



AGENDA
PLANNING AND ZONING COMMISSION
WORK SESSION (with Board) & PUBLIC HEARINGS
July 12, 2016
STARTING AT 4:00 PM

Amended on
6-29-2016 to
add Item #3

LOCATION: 150 Courthouse Dr., Driggs, ID
Commissioners' Chamber – First Floor (lower level, SW Entrance)

1. Approve Minutes
 - June 14, 2016
2. Chairman Business
3. Administrator Business

4:00 PM – Item #1 – WORK SESSION: Draft Code: Discussion of Draft Land Use Development Code with the Board of County Commissioners.

No public comment will be taken regarding the Draft Land Use Development Code.

6:00 PM - Item #2 – PUBLIC HEARING: Concept Approval for Mountain Legends Ranch Subdivision. Peacock Property LLC is proposing a subdivision on two parcels of land (approximately 197 acres) north of Driggs. The lots will be 2.5 acres, with approximately 100 acres in open space easements. These parcels are zoned A-2.5.

Legal Description: RP05N46E084500 - TAX #6485 SEC 8 T5N R46E FKA Mountain Legends Ranch; RP05N46E078250 - TAX #6484 SEC 7 T5N R46E FKA Mountain Legends Ranch

7:00 PM – Item #3 - SCENIC CORRIDOR DESIGN REVIEW: Halsey Hewson. Building a storage shed on his property south of Victor, in the Victor Area of Impact, located at the corner of Highway 33 and E 9500 S. The property is completely within the Scenic Corridor Overlay.

Legal Description: RP03N45E134210; TAX #6795 SEC 13 T3N R45E

The River Rim Public Hearing has been canceled. The applicant withdrew this application on June 24, 2016.

7:30 PM – Item #3 – Continuation of 5/10/2016 PUBLIC HEARING: Application for River Rim Ranch PUD Division II to amend the Phase I Plat and Development Agreement. GBCI Other Real Estate, LLC & 211 West Rim, LLC, is proposing an amendment to the River Rim Ranch PUD Division II, Phase I, Final Plat that would return the golf course portion of the PUD and the “incidental uses” associated with the golf course. The proposed amendment includes the following changes to the West Rim Village (entrance) Area: office, conference space, and spa uses in the existing headquarters building; A commercial support center with a gift shop, coffee shop, and convenience store uses; A recreation center; 12 work force housing units; and storage facility. The proposed amendment also includes the following changes to the Golf Village Area: Modifying Tract D from 45 Cluster Chalets to 48 two room “Hospitality Suites”; Modifying Tract E from 12 residential lots to 48 two room “Hospitality Suites” and Pro Shop, dining and spa uses; eliminating the 3 residential lots on Tract G for the O&M facilities; removing the 6 lots from Tract J for the driving range. The Development Agreement would be modified to: allow the golf course and associated incidental uses, identify the uses of each lot/tract in Phase I, and update the cost estimate and timelines.

Legal Description: River Rim Ranch Division II PUD, Phase I. Further described as: Parts of Sections 8, 9, 16, 17, 20, 21, 22, 29 Township 6N Range 45E B.M., Teton County.

ADJOURN

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- **Written comments received by 5:00 pm, July 5, 2016 will be incorporated into the packet of materials provided to the Planning & Zoning Commission prior to the hearing.**
 - Information on the above application(s) is available for public viewing in the Teton County Planning and Zoning Office at the Courthouse between the hours of 9am and 5pm Monday through Friday.
 - The application(s) and related documents are posted, at www.tetoncountyidaho.gov. To view these items, select the Planning & Zoning Commission department page, then select the 7-12-2016 Meeting Docs item in the Additional Information Side Bar.
 - Comments may be emailed to pz@co.teton.id.us. Written comments may be mailed or dropped off at: Teton County Planning & Building Department, 150 Courthouse Drive, Room 107, Driggs, Idaho 83422. Faxed comments may be sent to (208) 354-8410.
 - Public comments at the public hearing are welcome.

Any person needing special accommodations to participate in the above noticed meeting should contact the Board of County Commissioners' office 2 business days prior to the meeting at 208-354-8775.

DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from June 14, 2016
County Commissioners Meeting Room, Driggs, ID

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Cleve Booker, Mr. Bruce Arnold, Mr. Chris Larson, Mr. Jack Haddox, Mr. Pete Moyer, Ms. Sarah Johnston, and Mr. David Breckenridge.

COUNTY STAFF PRESENT: Ms. Kristin Rader, Interim Planning Administrator, Kathy Spitzer, County Attorney

ELECTED OFFICIALS: Bill Leake, Cindy Riegel, and Kelly Park.

