed with all in favor.

3. Continuation of Public Hearing/Possible Recommendation: Title 9 Zoning Ordinance Amendment regarding proposed Driggs Land Use Code Articles 2,4,5,6,7,8, 11.1 & 11.2 , 11.3, and 11.4 - Staff

Koehler presented her Staff Report, including the history of the project and the summary of Articles as they have been reviewed so far. Koehler informed the commission that the next public hearing in November would include the remainder of the Articles in the Land Use Code. Kohler explained that as a result of the 9/23/15 Public Hearing substantial changes had been made to the public review drafts of Article 11 and that Staff recommends not making a recommendation and instead re-noticing the revised Article 11 in the next public hearing because of the significant deviation. Koehler explained that changes to the other Articles up for review at this Public Hearing, Articles 2 and 4-8, received only minor changes which had all been posted 15 days prior to this continued Public Hearing. The only additional changes that Koehler recommended to the Commission were regarding Division 2.2.5, setback standards. Koehler recommended striking the numeral “2” from Section C and changing the numeral “3” to “2” in Section D. All other minor changes were listed in the Staff Report for the Commission’s review. Staff received one additional comment during the public review period from Dan Powers regarding setbacks in the RS-7 district. Dan questioned why side street setbacks differed from primary street setbacks. Koehler explained that this standard is consistent with the existing Zoning Ordinance and it helps maintain a streetscape with visibility at corners.

Decker then reviewed the updated drafts of Division 11.3 and 11.4 and the associated Article Analyses that highlighted changes made based on comments received at the 9/23/15 Public Hearing and points that the Commission should still consider based on those comments. Regarding Division 11.3 (Signs), Decker recommended a few additional edits to the Commission based on further staff review. For Division 11.4 (Lighting) based on comments received at and before the 9/23/15 Public Hearing, Staff recommended reverting to the current Outdoor Lighting Ordinance as the basis for the new Division and

making edits as required. Staff received additional public comment from Carl Jordan on 10/14/15 that the pole height as referenced in Section IV-A-3 of the current Lighting Ordinance should be maintained at 25' max for commercial districts.

Commissioner Valiante opened the Public Hearing at 7:39 PM

For- *None*, Neutral-*None*, Opposed- *None*

Commissioner Valiante closed the Public Hearing at 7:40 PM

The Commissioners began their deliberation by expressing that they agreed with Staff's recommendation to recommend approval of Article 2 and 4-8 to City Council so long as the public still has the opportunity to comment on the Articles with Council. Koehler explained that City Council would still hold Public Hearings on all of these Articles and there would be additional opportunities for public comment during this process. Commissioner Valiante expressed that he was okay with the additional changes to Division 11.3 and 11.4 as recommended by staff in the Staff Report. Commissioner Young and Commissioner Wilson expressed the same determination and appreciated that Staff had gone through the public comments point by point to ensure each comment was addressed.

Commissioner Young motioned to recommend to City Council to adopt an Ordinance to amend and/or repeal Title 9 of the Driggs City Code and replace with Article 2 and Articles 4-8 with modifications as noted in the Staff Report, including amendments as suggested by staff to Division 2.2.5- C&D, with the condition that this recommendation does not move forward to Council until all Articles 1-15 and a proposed Zoning Map have been reviewed at a public hearing with P&Z. The recommendation is based on the finding that the proposed Articles comply with the Comprehensive Plan as summarized in the Staff Report and listing of goals and objectives in the Article Analyses.

Commissioner Wilson 2nd the motion. Motion passed with all in favor.

4. P&Z Commission acting as the Impact Fee Advisory Committee: Review and possible recommendation of Ordinance to amend Impact Fees

Koehler presented her Staff Report, explaining the roll of the Impact Fee Advisory Committee to advise the City Council and providing a brief summary of the 2015 Impact Fee Annual Review completed by the Committee on 7/8/15. The Committee directed Staff at that meeting to evaluate the current fees as well as the Capital Improvement Plan (CIP) and propose a more equitable fee structure for small residential development in the City. Staff completed an evaluation as requested and determined a few options for fee structuring including removing Fire Impact Fees, considering lesser impact fees for smaller residential development, infill development, and workforce housing development.

City staff contacted the Fire District and discovered that some capital facilities are no longer planned and the Fire District has not requested the impact fee revenue from the City for eligible expenses yet. Staff considered this an indication that the Fire District is not currently in need of the Fire Impact Fees being collected. The roughly \$16,000 is available and the Fire District can use said funds as reimbursement for a newly acquired ladder truck. After 8 years from collection of the funds, all unused funds would have to be refunded.

Staff and the Committee then discussed the options for small-scale residential development impact fees. Staff researched options for assessing residential impact fees and determined that the fees should be based on the number of bedrooms and not the square feet of the residential space. Staff did find that based on traffic impact studies, duplexes and townhomes are more similar to "multi-family" than "single

family” dwellings. Staff also referenced the Housing Needs Assessment completed in 2014 to determine standards for workforce housing impact fee exemptions. Staff and the Committee also discussed maintaining the street impact fee infill waiver that had expired in July 2015 and extending it to December of 2017 to include two full building seasons, 2016 and 2017. Committee member Young expressed his support for the street impact fee infill waiver and requested it be on the record that he owns property in the infill waiver area but currently does not have any plans for new building or development on his lot.

Committee Chair Valiante requested that the Committee consider other areas where fees could be further reduced. Specifically, the Committee considered the Park Impact Fee and compared it to Teton County’s park impact fee. Koehler did explain that the current park fee is 50% less than was recommended in the CIP but that that fee was based on a 10% population increase of which the City has only seen a 2% increase. The Committee requested that the City Attorney review the proposed changes for legal compliance with the Idaho state statutes that regulate development Impact Fees.

Committee member Wilson motioned to recommend to City Council to amend Ordinance 339-13 to authorize a street impact fee waiver for all infill development through December 31, 2017. Committee member Young 2nd. Motion passed with all in favor.

Committee member Wilson motioned to recommend to City Council to amend Ordinance 294-08 and repeal 334-12 to reflect the proposed Impact Fee Table attached to the Report and waive impact fees for housing that is deed restricted so that its sale price or rent is affordable, as defined by HUD, to the homebuyer or tenant earning no more than 80% of the Area Median Income. Committee member Young 2nd. Motion passed with all in favor.

Committee member Wilson motioned to recommend to City Council that under the proposed Impact Fee Table the park fee for residential development be \$1,222.75 for residential development (per dwelling unit) and \$815.15 for residential (per 1bdm dwelling unit / studio). Committee member Young 2nd. Motion passed with all in favor.

Committee member Young requested that staff send a brief press release out to the local newspaper and media if the Council approves any such recommended amendment to the Impact Fee Ordinance.

End of Impact Fee Advisory Committee and re-convene as P&Z Commission

5. Work Session: Teton Valley Land Use Code Project- Review of Draft Driggs Land Use Code

Staff did not have any Work Session items to review with the Commission at this time but again reminded P&Z that the next Public Hearing (11/4/15) will include all remaining Articles of the proposed Driggs Land Use Code and Zone Map.

6. Staff Items

There were no additional staff items other than the updated meeting date to 11/4/15.

Commissioner Wilson motioned to adjourn the meeting. Commissioner Young 2nd the motion. Motion passed with all in favor. Meeting adjourned at 8:57pm.

Chris Valiante, Chair