

City of Driggs
PLANNING AND ZONING COMMISSION MEETING
MINUTES
MEETING HELD IN CONFERENCE ROOM
April 22, 2015
6:30pm

MEMBERS PRESENT: Rick Baldwin, Lindsey Love, Chris Valiante and Larry Young

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

PUBLIC PRESENT: Bob Ablondi (Rendezvous Engineering for Huntsman Springs), Todd Woolstenhulme (Huntsman Springs), Gabe Rogel (via phone), Jim Price, and Rachel Deluge (VARD)

Rick Baldwin called meeting to order at 6:36pm.

1. Approval of Meeting Minutes from 3-25-15

Commissioner Larry Young motioned to approve the March 25, 2015 meeting minutes. Commissioner Rick Baldwin 2nd the motion. Motion passed with all in favor.

2. Staff Items (moved to Item #2)

Ashley Koehler updated the Commission on the date and time for the Teton Valley Land Use Code Open House. Koehler explained that the short course at 6:00PM is specifically scheduled for commissioners and councilmembers to be in the same room to discuss and understand how the proposed Land Use Code will work.

The next Planning and Zoning Commission meeting is scheduled for Thursday, May 14th, 2015 at 6:30PM.

3. Land Use Classification Determination- Wine Distribution in the C-1 zone

Commissioner Rick Baldwin began the discussion by recusing himself from the determination and deliberation as he is personally involved in the design of this project. He also disclosed to the Planning and Zoning Commission that he has had a conversation with Commissioner Lindsey Love regarding this project being that she is the neighboring landowner.

Koehler explained to the Commission that Allen and Mona Monroe are planning to construct a new mixed use building at 170 S 1st Street. Koehler would like the Commission to determine the most similar land use classification for the proposed commercial component of the building. The commercial space is meant to be an expansion of the applicant's current business which is buying, storing, and distributing wine. A family member would live at the property and manage the business. Koehler requests that the Planning and Zoning Commission determine if the use could be best defined as "food and beverage processing, boutique" or "home business." Where the use deemed most like "food and beverage processing, boutique" a Conditional Use Permit would be required in the C-1 Zone.

Allen Monroe summarized a narrative of his business and where he felt it fit within the City of Driggs C-1 Zoning. Monroe encouraged Commissioners to consider the “common denominator” of other allowed uses in the zone and consider how his use could be comparable to others that are allowed.

Commissioner Love felt that the business would be appropriately classified as a home business as nothing is to be processed on site. Commissioners expressed the concern that if they were to deem the use “home business” at this point and the business were to grow, would it still be appropriate in this zone. Koehler explained that by deeming the use “similar in nature” to a home business use, the standards as listed for home business uses in the Driggs Zoning would apply.

Commissioner Larry Young motioned to classify the proposed use for 170 S 1st in the C-1 zone as “home business” with the limitations as stated in the code associated with home business:

HOME BUSINESS: A business conducted on a lot in conjunction with a residential dwelling unit. Up to two (2) employees may be employed that do not live on the property. This use involves no exterior storage and all vehicles and materials shall be located in buildings. This type of business includes contractors, service businesses, offices, music, art, or other schools and art studios and galleries.

Commissioner Chris Valiante 2nd the motion. All in favor (Commissioner Baldwin recused).

3. Public Hearing/Possible Recommendation: Huntsman Lodge Subdivision and PUD Amendment.

Koehler explained to Commissioners that this proposed subdivision is primarily a technical step that is required when there is a request to dedicate a public street, as is being proposed with Woodland Star Drive. The utility plans submitted acknowledge the common infrastructure that will be put in and identify where city water and sewer lines will be located. The preliminary plat submitted by the applicant also addresses the public pathway to be put in. Koehler reminded the Commission that a Boundary Adjustment was approved previously for the exact same configuration of lots but has not been recorded as of this time because of ongoing purchase negotiations. The current subdivision application is intended to finalize that process. An amendment to the PUD master plan is also being reviewed to incorporate 9 acres of land that was added to the lodge site during the recent annexation and recently rezoned.

Koehler reviewed the Staff Report with the Commission, including a response to the 2 public comments received. Koehler reminded the Commission that their role at this meeting was to determine if the Preliminary Plat application submitted conforms to the city Comprehensive Plan, Zoning Ordinance, and the Subdivision Ordinance, including Article A PUD and Article C Large Scale Subdivision.

