



Inc. 1910

Planning & Zoning

60 S Main St | PO Box 48 - Driggs, ID 83422 | Ph: 208-354-2362 | Fax: 208-354-8522 | www.driggsidaho.org

Statement of Decision

CONCERNING: Rivers West Subdivision Preliminary Plat

HEARING DATES: 9/8/21, 10/13/21 (P&Z COMMISSION); 4/19/22 (CITY COUNCIL)

DECISION DATE: 4/19/22

APPLICANT: Coby Hackbarth, GoWest Landholdings Inc- Owner; Gilmore Jenkins, HLE, Inc-Representative

LOCATION: E ROSS AVE & BOOSHWAY ST, DRIGGS

SUBDIVISION/RP#: RPA5N45E254200

APPLICABLE PLANS AND ORDINANCES: The Plans and Ordinances at the time of the application are the Driggs Comprehensive Plan adopted by Driggs Resolution 379-20 on November 4, 2020, and Driggs Land Development Code adopted by ordinance 374-16 and last amended with Ordinance 418-20 and effective on December 23, 2020.

SUMMARY: Rivers West is a planned subdivision on 40 acres east of Teton High School on E Ross Ave and Booshway St. The parcel, zoned RS-7 Single and Two-Family Residential, is currently undeveloped and has previously been maintained for winter trail use through an agreement with the City, the previous owner, and Teton Valley Trails and Pathways (TVTAP).

The master plan shows the creation of 166 lots designed for attached single-family homes, proposed in three phases, and a fourth phase which is indicated by note to contain up to ten (10) fourplex apartment buildings, totaling 206 units. Apartment buildings are not allowed under the current zone, thus implementation of Phase IV would require a Zone Map Amendment. The master plan also includes plans for 7.12 acres of common space. The creation of the proposed 206 units would require 5.77 acres of parks space or an equivalent fee-in-lieu. Phase I includes 24 lots of 0.11 acres to accommodate attached single-family homes, a total of 24 units. The units are proposed to have shared driveways on Booshway and E Ross, with two end units accessing from Cowboy Tr and Comanche Tr. Pathways connecting to E Ross and Booshway break up the long attached home blocks, accessing future internal streets. 0.35 acres of common space is intended to meet the parks requirement for Phase I, which would require 0.67 acres per the Land Development Code.

FINDINGS: City Council denied the Preliminary Plat for Phase I and the Master Plan for this subdivision based on the findings as follows:

Lack of conformance with the current Transportation Plan, lack of conformance with the Article 12.1.2 of the Land Development Code, the application requires a comprehensive traffic study that reflects the master plan, a definitive solution for the parks requirement, details of phasing, definition of ownership and maintenance, and improvement plans approved by Public Works for parks and pathways.

City Council findings addressing the approval criteria for Subdivision Preliminary Plat found in Driggs Land Development Code 14.5.6 are as follows:

1. **The plat has been created and stamped by a licensed land surveyor in the State of Idaho and includes the minimum requirements set out in Idaho Statutes Section 50-1304.**

Council finds that the plat has been stamped by a licensed land surveyor in the State of Idaho and that the minimum requirement of Idaho State Statue Section 50-1304 have been met.

- 2. The plat contains an Owner's Certificate specifying ownership and maintenance responsibilities acceptable to the city for roads, parks, open space and other public or common facilities or areas.**

Council finds that plat does not contain an owner's certificate or reference to ownership and maintenance of public facilities. Council finds that ownership and maintenance details be required.

- 3. The Improvement Plans have been approved by City Public Works, City Engineer, Teton County Fire Protection District, Idaho DEQ and any other agency or department having jurisdiction over the improvements or land thereon.**

Council finds that improvement plans for parks, open space, and pathways have not been provided. These must be submitted and approved by Public Works.

- 4. Any proposed phasing is clearly shown on a development master plan and provides for orderly development of the land conforming at all times to this Land Development Code.**

Council finds that 0.35 acres of open space indicated in Phase I does not meet the requirement for 24 residential units defined in LDC Article 12.4.1. According to Article 12.1.2, each phase must meet the requirements of the Land Development Code independent of other phases. Furthermore, Council finds that details for Phase IV are missing. Council finds that details on phasing must be provided, demonstrating that each phase is in compliance with the LDC independent of other phases.

- 5. The Development Agreement satisfactorily addresses all necessary mitigation of impacts from the development and phasing timelines.**

Council finds that a comprehensive traffic impact study addressing the entire subdivision be provided to determine potential traffic mitigation measures. Council finds that a Development Agreement will outline mitigation of impacts at such time that the application is approved.

