



City of Donnelly

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Planning & Zoning Commission Meeting

Monday, April 2, 2018 at 6:00 pm

AT

Donnelly Community Center
MINUTES

Roll Call: 6:00 p.m. Commissioner Mangum, Commissioner Bryant, Commissioner, Dorris, Commissioner Tyler and Commissioner Gilbert were present. Quorum exists. Clerk Cami Hedges was present.

**Clerk requested to amend the agenda to add Stephanie Nelson to General Business:
Motion by Tyler, 2nd by Dorris to amend the agenda. Motion carried.**

Previous Minutes –February 5, 2018

Gilbert asked for clarification on the minutes in the regards to the minutes about the 24 sq. ft sign size of the way-finding sign. Discussion was made, and corrections noted removing “if” on the 2nd paragraph of the 2nd page of the minutes. And adding a question mark at the end of the Downtown Revitalization Plan paragraph.

Motion by Mangum, 2nd by Bryant to approve minutes as corrected. Motion carried.

PUBLIC HEARING

The Glen LLC to amend the Annexation Agreement for the property to memorialize that the deadline for final platting of the development has expired and any project which is proposed for the property will have to be evaluated and process under the City Codes then in effect, without regards to the approvals which have been previously granted for CUP/PUD 08-01.

Staff Report – In 2008 CUP/PUD was approved for the Glen, in 2014 & 2015 it was annexed into the City of Donnelly under Ordinance #223. At that time, they had a requirement to fulfill a final plat by December 31, 2017. At this time, they have not filed the final plat and would like to amend the Annexation Agreement to recognize this. By amendment the agreement they will no longer be able to move forward with the CUP/PUD without a complete new application abiding by all of the new zoning codes at the time of application.

Steve Milliman, Attorney representing Glen Property Holdings, and Patrick Gendreau. Under the Annexation Agreement the Glen was obligated to file the final plat for phase 1 of the development by December 31, 2017. This had already been extended once previously. After

speaking with Dr. Gendrau he was not comfortable that promising in a year that he would be able to move ahead. So they wanted to be transparent about it, and the applicant does not know for sure when he would be able to move forward and recognize that there would need to be changes to the plan. So what the proposed Amended Agreement states that the planning deadline has not been met, and whatever the plan becomes of the property will need to come back through the Planning & Zoning Commission as a new application., and the Annexation Agreement will be put on ice until there is a plan for the property, and the Annexation Agreement will then be reviewed for the plans of the project. The property would remain in the City and the application would need to go through the channels all over again. Delta James has reviewed it as well as City Clerk and are both comfortable with these changes.

Gilbert asked what the February 1, 2018 date come in.

Clerk stated that there was a clerical error, in 2014 the P&Z passed the Annexation Agreement and then it went on to City Council when they approved the agreement, Mayor and Applicant signed the agreement. The Ordinance was adopted and recorded, however the actual Annexation Agreement was never filed with the County. Once we were made aware of this we had the document recorded at the County. It was the best interest of the City to have it recorded with the property. The Amended Annexation agreement would also be recorded with the County if it is adopted by the City.

Tyler asked if there was a finalized Development Agreement. Has there been a legal review of the document?

Clerk, the original Annexation Agreement had been reviewed and approved by the City's legal counsel.

Milliman – There is only a finalized Annexation Agreement. In 2009 when the City approved the development the findings contemplated the development agreement, and it was decided that the only agreement that was needed was an Annexation agreement.

Dorris – we have an Annexation and we have no plan to develop it at this time. Any development that possibly takes place is still subject to a development agreement. There is not statement of what is going to go there, all we have is an Annexation.

Tyler – the intention of that property was to annex the property for this effort of the agreement, and that did not happen.

The intent was to annex the property and then come forward with whatever he wanted to do with the property. It is okay to do that annexation development and a PUD altogether and that is what they started to do and then they dropped back to Annexation only. In my opinion, after that deadline passed and without the development agreement any proposed agreement is null and void but the annexation stands. In how I read. The contingent was if all three things were done together.

