

**STAFF REPORT:**  
**FINAL PLAT OF THE FOUR-LOT FRANK "NIPPLES" WINKLER SUBDIVISION**  
**A SUBDIVISION SUBJECT TO DRIGGS AREA OF CITY IMPACT AGREEMENT**

Prepared May 31 for the June 14, 2012 Public Hearing of the Board of County Commissioners

**LANDOWNER:** Frank D. Winkler Revocable Trust

**APPLICANT:** Jorgensen Associates, P.C.

**AGENT:** Daryl Johnson

**LOCATION:** Sweetwater Subdivision Phase 1, Lot 5 and Lot 6:

**ADDRESS:** Lot 5 is 663 Teton Vista Drive; Lot 6 is 755 Teton Vista Drive

**REQUEST:** Pursuant to the Driggs Subdivision Ordinance, two separate lots within Sweetwater Subdivision Phase I would be divided into four lots. The two northern lots would be residential lots and two southern lots would be limited to approved airport land uses (hangars). A rezoning application for the two southern lots adjacent to the runway a thirty-foot access and utility easement servicing all lots would come off a County Road- Teton Vista Drive, wastewater disposal system areas would be defined, and water rights and supply would be available for the four lots.

**ZONING:** (City of Driggs Zoning) ADR-1 One Acre Average Density Residential and M1, Light Industrial

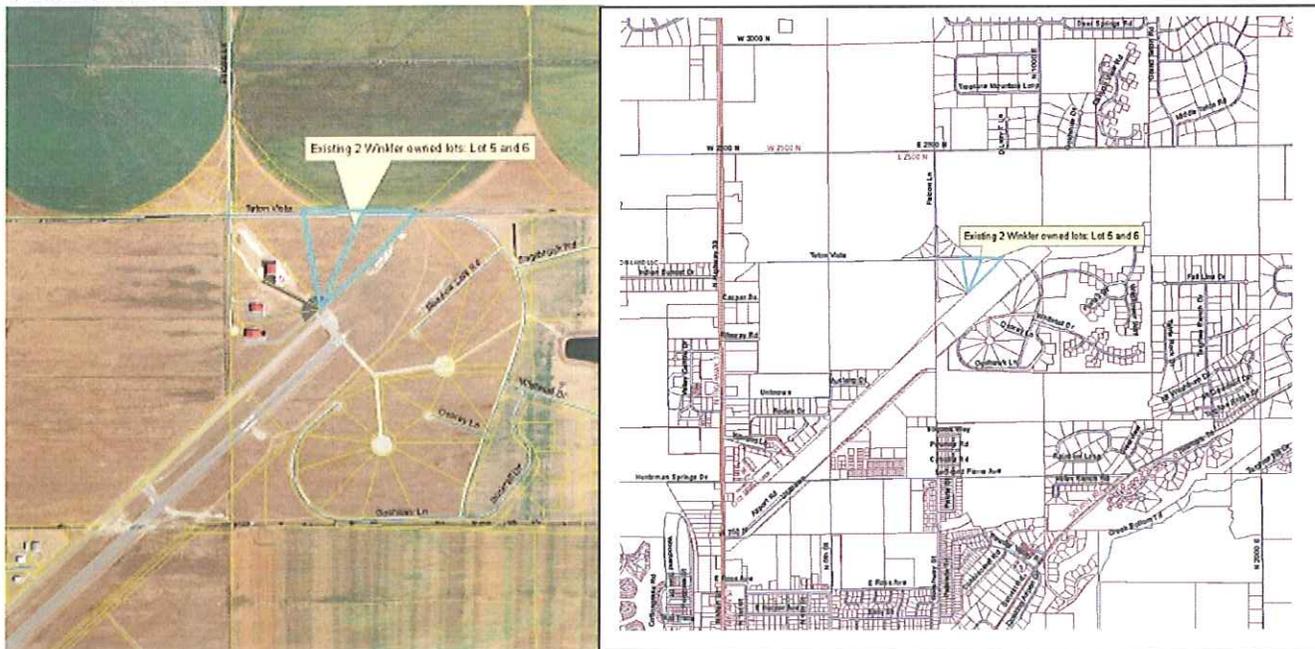
**EXISTING PARCEL SIZES:** Lot 5 = 5.0 acres      Lot 6 = 5.0 acres

