



A REQUEST FOR A CONDITIONAL USE PERMIT
By: David Kite
For: Cowboy Church
Where: 4369 N Highway 33 (Tetonia)
Prepared For: Board of County Commissioners Public Hearing of March 14, 2016

APPLICANT: David Kite/Cowboy Church
LANDOWNER: Valley Group Holdings, LLC

*Amended 3/7/2016
(public comment - p. 4)*

APPLICABLE COUNTY CODE: Conditional Use Permit pursuant to Title 8, Chapter 6 Teton County Zoning Ordinance, (amended 9/9/2013); Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

REQUEST: David Kite has applied for a Conditional Use Permit for a “Church or Place of Worship” with approximately 25-35 attendees. This project is located north of Driggs, at 4369 N. Highway 33. The applicant is not proposing any new structures or changes to the existing building, so a scenic corridor design review is not required.

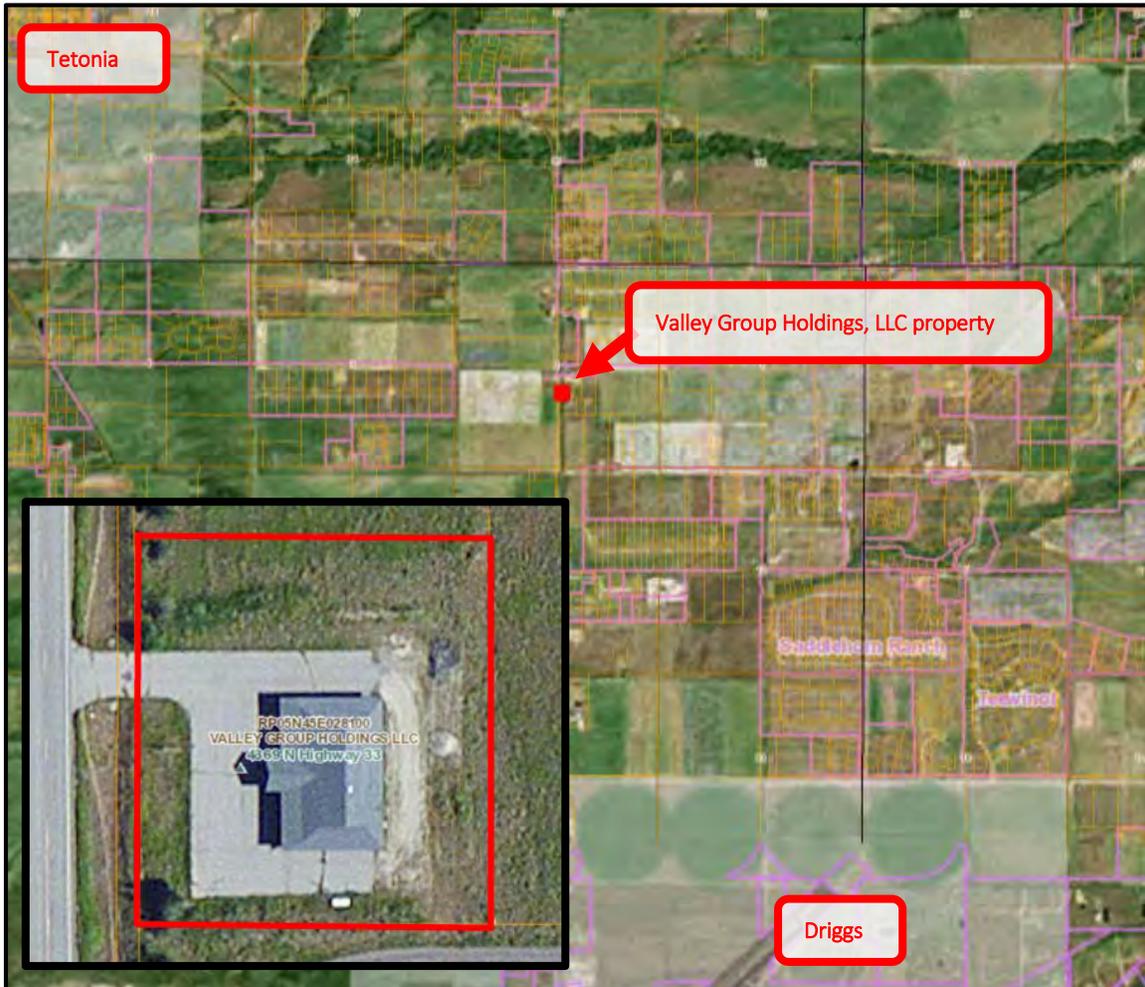
LEGAL DESCRIPTION: RP05N45E028100; TAX #5625 SEC 2 T5N R45E

LOCATION: 4369 N Highway 33, Tetonia, ID 83452

ZONING DISTRICT: A-2.5

PROPERTY SIZE: 1 acre

VICINITY MAP:



PROJECT BACKGROUND

David Kite submitted an application for a Conditional Use Permit on November 23, 2015, which was completed on December 4, 2015 (attachments 1-5). A Development Review Committee (DRC) Meeting was held on December 14, 2015 with the applicant, Planning, other Teton County Departments, and outside agencies to discuss the application materials (attachment 10). The Planning & Zoning Commission held a public hearing for this application on January 12, 2016, where it was recommended for approval with conditions (see attachment 12)

This property is zoned A-2.5, which currently requires a Conditional Use Permit for a “Church or Place of Worship”. This property is located in the Scenic Corridor Overlay. However, the applicant is not proposing any new structures or changes to the existing structure, so a Scenic Corridor Design Review was not required.

PROJECT DESCRIPTION:

David Kite is proposing to use the existing building at 4369 N Highway 33 for the Cowboy Church. The Church has already started using this building for its services. The Church meets once a week on Monday evenings. Service is scheduled from 7:00pm – 8:00pm, with Church members in the building usually between 6:30pm and 9:00pm. Currently, there are approximately 25-35 members attending this service each week.

In addition to the weekly service, the following programs are desired:

1. Church-wide Fellowship Meal: This program will take place on the third Monday of every month before the regularly scheduled service. The Fellowship meal would begin at 6:00pm, so attendees would arrive around 5:00pm or 5:30pm.
2. Discipleship Classes: This program will take place on the first, second, and fourth Mondays of every month before the regularly scheduled service. This program will begin at 6:00pm. Attendees would arrive around 5:30pm for this class.
3. Vacation Bible School: This program will be a 5-day long event during summers. This program will be scheduled 9:00am to 12:00pm for children ages 5 and up. This event may not always occur due to availability of workers and summer schedules, but the applicant would like the ability for the Church to have this program each summer when it is possible for the workers involved to do so.
4. Offsite Programs: The Church will also be involved in offsite programs in the community, such as providing food boxes to needy families, working with the Salvation Army as Bell Ringers, and other volunteer activities.

The building was constructed in the 1990s, and it received a final Commercial Certificate of Occupancy in 1994 (attachment 6). This building accesses directly from Highway 33. Idaho Transportation Department issued an access permit for this property in 1993 (attachment 7). There is also an existing parking lot on this property, which will be used by the Church members (attachment 5). There is already a well and septic system in place for the building. The septic permit was issued in 1994 by Eastern Idaho Public Health (attachment 9). There is also a sprinkler system installed in the building. The sprinkler system has not been inspected recently, as the building has been vacant for several years.

KEY ISSUES:

On January 12, 2016, the Planning & Zoning Commission discussed the size of the requested use and how it would grow. The application states there are 25-35 attendees, but the Church would like the ability to grow larger with this Permit, possibly to 100 people before reviewing the permit again.

The PZC had concerns about how large the use could grow before the proposed location's capacity would be maxed out. One of the recommended conditions of approval included establishing thresholds for access, parking, septic system, water, and building safety and including them in such a way that the CUP will be reviewed when those thresholds are met. Below are those thresholds:

- **ACCESS FROM HIGHWAY 33:** Idaho Transportation Department has stated this application does not trigger a traffic impact study. The triggers for a traffic impact study include 100 or more new trips during the peak hour or 1000 vehicles per day. The number of trips generated by churches can be based on the building size or the number of seats to determine if a traffic impact study is required. (attachment 7)
 - Based on the building size, ITD estimated the number of trips would be around 50 on Sunday and 8 in the peak hour on Sunday (ITD assumes Sunday is the peak day even if the use meets on a different day of the week).
 - Based on the number of seats, 1.85 trips would be generated per seat on Sunday and 0.61 trips per seat per peak hour on Sunday. This means the Church could have **163 seats** before triggering a traffic impact study ($163 * 0.61 = 99.43$ peak hour trips)
- **PARKING:** Churches require a minimum of one (1) space for each five (5) seats in the principle assembly area (Teton County Code 8-4-5). Based on the existing parking lot and the parking requirements, 27 parking spaces could fit before needing to expand outside of the paved/graveled area. This also includes ADA parking requirements. This means the Church could have **135 seats** before needing to expand the parking area. (attachment 8)
- **SEPTIC SYSTEM:** Eastern Idaho Public Health has stated the capacity of the system in place, without a kitchen being used in the building, could support **98 people** per day. (attachment 9)
- **WATER:** Idaho Department of Water Resources confirmed the well for this property would be considered a domestic well, which is limited to 2,500 gallons per day or 0.4 cfs per day. The volume of water used can be looked at in two ways, by the number of fixtures (sinks, toilets, etc.) and by the number of people.
 - IDWR assumes 3 gallons of water will be used per fixture per minute. This means the Church could have **5 fixtures** before hitting the limit (5 fixtures at 3 gal/fix/min = 0.03 cfs; 6 fixtures at 3 gal/fix/min = 0.04 cfs).
 - IDWR could not find a typical volume of water per person used for churches. Instead, they used amounts for a school. This assumes 15 gallons of water will be used per person per day. This means the Church could have **166 members** per day before reaching the limit (15 gals * 166 = 2490 gallons)
- **BUILDING SAFETY:** The building does have a sprinkler system. Based on the Building Code requirements for this type of use, **a sprinkler system is not required.**
 - If the area exceeds 12,000 ft² or the occupancy load exceeds 300, sprinklers are required. The occupancy load of the assembly area for this building is 151 (based

on the net square footage (1,054) at 1 occupant per 7 ft²). The net square footage of the assembly area would have to be increased to at least 2,100 ft² before a sprinkler system would be required.

