STAFF REPORT
To: City Council
From: Jay T. Mazalewski
Meeting Date: 02/06/2024

PUBLIC WORKS DEPARTMENT

ACTION ITEM: Will Serve Request: Spud Drive In (2175 & 2169 S Hwy 33)

MD Spud LLC, owner of 2175 and 2169 S HWY 33 (The Spud Drive-In), is requesting permission to connect 13.5 Equivalent Residential Units (ERU's) to the city sewer system. Their application and supporting materials are attached.

The sewer main has capacity to serve the requested EDU's, however the subject properties requesting to connect to the Driggs-Victor Trunk Line, are outside of the City Limits, and outside the Area of Impact. Therefore, Driggs City Council approval is required along with written consent from the City of Victor. The application was sent to the City of Victor for review and they support the connection with specific conditions. The conditions proposed by Victor are included in "Motion A" and their written consent is attached.

Please note, the City of Driggs and City of Victor have not been issuing Will-Serve Letters, outside of the area of impact, for sewer connections to the Victor-Driggs transmission line for the past 5 years to preserve capacity for the cities. The subject properties have a Conditional Use Permit through the county for the units, which will need to be updated for the proposed plan.

POTENTIAL MOTIONS:

A. I move to authorize a "Will Serve Letter" not to exceed 13.5 total combined ERU's for the parcels RP04N45E111200 and RP04N45E11254. With the following conditions

    1. Consent to being annexed, at anytime, by the city, without protest;
    2. The Spud Drive-In remain listed on a national registry of historical places,
    3. The Spud Drive-In and associated 10 cabin units be open to the public (e.g., not a private residence),
    4. The reconstruction of the landmark and its continued historical use is unlikely without the additional revenue sources of the 10 rental cabins.
    5. If any of the conditions stop being met, the approval may be revoked
    6. Approval will expire in 2 years if a sewer connection application is not received and approved.

B. I move to deny the "Will Serve" request for sewer connection as the subject property is outside the city limits and area of impact boundaries.

December 14, 2023

HARMONY
DESIGN & ENGINEERING

Mr. Jay Mazalewski, PE
Public Works Director/City Engineer
City of Driggs
65 S. Main, PO Box 48
Driggs, ID 83422
Transmitted via email: jmaz@driggsidaho.org

RE: Spud Drive-In Sewer Will Serve Connection Request and Application

Dear Mr. Mazalewski, Honorable Mayor, and City Council:

On behalf MD Spud, LLC, we are requesting connection of the proposed Spud Drive-In redevelopment to the City of Driggs sewer system. The project site includes two parcels that are 4.66 acres and 2.85 acres in size. The larger parcel will include improvements to the existing drive-in movie theatre with 130 automobile spaces, which is equal to its existing capacity. Improvements also include remodeling the existing concession building that is currently served by an undersized seepage pit for wastewater disposal. The smaller parcel will contain 10 new cabins and will also retain the existing 3-bedroom house. Teton County has approved a Conditional Use Permit for 10 camp sites on the property. The proposed site plan is included with this letter.

Using the wastewater flow assignments from the Idaho DEQ's subsurface disposal rules (IDAPA 58.01.03.007.07 & .08), this development is estimated to generate a total design flow of 4,150 gallons per day. Thus, this request is for 13.5 ERUs based on an average daily flow value of 100 gal/person/day (Forsgren, Draft WWTP Facility Plan) and 3.08 persons per ERU (2022 US Census update). Note that due to the seasonal nature of these facilities, it is likely the actual flow to the City system will likely be lower. Connection to the City sewer system could be made either to the 8-inch pressure sewer main that runs on the west side of Highway 33, which is less than 200-ft from the property line, or to the existing sewer main that runs along County Road W 2000 S, which is approximately 1,375-ft north of the property.

Idaho Adminstrative Code (IDAPA 58.0.16.455.01) states that "private municipal wastwater treatement plants may be considered *if no other viable alternative is available"* [emphasis added]. As outlined above, connection to the city wastwater system is viable due to the proximity of the project site to existing infrastructure. If a connection to the Driggs sewer system is not approved, the alternative for the Spud Drive-In is to design, permit, and construct a private onsite wastewater treatment system with Large Soil Absorption System (LSAS) effluent disposal, which will require considerable capital investment and ongoing O&M costs. Additional benefits of a City sewer connection compared to a LSAS for this development are highlighted in the

attached letter from Kathleen Price, Registered Environmental Health Specialist for the Eastern Idaho Public Health Department (EIPH).