The meeting was called to order at 4:03 pm.

APPROVAL OF MINUTES:

MOTION: Mr. Arnold moved to approve the Minutes from May 17th as amended. Mr. Booker seconded the motion.

VOTE: The motion was unanimously approved. Mr. Hensel abstained from voting because he did not attend the May meeting.

CHAIRMAN BUSINESS: Mr. Hensel commented he did not have any specific business other than recommending going back to a once a month meeting schedule, if possible.

ADMINISTRATIVE BUSINESS: Ms. Rader asked the Commission if the 13th of July at 5:30 PM would work for a joint Teton County-Driggs Planning Commission meeting for an application in the Driggs Area of Impact. The County has to provide two Commissioners for this meeting. Mr. Larson & Ms. Johnston volunteered to attend the meeting.

The Work Session started at 4:07 PM. Mr. Marlene Robson was not in attendance for the meeting. Mr. Moyer and Mr. Breckenridge arrived after the work session started.

4:00 PM – Item #1 – WORK SESSION: Draft Code: Discussion of Draft Land Use Development Code with the Board of County Commissioners.

Ms. Rader presented two different schedules for adoption of the new Code by the end of the year. The first timeline showed the final adoption of the Code in October and the 2nd timeline presented showed final adoption in December. Both timelines showed a joint work session on June 21st to discuss Frequently Asked Questions and community outreach schedules. Notice dates for the P&Z public hearings and BoCC public hearings for public comment on the Code were also discussed.

Different approaches were discussed for public outreach including newsletters, flyers around town, the local newspaper, the County website and Facebook. Mr. Rader also commented she would work with the local farmers to try and accommodate their harvest schedules in the Fall. Mr. Arnold suggested reaching out to the farming community before the harvest season and ask them about the timing before deciding on the public comment meeting dates. Stakeholder meeting options were also discussed as far as scheduling and suggested participants, along with informal open house meetings throughout the valley.

Ms. Johnston asked Ms. Rader about the process for collecting the public comments at the outreach sessions and stakeholder meetings and presenting them collectively to the Commission. Ms. Rader commented she would organize the comments and include her responses as well. Mr. Larson was concerned with the amount of time required to accomplish that considering the staff shortage. Ms.

Rader commented she was committed to the process and did understand the time constraints. Mr. Booker commented he felt the December adoption schedule was more appropriate in order to accomplish the outreach required and to give the staff time to incorporate the comments. It was the consensus of the Commission that the December adoption timeline would be the appropriate one to use, as long as the adoption does not get pushed into the January 2017.

The Commission next discussed the public meetings and the need to present any changes to the public more than once. Ms. Rader walked through the process and possible scenarios for presenting revisions and noticing the public about the changes. The Commission felt the majority of changes based on the public comment would happen before the final version of the proposed Code gets to the BoCC. The input from the first and second BoCC public comment hearings will be addressed and available to the public before the final BoCC public hearings in November and December.

The Commission also discussed presenting the proposed Code as it compares to the existing Code versus emphasizing how the proposed Code accomplishes the goals of the approved Comp Plan. Mr. Hensel commented that he thought the Executive Summary was more geared toward that type of comparison.

Ms. Rader asked for specific guidance regarding the timeline agreed upon. The Commission was concerned that the public outreach timeframe was in the middle of the harvesting season, but felt it was important to move the Code forward to the BoCC as soon as possible to get the second public outreach session started. It was decided that the public notice for the first P&Z hearing on September 13th would go out on August 19th and that would be the beginning of the public outreach sessions. The first P&Z meeting on September 13th would be completely open to public comment. The second meeting on September 20th would be continued public comment if necessary and Commission discussion. The third meeting on September 27th would be continued Commission discussion, revisions, decisions on the recommended Code. It was also decided that the first joint work session proposed for June 21st would be moved to June 23rd because Mr. Leake will be unable to attend on the 21st. Neither the Commission or the BoCC had a problem with the other dates prior to beginning the stakeholder meetings.

The work session was closed at 5:49pm. The Commission took a short break.

The Public Hearing was called to order at 6:00 PM.

Continuation of 5/17/2016 PUBLIC HEARING: Amendment to Title 9, Teton County Subdivision Ordinance – Proposing amendments to Title 9 to add CHAPTER 11 - BUILDING PERMIT ELIGIBILITY OF PREVIOUSLY CREATED PARCELS. This amendment is intended to establish procedures for placing purchasers of illegally split parcels on notice that such parcel split occurred in violation of the LLUPA (Idaho State Code 67-65) and the requirements of Teton County Code-Title 9, and to provide a means for certifying that the real property does comply with the provisions of LLUPA and Teton County Code-Title 9.