Bob Ablondi with Rendezvous Engineering explained that the application is just platting for two lots- the Fitness Center lot and the second lot is being platted to help plan for utilities, access,

and easements. Ablondi expressed the applicant's shared desire to maintain pathway extensions in the plan as expanded pathways were an amenity for the community and the hotel alike. Ablondi then addressed housing, stating that the applicant intends to pursue the hiring of locals and that they will have difficulty anticipating the accommodation needs of employees until 6 months before the opening date of the lodge [planned for Spring 2017 as of the date of this meeting].

Commissioner Rick Baldwin opened the Public Hearing at 7:52 PM

Opposed

None

Neutral

Rachel Deluge from VARD spoke in a neutral position regarding the proposed Preliminary Plat subdivision. Deluge acknowledged that Koehler did a great job summarizing the letter received from VARD and it was her hope to bring up the same points once more on VARD's behalf. Deluge recommended that the Commission table the application until the time that streetlamp specifications are provided in order to provide an adequate review. Deluge shared VARD's opinion that the pathway connection through this subdivision will be a "key segment of the regional network" and likely a major draw for tourism and that it is VARD's recommendation to also request a detailed pathway design that includes landscaping. Delgue then addressed the dirt piles to the northeast of the proposed lodge site. It is the opinion of VARD that the dirt piles significantly impact the community by blocking views with stockpiles of fill and that these piles should be sufficiently addressed and remediated.

For

None

Commissioner Rick Baldwin closed the Public Hearing at 7:56 PM

Commissioner Young opened the deliberation by clarifying that this would be the last time the commission would have the opportunity to review this project in a public setting, noting that City Council will hold 2 additional public meetings. Young stated his concern that this does seem like a significant modification to the PUD and his job is to evaluate whether "the modification of the PUD is consistent with the efficient development and preservation of the entire PUD." Young felt that with respect to the commercial lots around the courthouse, it is not consistent. He knew that there had been lots of discussion about beautification of those lots in the past and he feels that if this is truly the last time P&Z will be reviewing this project in a public setting there should certainly be mention of those southern lots in terms of aesthetic impact and the impact on the core of Downtown. His concern is much more about the aesthetic of those lots than the dirt piles to the north.

Young further shared that he had some concerns about the employee housing letter submitted by Clover and specifically would like to see the applicant commit to doing more to address the issues of employee housing.

Koehler responded by stating that per the annexation agreement, Huntsman Springs is required to reseed and revegetate the vacant parcels between the courthouse and Bates Road which must be completed by August 2015. This includes an expansion of the sidewalk along Bates Road to the courthouse. Young stated that his main concern was that that topic be addressed somewhere and is content that that concern has been addressed.

Commissioner Valiante felt that the 11 conditions as recommended by staff seemed like a lot and that it might be best to wait until more issues were addressed. Koehler shared that many of these conditions are to be addressed in the final plat submittal and are required at that time. Discussion on reasons why the road should be dedicated to the City and note that the land dedication to the city for the road and utilities be added as a condition.

Commissioner Baldwin shared his concern about the lack of response from ITD and the desire for the applicant to commit more to employee housing at this time because of the shortage. Ablondi shared his opinion that there is no easy model to use to determine employee housing at this point. Baldwin asked if it can still be acknowledged and addressed that there is a need, but a final number not needed now.

Commissioner Love also had concerns about addressing employee housing and the southern lots. Love is not convinced that the planting and revegetating of those lots is “consistent with the efficient development and preservation of the entire PUD” and would like to have a discussion about that point with the Commission. Love didn’t know which Commissioners were present when the original PUD was approved but asked if there was a phasing plan associated with revegetating, or if there should be, and then evaluate what does “efficient and consistent” mean. Commissioner Baldwin referred to Koehler’s previous comment on the revegetation plan and Koehler addressed the Commission on Staff’s analysis.

Koehler explained the addition of the 9 acres is immediately adjacent to the PUD and acreage-wise a relatively small addition to detract from the original PUD. Regarding lots south of the courthouse and whether or not there is a phasing plan, there was not a phasing plan determined when the entitlement for the area was approved and many of those lots are now independently owned so the developer doesn’t have any control over when an owner submits for a building permit. The infrastructure is in, utilities are stubbed, and roads are there so they can be built at any time, just subject to market conditions. Does not believe that the city has the power to force anyone to build on those lots where the developer doesn’t own all of them anymore.

Commissioner Young stated that he sympathizes with Commissioner Love’s point in regards to what happens with the lots on the south end of the PUD but feels that at this point “that horse is out of the barn” and credits the developer for agreeing to still do some beautification down there.