Careful management of wastewater disposal is critical to protecting public health and water quality throughout the County. Connecting this development to the existing public wastewater infrastructure located a short distance from the property makes sense from both a water quality and economic vantage point. The connection and service fees that will be paid by the Spud Drive-In will provide additional revenue to the city to pay for ongoing operational and future capital costs for the city's wastewater system. Although both a private on-site wastewater treatment with LSAS disposal and the City's municipal wastewater treatment facility are required to meet DEQ regulations to protect groundwater and surface water resources, having centralized infrastructure with municipal operation is a well-established model with more robust environmental oversight.

Sincerely,

Jennifer Zung, PE, CFM
Harmony Design & Engineering

Enclosures

- Site Plan w/ Flow Table
- Letter from Owner
- Support Letter from EIPH

NURSERY & LANDSCAPING

[address redacted]33
[address redacted]
[phone redacted]
www.mdlandscaping.com

November 15, 2023

To Whom It May Concern:

MD Nursery purchased the Spud Drive-In Theater this last summer. We are so excited to be the new owners of this historical landmark and community amenity. Our hope is to resurrect the theater to its original glory while improving the property with a fresh site plan, well designed landscaping, improved concessions, a new drive-in movie screen with new projection technology and 10 short term rental cabins already approved in a CUP.

We have been working with Jen Zung and Harmony Design to produce a site plan, grading plan and utility plan for the property. We have also applied for a State of Idaho grant offering grant funding for historic theater upgrades and renovations in the state of Idaho. Our hope is to complete our planning and deliver a building permit application prior to February 2024. Pending approval, we plan to begin construction in early spring with project completion and a grand re-opening in June of 2025.

Pursuant to discussions with Harmony Design, our most substantial hurdle will be the difficulty and costs of installing a Large Soil Absorption System onsite. The requirements, including the size of the waste-water fields, set-backs to fit the fields onsite, and the costs of the system, make it very difficult to make sense of the resurrection of The Spud as a drive-in theater. This project is not focused on producing profit, but the numbers must at least break even on an annual basis to achieve long term feasibility. The requirement of an LSAS installation is a major deterrent and in the way of moving the project forward.

We kindly request that the City of Driggs, and other decision makers, consider the reasonable allowance to tap The Spud into the public sewer system, which is just a short distance from the property. Attached is a daily, monthly and annual projection for waste-water flows based on a fully built-out project. The projected flows are a very minor addition to the cumulative flows. It seems like just a matter of a few years until The Spud would be a welcome addition to the improved public sewer system and the revenues that will be required to subsidize the improvement costs. We know the community would strongly support an approval of our request.

Allowance would immediately provide us the incentive to move forward with resurrecting this historic community amenity and gathering place. The community support for the project is overwhelming and we hope we can work together to ensure that The Spud Drive In lives again. We would welcome the opportunity to sit down in person to discuss further at your earliest convenience.

Sincerely,

Mike Hammond

Eastern Idaho Public Health

Prevent. Promote. Protect.

TETON COUNTY
[address redacted]
Driggs, ID 83422
OFFICE [phone redacted]
FAX [phone redacted]

December 11, 2023

Teton County Planning and Zoning
[address redacted] Room 107
[address redacted]

RE: The Spud Drive-in

To Whom It May Concern:

It is the strong belief of Eastern Idaho Public Health that connecting the The Spud Drive-In Facility to the City of Driggs Sewer District infrastructure would be the best wastewater disposal plan. The line is readily accessible on the west side of the parcel. This would resolve many issues that the Teton County Idaho Planning and Zoning and Commissioners have addressed concerning sub-surface wastewater disposal and their belief that septic system are a source of possible contamination to nearby wells and soils. The type and size of the septic system that will be required to serve this facility and the proposed campground is a Large Soil Absorption System. This type of system uses a very large area of land and would be putting tremendous amount of wastewater into the ground compared with normal residential use.

Please contact me if you have further questions on this recommendation.