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE: Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512, and Title 8, Section 8-6-1 of the Teton County Zoning Ordinance. The public hearing for the Board of County Commissioners was duly noticed in the Teton Valley News. A notification was sent via mail to surrounding property owners within a 300-foot buffer area. A notice was also posted on the property providing information about the public hearing.

COMMENTS FROM NOTIFIED PROPERTY OWNERS & PUBLIC AT LARGE

Staff has not received any written comments from the public at the time of this report. *As of 3-7-2016, staff has not received any public comment. The deadline for comments to be included in the packet prior to the hearing was 3-4-2016.*

SECTION 8-6-1-B-7 CRITERIA FOR APPROVAL OF A CONDITIONAL USE

The following findings of fact shall be made if the Conditional Use is being approved. If the application is being denied, the Board should likewise specify the reasons for denial based on the items listed below.

| <i>Criterion</i> | <i>Staff Comments</i> |
|---|--|
| 1. Location is compatible to other uses in the general neighborhood. | The existing structure was built as a commercial building, so its uses are limited in the A-2.5 zone. This property is currently surrounded by residential uses, agricultural uses, and vacant lots. |
| 2. Use will not place undue burden on existing public services and facilities in the vicinity. | This use will utilize an existing structure that is accessible directly from Highway 33. No new structures are being proposed. This building was constructed in 1994, and it would have been included in the calculations for the currently adopted Capital Improvement Plan. The use will have a fairly low impact with the assembly only meeting one evening per week. ITD has confirmed the use would not require a Traffic Impact Study. |
| 3. Site is large enough to accommodate the proposed use and other features of this ordinance | See <u>Key Issues</u> above for comments on thresholds related to Access, Parking, Septic, Water, and Building Safety. Based on these thresholds, the Church membership could grow to a maximum of 98 members before issues would arise, i.e. reaching capacity of the existing septic system. Staff recommends capping the membership at a number just under this maximum to provide for a buffer while reevaluating the permit. |
| 4. Proposed use is in compliance with and supports the goals, policies and objectives of the Comprehensive Plan. | The Community Events & Facilities goals of the Comp Plan are most related to this use as it will provide a new service for the community, which could include cultural and recreational experiences. The volunteer activities associated with this use could also encourage community involvement. This use is utilizing an existing building, which will help minimize costs. This also complies with other goals of the Comp Plan by not adding new infrastructure that could decrease open space, impact agricultural lands and natural resources, or increase the burden on public services. This also accesses directly from Highway 33, which is transit and bicycle friendly. |

POSSIBLE BOARD OF COUNTY COMMISSIONER ACTIONS

- A. Approve the CUP, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approve of the CUP with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. Deny the CUP application request and provide the reasons and justifications for the denial.
- D. Continue to a future BoCC Public Hearing with reasons given as to the continuation or need for additional information.
- E. Remand back to the PZC with reasons and justifications for the decision.

SPECIFICATIONS OF THE BOARD

Upon granting or denying a conditional use permit, the Board shall specify (8-6-1-B-8):

- A. The ordinance and standards used in evaluating the application.
- B. The reasons for the approval or denial.
- C. The actions, if any, the applicant could take to obtain a permit.
- D. Conditions may be attached including, but not limited to:
 - 1. Controlling the duration of development;
 - 2. Assuring that development is maintained properly;
 - 3. Designating the exact location and nature of development;
 - 4. Requiring the provision for on-site public facilities or services;
 - 5. Requiring more restrictive standards than those generally required in Title 8;
 - 6. Minimizing adverse impact on other development;
 - 7. Controlling the sequence and timing of development;
 - 8. Designating of the number of non-family employees in the home occupation or home business based on the type of business and the location.

POSSIBLE CONDITIONS OF APPROVAL

- 1. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
- 2. All outdoor lights must comply with the Teton County Code, if applicable.
- 3. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
- 4. The Church membership/attendance is limited to 90 members per day. When membership/attendance reaches 90 people, the Conditional Use Permit must be reviewed by the Planning & Zoning Commission to determine if the size of the membership can change.

POSSIBLE MOTIONS

The following motions could provide a reasoned statement if a Commissioner wanted to approve or deny the application:

APPROVAL

Having concluded that the Criteria for Approval of a Conditional Use Permit found in Title 8-6-1 can be satisfied with the inclusion of the following conditions of approval:

1. *Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.*
 2. *All outdoor lights must comply with the Teton County Code, if applicable.*
 3. *Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.*
 4. *The Church membership/attendance is limited to 90 members per day. When membership/attendance reaches 90 people, the Conditional Use Permit must be reviewed by the Planning & Zoning Commission to determine if the size of the membership can change.*
- *and having found that the considerations for granting the Conditional Use Permit can be justified and have been presented in the application materials, staff report, and presentations to the Board of County Commissioners,*
 - *and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,*
 - *I move to APPROVE the Conditional Use Permit for the Cowboy Church as described in the application materials submitted December 4, 2015 and as supplemented with additional applicant information attached to this staff report.*

DENIAL

Having concluded that the Criteria for Approval of a Conditional Use Permit found in Title 8-6-1 have not been satisfied, I move to DENY the Conditional Use Permit for the Cowboy Church as described in the application materials submitted December 4, 2015 and as supplemented with additional applicant information attached to this staff report. The following could be done to obtain approval:

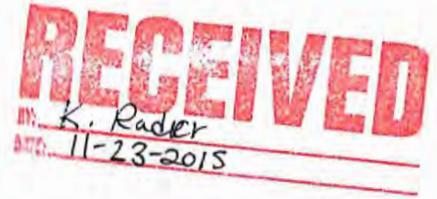
1. ...

Prepared by Kristin Rader on 2-24-2016

ATTACHMENTS:

- | | |
|--|--|
| 1. Application (4 pages) | 8. Parking Example (1 page) |
| 2. Letter of Authorization (1 page) | 9. 1994 Septic Permit & EIPH letter (6 pages) |
| 3. Warranty Deed #170106 (2 pages) | 10. DRC Meeting Notes (3 pages) |
| 4. Narrative (2 pages) | 11. Adjacent Landowner Notification (2 pages) |
| 5. Site Plan (1 page) | 12. PZC Meeting Minutes & Written Decision (14 pages) |
| 6. 1994 Building Permit (5 pages) | |
| 7. 1993 ITD Access Permit & Traffic Impact Study information (10 pages) | |

End of Staff Report



CONDITIONAL USE PERMIT APPLICATION

Teton County, Idaho

The planning staff is available to discuss this application and answer questions. Once a complete application is received, it will be reviewed by the planning administrator or his designee and then scheduled for a public hearing with the Planning and Zoning Commission, who will make a recommendation to the Board of County Commissioners. A second public hearing will be scheduled with the Board of County Commissioners who will make the final decision. It is recommended that the applicant review Title 8 of the Teton County Code and 67-6512 of the Idaho Code. Application materials may be viewed on the Teton County Idaho website at www.tetoncountyidaho.gov.

To expedite the review of your application, please be sure to address each of the following items.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Valley Group Holding

Applicant: Teton Valley Cowboy Church E-mail: dskite2@gmail.com

Phone: (208) 844-1576 Mailing Address: 124 W 500 N, Blackfoot, Id. 83221

City: _____ State: _____ Zip Code: _____

Engineering Firm: _____ Contact Person: David Kite Phone: (208) 844-1576

Address: 124 W 500 N, Blackfoot, Id. 83221 E-mail: dskite2@gmail.com

Location and Zoning District:

Address: 443 N. Hwy 33, Driggs, Id. Parcel Number: RPO5N4SE 028100

Section: 2 Township: 5 North Range: 45 East Total Acreage: 1

Zoning District: A2-S Requested Land Use: Existing Bldg for Church services

I, the undersigned, have reviewed the attached information and found it to be correct. I also understand that the items listed below are required for my application to be considered complete and for it to be scheduled on the agenda for the Board of County Commissioners public hearing.

• Applicant Signature: David Kite Date: 11-16-2015

Fees are non-refundable.

I, the undersigned, am the owner of the referenced property and do hereby give my permission to _____ to be my agent and represent me in the matters of this application. I have read the attached information regarding the application and property and find it to be correct.

• Owner Signature: _____ Date: _____

SECTION I: REQUIRED ITEMS

1. Latest Recorded Deed to the Property
2. Affidavit of Legal Interest
3. Application fee paid in full in accordance with current fee schedule
4. Twelve (12) copies of information and data (pictures, diagrams, etc.) necessary to assure the fullest presentation of the facts for evaluation of the request.
5. Twelve (12) copies of a site plan drawn to scale.
6. Narrative explaining the following:
 - Location is compatible to other uses in the general neighborhood.
 - Use will not place undue burden on existing public services and facilities in the vicinity.
 - Site is large enough to accommodate that proposed use and other features of this ordinance.
 - Proposed use is in compliance with and supports the goals, policies, and objectives of the Comprehensive Plan

SECTION III: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

1. Upon the granting of a conditional use permit, conditions may be attached to a conditional use permit including, but not limited to, those:
 - Minimizing adverse impact on other development;
 - Controlling the sequence and timing of development;
 - Controlling the duration of development;
 - Assuring that development is maintained properly;
 - Designating the exact location and nature of development;
 - Requiring the provision for on-site or off-site public facilities or services;
 - Requiring more restrictive standards than those generally required in this Title;
 - Designating the number of non-family employees in the home occupation and home business based on the type of business and the location;
 - Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.
2. Prior to granting a conditional use permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed conditional use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one (1) parcel of land to another.
3. Commercial Development Agreement for all land uses in the C-1, C-2, C-3, and M zoning designations are required to include the following, as applicable:
 - A site plan and/or survey prepared by a professional surveyor to include current and proposed plan;
 - A professionally prepared landscaping plan;
 - Financial guarantee for public improvements which may include but not be limited to: roads, phone, electric, water, sewer, fire protection, and lighting;
 - Professionally prepared final construction drawings.



RECEIVED
K. Rader
11-23-2015

CONDITIONAL USE PERMIT APPLICATION

Teton County, Idaho

The planning staff is available to discuss this application and answer questions. Once a complete application is received, it will be reviewed by the planning administrator or his designee and then scheduled for a public hearing with the Planning and Zoning Commission, who will make a recommendation to the Board of County Commissioners. A second public hearing will be scheduled with the Board of County Commissioners who will make the final decision. It is recommended that the applicant review Title 8 of the Teton County Code and 67-6512 of the Idaho Code. Application materials may be viewed on the Teton County Idaho website at www.tetoncountyidaho.gov.

