

City of Driggs
PLANNING AND ZONING COMMISSION MEETING
MINUTES
MEETING HELD IN COUNCIL CHAMBERS
March 9, 2016
6:30PM

MEMBERS PRESENT: Chris Valiante, Grant Wilson, Larry Young, and Douglas Rey

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

PUBLIC PRESENT: Ralph Mossman and Mary Mullaney

Chris Valiante called the meeting to order at 6:30 PM.

1. Approval of Meeting Minutes from February 10, 2016

Commissioner Young motioned to approve the minutes from 2-10-16. Commissioner Wilson 2nd the motion. Motion passed with all in favor.

2. Boundary Line Adjustment 240 N 5th East – *Ralph Mossman and Mary Mullaney*

Decker presented the Staff Report and explained the existing lot layout and what was proposed with the boundary adjustment including current uses. Decker outlined the zoning standards that applied to the project and explained the conformity of the proposal. Staff recommended that P&Z approve the adjustment with conditions.

Ralph Mossman addressed the P&Z and explained he had discussed the variable width easement with the surveyor who can include a note specifically referencing the minimum and maximum width of the easement although Mossman wanted to clarify for the commission that the 30' of frontage provided to proposed Lot 5A with the easement was provided purely to meet the zoning standards and that this 30' of frontage is still 40' from the actual asphalt of the road. Staff responded by explaining that the standards in the proposed Land Use Code have addressed that concern and have shortened the required access/frontage width but at this time the current zoning still applies.

Commissioner Young motioned to approve the Mossman and Mullaney Boundary Adjustment with the following conditions:

- 1. The plat shall be updated to include the following:**
 - a. The Legend shall include the symbology used to indicate the current lot line**
 - b. The survey shall show the Sanitary Sewer Line as included in the Legend**
 - c. Note #6 shall include a reference to an Instrument # for the City sewer easement as well as a reference to the width of the easement.**
 - d. Note #4 should be updated to specify a minimum and maximum width for the utility and access easement.**
 - e. The legend and survey shall be updated to reference or record an easement for the sewer service line that runs parallel to the new boundary line, just east of the 600sqft studio. The line services the residence at 425 E Ashley (Parcel #RPA0014011007B) and connects to the sewer main that runs along the north of the lot.**
- 2. A new address number as assigned by the City shall be posted for Lot 5A**

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

3. Public Hearing/Possible Recommendation: Title 9 Zoning Ordinance and Title 10 Subdivision Ordinance Amendments to consider adoption of proposed Driggs Land Use Code Articles 12, 14, and 15 - Staff

Decker presented the Staff Report and Article Analyses, explaining to the Commission that there were only two changes recommended by staff from what was discussed at the 2/10/16 Work Session. Decker described the amended cross section table that staff recommended should replace the table in Division 12.3.9. The updated table reflects the recommendations of Public Works staff. In addition, staff recommended that the definition of “accessory dwelling” be removed from Article 15 to avoid confusion in the remainder of the code. Staff made the same recommendation as previous public hearings that the code be reviewed 6-months post adoption by City Council.

Commissioner Wilson asked for clarification on the terms collector street and local street. Staff explained that these street types are classified in the Transportation Master Plan based on intended traffic flow and use (pathways / bike lanes, etc.). Commissioner Valiante inquired about the public comment from Dan Powers. Staff explained this was a verbal comment received by staff so the report reflects a summary of that comment. Staff addressed the comment by including a reference in the definition of “Setback” to the Division in the Land Use Code where the standards for measuring setbacks are located. Commissioner Rey asked about the definition of “kitchen facility” and the fact that ranges are not considered a permanent fixture in real estate terms. The Commission discussed the need for a definition of kitchen facility and staff explained that it is used in defining a dwelling unit. The commission discussed adding additional language such as “an area clearly intended for cooking that includes appliances or permanent fixtures such as cook tops or sinks,” and leave it up to the Building Official and staff to make this determination when reviewing plans and inspecting buildings. Commissioner Valiante asked why staff recommended removing the term “accessory dwelling.” Staff explained that the way the term is used throughout the code appears to be confusing and that the word “accessory” should really only be used when discussing uses / buildings that are truly accessory to the primary use on a lot. In the case of “accessory dwellings,” staff has found that the description of “backyard cottage” in Article 8 provides the necessary definition of the building type and that the inclusion of additional terms defeats the purpose of the Land Use Code project updates.

The Commission opened the Public Hearing at 7:04PM

In Favor: *None*, Neutral: *None*, Opposed: *None*

The Commission closed the Public Hearing at 7:05PM

Commissioner Young motioned to recommend to City Council to adopt an Ordinance to amend Title 9 and Title 10 of the Driggs City Code and replace with Articles 12, 14, and 15 with the modifications as follows, in addition to Articles 1-11 and 13 that were previously recommended.

- 1. The amended road cross section table as found in the Article 12 Analysis shall replace the table found in 12.3.9**
- 2. The definition of “accessory dwelling” be removed from Article 15**
- 3. The definition of “kitchen facility” be modified to state, “An area clearly intended for cooking, as determined by the Building Official, that includes appliances or permanent fixtures such as a cook top or sink.”**

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. The Ordinance should be evaluated within six (6) months post-adoption.

4. Staff Items

Decker requested that the Commission consider holding a March 23rd, 2016 meeting to discuss the Airport Overlay and associated Zoning as they relate to the Land Use Code. The County has begun reviewing these areas of the Land Use Code and has requested the City's input. The Commission agreed to hold a second March meeting to be scheduled for March 23rd. Staff also reminded the Commission of Open Meeting Law standards as the Mayor alerted Staff that the penalties have increased. Simple reminders are to never "Reply All" via email and to avoid any deliberations toward decision over email, although the Commission can always communicate directly with staff.

Commissioner Wilson motioned to adjourn the meeting. Commissioner Young 2nd the motion. Motion passed with all in favor. Meeting adjourned at 7:12 pm.

Chris Valiante, Chair