Thank you,

Kathleen Price
REHS/MSG
Eastern Idaho Public Health
[phone redacted] ext 1 (office)
[phone redacted] (cell)
[email redacted].gov



WASTEWATER FLOW SUMMARY

	Number	Unit	Category per IDAPA 58.01.03	Wastewater Flow (gpd) per IDAPA 58.01.03	Total WW flow (gpd)
2169 S Hwy 33					
Existing					
3-bedroom home	3	bedrooms	single family dwelling	250/unit up to 3 beds +/- 50/bed	250
Proposed					
3-bedroom home	3	bedrooms	single family dwelling	250/unit up to 3 beds +/- 50/bed	250
10 Cabins (2 bedrooms with kitchens, 4 persons per cabin)	40	bedspaces	Motel with kitchennette	60/bedspace	2400
				TOTAL Proposed East Lot	**2650**
2175 S Hwy 33					
Existing					
Drive In	130	spaces	theater with concession, Drive In	10/space	1300
Proposed					
Drive In	130	spaces	theater with concession, Drive In	10/space	1300
Non Movie goer meals prior to and during show	100	meals	Take out or single service meals	2/ meal	200
				TOTAL Proposed West Lot	**1500**
				TOTAL PROPOSED BOTH LOTS	**4150**

40' 20' 0 40' 80'

SCALE: 1" = 40'
(24" X 36" SHEET)

PRELIMINARY
NOT FOR CONSTRUCTION

HARMONY
DESIGN & ENGINEERING
[phone redacted]
305 • DRIGGS ID 83422
www.harmonydesigninc.com

DRAWING IS TO SCALE IF 24" X 36" SHEET.
1" = FULL SCALE
½" = HALF SCALE

FILE: 21042.DSN
PROJ. #: 21042

DATE: 12/13/2023
REVISIONS:

PROJECT NAME
SPUD DRIVE-IN REDEVELOPMENT
TETON COUNTY, IDAHO

CONCEPT SITE PLAN

SHEET #
C1.1





CONCEPT DESIGN PACKAGE

COVER

THE SPUD DRIVE IN

JANUARY 25, 2024

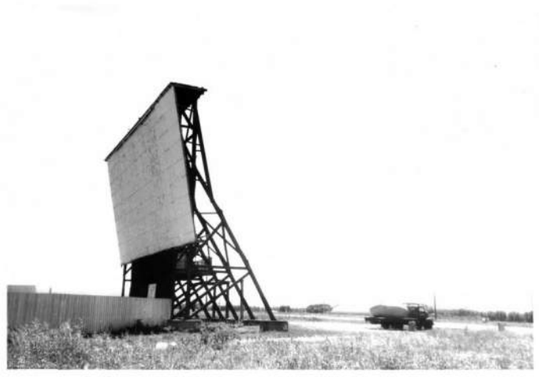
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DRIGGS, IDAHO