- 6. The plat and development plans substantially conform with the underlying zoning and applicable provisions of this Title and conform with the City's Comprehensive Plan and other applicable plans and policies, such as the Transportation Plan and Recreation Master Plan.**

Council finds that 12 proposed driveways on E Ross and Booshway do not conform to the adopted Transportation Plan, which prohibits individual accesses on Collector Streets, except where necessary.

PUBLIC RECORD:

- Application (8/9/21)
 - Preliminary Plat (8/6/21), (8/10/21), (9/3/21), (10/5/21), (1/26/22), (3/21/22), (4/11/22)
 - Construction Drawings (8/6/21), (8/10/21), (9/2/21), (10/7/22), (1/27/21), (3/21/22), (4/11/22)
 - Master Plan (8/6/21), (8/10/21), (9/2/21), (10/7/22), (1/27/21), (3/21/22), (4/11/22)
 - Warranty Deed (8/10/21)
 - Statement of Authority (9/7/21)
 - Applicant Authorization (8/5/21)
 - Storm Water Management Plan (10/5/21)
 - Declaration of CCRs (1/27/22)
 - Preliminary Cost Analysis (10/5/21)
 - Engineers Cost Estimate (3/9/22)
- Public Hearing Notice
 - Published in TVN: P&Z (8/18/21, 8/24/21); City Council (3/30/22, 4/6/22)
- Concept Plan Review (5/21/21)
- P&Z Staff Report (9/3/21, 10/8/21)
- City Council Staff Report (4/13/22)
- P&Z Meeting Minutes (9/8/21, 10/13/21)
- City Council Meeting Minutes (4/19/22)

PUBLIC COMMENTS: This item was properly noticed in the Teton Valley News, mailed to property owners within 300 feet, and posted on site. The public comments listed below were received via mail, email, voicemail, prior to the Planning & Zoning Commission and City Council public hearings. Comments read into the record by staff or presented by members of the public during public hearings can be found in the meeting minutes.



Inc. 1910

Planning & Zoning


60 S Main St | PO Box 48 - Driggs, ID 83422 | Ph: 208-354-2362 | Fax: 208-354-8522 | www.driggsidaho.org

- Bob Anderson 8/26/21
- Susan and Jay Pence 8/29/21
- Anna Lindstedt and Nick Beatty 8/30/21
- Justin Burkhart 8/31/21
- Bryce Broderick 8/31/21
- Ruth Lindstedt 8/31/21
- Hannah and Tom McClellan 8/31/21
- Tom McClellan 8/31/21
- Jenny Van Winkle 8/31/21
- Anna Trentadue 8/31/21
- Howie Bernstein 9/1/21
- Jess Curren 9/1/21
- Jennifer Givens 9/1/21
- E Kranz 9/1/21
- Rusty and Barb Roberts 9/3/21
- Kent and Margaret McReynolds 9/4/21
- Robin Mill 9/6/21
- Christopher Morgan 9/7/21
- Judy Bishop 9/7/21
- Brigid Sinram 9/8/21
- Paul Mead 9/9/21
- Edmundo Palacio 9/7/21
- Alison Godlewski 9/14/21
- Chris Thorne 9/28/21, 9/30/21
- Lesley Turner 3/17/22
- Kimberly Baily 4/12/22
- Brett and Elizabeth Bowhan 4/12/22
- Linsey Edmonds 4/12/22
- Karen Sudauckas 4/12/22
- Roger Perkins 4/12/22
- Paul Mead, Shoshone Plains HOA 4/11/22
- Susan and Jay Pence 4/12/22
- Jenny and Brian Van Winkle 4/12/22

CONCLUSION: City Council moved to deny the application for Subdivision Preliminary Plat and Master Plan for Rivers West Subdivision at a regular meeting on April 19, 2022. The Council denied the application on the basis of lack of conformance with the current Transportation Plan, lack of conformance with the Article 12.1.2 of the Land Development Code, and that the application requires a comprehensive traffic study that reflects the master plan, a definitive solution for the parks requirement, details of phasing, definition of ownership and maintenance, and improvement plans approved by Public Works for parks and pathways. The motion to deny passed unanimously.

Statement of Decision reviewed and approved by City Council on the 3rd day of May, 2022.


August Christensen, Mayor

Attest: 
Kreslyn Schuehler, City Clerk