Tyler – June 15, 2009 the Donnelly City Council approved the Glen’s Annexation into the City contingent on the finalization of the development agreement between the Glen and the City. That is why I think we need to make sure that the lawyers are okay with this because this did not happen.

Milliman – This did happen. At the time it was determined that a development agreement was not needed and that the Annexation agreement would include what was in the development agreement. This amendment protects Donnelly because it make it very clear that although the property remains within the City any land plan for that property has to come back to the Planning & Zoning Commission. And start over the entire process. Instead of the City having to figure out what to do because the applicant is not in compliance it basically wipes the slate clean.

Dorris – Paragraph 2 status of Annexation Agreement line 5, the development agreement is suspended, and the annexation agreement goes through.

Milliman – there was an extensive study completed and then that was when it was decided to do an annexation agreement rather than a development agreement.

Chairman Gilbert opened the Public hearing at 6:22 p.m.

In Favor: None
Neutral: None
Against: None

Chairman Gilbert closed the Public Hearing at 6:23 p.m.

Dorris understand that this is what Milliman does for a living, but has an issue with the English, in one place it states Development Agreement and then in another it states Annexation Agreement. Beings we are talking about the Annexation of the property but the Development Agreement to the property, this should relate to the Development agreement.

Milliman – whereas clause states what the history of the application. Then it moves into the application and the Annexation agreement as that is the only agreement.

Tyler – Residing in the neutral corner as there is a lot of confusion in the document and does not want to take legal advice from someone that is representing the applicant. Would rather take it from the City’s attorney. If the City Attorney is okay with moving forward then he would like to see it go forward as being business friendly, there is just a lot of confusing words and misinterpretation in the document. Either clean up the document or have the City attorney approve. Inclined to approve with a legal opinion.

Bryant, believes that the document is confusing.

Mangum – Then Amendment is referring to the what was not met in the original Annexation agreement and that they did not meet these requirements.

Clerk – If the commission recommends to City Council they also will go through public hearing. The Commission can pass forward with their own stipulations or can table until further information is received from the attorney.

Motion by Dorris, 2nd by Tyler that we recommend the Amended Annexation Agreement for the Glen with an opinion letter from the City Attorney, and that states that the City is protected with such amendment. Motion carried.

Chairman Gilbert asked for public comment:

Boyd Barker asked if Clerk found any further information on the easement or property line for Payette Street extended Northbound. He is wanting to put a fence up along the property line but is finding two different areas. He is not sure where it goes. Clerk stated that everything that she found goes straight and to use the legal description from the County to re-survey.

GENERAL BUSINESS:

Stephanie Nelson represent the fire working group. We have an opportunity to offer a workshop offered to the target audience consists of commissioners, staff, public officials, etc. A lot of individuals that are knowledgeable in the national cohesive strategy for wildland fire and that is a project that has been around for a very long time. It is becoming more and more relative when we have more wildland fires. This is opportunity to have voice on what you think of wildland fires. The meeting will be held at Quaker Hill and then the following day it will be a tour of the area.

Way Finding Signs

Clerk brought up the conversation on Way Finding signs. At the last meeting we talked about the street sign that was already drawn, doing additional information gather from the internet it was found that we could construct a way finding sign that would attach to the light posts on Main Street. Our light posts would work great for this and possibility even street signs if that was something that we wanted to use. If we designed something that could incorporate way finding signs would work for historic area, restaurant, airport, child care, etc. as way finding areas. However, our limit is only three. Many communities are using this type of signs. The illustration in the Downtown Revitalization plan was only an example. This is not a off-premise sign and if we use the light poles we do not need private property approval to place them. This could be designed to work with the plants, sight triangle, etc. Having the City put a plan together and discuss with ITD for approval and then have the plan put together for the businesses, areas etc. We want to have approval from ITD before moving forward and putting money into the project.