Mr. Hensel asked the Commission for their input on the changes incorporated into the new draft from the previous meeting since he was not present at that time. Ms. Johnston asked if they were going to open the hearing up to the public or moving on to deliberation. Mr. Hensel commented the public comment section of the hearing was closed before at the previous hearing. Mr. Arnold commented that was his understanding and Mr. Booker, who chaired the last meeting, commented that the public comment was closed before the Commission deliberation.

Ms. Johnston commented that there were three outstanding items in the ordinance, in her opinion. The first point she discussed involved definitions. She was concerned that the ordinance contained too many different terms that were confusing on their meaning. She felt there was a need to clarify

with definitions for things like “lot of record”, “legal”, and “buildable”. Mr. Breckenridge asked about a “lot of record” definition. Ms. Johnston commented that a “lot of record” is buildable, but there are other legally created parcels that are not necessarily a lot of record. She wanted a consistent term to talk about lots. The next item Ms. Johnson discussed was her opinion that if a building right has been issued for a parcel, it should be deemed a buildable parcel. She felt that if a permit for physical development was issued by the County since the parcel was created, it should be a part of the determination to deem the parcel a lot of record. Mr. Hensel asked if a building permit constitutes a lot of record in her opinion. He was wondering about the lot that was split off and it’s rights. Ms. Johnston felt it should, and felt that there were numerous other jurisdictions and counties that have ordinances regarding that problem and they could learn from researching existing ordinances. The third item she discussed was regarding the parcel rectification process. She was concerned with the complication of the process and the time involved to rectify it. She stated she doesn’t see the process outlined in 9.11.7 C as necessary and felt that it just muddies the water and should be eliminated. There were already plenty of options outlined that would be appropriate. She was also concerned with 9.11.8 titled Denial of Application and wondered if that should go away as well.

Mr. Hensel asked Ms. Spitzer about her objection to the lot of record definition. Ms. Spitzer explained the need for both sides of a parcel lot split to cooperate to rectify the situation. If someone had used the one time only lot split signed off by the Planning & Zoning Administrator, that would create a lot of record. However, if someone just deeded off two pieces of land and did not go through any process, and one of the new lot owners got a building permit, the other owner would have a lot without any building rights because the entire parcel has to go through the process and requires the cooperation of both owners. Mr. Hensel asked Ms. Rader’s opinion on that part of the ordinance. Ms. Rader explained that section 9.11.7 C. was there because in the original draft the option of making all one time only surveys buildable wasn’t there, and since that option is now there she has not been able to come up with an actual example from the inquires that she has done that would meet the requirements of the parcel rectification process. She stated that she was not sure that section would be necessary with the other options that are available with this ordinance.

Mr. Booker asked if all of the parcels that were found to be illegal were issued parcel numbers and have been paying taxes? Ms. Rader commented that some people have split parcels that do not have a legal parcel number attached to their lot and some have parcel numbers that were never legally split, and paying taxes on a lot has nothing to do with building rights. Ms. Spitzer commented the lots still have value, and that assessed value is up to the Assessor.

Ms. Johnston asked if everyone was OK with getting rid of 9.11.7 C and the Commission agreed. Mr. Larson commented when he read that section he was confused as to what it applies to. Mr. Booker agreed. Ms. Johnston asked about adding on or making improvements or building a garage on a non-conforming lot. Mr. Larson commented that some of them were done by the county as one time only lot splits and they thought were creating buildable lots, so he felt the county should you let them go.

Mr. Breckenridge felt if the county deeded it off and issued a building permit, they can’t take back rights or refuse to allow an improvement on the lot. Ms. Johnston agreed that it was difficult to address each individual case with one ordinance. Ms. Spitzer commented that the lot split process can be agreed upon within the family without giving the other split any rights, and need the cooperation of all owners to accomplish the short plat process giving the new lot building rights.

She felt this was a way to accommodate a person who has only one other person involved in the lot creation.

Ms. Johnston agreed with Ms. Spitzer on the inequities of the situation. She was also concerned with the lack of good records, and a lot of building permits are not on record in the county. That makes enforcement much more complicated.

