

October 9, 2019

Victor, ID

Victor City Council met in regular session in the Council Chambers in City Hall at 32 Elm Street at 7:00 P.M. Upon roll call the following were found to be present:

Mayor & Council: Jeff Potter, Will Frohlich, Tim Wells, and Dustin Green. Molly was absent.
Staff: Olivia Goodale, Ryan Krueger, Joanna Burkhart, Rob Heuseveldt, Herb Heimerl, Michelle Smith

Mayor Potter introduced Carl Osterberg, the new City Planner and read a Victor Votes Proclamation. The October 23, 2019 regular Council meeting has been cancelled.

Visitors. Nathan McKnight made public comment regarding homeowner associations within the city limits and the city helping enforce the HOA design reviews with all building permit applications.

Mike Wilson made public comment regarding HOA subdivision CC&R's throughout the city and if the city helps regulate the CC&R's, does the city only do certain subdivisions, is there a development agreement in the Settlement subdivision now and what is the process for bonding through a development.

Herb Heimerl made staff comment stating that the city does not enforce private covenants or contracts through a HOA design review for legal issues. Ryan made staff comment stating that staff will have to look into the current development agreement for the settlement and if the settlement has a bond or not.

Public Hearing-ZX2019-05, Teton Valley Resort, 1208 Hwy 31, Rezone Map Amendment, Ordinance O556. Ryan Krueger confirmed that proper notice has been given and that supporting materials are complete. No Council members declared a conflict of interest. Ryan made staff comment regarding the additional public comments that were submitted after the staff report was published online, these were given to Council at the meeting and attached to the staff report. Ryan reviewed the history of the first rezone request that was done in November 2016 with a conditional use permit in place stating that the conditions of approval be met within one year of approval or the rezone will be reverted back to the original zoning. The conditions of approval had several outstanding issues with permits and several other additional uses not being met on time so the zone reverted back to a non-conforming use. This led to the request for a rezone map amendment for three (3) parcels associated with the resort. The request would rezone the property from Residential Multi-Family 1 (RM-1) and Residential Multi-Family 2 (RM-2) to Parks and Recreation (REC). This request is an attempt to bring a non-conforming use into compliance with the zoning and use standards found in Title 10 of the Municipal Code for tonight's meeting. All building permits have been finalized for the existing construction on site and no additional permits will be issued until a conditional use permit is in place. The outstanding issues have been addressed and fixed, the planning department confirmed that there are no setback violations for a REC zone and discussion on the bike path being finished.

Keith Larson, representing Teton Valley Resort, made public comment regarding the non-conforming use and the priorities that have been made to come into compliance. The overhead powerline will be buried in a few weeks and stated that visitors are not staying long term, these are short term vacation spots. Teton Valley Resort worked with Trail Creek Irrigation and were advised to hook into the line system that they did, but this will be addressed next year with the line master. The signs that read "Live Here" were placed to help bring in short term living arrangements in the cabins up to the 200-day cap. These signs have been taken down. Mayor Potter opened the public comment.

Ken Wientjes made public comment stating that he is in favor of the RV park, just wants a border fence that will meet neighbor approval. Marian Ruzicka made public comment regarding the credibility for Keith Larson. Jason Frei made public comment regarding short term rentals. He would like to see more long-term rentals at the RV park. Niki Richards representing Valley Advocates for Responsible Development regarding tabling the rezone until final plans and development agreement are submitted for review.

Mayor Potter closed the public comment.

Discussion followed regarding the non-conforming use and the lot line adjustments that are actively being put in place, the original development agreement and the additional lot being added, the continuation of the pathway once it gets to their property and a traffic study with the third parcel being done with extension of the pathway through the third parcel being added to the condition of approval in a development agreement.

A motion was made by Councilman Frohlich and seconded by Councilman Wells that having found that, as presented, the proposal meets the approval criteria for Rezone Map Amendment found in Title 10 Article 14.7.12.B, I move to approve the Rezone Map Amendment application for the parcels located at approximately 1208 W Highway 31. The approval is based on the finding that the proposed Rezone Map Amendment application complies with the approval criteria listed below, Findings of Fact & Conclusions of Law, and all associated attachments with the amendment to the third condition of approval that the applicant sign a development agreement that includes commitments to extend the pathway through the southern boundary of the newly formed continuous parcel, commit to conducting a traffic study and addressing concerns raised by the traffic study as part of the next phase of future development, and the authorization from council for the Mayor to sign the development agreement once it is prepared. Mayor Potter called for a roll call vote. Councilman Green- In Favor, Councilman Frohlich- In Favor, Councilman Wells- In Favor. The motion carried. Condition of approval:

1. The property owner shall be solely responsible with compliance to these conditions of approval, all applicable development requirements, and all previous land use decisions rendered for this project site location.
2. The applicant shall submit a complete application for the two required Conditional Use Permits (Seasonal tent, yurt, RV campground & Rental Cabins, Travel Trailers, more than 5 units) within three (3) months of the

approval of the ordinance establishing the REC zone for this property. Failure to submit an application in this time frame will cause the zoning for these parcels to revert to RM-1 and RM-2, respectively. No new building permits nor land use permits shall be approved for this site until the Conditional Use Permit has been acquired.