TOM HARRY ARCHITECTURE













SITE PHOTOS

THE SPUD DRIVE IN

DRIGGS, IDAHO

TOM HARRY ARCHITECTURE

JANUARY 25, 2024

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SITE PLAN FROM MODEL



AERIAL VIEW



AERIAL VIEW



NEARING TICKET BOOTH

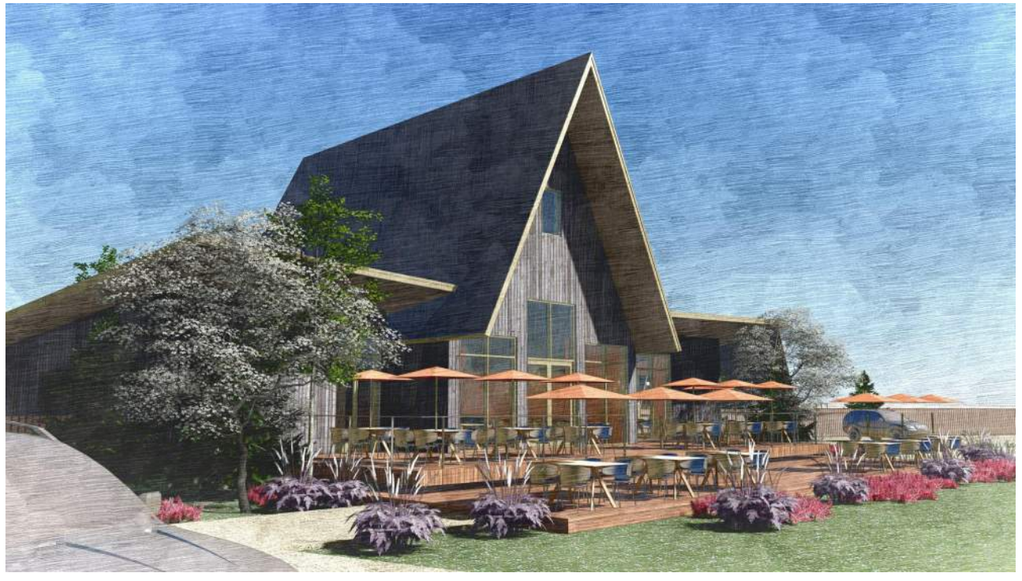


VIEW FROM HIGHWAY

RENDERINGS FROM PROJECT MODEL



VIEW OF RESTAURANT & BAR FROM THE NORTH SIDE



GROUND LEVEL VIEW



AERIAL VIEW OF SPUD CAFE



GROUND LEVEL VIEW

RENDERINGS - NEW SPUD CAFE AND PROJECTION BUILDING



RV CABINS BEYOND CAFE BUILDING



AERIAL VIEW OF DRIVEWAY ACCESS TO CABINS



WEST ELEAVATION OF RV CABINS