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Applicant: Teton Valley Cowboy Church E-mail: dskite2@gmail.com

Phone: (208) 844-1576 Mailing Address: 124 W 500 N, Blackfoot, Id. 83221

City: _____ State: _____ Zip Code: _____

Engineering Firm: _____ Contact Person: David Kite Phone: (208) 844-1576

Address: 124 W 500 N, Blackfoot, Id. 83221 E-mail: dskite2@gmail.com

Location and Zoning District:

Address: 443 N. Hwy 33, Driggs, Id. Parcel Number: RP05N4SE 028100

Section: 2 Township: 5 North Range: 45 EAST Total Acreage: 1

Zoning District: A2-S Requested Land Use: Existing Bldg for Church services

TETON VALLEY COWBOY CHURCH INC
443 N HIGHWAY 33
TETONIA, ID 83452

92-372-1231

1005

Understand that the items on the agenda for the

11-30-15
date

- 2015

Pay to the order of Teton County \$ 1260.00
One thousand two hundred sixty and 00/100 dollars

usbank. All of us serving you*

for Use Permit Frank Saline MP

RECEIVED
BY: K. Rader
DATE: 11-19-2015



PLANNING AND BUILDING DEPARTMENT
AFFIDAVIT OF LEGAL INTEREST and
LETTER OF AUTHORIZATION

Robert H. Testa, "Owner" whose address is _____
12124 Castle Ridge Rd City Raleigh State NC Zip 27614

As owner of property more specifically described as: 4443 W. HWY 33
Tetonia ID. 83452

HEREBY AUTHORIZES David Kite - Cowboy Church as Agent to represent and act for the Owner in making application for and receiving and accepting on Owners behalf, any permits or other action by the Teton County Commissioners, Teton County Planning and Zoning, Building, and or other County Departments relating to the modification, development, planning, platting, re-platting, improvements, use or occupancy of land in Teton County, Idaho. Owner agrees that; Owner is or shall be deemed conclusively to be fully aware of and to have authorized and/or made any and all representations or promises contained in said application of any Owner information in support thereof, and shall be deemed to be aware of and to have authorized any subsequent revisions, corrections or modifications to such materials. Owner acknowledges and agrees that; Owner shall be bound and shall abide by the written terms or conditions of issuance of any such named representative, whether actually delivered to Owner or not. Owner agrees that no modification, development, platted or re-platting, improvement, occupancy, or use of any structure or land involved in the application shall take place until approved by the appropriate official of Teton County, Idaho, in accordance with applicable codes and regulations.

Owner agrees to pay any fines and be liable for any other penalties arising out of failure to comply with the terms of any permit or arising out of any violation of applicable laws, codes, or regulations applicable to the action sought to be permitted by the application authorized herein.

Under penalty of perjury, the undersigned swears that the forgoing is true and, if signing on the behalf of a corporation, partnership, limited liability company or other entity, the undersigned swears that this authorization is given with the appropriate approval of such entity, if required.

OWNER:

X Robert H. Testa
(Signature of Owner)

Robert H. Testa Title Manager
(Print Name)

X _____
(Signature of Co-Owner)

(Print Name) Title _____

X _____
(Secretary or Corporate Owner)

(Print Name)

NOTARY:
STATE OF: North Carolina SS. _____

COUNTY OF: WAKE Zip 27614

Subscribed and sworn to before me by _____

this 5th day of NOVEMBER 2015.

WITNESS my hand and official seal.
X James B. Reigel
Notary Public

12-28-2019
Expiration Date

RECEIVED

AUG 09 2005

TETON COUNTY
CLERK RECORDER

170106

Instrument # 170106

ATTACHMENT 3

DRIGGS, TETON, IDAHO
2005-08-09 03:37:35 No. of Pages: 2
Recorded for : A W ENGINEERING
NOLAN G. BOYLE
Ex-Officio Recorder Deputy *[Signature]* Fee: 0.00
Index to: DEED, WARRANTY

WARRANTY DEED

Warranty deed made this 21th day of July, 2005, between VALLEY GROUP HOLDINGS LLC of Driggs, Idaho 83422 referred to as Grantor, and VALLEY GROUP HOLDINGS LLC of Driggs, Idaho 83422 referred to as Grantee.

Grantor in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and do hereby grant, bargain, sell and convey, and confirm unto Grantee and its heirs and assigns forever, all the following described real estate situated in Teton County, Idaho:

A PART OF THE NORTHWEST QUARTER SOUTHEAST QUARTER SECTION 2, TOWNSHIP 5 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO, BEING FURTHER DESCRIBED AS :
FROM THE SOUTH QUARTER CORNER OF SAID SECTION 2, THENCE N 89°54'38"E, 39.24 FEET ALONG THE SOUTHERN SECTION LINE TO THE EASTERN RIGHT-OF-WAY LINE OF STATE HIGHWAY 33 AND THENCE N 00°44'14"W, 1817.72 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING;
THENCE N 00°44'14"W, 217.82 FEET FURTHER ALONG SAID RIGHT-OF-WAY TO A POINT;
THENCE N 89°59'46"E, 200.00 FEET TO A POINT;
THENCE S 00°44'14"E, 217.82 FEET TO A POINT;
THENCE S 89°59'46"W, 200.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 1.00 ACRE, MORE OR LESS.

SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAY OF RECORD AND AS DESCRIBED AND SHOWN ON INSTRUMENT #116045, AS RECORDED IN THE OFFICE OF THE CLERK OF TETON COUNTY, IDAHO.

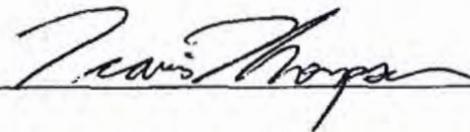
To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and its heirs and assigns forever.

170106

And Grantor and its heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, its heirs, and assigns against Grantor and its heirs and against all and every person and persons whomsoever, lawfully claiming the same.

Restriction: The above parcel cannot be further split under the provisions of the Teton County Subdivision Ordinance, Article VII, Section 1-7-16: One Time Only Split of One Parcel of Land Parcel of Land, June 14, 1999.

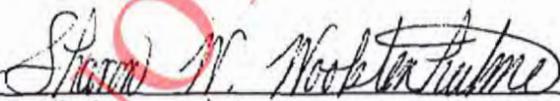
Grantor has hereunto set his hands on the day and year first above written.



TRAVIS THOMPSON - Representative for VALLEY GROUP HOLDINGS LLC

STATE OF Idaho)
County of Teton)
SS

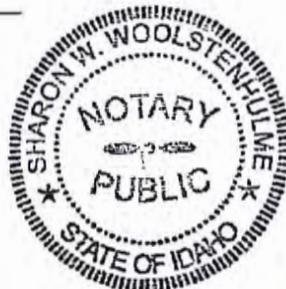
On this 27th day of July in the year of 2005, before me, a Notary Public in and for said State, personally appeared TRAVIS THOMPSON known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.



Notary Public for Idaho

Residing at: Victor, Idaho

My commission expires: 10/15/2008



170106

Teton Valley Cowboy Church, Driggs, ID

David Kite, Pastor 208-844-1576

ATTACHMENT 4

TO: Teton County Planning and Building Department

FROM: Teton Valley Cowboy Church, David Kite, Pastor

DATE: December 3, 2015

My name is David Kite and I am the pastor of the Teton Valley Cowboy Church (TVCC). My wife, Sue, and I came here to Driggs at the request of the Simper family who manage the H. D. Dunn Ranch. Rhoda Simper, Sue, and I worked together at our annual Rodeo Bible Camp in Downey, ID, and it was there that Rhoda made the request that we consider Driggs for a new Cowboy Church plant.

After several trips here to the Valley and much prayer and thought, TVCC was birthed in September 2014 and we began holding services at the Fairgrounds in the exhibit building adjacent to the indoor arena. While the fairgrounds was a good location and served us well for the first 11 months, not being able to put out any signage at the fairgrounds limited us in letting the Community know where we were and when we met.

In our search for a location with good highway exposure, the building at 443 N. Hwy. 33 was a perfect fit. We had called about the building when we first came to Driggs, but it was under a lease/purchase agreement at the time. My initial contact on the building was with the owner's local representative, Laurie Farmer. It was only after we began searching again after the 11 months at the fairgrounds that the 443 N. Hwy. 33 property was again available. This time I called Mr. George Wilson whose number was on the sign to ask about renting the building. As the Lord would have it, Mr. Wilson has been a friend of my family for over 50 years back in North Carolina. He believes in our ministry here and has made it very affordable for TVCC to rent his building. As a result, we are able to invest in the ongoing services of Teton County as well as ministries of our own.

Just this past summer, we sponsored a Junior Rodeo in which we did a 100% payback to the kids. Not wanting any kid to not be able to compete for financial reasons, we scholarshipped any child who needed it. The rodeo was a great success with over 65 contestants and an immediate request to repeat next year. Admission to the Rodeo was a volunteer-donation of canned goods for the local Food Bank.

At Thanksgiving we put together eight (8) food boxes for needy families here in the Valley. We are planning to do food boxes for needy families at Christmas and participate in Subs for Santa. We also will be meeting with Salvation Army representatives to see how we might assist them as bell ringers during this Christmas season. We contribute regularly to the Food Bank; and as pastor, either I, or a member of TVCC, have met with Willie Warner of Driggs Crisis Control, SPAN, and the local School Board (at the request of Nan Pugh) to bring information back to our congregation for future involvement.

Currently, we are having 25-35 each week in attendance; and our purpose as a congregation is to make a lasting and positive impact here in Teton Valley. Thank you for giving TVCC an opportunity to serve and grow with everyone here who desires only the best for Teton County.

Respectfully submitted,
David Kite, Pastor

From: [David Kite](#)
To: [Kristin Rader](#)
Cc: [Rhoda Simper](#); [Holidays in United States](#)
Subject: Addendum to Narrative for Teton Valley Cowboy Church
Date: Friday, December 04, 2015 11:48:44 PM

ADDENDUM TO NARRATIVE FOR TETON VALLEY COWBOY CHURCH

CURRENT SCHEDULED USE OF BUILDING:

- Each Monday night the church service is from 7:00 - 8:00 pm. Members and guests usually begin arriving by 6:30 and by 9:00 we have locked the doors and vacated the building.
- The 3rd Monday night of each month we have a church-wide fellowship meal at 6:00 pm (before the 7:00 pm service.)
- Beginning in January 2016 we have plans to start a discipleship class that will be the 1st, 2nd and 4th Mondays each week starting at 6:00 pm.
- We plan to conduct a Vacation Bible School (VBS) this coming summer for children ages 5 and up. This would be a 5 day event conducted in the mornings from 9 - noon. This event may or may not take place, depending on availability of workers and summer schedules.