3. The applicant shall dedicate a 20' pathway easement along the property frontage along State Highway 33 to the City of Victor. The owner shall construct the required public pathway built to city specifications as determined by the City Engineer within two (2) years from the approval date of this rezone or within one (1) year from when the public pathway is constructed adjacent to this site. The applicant shall be required to sign a Development Agreement that includes a commitment to continue the pathway through the southern boundary of the newly formed contiguous parcel and to conduct a traffic study and address concerns identified in the study. The Mayor is authorized by City Council to sign the Development Agreement once prepared.

A motion was made by Councilman Frohlich and seconded by Councilman Green to waive the first reading in full of the Ordinance #O556 and read it by title only, and to waive the second and third Ordinance readings. Mayor Potter called for the vote. The vote showed all in favor. The motion carried.

A motion was made by Councilman Frohlich and seconded by Councilman Green to approve the Rezone Map Amendment by adoption of Ordinance #O556, an ordinance of the City of Victor amending the official zoning map of the City of Victor, which is part of Title 10 of the City's Municipal Code, to assign Parks and Recreation (REC) to the 15.33-acre parcel of land identified as RPB3N45E107801, RPB3N45E107802, & RPB3N45E108201, and providing an effective date, and for the City Clerk to publish accordingly. Mayor Potter called for a roll call vote. Councilman Green- In Favor, Councilman Frohlich- In Favor, Councilman Wells- In Favor. The motion carried.

Mayor will allow the development agreement draft to be available to the public through a records request for one week once it is drafted before the Mayor signs it. We will let the public know through the website and social media.

Consent Calendar:

A motion was made by Councilman Wells and seconded by Councilman Frohlich to approve the consent calendar including items a-e as presented with the following motions:

- a) To approve the September 25, 2019 regular meeting minutes as presented.
- b) To approve the disbursements as presented.
- c) To approve the engagement letter with WIPFLI for audit services as presented.
- d) To approve the agreement with Sunrise Engineering for upper water pressure zone as presented.
- e) To approve the Hwy 31 safe child pedestrian project change order #1 as presented.

Mayor Potter called for a roll call vote. Councilman Green- In Favor, Councilman Frohlich- In Favor, Councilman Wells- In Favor. The motion carried.

Matters from Mayor, Council & Staff

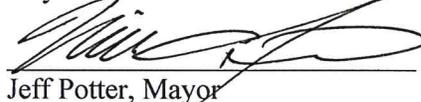
Appointment to the Joint Housing Authority: Mayor Potter appointed Zach Smith to the Joint Housing Authority Commission for a five-year term beginning October 14, 2019 and ending on October 14, 2024. A motion was made by Councilman Frohlich and seconded by Councilman Green to confirm Mayor Jeff Potter's appointment of Zach Smith to the Joint Housing Authority Commission for a five-year term beginning October 14, 2019 and ending on October 14, 2024. Mayor Potter called for the vote. The vote showed all in favor. The motion carried.

Mayor Potter appointed Erin Gaffney to the Joint Housing Authority Commission for a three-year term beginning October 9, 2019 and ending on October 9, 2022. A motion was made by Councilman Frohlich and seconded by Councilman Green to confirm Mayor Jeff Potter's appointment of Erin Gaffney to the Joint Housing Authority Commission for a three-year term beginning October 9, 2019 and ending on October 9, 2022. Mayor Potter called for the vote. The vote showed all in favor. The motion carried.

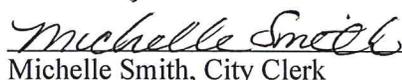
Dashboard. The dashboard included items relating to the treasurer's monthly report, building permits and applications, the safe child pedestrian project, and the upcoming Planning and URA meetings.

Adjourn. A motion was made by Councilman Wells and seconded by Councilman Frohlich to adjourn the meeting. Mayor Potter called for the vote. The vote showed all in favor. The motion carried. The Meeting adjourned at 8:10 P.M.

City of Victor


Jeff Potter, Mayor

ATTEST:


Michelle Smith, City Clerk

Minutes: MS10092019

