

**City of Driggs**  
**PLANNING AND ZONING COMMISSION MEETING**  
**MINUTES**  
MEETING HELD AT CITY HALL  
June 8, 2011  
6:30pm

**MEMBERS PRESENT:** Rick Baldwin (conducting), 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 April 13, 2011.

**Commissioner Ralph Mossman made a motion to approve the minutes from April 13, 2011. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

**2) Motion to Amend Agenda to Include Curves and Forage Sign Permits and the Lot Split Applications**

**Commissioner Ralph Mossman made a motion to amend the agenda. Council Member Chris Valiante seconded the motion. The motion passed with all in favor.**

**3) Sign Permits- Curves**

Kreslyn Schuehler explained the sign permit application stating that the applicant was over the total allowed sign area without the proposed sandwich board sign. The applicant, Cat Caldwell was present to discuss the matter with the Commission.

Ms. Caldwell explained that the reason to have the sandwich board sign was to promote a new program. She further stated that other Curves operations had done so and attracted a lot of new members and she wanted to do what she could to remain open.

Commissioner Valiante questioned if both wall signs were important or if one could be removed. Ms. Caldwell felt they were, as one was more positioned for pedestrians and one for vehicle traffic. After doing some research, she stated that a person had to see a sign 7-9 times before they came in the door and felt that the more signs and contacts that were in the community, the better off her business would be.

Commissioner Mossman suggested that the white wall sign be placed inside the window to gain area for the sandwich board sign. Ms. Caldwell questioned what could be done to receive more square footage for signs. Commissioner Mossman explained that the ordinance would have to be amended, which took time.

Doug Self stated the application could be tabled and the Commission could direct staff not to enforce the sign code until an amendment was considered. He further stated that a number of

sign applications had shown that the total sign area that was calculated by 1 square foot per 1 lineal foot of frontage was a problem for smaller lots.

**Commissioner Delwyn Jensen made a motion to table the application pending the review of the sign ordinance and direct staff not to enforce the sign code. Commissioner Chris Valiante seconded the motion.**

Commissioner Mossman questioned if the applicant would be allowed to put up her proposed sign. Commissioner Jensen felt the Commission should change the ordinance or deny the application. Mr. Self suggested allowing Broulim's to submit the application or treat the entire Broulim's subdivision as one building, if they were willing to do so. However, he felt that increasing the total sign area would help.

**Commissioner Delwyn Jensen withdrew the above motion.**

Commissioner Mossman questioned which sign was more important to the applicant; the sandwich board sign or the white wall sign. Ms. Caldwell again stated she felt that both were equally important to her business. Other options were discussed. Commissioner Valiante stated that the Commission wanted to work with the applicant and had interest in amending the ordinance.

Commissioner Mossman stated that the Commission had recently discussed the abundance of sandwich board signs and felt the larger wall sign for Curves was ineffective.

**Commissioner Chris Valiante made a motion to table the application and direct staff not to pursue enforcement regarding the size of the sign while the sign ordinance was reviewed.**

Commissioner Mossman did not want to allow the above motion as the sign was not currently being displayed. Mr. Self stated that the Commission should treat all future sign applications equally and table other applications where the sign exceeds the total sign area allowed.

**Commissioner Chris Valiante amended the above motion and moved to direct staff not to enforce the maximum sign for businesses that have less than 40 lineal feet. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.**

##### **5) Public Hearing – 6:45pm – Plat Amendment for The Willows Subdivision**

Diane Temple and Ginny Griggs were present. Ms. Temple stated that the proposed amendment would reduce the number of lots from 25 to 22, redesign some parcels located along Teton Creek which would widen the open space and increase the riparian area, eliminate the bridge, and provide a new access to the southern cluster of lots.

Ms. Temple further stated that the applicant had provided an updated LOMR to have the most up-to-date floodplain mapping possible. Mr. Self explained to the Commission the difference between a floodplain and a floodway and the intent of a LOMR. Ms. Temple stated the floodplain channels had been identified and there were no major changes in the utilities. The applicant was trying to keep the building envelopes as similar as possible to the original plat.

Ms. Temple stated that a draft development agreement had been provided to the Teton County Attorney and the City of Driggs. The phasing of the subdivision was based on the future market and phasing costs and was similar to what was already approved with the exception that Phase 4 and 5 were combined.