As I'm sure you are aware, this building has its own well and septic system.

Respectfully submitted,
David Kite, Pastor



33

RP001590000150
TROUTS TR RANCH HO ASSOC

RP05N45E028151
YEREMIAN BRUCE

RP05N45E028152
RUNDE CHARLES

RP05N5E028250
ANDERSON PETER

W 4350 N

Trouts Ranch Rd

TETON COUNTY, IDAHO
PLANNING AND BUILDING
DEPARTMENT

COMMERCIAL
CERTIFICATE OF OCCUPANCY
INDICATES COMPLIANCE WITH THE 1991 UNIFORM BUILDING CODE

Date Issued 6-27-1994 Building Permit Number 032494-1
Section 2 Township 5 N Range 45 E

Name On Permit NOR-CON LEASING
Address 443 NORTH HWY 33
City DRIGGS State IO Zip Code 83422
Subdivision N/A Lot _____ Blk. _____

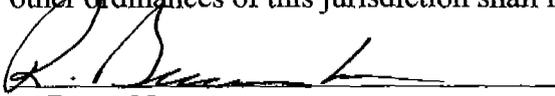
Name Of Owner SAME
Address _____ City _____ State _____
Phone (208) 527 3979

Zoning District A-2.5 Type Of Construction V
Occupancy Group B Div. 2 Use OFFICE
Occupancy Load _____ Shall Be Posted Yes _____ No _____

Final Certificate Of Occupancy
 Temporary Certificate Of Occupancy
Expiration Of Temporary Certificate Date _____

The Certificate Of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

Issuance of the Certificate Of Occupancy shall not be construed as an approval of a violation of the provisions of these code or other ordinances of this jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of this jurisdiction shall not be valid.


R. Bruce Nye
Teton County Building Official

Needs C-0

TETON COUNTY BUILDING PERMIT APPLICATION

TETON COUNTY BUILDING DEPARTMENT
P.O. BOX 756 - DRIGGS, ID 83422
(208)354-2593

OWNER: Nor-con Leasing PHONE # 208-527-3979
**** Copy of Warranty Deed must accompany this application ****

MAILING ADDRESS po Box 735 Arco Idaho 83402

APPLICANT (if other than owner) _____ PHONE _____

MAILING ADDRESS _____
**If applicant is other than owner, a statement authorizing applicant to act as agent for owner must accompany this application.

LOCATION: Sections 5 & 6 of Township 5 N Range 45 E Map # _____
General Location 2 1/2 miles North of Driggs
Street Address _____
Subdivision Name _____ Lot # _____

ZONING DISTRICT: _____

PROPOSED USE: Please describe the precise nature of the proposed use (e.g. barn, single family dwelling, garage, shed, etc.)
Office building

NOR-CON LEASING
P.O. BOX 735 PH. 208-527-3979
ARCO, ID 83213

2157

92-6/1241

3-24 1994

PAY TO THE ORDER OF: TETON PLANNING \$ 1,107.⁰⁰
one thousand one hundred and seven dollars and 00/100 DOLLARS

First Security Bank First Security Bank of Idaho
102 Main Avenue South
Twin Falls, Idaho 83301

FOR BUILDERS PERMIT

Donald Northrup

⑈002157⑈ ⑆124100064⑆167 00035 48⑈

PROPERTY ACRES 2.0000 SQ. FT.

Is this for residential _____ or commercial X

OFFICE USE ONLY: Building Permit Number 532494-1
Building Permit Fee _____
Plan Review Fee _____

Value = \$175,703.04

24

3-21-94 ~~94~~ Framing Inspect Look Good
3-31-94 ~~94~~ Framing Inspect " "

5-24-94 - FRAMING

BUILDING IS SPRINKLERED
BASED ON THAT IS THE FAST TRACK
IT ONLY STAYS IF WE DECIDE AGAINST
THE DRAFT STOP IN ATTIC.

FRAMING BEAMS INSTALLED
BEAMS GOOD

11-DRINK TAP

FRAMING LOOKING GOOD
EXCLUDES ROOF

ATTIC & CRAWL SPACE ACCESS. OK

UNABLE TO GET IN CRAWL SPACE

LP FURNACE NOT FINISHED

INSTALLED BY HVAC CREW
LOOKS GOOD

1 AM INSPECTION AROUND
FURNACE RM.

5-27-94 - INSULATION
(CALL GARY HENRY) 10:00 AM.

INSULATION - LOOKS GOOD

6-27-94 - FINAL OK.
WALKTHROUGH W/ GARY HENRY
BUILDING SPRINKLERED
LOOK GOOD.

2-27-94

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1262
CONNECTION TEL 13077336068
SUBADDRESS
CONNECTION ID
ST. TIME 01/13 11:50
USAGE T 01'15
PGS. 1
RESULT OK

**TETON COUNTY, IDAHO
PLANNING AND BUILDING
DEPARTMENT**

**COMMERCIAL
CERTIFICATE OF OCCUPANCY
INDICATES COMPLIANCE WITH THE 1991 UNIFORM BUILDING CODE**

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Name Of Owner SAME
Address _____ City _____ State _____
Phone (208) 527 3979

Zoning District A-2.5 Type Of Construction V
Occupancy Group B Div. 2 Use OFFICE
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APPLICATION AND PERMIT TO USE RIGHT OF WAY APPROACHES AND OTHER ATTACHMENT 7

SEE: S & P MANUAL 2-615 TRAFFIC MANUAL 12-450 PROJECT NO. W.P.H 149-F ROUTE NO. SH-33 683+917 4 miles north of driggs STATION TO STATION DISTANCE FROM NEAREST TOWN OR JUNCTION

Table with permit details: SEG. NO. 002460, M.P. TO M.P. 136.83, PERMIT NO. 06-94-093, REC. NO. 7278, FEE \$ 40.00

SIGHT DISTANCE 1000 ft. POSTED SPEED 55

TYPE ACCESS CONTROL Standard BOARD MINUTE ENTRY DATE

Table with approach details: APPROACH, QUANTITY one, WIDTH 30ft., EST. VOLUME, TYPE OF BUSINESS GSA - Office

OTHER EXPLAIN:

ATTACH SKETCH OF PROPOSED WORK AND TRAFFIC CONTROL PLANS SPECIAL PROVISIONS:

NOTE.

- 1. All Attached Provisions Must Be Followed. 2. A Drain Pipe Of 12 inch Or Larger Must Be Installed. 3. IN The Event Of Increased Traffic Or Related Traffic Problems A Traffic Impact Study May Be Required At The Developers Expense.

I CERTIFY THAT I AM THE OWNER OR AUTHORIZED REPRESENTATIVE OF THE PROPOSED PROPERTY TO BE SERVED AND AGREE TO DO THE WORK REQUESTED HEREON IN ACCORDANCE WITH THE GENERAL REQUIREMENTS PRINTED ON THE REVERSE SIDE, THE SPECIAL PROVISIONS AND THE PLANS MADE A PART OF THIS PERMIT.

ADDRESS OF PERMITTEE

THE NORTHROP CO. P.O. Box 735 IRRO IDAHO 83213 CITY STATE ZIP

Donald Northrop APPLICANT-PLEASE TYPE OR PRINT Signature of owner or authorized representative DATE 10-1-93

LOCAL GOVERNMENT APPROVAL WHEN REQUIRED

DATE: TITLE: SIGNATURE:

SUBJECT TO ALL TERMS, CONDITIONS AND PROVISIONS SHOWN ON THIS FORM OR ATTACHMENTS, PERMISSION IS HEREBY GRANTED TO THE ABOVE NAMED APPLICANT TO PERFORM THE WORK DESCRIBED ABOVE. STATE HIGHWAY ADMINISTRATOR