ENTRY AND DRIVEWAY SIDE OF A-FRAME CABINS

RENDERINGS - GUESTROOM UNITS WITH RV PULL THROUGHS



EVENT BARN AND TICKET BOOTH



EAST ELEVATION AERIAL VIEW OF EVENT BARN

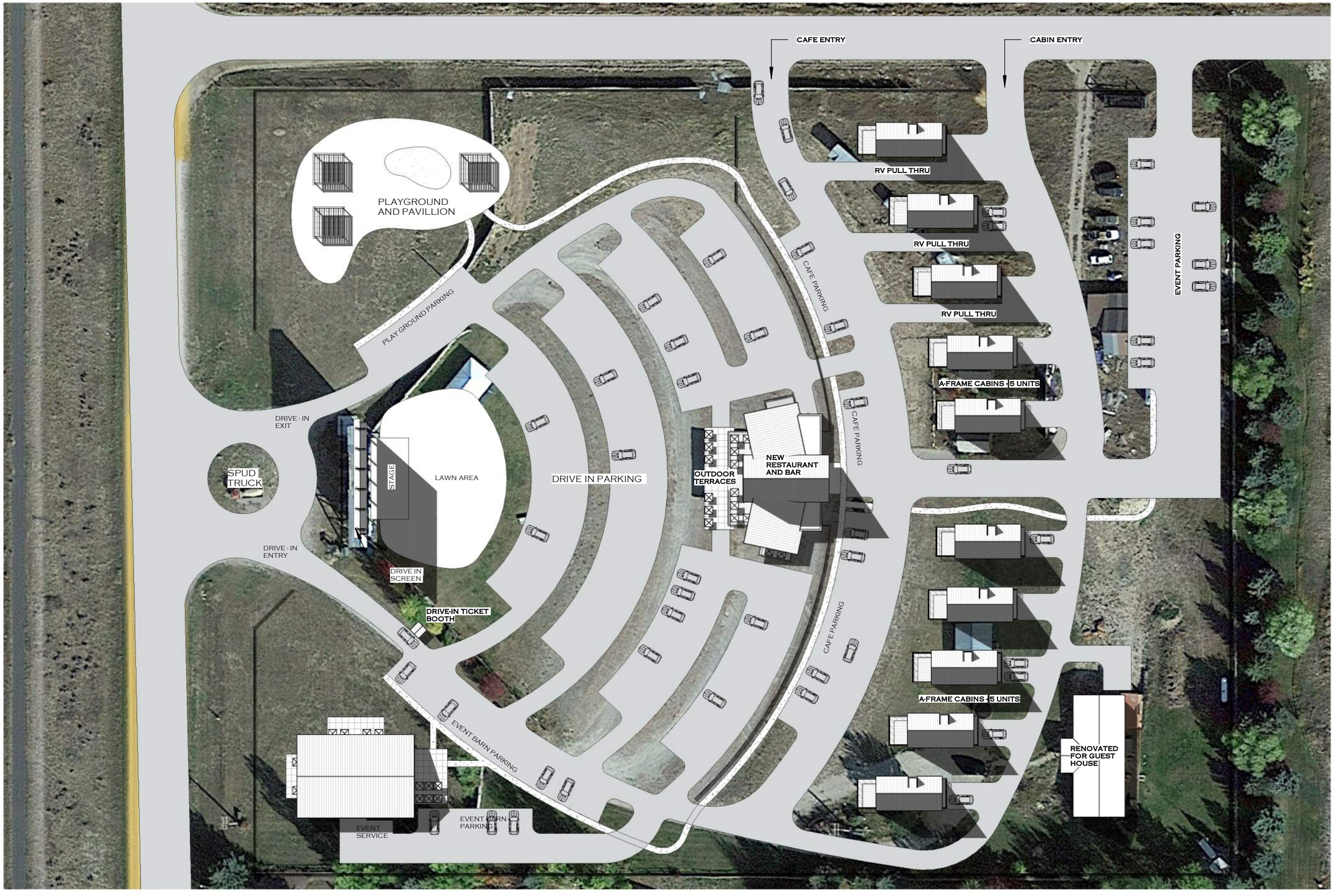


EAST ELEVATION OF EVENT BARN WITH TICKET BOOTH AND SCREEN



EVENT BARN LOOKING NORTHEAST

RENDERINGS - EVENT BARN



SITE PLAN

THE SPUD DRIVE IN

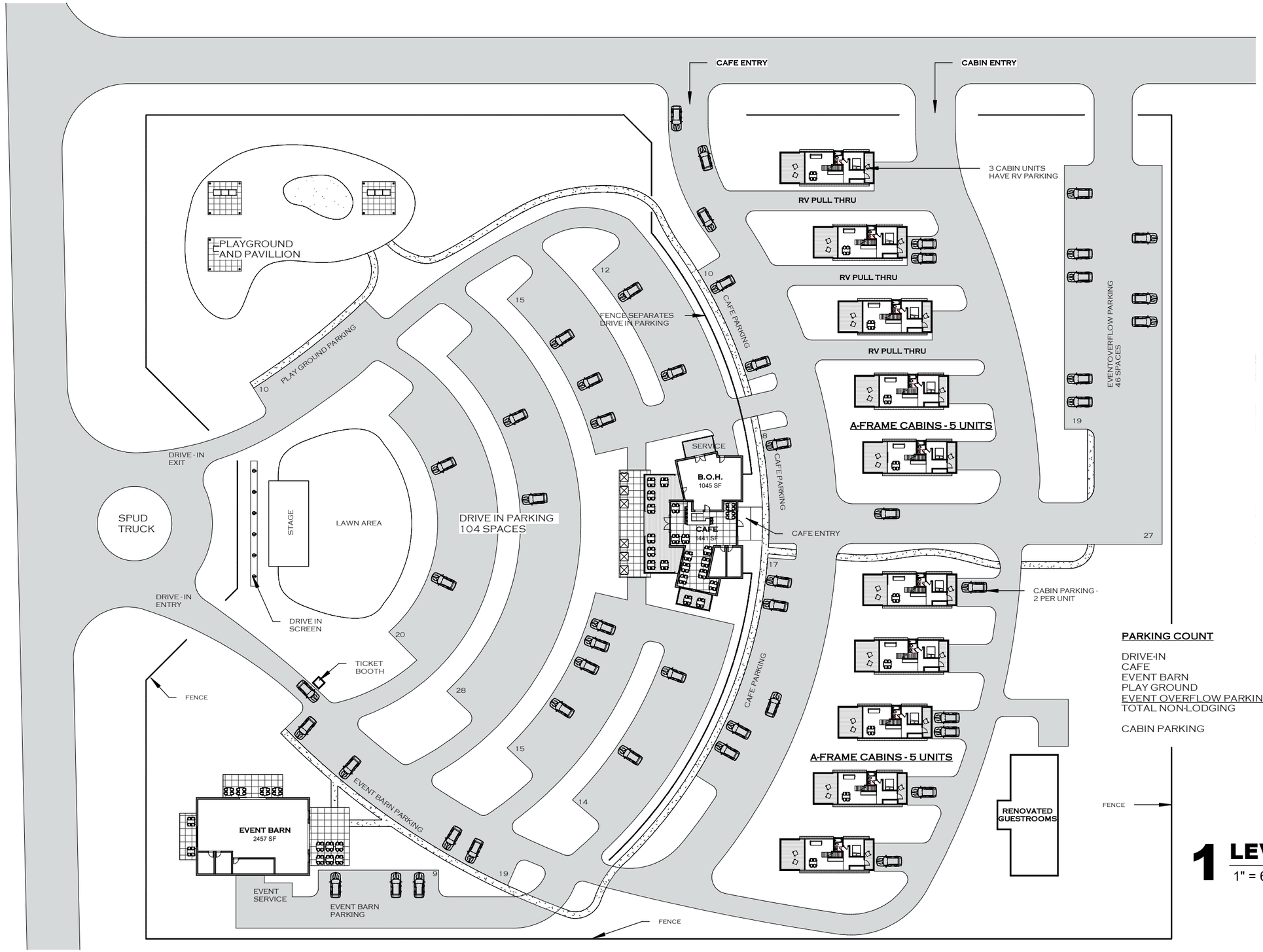
DRIGGS, IDAHO

TOM HARRY ARCHITECTURE

JANUARY 25, 2024

A1.01

SCALE: 1"=60'-0"



PARKING COUNT

DRIVE-IN	104
CAFE	35
EVENT BARN	28
PLAY GROUND	10
EVENT OVERFLOW PARKING	46
TOTAL NON-LODGING	223
CABIN PARKING	20 AUTO 3 RV