The improvement plan has been reviewed and Ms. Temple stated a meeting had taken place with the Teton County Engineer and they were aware of the changes that needed to be made. Ms. Temple stated the developer was willing to have the application tabled until the peak flows could be observed for the 100-year flood event of Teton Creek.

Mr. Self read his staff report. The amendments conform to the Zoning Ordinance. Regarding the Subdivision Ordinance, Mr. Self stated that the Idaho Fish and Game recommended that the developer and/or landowners should be prohibited from removing any riparian vegetation beyond the designated building site. The plat notes prohibited vegetation removal outside of the building envelopes and require the mitigation of any removed vegetation.

He stated the Commission must find that, “the development will not present a hazard to life, limb or property, adversely affect safety, use of a public way or drainage channel or the natural environment.” He reiterated that the applicant had submitted a LOMR request to revise the floodway and floodplain boundaries, which was approved by FEMA. All utilities were floodproof above the floodplain, and wet and dry channels were mapped through the development and setbacks and easements were made to protect swales and culverts.

The Commission also must find that, “the proposed subdivision conforms to the Comprehensive Plan, which states that developments in the floodplain should be required to utilize cluster designs that reduce impacts to wildlife, creek function and scenic views.” With the removal of lots 4, 7 and 8, individual lot encroachment was reduced by 60-90 feet.

James Fitzgerald, an Aspens homeowner, submitted a letter which was given to the Commission to review. Bret Campbell, Teton County Fire Marshal, stated that the Fire Department approved the amended plat design.

Mr. Self stated there were a number of issues in the Development Agreement that the county may have issues with, but that it should be left up to the County to determine. An engineer should determine where a turn-around should be placed. A re-vegetation plan should be submitted and it should be made sure that scenic corridor and right of way permits were obtained. If the berm was placed in the floodplain, a floodplain permit would need to be received as well.

Mr. Self concluded by stating a letter was received from Anna Trentadue from VARD prior to the meeting. The Commission must decide if they want to hear it as it was submitted a week past the deadline. The Commission agreed it should be submitted for the next meeting.

Commissioner Mossman questioned the cluster design. Mr. Self stated that both the City council and Planning and Zoning Commission believed the development provided clustering in the last

review. If any further clustering was to be done, he felt all of the lots would be on the south side of the creek. He reminded the Commission that the original design looked at not just the creek, but at the open areas that already existed. He stated the density could be increased on the south side of the creek, but the lots would be less valuable without the bridge and it would be closer to the landfill.

Commissioner Mossman questioned the phasing aspect. Mr. Self stated that the City Ordinance stated that improvements had to be completed within 3 years.

The Commission had questions regarding the Development Agreement. Mr. Self stated the Development Agreement would be between Teton County and the developer and he would check with the County Attorney regarding the discrepancies.

Ginny Griggs stated they did not want to put in the infrastructure only to have it go bad when lots did not sell quickly. They wanted to leave the land as it was until the economy changed. Mr. Self suggested that a master plan be done and then each phase provide a final plat.

Commissioner Baldwin opened the Public Hearing at 8:03pm. James Fitzgerald spoke. He stated he had been working with the applicants since 2006 and felt they were doing a good job overall. He felt it would be easy to dump topsoil along the sewer line and was worried about the phases, but felt that County would take care of those issues.

The Public Hearing was closed.

Mr. Self recommended the Commission table the application for revisions and clarifications on violation or conformance issues. He also stated that if the Commission wanted to table it until the peak flows appeared, he would take pictures to present.

**Commissioner Ralph Mossman made a motion to table the application per staff recommendations and for revision of new information by the applicant as discussed. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.**

**6) Lot Split for 547 N. Main Street as submitted by Teton County Idaho and the State of Idaho-**

Kathy Rinaldi, Teton County Commissioner, spoke to the Council. She stated that the county jointly owned property with the State and were requesting a lot split. The proposed lot line would run where the current fence was and would include a 30-foot easement to the north. She requested that if the lot split was granted, a condition be made that the State approve the split with a signature as well.

Jay Mazalewski, Teton County Engineer, spoke. He stated the current fence would be extended to the highway and a 30-foot easement at the north property line of the north lot would be granted.

Mr. Self stated the lot was in the R3 (Multi-family Residential) zone and if a warehouse was placed on the lot like discussed, a Conditional Use Permit would be needed.