DATE: 11/8/93 BY: [Signature] DISTRICT ENGINEER

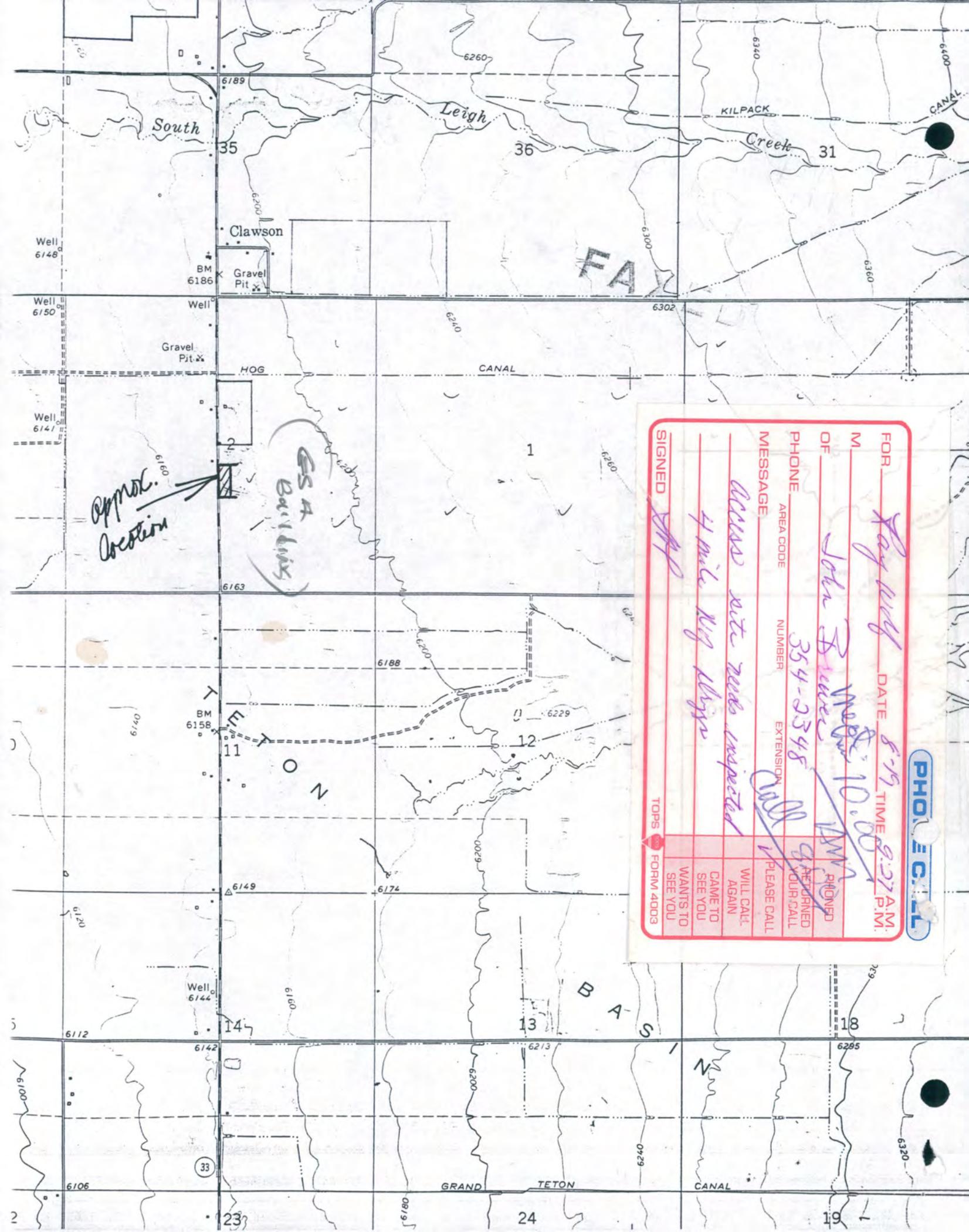
GENERAL REQUIREMENTS

1. APPROACHES SHALL BE FOR THE BONA FIDE PURPOSE OF SECURING ACCESS AND NOT FOR THE PURPOSE OF PARKING, CONDUCTING BUSINESS, OR SERVICING VEHICLES ON THE HIGHWAY RIGHT OF WAY.
 2. NO REVISIONS OR ADDITIONS SHALL BE MADE TO AN APPROACH OR ITS APPURTENANCES ON THE RIGHT OF WAY WITHOUT THE WRITTEN PERMISSION OF THE DEPARTMENT.
 3. THE PERMITTEE SHALL FURNISH ALL MATERIAL, LABOR AND EQUIPMENT INVOLVED IN THE CONSTRUCTION OF THE APPROACH AND ITS APPURTENANCES. THIS SHALL INCLUDE FURNISHING DRAINAGE PIPE OF A SIZE SPECIFIED ON PERMIT (12 INCH MINIMUM) CURB AND CUTTER, CONCRETE SIDEWALK, ETC WHERE REQUIRED. MATERIALS AND WORKMANSHIP SHALL BE GOOD QUALITY AND ARE SUBJECT TO INSPECTION BY THE DEPARTMENT.
 4. THE DEPARTMENT RESERVES THE RIGHT TO MAKE AT ANY TIME, SUCH CHANGES, ADDITIONS, REPAIRS AND RELOCATIONS TO ANY APPROACH OR ITS APPURTENANCES WITHIN THE HIGHWAY RIGHT OF WAY AS MAY BE NECESSARY TO PERMIT THE RELOCATION, RECONSTRUCTION, WIDENING AND MAINTENANCE OF THE HIGHWAY AND/OR TO PROVIDE PROPER PROTECTION TO LIFE AND PROPERTY ON OR ADJACENT TO THE HIGHWAY.
 5. DRIVEWAYS AND RURAL APPROACHES SHALL CONFORM TO THE PLANS MADE A PART OF THIS PERMIT. ADEQUATE DRAWINGS OR SKETCHES SHALL BE INCLUDED SHOWING THE DESIGN, CONSTRUCTION REQUIREMENTS AND PROPOSED LOCATION OF THE APPROACH BY ROUTE, STATION AND MILEPOST.
 6. THE DEPARTMENT MAY CHANGE, AMEND OR TERMINATE THIS PERMIT OR ANY OF THE CONDITIONS HEREIN ENUMERATED IF PERMITTEE FAILS TO COMPLY WITH ITS PROVISIONS OR REQUIREMENTS AS SET FORTH HEREON.
 7. DURING THE CONSTRUCTION OF THE APPROACH(ES), SUCH BARRICADES, SIGNS AND OTHER TRAFFIC CONTROL DEVICES SHALL BE ERECTED AND MAINTAINED BY THE PERMITTEE, AS MAY BE DEEMED NECESSARY BY THE DEPARTMENT. SAID DEVICES SHALL CONFORM TO THE CURRENT ISSUE OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS. PARKED EQUIPMENT AND STORED MATERIALS SHALL BE AS FAR FROM THE TRAVELWAY AS FEASIBLE. ITEMS STORED WITHIN 30 FT. OF THE TRAVELWAY SHALL BE MARKED AND PROTECTED.
 8. IN ACCEPTING THIS PERMIT, THE PERMITTEE, ITS SUCCESSORS AND ASSIGNS, AGREES TO HOLD THE DEPARTMENT HARMLESS FROM ANY LIABILITY CAUSED BY THE INSTALLATION, CONSTRUCTION, MAINTENANCE OR OPERATION OF THE APPROACH(ES).
 9. IF THE WORK DONE UNDER THIS PERMIT INTERFERES IN ANY WAY WITH THE DRAINAGE OF THE STATE HIGHWAY, THE PERMITTEE SHALL WHOLLY AND AT HIS OWN EXPENSE MAKE SUCH PROVISION AS THE DISTRICT ENGINEER MAY DIRECT TO TAKE CARE OF SAID DRAINAGE.
 10. ON COMPLETION OF SAID WORK HEREIN CONTEMPLATED ALL RUBBISH AND DEBRIS SHALL BE IMMEDIATELY REMOVED AND THE ROADWAY AND ROADSIDE SHALL BE LEFT NEAT AND PRESENTABLE AND TO THE SATISFACTION OF THE DISTRICT ENGINEER.
 11. THE PERMITTEE SHALL MAINTAIN AT HIS OR THEIR SOLE EXPENSE THE STRUCTURE OR OBJECT FOR WHICH THIS PERMIT IS GRANTED IN A CONDITION SATISFACTORY TO THE DISTRICT ENGINEER.
 12. NEITHER THE ACCEPTANCE OF THIS PERMIT NOR ANYTHING HEREIN CONTAINED SHALL BE CONSTRUED AS A WAIVER BY THE PERMITTEE OF ANY RIGHTS GIVEN IT BY THE CONSTITUTION OR LAWS OF THE STATE OF IDAHO OR OF THE UNITED STATES.
 13. NO WORK SHALL BE STARTED UNTIL AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT HAS GIVEN NOTICE TO THE PERMITTEE TO PROCEED.
 14. A BOND IN THE AMOUNT OF \$ _____ IS REQUIRED FOR THE PROTECTION OF THE STATE AS SET FORTH IN THE TERMS OF THE BOND.
 15. THIS PERMIT SHALL BE VOID UNLESS THE WORK HEREIN CONTEMPLATED SHALL HAVE BEEN COMPLETED BEFORE 06-01-94
DATE
 16. THE DEPARTMENT HEREBY RESERVES THE RIGHT TO ORDER THE CHANGE OF LOCATION OR THE REMOVAL OF ANY STRUCTURES OR FACILIT(IES) AUTHORIZED BY THIS PERMIT, SAID CHANGE OR REMOVAL TO BE MADE AT THE SOLE EXPENSE OF THE PERMITTEE OR ITS SUCCESSORS OR ASSIGNS, UNLESS SUCH STRUCTURE(S) OR FACILIT(IES) HAVE BEEN LOCATED PERSUANT TO THE SPECIAL PROVISIONS OF FORM DH-2111.
- . A PERMITTEE WHO HAS A PERMIT DENIED AT THE DISTRICT LEVEL MAY APPEAL THE DENIAL TO THE STATE HIGHWAY ADMINISTRATOR AND FINALLY TO THE IDAHO TRANSPORTATION BOARD.

| DISTRICT STAFF REVIEW | | | | |
|-------------------------|---|--------------------|----------------|-----|
| REVIEW | ✓ | REVIEWER INITIAL | RECOMMENDATION | |
| | | | YES | *NO |
| TRAFFIC | ✓ | <i>[Signature]</i> | ✓ | |
| MAINTENANCE | ✓ | <i>[Signature]</i> | ✓ | |
| DESIGN | ✓ | <i>[Signature]</i> | ✓ | |
| RIGHT OF WAY | ✓ | <i>[Signature]</i> | ✓ | |
| PERMIT ISSUED BY | | | ✓ | |
| RAY WOLF | | | | |

| BOISE STAFF REVIEW | | | | |
|--------------------|---|------------------|----------------|-----|
| REVIEW | ✓ | REVIEWER INITIAL | RECOMMENDATION | |
| | | | YES | *NO |
| TRAFFIC | | | | |
| BRIDGE | | | | |
| RIGHT OF WAY | | | | |