**NUMBER OF PROPOSED LOTS:** Two to become 4 lots.

**PROPOSED LOTS SIZES:**      Lot 5A = 3.68 ac,      Lot 5B = 1.32 ac;  
   Lot 6A = 4.21 ac;      Lot 6B = 0.79 ac

**APPLICABLE CODES:** The Driggs Area of City Impact Ordinance that applies to this application is the Area of City Impact Ordinance of March 24, 2004. This application's submission pre-dates the new Area of City Impact Agreement between the County and Driggs that was approved September 15, 2011.

**VICINITY MAP**



**DRIGGS CITY COUNCIL ACTION:** On March 6, 2012, after receiving a recommendation to approve the Frank "Nipples" Winkler Subdivision from the Driggs City Planning & Zoning Commission, the Driggs City Council reviewed the proposal and recommended APPROVAL of the proposed short plat. The Driggs City Council Findings and Conclusions and the staff report and public hearing minutes are attached to this staff report.

## **FINDINGS OF FACT REGARDING SOLICITATIONS FOR COMMENT FROM APPLICABLE REVIEWING AGENCIES AND DEPARTMENTS**

Teton County Engineer: The County Engineer reviewed an older version of the Winkler Subdivision and found that a single access to four lots would be considered by the regulations to be a "road" and subject to the public improvements standards and surety requirements for subdivisions. Subdivision roads have a 24-foot width and greater construction standards than driveways, which can be 16 to 20 feet wide. The applicant revised the access to create driveway access from each residential lot to the hangar lot. Given that the A and B lots are linked together, the use of driveways between the lots was deemed adequate so long as the Fire District access standards were met.

Teton County Fire Protection District: A comment letter dated April 10, 2012 was received from Fire Marshal Marc Anderson. It outlined the access requirements that will be needed in order for the Fire Protection District to access the lots and sign the Final Plat. The Fire Protection District will examine these driveway plans when a building permit application is submitted. Adequate fire fighting water supplies exist within close proximity, according to the letter.

Driggs Reed Memorial Airport: Lou Christensen replied on behalf of the Driggs airport. The division of home lots from hangar lots was considered positive in light of FAA requirements.

Federal Aviation Administration: Peter Doyle of the FAA, Northwest Mountain Region sent a comment on November 10, 2011. For context of his comments, the airport is dealing with an Airport Corrective Action Plan that seeks to end direct access to controlled municipal runways from residential lots. The separation of the two northern residential lots from the two "hangar lots", along with the accompanying zoning map amendment would allow future hangars to be developed and have legal access to the runway. A physical separation between the home lots and hangar lots will be a part of the airport's requirements. It is expected that a fence will be required by the airport once hangars are developed on lots 5B and 6B.

Eastern Idaho Public Health Department: A letter dated April 16, 2012 stated that the District approves the subdivision. Further, EIPHD permitting would be required at the time of installing any wastewater treatment facilities.

Idaho Department of Water Resources: The letter and verbal input received from the IDWR made it clear that commercial lots must obtain a water right whereas single-family lots are exempt from that requirement (with an upper limit of water use). IDWR would exempt the "hangar lots" from getting a water right if those lots' ownership could be linked to the same owner of the residential lots. The ownership of the A and B lots would be tied together because a State statute gives water rights exemptions for single-family residences only, but no exemptions for commercial lots. There is language now attached to the Warranty Deed and on the plat that requires the A-lots' ownerships to be the same as the B-lots'. Using the Warranty Deed, a title company would pick up the ownership linkage and prevent a hangar lot being sold separately from a home lot, or vice versa.

City of Driggs Planning Administrator: Some changes of access were made to the proposed plat following the County Engineer's initial comments. Driggs Planning Administrator, Doug Self, evaluated the plat access changes that were made after the City Council's review. Said changes involve access to the County Road and were not considered significant and worthy of reconsideration by the City.