**Commissioner Ralph Mossman made a motion to approve the lot split.**

Commissioner Jensen questioned what the requirement was for an easement and did not feel the property owner to the north would be willing to also give a 30 foot easement. Mr. Mazalewski stated ITD was requiring the easement be deemed a city street in order for them to grant highway access. Mr. Self stated that the street would have to be put in the transportation plan and therefore, any development on the north property would have to provide a 30 foot easement.

Mr. Mazalewski stated that a 60-foot access could be done on their property, but the armory wanted as much separate from structures as possible. He hoped with a dedication of a 30-foot easement and the implication that if development occurred on the northern lot providing another 30 foot easement, that the state would approve an access to the highway.

Mr. Self suggested the Commission approve the lot split with the condition that ITD agreed and would issue an access permit.

**Commissioner Ralph Mossman amended the above motion to include a condition that ITD approved the right of way plan and that the State signed off on the lot split. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

**7) Public Hearing - 7:15pm – Amendment to the Area of City Impact Agreement**

Mr. Self explained the steps that each applicant in the area of city impact would follow. The agreement created a Joint County Commission for subdivision applications with two County Planning and Zoning Commissioners and three City Planning and Zoning Commissioners with 1 member from the Area of Impact. With this agreement, the county subdivision ordinance and the city Zoning Ordinance and Comprehensive Plan would apply. After it was adopted, Mr. Self stated, members for the new Commission could be determined.

Mr. Self explained the procedure if property straddled the impact line, stating that the administrators would make recommendations as to who would process the application. If this can not be agreed upon a special committee would resolve the conflict.

Commissioner Jensen suggested adding a time limit to the special committee so that conflicts were resolved in a timely manner. He felt that appointments made to the special committee should be done so in a reasonable time and suggested the entire process be complete within 30 days. Mr. Self suggested allowing 30 days to appoint members and 30 days to resolve the conflict.

Commissioner Valiante was concerned with using the county's subdivision ordinance by the city's standards for improvements. Mr. Self felt that it would be clearer and stated the county would include the city's codes for applicants.

**Commissioner Dewlyn Jensen made a motion to approve the Area of City Impact Agreement with the time limits included. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor.**

### **8) Sign Permit – Wrap and Roll**

Ms. Schuehler explained that the sign existed and was currently the only sandwich board sign for the multi-tenant property.

**Commissioner Delwyn Jensen made a motion to approve the sign with the condition that it is brought in at night. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

**Commissioner Ralph Mossman made a motion to amend the above motion to include that the total sign area be determined by staff prior to approval. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

### **9) Sign Permit – Bird Dog**

**Commissioner Ralph Mossman made a motion to approve the freestanding sign. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.**

### **10) Sign Permit – VARD**

**Commissioner Delwyn Jensen made a motion to approve the wall sign. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

### **11) Sign Permit – Forage and Lounge**

Commissioner Baldwin stated he would abstain from the discussion as he had a conflict of interest.

Ms. Schuehler stated that the business had a freestanding sign that was not allowed, as there was already a freestanding sign for the multi-tenant building. The Commission should determine if the sign could be considered a projecting sign. It was also discussed that the existing sign was over the total allowed sign area by a few square feet. A letter from the property owner would also need to be received.

Mr. Self read the definition of a projecting sign and stated it could be attached to a wall, which could be done in front of this business.

Commissioner Mossman stated that when a business had a lot of signs, the public stopped viewing the smaller signs. Ms. Schuehler stated the applicant did agree to take out the business sign in the main freestanding sign, which would allow the current sign to be included in the total sign area.

Commissioner Mossman did not feel the sign could be viewed as a projecting sign. He felt the sign application should be tabled to determine how it would be mounted, receive a letter from Jeff Carter, the property owner, and ensure the smaller sign placed in the buildings freestanding sign would be removed.

**Commissioner Delwyn Jensen made a motion to table the application until the applicant could demonstrate how the sign would be secured to the wall, reduced the square footage**

**by 2 feet either by reducing the proposed sign or removing the freestanding info and getting the owners permission. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor.**

Mr. Self suggested the Commission meet again on June 22 to discuss the land use table and temporary, seasonal and mobile vendors and the sign ordinance

**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 9:21pm.**