*ATTACH REASON FOR RECOMMENDATION



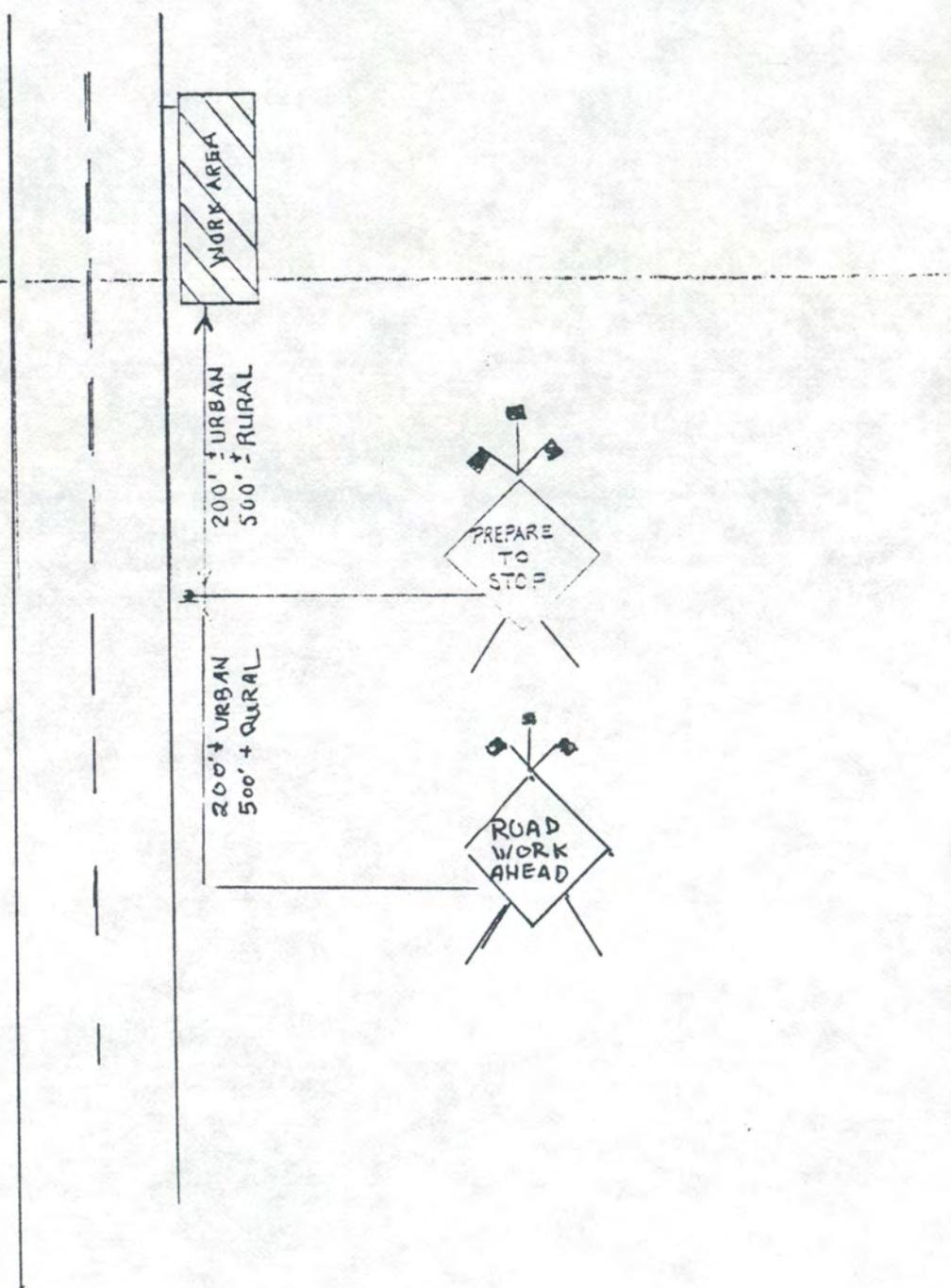
| | | | | |
|----------|--|-------------------|-------------|-----------------|
| FOR | DATE | TIME | 8-19 | 8:27 P.M. |
| M | John F. [unclear] | 10:00 AM | | |
| OF | | | | |
| PHONE | AREA CODE | NUMBER | EXTENSION | |
| 354-0348 | | | | |
| MESSAGE | Approx. site needs inspected 4 mile N of Hwy 18 | | | |
| SIGNED | [Signature] TOPS FORM 4003 | | | |
| | PHONED | RETURNED OUR CALL | PLEASE CALL | WILL CALL AGAIN |
| | CAME TO SEE YOU | SEE YOU | | |

PHOTO E.C. CALL

SPECIAL PROVISIONS
FOR
RIGHT OF WAY PERMITS

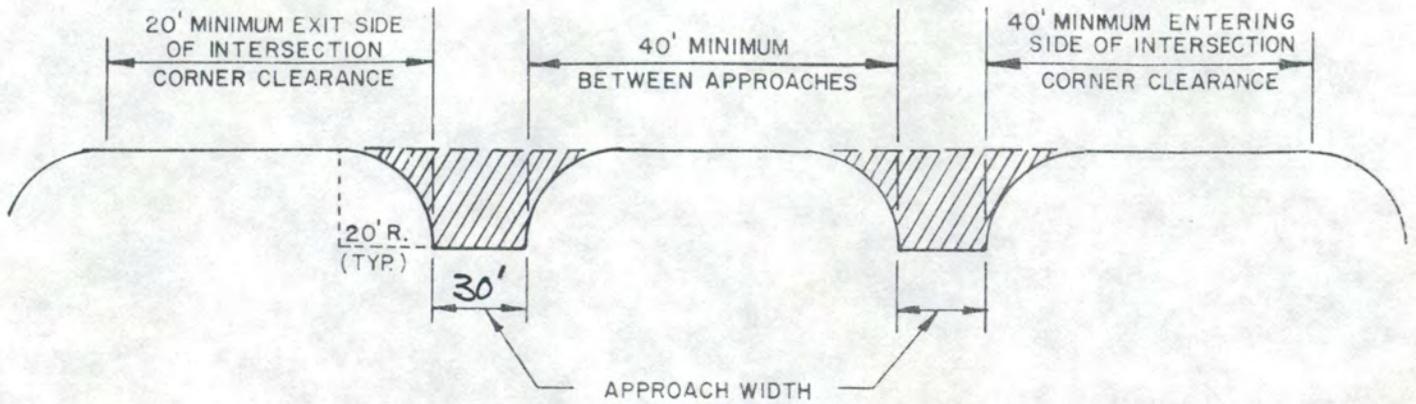
NO. 06-94-093

1. The approach shall be constructed of suitable granular material. Surfacing may be asphalt, or granular material. In curb and gutter section, surface may be concrete.
2. The approach shall slope slightly away from the highway pavement for proper surface drainage, and have the same or flatter side slopes as adjoining roadway.
3. A suitable concrete or corrugated metal pipe shall be placed under the approach to facilitate side ditch drainage.



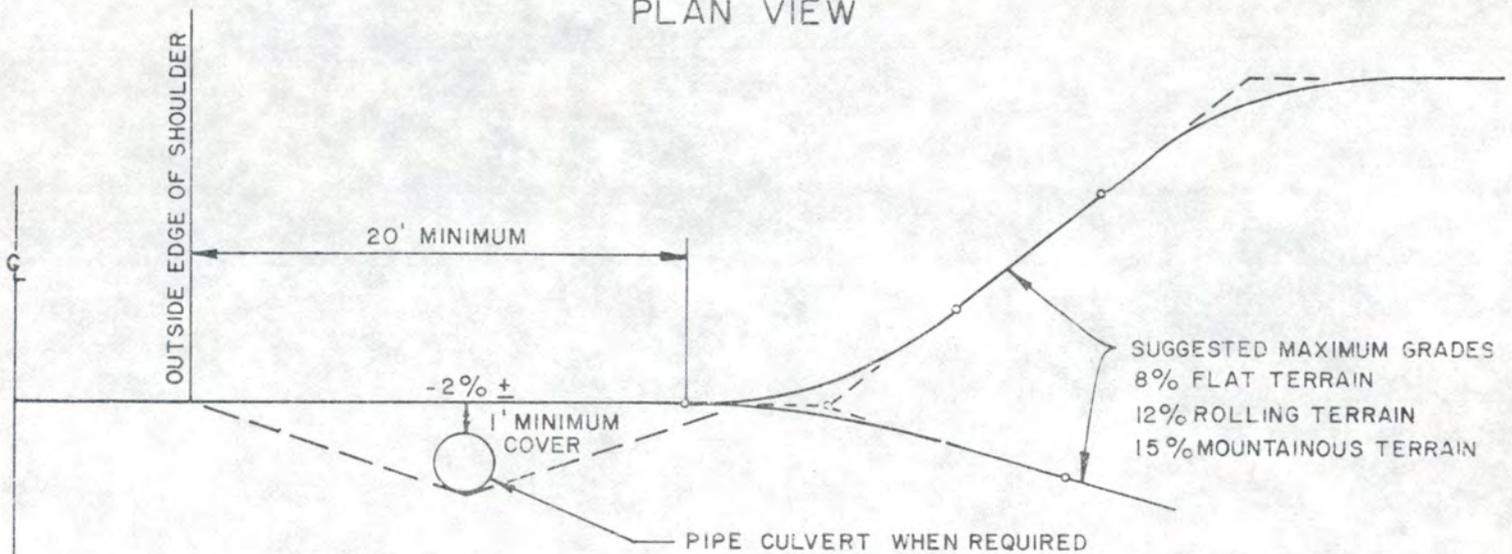
STANDARD CONSTRUCTION PLANS FOR RURAL PRIVATE APPROACHES

APPLICATION NO.
06-94-093

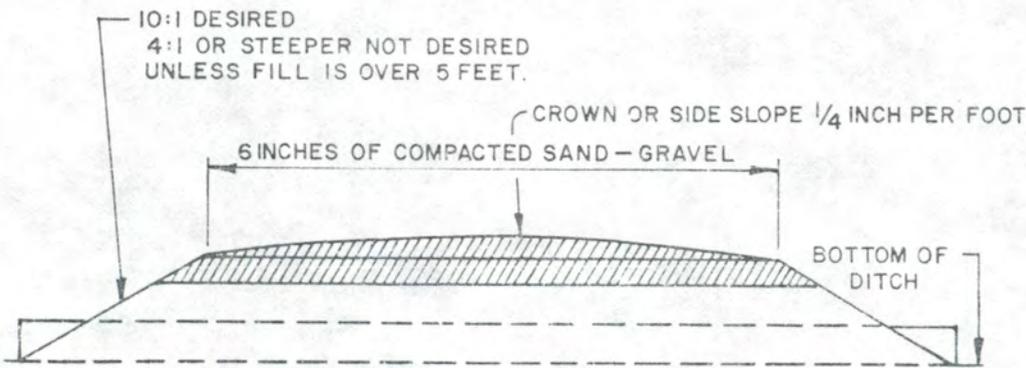


6 INCH DEPTH OF COMPACTED SAND - GRAVEL IN HATCHED AREAS

PLAN VIEW

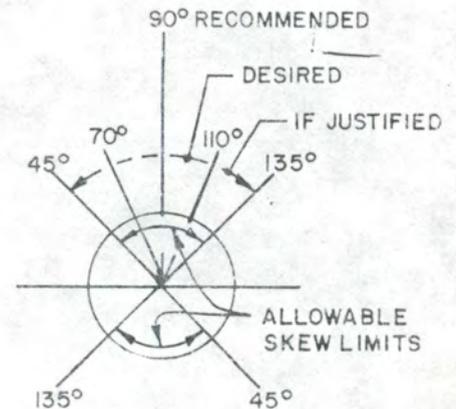


GRADE REQUIREMENTS



PIPE CULVERT

APPROACH CROSS SECTION VIEW



ANGLE OF APPROACH
APPLIED FOR 90°

671+00
670

20' ±

20' Field Appn.
Sta. 674+20
R/W Pmt. # 6-71-127 MP 197.04
Rammell Brothers

675+00 = M.P.