Grand Teton Canal Company: A letter dated May 17 noted that there is a ditch easement located on the southeast border of the property and that the two Sweetwater Lots 5 & 6 have no water rights associated with the Grand Teton Canal Company. A revised plat depicts the ditch easement.

Jeff Williams PLS - Contract Plat Review: Some comments were made for an initial plat review and those revisions must be added prior to plat recordation. The ditch easement for Grand Teton Canal Company was also called out by Williams.

**FINDINGS OF FACT REGARDING NOTIFICATIONS REQUIREMENTS FOR PUBLIC HEARINGS:  
Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512**

1. The public hearing of June 14, 2012 for the Board of County Commission was duly noticed in the Teton Valley News.
2. A notification was sent via mail to surrounding property owners within a 300-foot buffer area
3. The property was posted in accordance with Idaho Code 67-6511 and 67-6509.
4. The City of Driggs posted, mailed and advertised the Planning & Zoning Commission Public Hearings in accordance with Idaho Statutes.

5. The City of Driggs posted, mailed and advertised the City Council Public Hearings in accordance with Idaho Statutes.

## **FINDINGS OF FACT REGARDING PROJECT'S CONSISTENCY WITH THE APPLICABLE GOALS & OBJECTIVES OF THE CITY OF DRIGGS COMPREHENSIVE PLAN**

### **TETON COUNTY FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

The Public Hearings held for the Teton County Board of County Commissioners, the City of Driggs Planning and Zoning Commission, and the City Council were legally noticed and advertised.

The proposed plat was reviewed for conformance to Eastern Idaho Public Health Department's regulations and it was approved with the following condition: Any required easements for subsurface sewage disposal are in place prior to a septic permit being issued. It is expected that EIPHD will sign the plat on its signature block.

The proposed plat can comply with all Teton County Fire Protection District requirements, and the Building Permit stage would require TCFPD sign off on access to the building sites. The District is expected to sign the plat on its signature block.

The applicable codes, per Title 7 – Driggs Area of City Impact Ordinance of the Teton County Code are those adopted by the Teton County Commissioners and include the City of Driggs Subdivision and Zoning Ordinances.

Having reviewed the application, the Driggs City Council and the Driggs Planning & Zoning Commission found that the final plat subdivision complies with the policies and goals of the City Comprehensive plan, which recommends Airport Land Use for the property.

According to City Council and Driggs Planning & Zoning Commission, the subdivision and zoning standards for the City of Driggs have been met. The proposed final plat conforms to the City of Driggs Zoning and Subdivision ordinances. The City of Driggs Planning and Zoning Commission Chair is expected to sign the plat on the its signature block.

### **BOARD OF COUNTY COMMISSIONERS ACTION:**

- A. APPROVE the Winkler Subdivision Final Plat with the condition listed below. The findings of facts and all the criteria for approval have been met for the subdivision, as it is depicted in the revised Final Plat and Master Plan dated May 24, 2012.
- B. REMAND the final plat back to the Driggs City Council for the reconsideration of an issue not previously identified and provide the reasons and justifications for the remand.
- C. CONTINUE consideration of the application to a future Board of County Commissioner Public Hearing with reasons given as to the continuation or need for additional information.

### **COUNTY PLANNING STAFF RECOMMENDATION:**

**Action A**, Approve the Final Plat of the Winkler Subdivision Final Plat with the condition below.

### **CONDITIONS OF APPROVAL**

Prior to the recordation of the Winkler Subdivision Final Plat, all revisions and corrections identified by the contract county final plat reviewer shall be made to the satisfaction of that reviewer.

### **Suggested motion:**

Having made findings of fact that are contained in this staff report and in the Driggs City Council staff report, I recommend approval of the Frank "Nipples" Winkler Subdivision Final Plat, as depicted in the May 24, 2012 version. Prior to the recordation by the County Clerk of the Winkler Subdivision Final Plat, all revisions and corrections identified by the contract county final plat reviewer shall be made to the satisfaction of that reviewer.