

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.

Anna 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 records 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 Sing 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.