1 LEVEL 1 SITE
1" = 60'-0"

LEVEL 1 SITE PLAN

THE SPUD DRIVE IN

DRIGGS, IDAHO

TOM HARRY ARCHITECTURE

JANUARY 25, 2024

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2 **CAFE - LEVEL 1 PLAN**

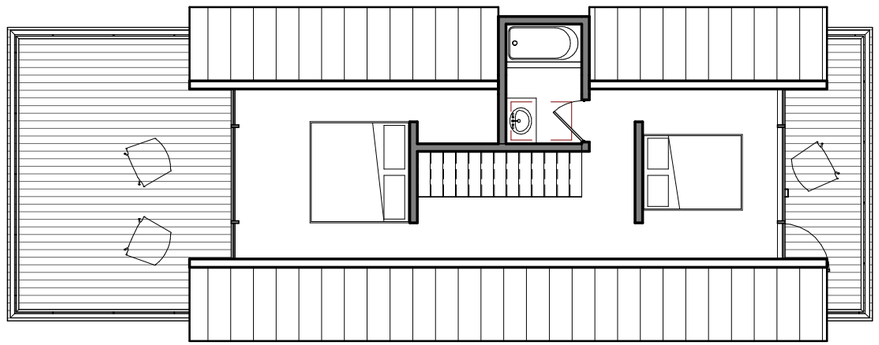


DINING TERRACES



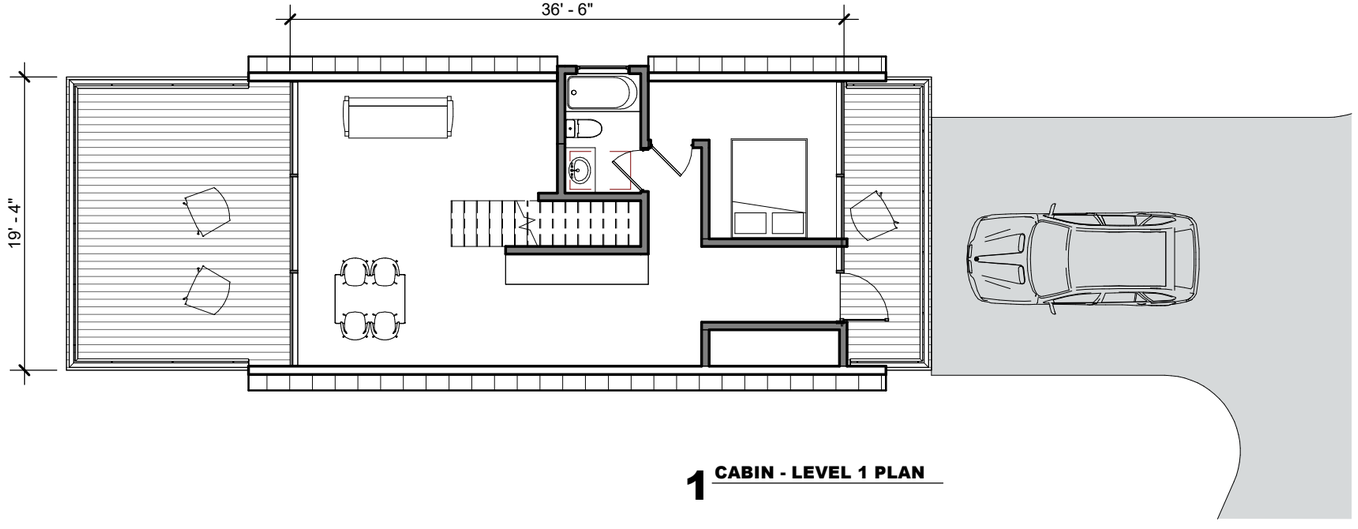
CAFE SERVICE SIDE

CAFE & FOOD SERVICE FLOOR PLAN



2 CABIN - LEVEL 2 PLAN





1 CABIN - LEVEL 1 PLAN



CABIN FLOOR PLANS

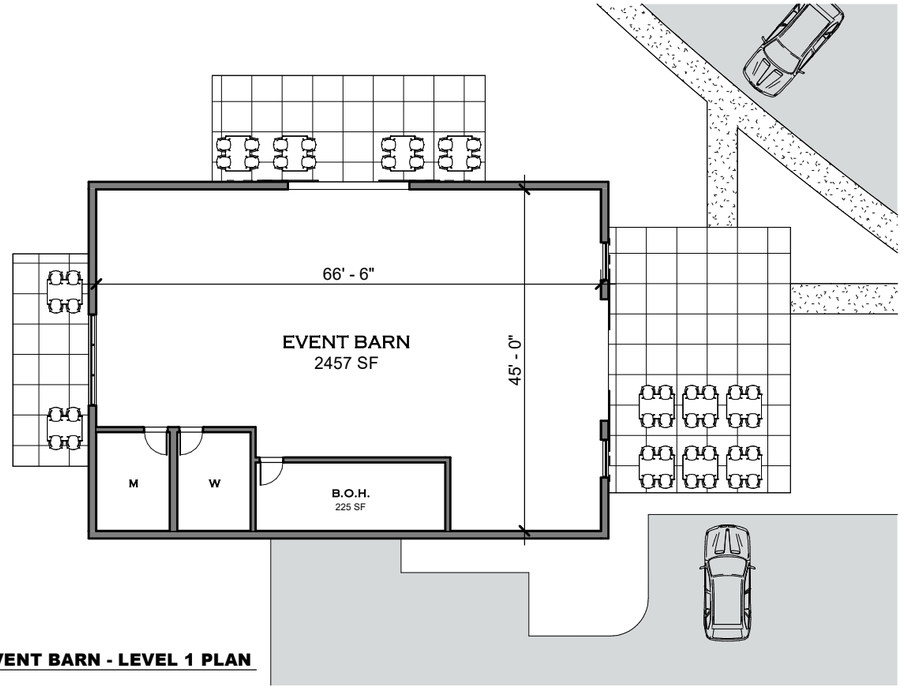
THE SPUD DRIVE IN

DRIGGS, IDAHO

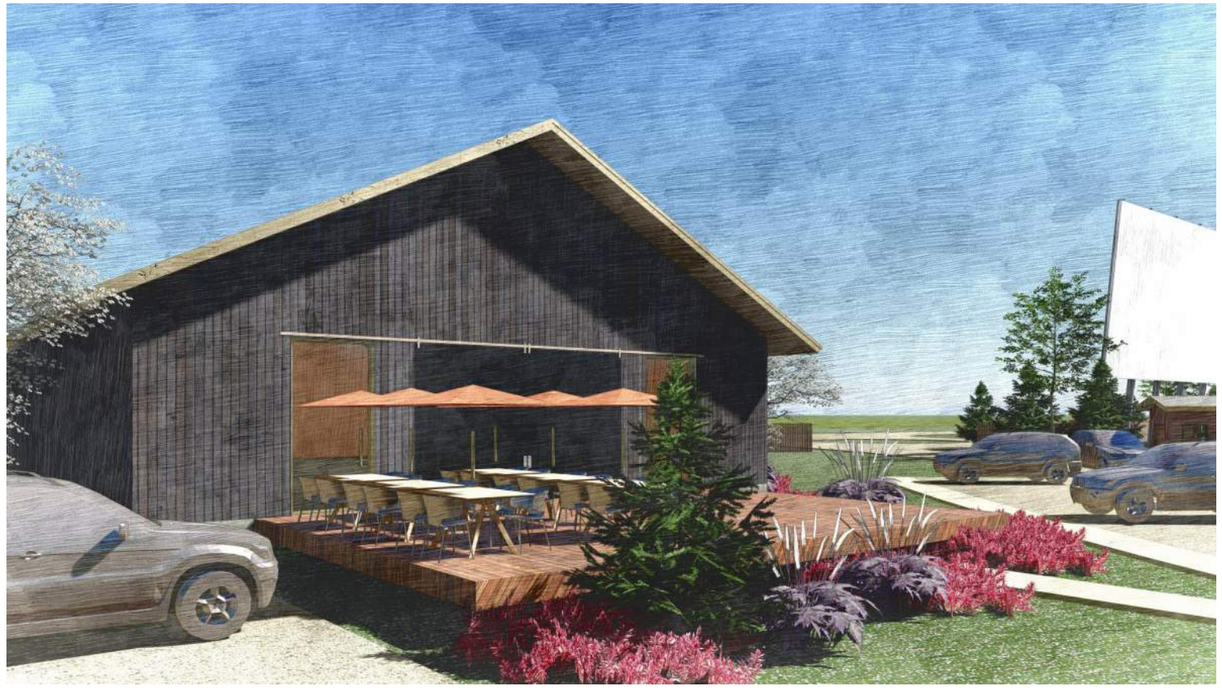
TOM HARRY ARCHITECTURE

JANUARY 25, 2024

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1 **EVENT BARN - LEVEL 1 PLAN**





EVENT BARN

THE SPUD DRIVE IN

DRIGGS, IDAHO

TOM HARRY ARCHITECTURE

JANUARY 25, 2024

A1.08

jmaz@driggsidaho.org

From: Jeremy Besbris <jeremyb@victoridaho.gov>
Sent: Monday, January 8, 2024 2:29 PM
To: jmaz@driggsidaho.org
Subject: RE: Spud-Drive-In Sewer Connection Request

Hi Jay,

Here's a public policy basis providing a limited but objective basis for allowing trunkline connections: (1) listed on a national registry of historical places, (2) open to the public (e.g., not