Koehler requested that the Commission address the employee housing situation and clarified that the current employee housing specified on the PUD Master Plan is not planned for lodge employees, but instead employees for the overall resort. Baldwin was encouraged by the inclusion of a letter from the applicant addressing employee housing but would like to see more commitment to a plan to acquire or develop said housing. Discussion on employee housing, specifically if sites should be identified, the “chicken and egg” situation to determine the amount

of employee housing needed, the Lodge's role in addressing a regional issue, and relating the employee housing plan to the Housing Needs Assessment.

Commissioner Valiante moved to recommend that Huntsman Lodge Subdivision and PUD Amendment be approved with the following conditions:

- 1. Plat note #7 shall be amended to read: Development Standards, including building height shall be in accordance with Ordinance 352-15.**
- 2. Plat note #8 shall be added to read: Land uses are subject to the zoning regulations adopted through Ordinance 352-15.**
- 3. Pg 6 of the subdivision plat shall reference the recording of an Avigation Easement.**
- 4. Woodland Star Dr shall be constructed in conformance with the Driggs Public Works Standards and construction design approved by Driggs Public Works at time of Final Plat.**
- 5. The timeline for upgrading the portion of Woodland Star Dr and the adjacent pathway to an asphalt surface from the round-a-bout to 1000W shall be identified in the Development Agreement.**
- 6. Wayfinding signs shall be installed for the pathway to direct users and hotel guests to downtown and other connecting locations.**
- 7. A standard acceptable to the County, City, and Fire District shall be identified for the gravel road connection from the round-a-bout to 1000W to ensure a through street.**
- 8. Intersection improvements required by the Idaho Transportation Dept (ITD) shall be included in the Development Agreement with a timeline, construction documents, and a financial guarantee.**
- 9. Open Space in Tract 2 shall be identified on the subdivision plat or removed from the Open Space calculation table on pg 1 of the Plat.**
- 10. The Development Agreement shall include a provision that the dirt/rock piles to the north of the subdivision shall be re-claimed during the construction of the improvements on the Lodge site and any remaining material shall be re-contoured and seeded to blend with the natural surroundings and limit noxious weed growth.**
- 11. The Development Agreement shall include a provision identifying the amount of employee housing units that are needed, corresponding to the Housing Needs Assessment, and a plan to construct or acquire them. A location does not need to be identified at this time, but the location shall comply with the Comprehensive Plan.**
- 12. The lot boundary shall be modified to exclude the land for the 60' street and utility easement on Woodland Start Drive to be dedicated to the City.**

Commissioner Young suggested adding to the motion a statement saying that the Commission finds the Findings of Fact #1-6 as listed in the Staff Report with the conditions #1-12.

Commissioner Valiante agreed to amend his motion to recommend that Huntsman Lodge Subdivision and PUD Amendment be approved based on the following findings with the mentioned 12 conditions:

- 1. The Commission finds that the proposed and existing non-residential uses on Tract 2 are Allowed Uses under the Zoning Ordinance and comply with the Framework Plan for PUD-HS-R.**

2. **The Commission finds that the proposed Lodge and Villa units on Tract 1 are Allowed Uses under the Zoning Ordinance and their location complies with the Framework Plan for PUD-HS-L. Special Use Standards apply for the Commercial Plaza and a plat note referencing the Standards must be added to ensure compliance with the PUD-HS-L zone.**
3. **The Commission finds that the proposed subdivision complies with the Airport Master Plan if an Avigation Easement is recorded on the property and the Instrument number for the easement is referenced on Pg 6 of the plat.**
4. **The Commission finds that the proposed subdivision complies with the Subdivision Ordinance if conditions are met.**
5. **The Commission finds that the PUD Amendment will not negatively impact the enjoyment of land nearby if the dirt piles are reclaimed and landscaping and outdoor lighting complies.**
6. **The Commission finds that the PUD Amendment will not substantially affect in an adverse manner the public interest if a plan for employee housing is identified and constructed.**

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

4. Public Hearing/Possible Recommendation: Rogel 2-lot Subdivision

Koehler presented the Staff Report, updating the Commission on the last time they saw the application for this project and describing what had changed. The major changes included that the subdivision is now for 2 lots instead of 3 and that the landowner / applicant has since put 58 of the 59.47 acres under conservation easement with Teton Regional Land Trust. Concerns over wastewater systems, the final location for the building envelope, and driveway location have been the main issues addressed by Staff and service providers. Koehler reminded the Commission that City Council is the only entity that can waive the requirement for a city lot to be on city sewer but the concept of the appropriateness of septic in the area near the floodplain should be considered. Koehler requested that the Commissioner discuss the highlighted areas of the Staff Report.