MST 1/2

N.W. 1/4 SE 1/4 2
Prudential Ins. Co.

Fall River
90° over head
STA. 680+20
MP 137.09

B.M.
6170.05

Nail in Tel. Pole
46 Rt. 673170

PERMIT 06-94-093
DON NORTHROP
M.P. 136.83 STA-683+917

130' Commercial Approach
For GSA Building.

Pot. Cellars
Rammell Brothers
30' Appn. 685+50

Log House

687+50

Verle C. Jardine
30' Appn. 687+95
Pmt. No. 6-67-39 (2)

MP 196.75 30' Appn. 689+60
Verle C. Jardine
Pmt. No. 6-71-92

Pot. Cellars

Verle Jardine
Sta. 683+58 M.P.

House

685+37 20' Af

1350 L.F. Const. Small Ditch

Fall River Electric
Sta. 690+74 M.P.

House

Windmill
694+25

S.W. 1/4 N.E. 1/4
Missouri State Life Ins. Co.

+50 Shed

694+50

APD
Pmt. 6-56-101 M.P. 133
MP 133

B.M.
6171.98

Nail in Tel. Pole
31 Rt. 684195

Kristin Rader

From: Benjamin Burke <Benjamin.Burke@itd.idaho.gov>
Sent: Tuesday, February 16, 2016 2:52 PM
To: Kristin Rader
Subject: RE: Cowboy Church - ITD Traffic Study requirements

Kristin,

For churches, it can be based on the size of the building or by the number of seats.

For every 1000 SF of Gross Floor Area, generates:

- 9.11 trips per weekday
- 0.87 trips per AM peak hour on a weekday
- 0.94 trips per PM peak hour on a weekday
- 10.37 trips per Saturday
- 3.54 trips per peak hour on Saturday
- 36.65 trips per Sunday
- 12.04 trips per peak hour on Sunday

For every seat generates:

- 0.61 trips per weekday
- 0.90 trips per Saturday
- 0.60 trips per peak hour on Saturday
- 1.85 trips per Sunday
- 0.61 trips per peak hour on Sunday.

Ben

From: Kristin Rader [mailto:krader@co.teton.id.us]
Sent: Tuesday, February 16, 2016 1:50 PM
To: Benjamin Burke
Subject: RE: Cowboy Church - ITD Traffic Study requirements

Thanks, Ben. Are the trips per day based on the size of the building or the number of people using it? The Planning Commission is trying to set a limit for their growth before they have to come in for a review. Would the assumed 50 and 8 trips change? They currently have about 35 attendees, but they're requesting up to 100. Also, if there's just a formula you use to calculate it, you can just send that to me.

Thanks!

Kristin Rader, CFM
Planner

Teton County, Idaho
150 Courthouse Drive #107
Driggs, Idaho 83422
Ph. (208) 354-2593 ext. 200
Fax (208) 354-8410
krader@co.teton.id.us





From: Benjamin Burke [<mailto:Benjamin.Burke@itd.idaho.gov>]
Sent: Tuesday, February 16, 2016 1:02 PM
To: Kristin Rader <krader@co.teton.id.us>; Mark Layton <Mark.Layton@itd.idaho.gov>
Subject: RE: Cowboy Church - ITD Traffic Study requirements

Kristen,

The ITE Trip Generation Manual assumes the peak day is Sunday. I would use the same numbers regardless of the day they meet.

Ben

From: Kristin Rader [<mailto:krader@co.teton.id.us>]
Sent: Tuesday, February 16, 2016 11:51 AM
To: Benjamin Burke; Mark Layton
Subject: RE: Cowboy Church - ITD Traffic Study requirements

Thanks, Ben. This church is actually meeting on Monday evenings. Will that change the number of trips?

Kristin Rader, CFM
Planner
Teton County, Idaho
150 Courthouse Drive #107
Driggs, Idaho 83422
Ph. (208) 354-2593 ext. 200
Fax (208) 354-8410
krader@co.teton.id.us



From: Benjamin Burke [<mailto:Benjamin.Burke@itd.idaho.gov>]
Sent: Tuesday, February 16, 2016 11:35 AM
To: Kristin Rader <krader@co.teton.id.us>; Mark Layton <Mark.Layton@itd.idaho.gov>
Subject: RE: Cowboy Church - ITD Traffic Study requirements

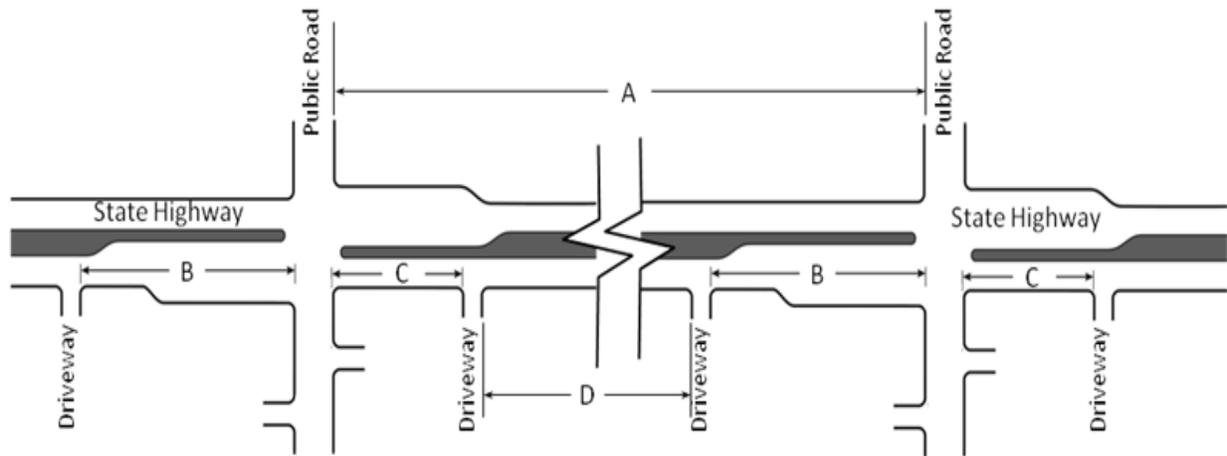
Kristen,

I hope this email will be enough. Attached is the our thresholds for requiring new development to produce a Traffic Impact Study. We looked the building and from the ITE Trip Generation Manual, we determine that the number of trips would be around 50 on Sunday and 8 in the peak hour on Sunday.

Let me know if you need more.

Ben

Figure 1:



(10-1-12)T

d. The District Engineer shall have the authority to deny an encroachment permit or require the applicant to provide a Traffic Impact Study when an on-site review indicates that the optimal conditions (such as sight distance and queue length) assumed in Table 1 do not exist, and that operational or safety problems may result from the encroachment spacing. (10-1-12)T

e. The District Engineer shall have the authority to approve a decrease in the minimum access spacing distances set forth in Table 1, provided that the basis for any exception is justified and documented. The basis for the exception may include overriding economic opportunity considerations. For any exception that would result in a decrease in access spacing of more than ten percent (10%) of the distances set forth in Table 1, a Traffic Impact Study will be required in order to determine whether auxiliary lanes or other appropriate mitigation must be included in the permit's conditions. (10-1-12)T

f. Unless the requirement is waived by the District Engineer, a Traffic Impact Study shall also be required when a new or expanded development seeks direct access to a state highway, and at full build out will generate one hundred (100) or more new trips during the peak hour, the new volume of trips will equal or exceed one thousand (1000) vehicles per day, or the new vehicle volume will result from development that equals or exceeds the threshold values in Table 2. If the District Engineer waives the requirement for a Traffic Impact Study, the basis for such waiver shall be justified and documented. (10-1-12)T

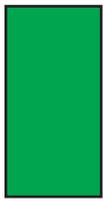
g. When required, the Traffic Impact Study shall document access needs and impacts and whether any highway modifications are necessary to accommodate the new traffic volumes generated by the development. Such modifications could include, for example, turn lanes, additional through lanes, acceleration or deceleration lanes, medians, traffic signals, removal and/or consolidation of existing approaches, approaches limited to right-in/right-out access only, etc. (10-1-12)T

h. If a District Engineer denies an encroachment permit application and the denial is appealed to the board, the board or its delegate shall have the authority to approve exceptions to the access and signal spacing distances in Table 1 if, in the judgment of the board, overriding economic considerations cause the exceptions to be in the best interests of the public. (10-1-12)T

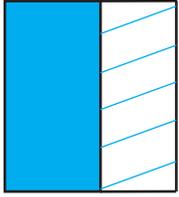
COWBOY CHURCH CUP

Example Parking Layout
(ordinance requires 1 space for each 5 seats in the
principle assembly area)