a private residence), and (3) the reconstruction of the landmark and its continued historical use is unlikely without additional revenue sources (10 rental cabins in this case). The mayor supports the connection if the above can be made conditions of approval so there is some certainty that the SPUD is resurrected.

Thanks for consulting with us. Let me know if you have any questions.

JB

Jeremy Besbris

City Administrator
[address redacted]
[address redacted] Suite 201, Victor 83455
Office: (208) 787-2940 Mobile: [phone redacted]
jeremyb@victoridaho.gov
www.victoridaho.gov | Facebook

City Hall Office Hours: Monday -- Thursday 8:00 am – 6:00 pm.
Public Disclosure: This email may be made available to the public through a records request.

From: jmaz@driggsidaho.org <jmaz@driggsidaho.org>
Sent: Wednesday, January 3, 2024 1:18 PM
To: Jeremy Besbris <jeremyb@victoridaho.gov>
Subject: RE: Spud-Drive-In Sewer Connection Request

Jeremy,

Next week is fine, just wanted to give you a heads up as this could tug some heartstrings….

JAY T. MAZALEWSKI, PE
PUBLIC WORKS DIRECTOR, CITY ENGINEER
[phone redacted] ext. 2115
jmaz@driggsidaho.org
www.driggsidaho.org

[address redacted] | PO Box 48 | [address redacted]
All communications are subject to Idaho Open Records Law and City of Driggs Communications Policies.

From: Jeremy Besbris <jeremyb@victoridaho.gov>
Sent: Wednesday, January 3, 2024 1:16 PM
To: Jay Mazalewski <jmaz@driggsidaho.org>
Subject: Spud-Drive-In Sewer Connection Request

Thanks for sharing. Can we discuss when we meet next Wednesday or are you wanting a response earlier than that? Just let me know either way. Thanks, JB

From: jmaz@driggsidaho.org <jmaz@driggsidaho.org>
Sent: Tuesday, January 2, 2024 6:30 PM
To: Jeremy Besbris <jeremyb@victoridaho.gov>; Nate Beard <nateb@victoridaho.gov>
Subject: Spud-Drive-In Sewer Connection Request

Jeremy &Nate,

Attached is a county sewer connection request the City received for the Spud Drive-In. As this is not a typical development request and I wanted to pass it along. If you have any input, comments or want more info, please contact me.

Thanks,
Jay

JAY T. MAZALEWSKI, PE
PUBLIC WORKS DIRECTOR, CITY ENGINEER
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www.driggsidaho.org
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