Gabe Rogel was available via conference phone to answer any additional questions the Commission might have.

Commissioner Rick Baldwin opened the Public Hearing at 9:30 PM

For, Neutral, or Opposed- *None*

Commissioner Rick Baldwin closed the Public Hearing at 9:31 PM

Commissioner Young opened the deliberation stating he has visited the site and studied all maps and though he is usually opposed to subdividing along creek bottoms he feels that the 2 lot subdivision with almost 60 acres under conservation easement is appropriate. Rogel confirmed that his goal with this subdivision is to keep most of this land intact.

The Commission then discussed the appropriate ways to address the engineering of a future driveway to Lot 1. The two options discussed were requiring the applicant to provide engineered proof that a driveway is possible at this time, even if construction is not required or to leave that requirement up to a future landowner at the time of building. Commissioner Love suggested a note from an engineer confirming that an engineered driveway is possible at the site. Koehler expressed her belief that making at least a plat note on the final recorded subdivision plat would help inform any future landowners of the requirement and would ensure that an engineered driveway is a requirement regardless of what the Driggs Zoning Ordinance states in the future.

The other concern addressed by the Commission was not having a full grasp on how “volatile” Teton Creek can truly be. Rogel explained to the Commission that Friends of the Teton River received funding to complete a geomorphic assessment of this portion of Teton Creek, to be completed in Summer of 2015. Rogel and FTR agreed that this data can be used at the time of building to inform any future landowner what is appropriate to build.

The Commission discussed how to address the suitability of a septic system on Lot 1. Commissioners felt that septic seems appropriate but again, the final decision is up to City Council. Commissioner Young pointed out that the Eastern Idaho Division of Public Health also weighs in on that decision.

Commissioner Young motioned to recommend approval of the Rogel 2-lot Subdivision subject to the conditions:

- 1. A detailed maintenance plan be submitted to ensure upkeep and maintenance of the culverts in the subdivision.**
- 2. Preliminary Plat be updated prior to review by City Council for accuracy of preparation date, necessary plat notes, standard engineering scale, and reference to conservation easement.**
- 3. Confirmation from the TRLT of their acceptance of the building envelope location for Lot 1.**
- 4. Results of the geomorphic assessment be considered by the applicant and staff to refine the location of the building envelope of Lot 1 to avoid hazardous areas if applicable.**
- 5. The proposed driveway crossing to Lot 1 should be designed and engineered and proven through a technical analysis that it can accommodate a 100-year flooding event, not cause a rise in the BFE, and is permitted by the applicable federal and State agencies.**
- 6. Construction drawings for the minimum driveway and access road should be submitted at time of Final Plat to ensure compliance**

Commissioner Valiante 2nd. All in favor.

Kohler requested that the Commission make findings to accompany the recommended approval of the conditions.

Commissioner Young moved to recommend the finding that the Rogel 2-lot Subdivision Preliminary Plat application is consistent with the Comprehensive Plan and has been

determined to be an appropriate subdivision per city code 10-6B-3 subject to the conditions delineated in the above motion to approve the subdivision.

Commissioner Baldwin recommended the amendment of adding exhibits 1 & 2 of the Staff Report.

Commissioner Young moved to amend the motion to recommend the finding that the Rogel 2-lot Subdivision Preliminary Plat application is consistent with the Comprehensive Plan and has been determined to be an appropriate subdivision per city code 10-6B-3 subject to the conditions delineated in the above motion to approve the subdivision and including Exhibit 1 and 2 of the Staff Report (Exhibit 1 – Driggs Comprehensive Plan Figure 7.1-e: Teton Creek Functional Classification and Exhibit 2 – Building Envelope Scenarios).

Commissioner Baldwin 2nd the motion. All in favor.

5. Work Session: Teton Valley Land Use Code Project- Review of Driggs Form Based Code & Model Land Use Code and discuss Open House on 4/28/15.

The Commission decided to defer the Work Session to a later meeting. Koehler again reminded the Commission about the 4/28/15 Open House as mentioned in Staff Items above.

Commissioner Chris Valiante motioned to adjourn the meeting. Commissioner Lindsey Love 2nd the motion. Motion passed with all in favor. Meeting adjourned at 10:05pm.

Rick Baldwin, Chair