Speed Check Sign

Clerk presented information on the Speed Check that we purchased and installed in 2015. The sign would need to have a permit from ITD to be within the right of way and would need to be installed on a break away pole. There are cheaper ones on the market, but we have not had any issues with the one

that we have. We will be receiving a new quote soon. We currently have \$4,000 available and an additional \$1,000 to be awarded this year. This would have to be approved by City Council if the commission wants to move forward. It is possible to get an upgrade with data capabilities and I will investigate if our current sign has this.

Tyler indicated just as a citizen of Valley County and a quasi-citizen of Donnelly, we tell the businesses that they can not have a flashing sign, but we are doing it again. ITD does not read these signs as a safety sign but as an informational sign only. And you are hammering the business owners on the flashing signs, but not allowing animated signs.

Gilbert does not flash, and it changes only speed when you get into compliance and it is a safety sign.

Clerk indicated that Tyler could take the issue up with City Council, but they already heard the issue and adopted the changes. Tyler responded that it was not presented correctly to council at that time.

Mangum sees it as a safety sign.

Tyler concurs on installing the sign, but as the City we are allowing ourselves to do this but not the businesses. If someone's sign twinkles out there we tell them that it is an animated sign. He wants the businesses to succeed. He stated that the speed sign does not support this City.

Clerk stated that the City has not went out and told anyone that their sign couldn't twinkle. An open and close sign is an informational sign and is allowed.

Dorris, stated that each has their opinions and his is that this is a MPH sign and slows people down. Have not seen a study but does believe that the speed through town since this sign was installed has decreased.

Gilbert, it slows people down so that they can see the City. Firmly agree to stay with the same company that we purchased from previously.

Clerk will provide a new quote to commission at the next meeting.

Staff Updates:

Clerk Update: Well bid has been accepted and a pre-construction conference has been held. The new well should begin construction in early May. Stevens and Son's is the contractor out of the Boise area which were less than the other bidder. Bid amount was close to \$124,000 that was accepted. This was a government bid processes through the Engineering and Project Coordinator. New Restaurant in town, Thrift Store moved to downtown.

Gilbert had been told that there are an enormous number of dogs at NWP apartments. When the application came through they said that they would not allow dogs, and people are not picking up after them. When the public hearing was in the School Gym, and they were asked specifically where their pet area was, they indicated they didn't need one because they were only allowing service animals. Clerk indicated that they have been contacted several times on this same issue. The manager there said that dogs are being allowed and she has informed the

residents of picking up after them. Also, she indicated that other residents of Donnelly are allowing their dogs to run free which come to their property and are also not picked up after. Clerk indicated that this is a larger problem within Donnelly that needs to be addressed.

Tyler – I took exception to the minutes that you all voted a new chairman. Last year if you remember we delayed three times until we got the right amount of people here. Now I realize that the vote would have been non-consequential, if I would have been here or not, but the fact is that the Commission did what they wanted to do when I was not here. We did a different standard last year. In fact it was the third time. Gilbert stated it was because we had a split vote last year. Tyler stated that they assumed that as there was never an actual vote. We never voted until George showed up. Dorris said he voted after everyone else did. Tyler said Dorris walked in and Sally's comment was that we finally had enough people and there was a vote. But we did not vote the other two times and only a comment was made. For the record that we did not follow the exact same procedure as last year when it came to vote of the Chairman. Dorris was told that the commission voted last year, and it was a split vote and when he got there he would vote. So that certifies that there was a vote. Tyler would like to go back to the minutes that they indeed happen, he did not read that there was ever a vote. Dorris asked if Tyler had asked to delay the vote until he arrived. Tyler said he did not but does believe that the commission used a separate set of criteria than last year. Tyler stated that there was nothing in the minutes that said there was a tied vote. Mangum asked for the minutes to be reviewed. Gilbert stated that this year it was a unanimous vote, so no additional time was needed. Clerk indicated that all the minutes were online. Dorris said he did not elect the chairman and that everyone voted. The term of the office of the Chairman is for one year.

ADJOURN

Motion by Bryant, 2nd by Mangum to adjourn until the next regular scheduled meeting at 6:00 p.m.

June 4, 2018. Motion carried.

Adjourned: 7:37 p.m.

Approved: May 7, 2018