Mr. Booker asked what the harm to the county is if they admit they made a mistake and moved forward. He didn't want people to have to go through process if they didn't make a mistake or do anything wrong in the first place. Ms. Spitzer commented you would be violating a state law allowing illegal lots to have building rights. Ordinances that are adopted have to be enforced. She said what was not OK is if they did not go through the appropriate planning process, even if it was wrong or the code was misinterpreted. Mr. Hensel asked if he bought a 20 acre parcel in a subdivision and another 20 acre parcel was split into 3 parcels, could he sue the county for allowing the split? Ms. Spitzer commented he probably could do that.

Mr. Moyer said during the public comment at the last meeting people had lot splits that went through the process. They thought they did the right thing and ended up with a non-buildable lot. Ms. Spitzer commented they ended up with lots that were still Ag designated, that is why they are non-buildable. Ms. Rader commented the Ag split process is an exemption from the subdivision process with no notice to the public. It has been clearly defined since 1969 that is for Ag purposes only and does not involve residential rights.

Mr. Hensel asked about addressing non-conforming lot problems on an individual basis. Ms. Johnston agreed putting the non-conforming issue somewhere in the new code would be better.

Mr. Booker asked about the few lots that had no options. He asked if there are still lots out there like that. Ms. Rader commented she felt there were only a few lots that have a survey that she has seen with the problem, and most of them were fixable. He wanted to know that those small problems were fixed and that the proposed ordinance wouldn't change that.

Mr. Larson commented on Page 2 E, and wanted to add one word. He wanted to add verifying the "final" approval just to make it more clear.

MOTION: Ms. Johnston moved that as the Planning & Zoning Commission we recommend approval of Ordinance No. 2016-9-11 more or less as drafted with the inclusion of a lot of record definition that is used consistently throughout the Ordinance and defined clearly, and with the removal of 9.11.7 C. in its entirety, and with the removal of 9.11.8, and with the removal of 9.11.2 Part F. which also references the other part deleted. Also, on line 66 adding the word "final" prior to the word "approval". Mr. Larson seconded the motion.

VOTE: The motion was unanimously approved after a roll call vote.

7:00 PM – Item #3 – Continuation of 5/10/2016 PUBLIC HEARING: Application for River Rim Ranch PUD Division II to amend the Phase I Plat and Development Agreement. GBCI Other Real Estate, LLC & 211 West Rim, LLC, is proposing an amendment to the River Rim Ranch PUD Division II, Phase I, Final Plat that would return the golf course portion of the PUD and the "incidental uses" associated with the golf course. The proposed amendment includes the following changes to the West Rim Village (entrance) Area: office, conference space, and spa uses

in the existing headquarters building; A commercial support center with a gift shop, coffee shop, and convenience store uses; A recreation center; 12 work force housing units; and storage facility. The proposed amendment also includes the following changes to the Golf Village Area: Modifying Tract D from 45-Cluster Chalets to 48- two room "Hospitality Suites"; Modifying Tract E from 12 residential lots to 48- two room "Hospitality Suites" and Pro Shop, dining and spa uses; eliminating the 3 residential lots on Tract G for the O&M facilities; removing the 6 lots from Tract J for the driving range. The Development Agreement would be modified to: allow the golf course and associated incidental uses, identify the uses of each lot/tract in Phase I, and update the cost estimate and timelines.

MOTION: Ms. Johnston moved to continue Item #3 to July 12th based on insufficiency of the materials the applicant turned in. The applicant will have until the end of the day on June 27th to resubmit information. Ms. Rader commented that there was already a two hour work session with the BOCC beginning at 4 pm scheduled for that date and a subdivision application to hear starting at 6 pm. River Rim application will begin at 7:30 pm. Mr. Larson seconded the motion.

VOTE: The motion was unanimously approved.

MOTION: Ms. Johnston moved to adjourn the meeting. Mr. Larson seconded the motion.

VOTE: The motion was unanimously approved.

The meeting was adjourned at 7:10 pm. The public had some questions about what exactly was being requested that was not presented and the applicant wanted some specific guidance from the Commission.

MOTION: Mr. Booker moved to cancel the previous motion to adjourn the meeting in order to explain to the applicant what information is being requested. Mr. Breckenridge seconded the motion.

VOTE: The motion was unanimously approved to reopen the meeting.

Mr. Hensel apologized for the lack of discussion before adjourning the meeting. The Planning Commission, staff and the applicant discussed what specific information they would like to see for the next meeting. The motion from the previous hearing was displayed on screen and the Commission members went through the requested information and provided their input.

MOTION: Mr. Larson moved to adjourn. Mr. Booker seconded the motion.

VOTE: The motion was unanimously passed. The meeting ended at 8:00 pm.

Respectfully submitted,
Sharon Fox, Scribe

Dave Hensel, Chairman

Sharon Fox, Scribe