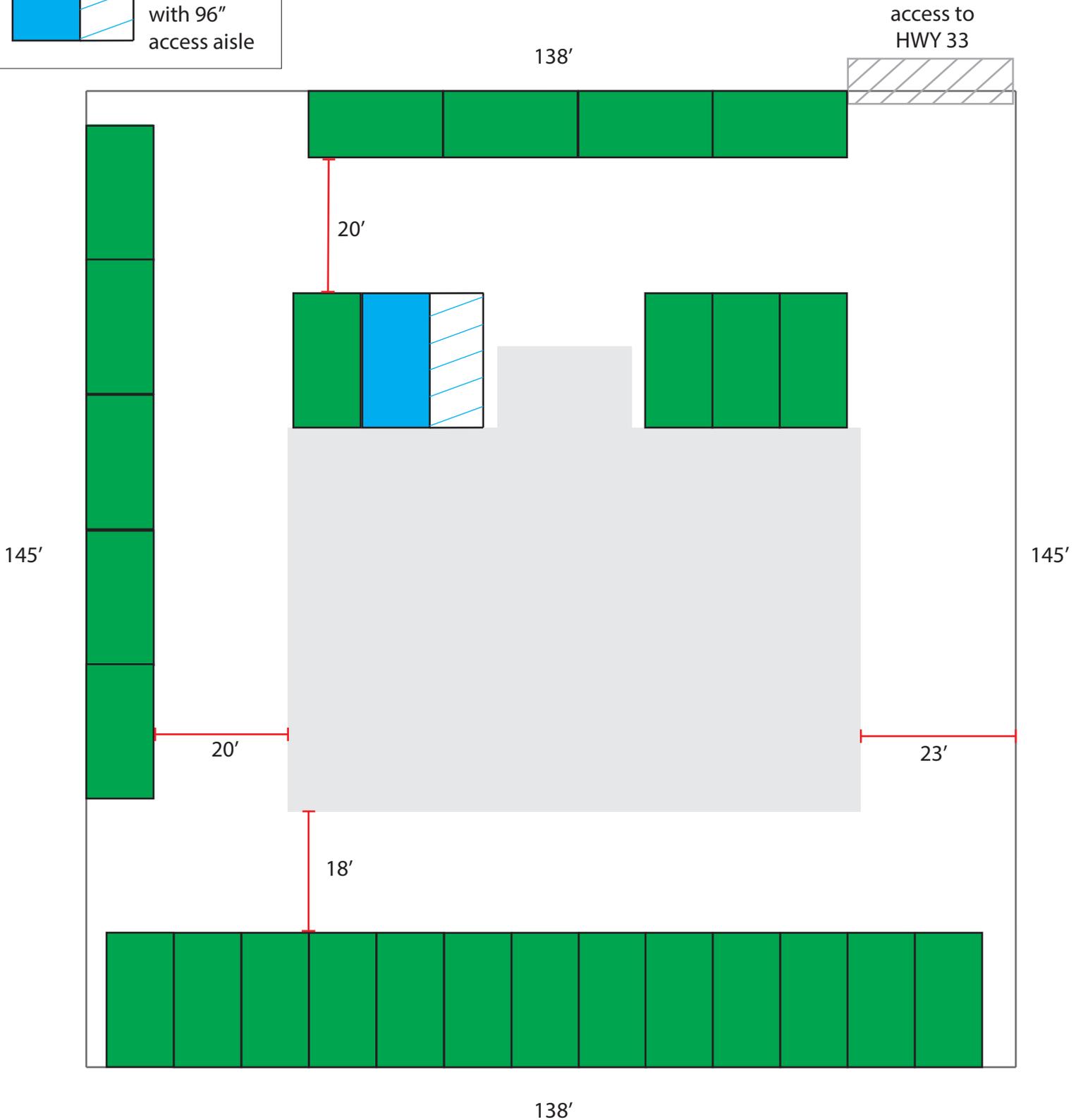
ATTACHMENT 8

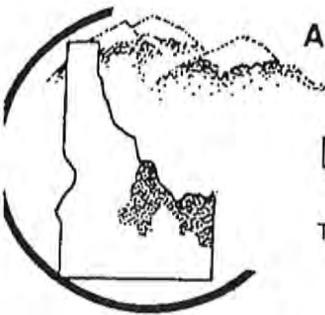


10' x 20'
parking
space



10' x 20'
parking
space ADA
accessible
with 96"
access aisle





APPLICATION AND PERMIT FOR ON-SITE SEWAGE SYSTEM

DISTRICT SEVEN HEALTH DEPARTMENT

White — Owner
Yellow — Office
Pink — Installer

This application is for a: Site Survey New Replacement
 Conventional System Alternative Design System

| FOR OFFICIAL USE ONLY | | | |
|-----------------------|------------|-----|--|
| Permit No | Receipt No | | |
| Date | Fee | | |
| County | EHS | No. | |

*Application Fee Is Non-Refundable

APPLICATION

Name of property owner: Nor-con Leasing Home phone: _____ Work phone: 208-527-3177

Current mailing address — Street address: P.O. Box 735 City: Arco State: Id Zip: 83213

Legal description: Township R45 Range _____ Section 2 1/4 section _____

Subdivision name _____ Lot _____ Block _____

Directions to property (include street address if available): 4 miles North of Driggs

Lot size _____ Depth to ground Water _____ Bedrock _____

Soil type: (at proposed depth) — Drainfield _____

Water supply:
a. Public Name of system _____
b. Private Well or Spring

Type of dwelling or building served:
a. Single family dwelling
Basement: Yes No
bedrooms: _____
b. Other type of building
Describe: Office Building
people served: 10
wastewater flow (GPD): 300?

Excavator/Installer (Licensed): Alta Construction

Proposed installation date: Spring 1994

APPLICANT'S PROPOSAL

Indicate house, all adjacent wells, sewage disposal system replacement area, surface waters, canals, springs, waterlines (dimension between all components — indicate north)

No Showers
NO Lunch Room
2 - Bathroom

Well

office Building

Parking

Site Plans Attached

PERMIT

"THIS PERMIT IS ONLY VALID FOR ONE YEAR FROM DATE OF ISSUE"
Installation shall comply with all requirements of Health District and/or State of Idaho sewage Disposal Rules, regulations, and standards."

MINIMUM SPECIFICATIONS

| | | | | | |
|---------------------------------|----------------------|---------------|--------------------|------------------------------------|---------------|
| Septic tank size gal. | Disposal system type | Disposal area | | Maximum depth of system excavation | |
| Distance to well (100' minimum) | Waterline | Stream, lake | Ditch, canal, etc. | Dwelling | Property line |

Applicant's/Agent's signature: I hereby certify that the system will be installed as per the rules and hereby authorize the health authority access to this property for purposes of inspecting this sewage system until final approval of this system has been granted by the health authority. X

Issued By _____ Date _____

- System is in substantial compliance with the regulations and the permit specifications
- System has minor deficiencies that could decrease the life of the system.
- System has major deficiencies that must be corrected.

INSPECTION

COMMENTS _____

Reviewed by _____ Date _____

FOR OFFICIAL USE ONLY

APPROVED

DISAPPROVED

25 January 2016

Kristin Rader
Planner, Teton County, Idaho
150 Courthouse Drive, #107
Driggs, Idaho 83422

RE: Cowboy Church CUP

Dear Ms. Rader:

The septic system, located at 4369 North Highway 33, Tetonia, Idaho, was installed in June 1994 and includes a 1000 gallon septic tank and 489 square feet of subsurface drainfield. As a functioning church and vacation bible school, without a kitchen, this facility could support 98 people per day.

Please let me know if you have any additional questions.

Sincerely,



Michael Dronen, EHS
Eastern Idaho Public Health



Teton County Planning & Building Department
150 Courthouse Drive, Room 107 | Driggs, ID 83422
Phone (208) 354-2593 | Fax: (208) 354-8410
www.tetoncountyidaho.gov

ATTACHMENT 10

FROM: Kristin Rader, Planner
TO: David Kite, Cowboy Church
CC: Jason Boal, Teton County Planning Administrator; Tom Davis, Teton County Building Official;
Earle Giles, Teton County Fire District; Mike Dronen, EIPH; Mark Layton, ITD
RE: Cowboy Church CUP – DRC Meeting Notes
DATE: December 18, 2015

David, the purpose of this letter is to summarize the meeting we had on Monday, December 14, 2015.

Access from Highway 33

- Idaho Transportation Department has stated this application does not trigger an impact study.
- An access permit through ITD for this property was approved in 1994.

Parking

- Churches require one (1) space for each five (5) seats in the principle assembly area (Teton County Code 8-4-5)

Septic System & Water Quality

- Eastern Idaho Public Health issued a septic permit for this building in 1994.
- Based on the application materials, the capacity of the system in place is sufficient.
- EIPH has water quality sample kits available. Mike suggested doing this if the water in the building has not been used in a while.

Building Safety

- A building permit for this building, with a Final Commercial Certificate Occupancy issued in 1994.
- The building does have a sprinkler system, but it is unclear when it was last inspected. Tom has looked into the Building Code, and there are different factors that could require a sprinkler system. We will continue to look into this to verify if it is required; however, if it is not required, we highly recommend that the system be certified and useable as it provides a significant safety feature to the assembly area.
- Tom will contact Earle to check on occupancy and fire protection requirements – this will also help clarify if the sprinkler system is required.

Sign Permit

- A sign permit is required for the Cowboy Church's sign. An application was provided, and the fee is \$75.00.

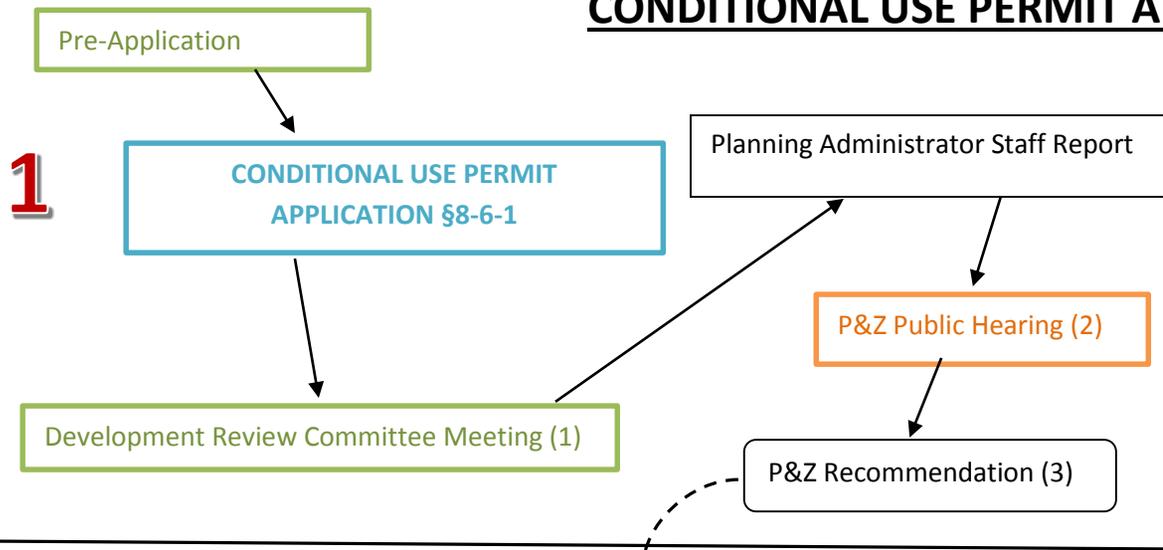
Public Hearing Information:

You are scheduled for the Teton County Planning and Zoning Commission public on **Tuesday, January 12, 2016 at 5:00 PM**. This public hearing is at the Teton County Courthouse, 150 Courthouse Drive, Driggs, Idaho. A notice, agenda, and meeting packet will be sent to you no later than the week before the meeting. This application will require a public hearing before the Board of County Commissioners. Depending on the decision from the PZC public hearing, you could be scheduled for the February 8, 2016 or the March 14, 2016 BoCC public hearing.

Attachments: 1. Process Flow Chart; 2. 2016 Hearing & Meeting Schedule

CONDITIONAL USE PERMIT APPROVAL PROCESS*

1



(1) Staff will need adequate time to review submitted and/or required documents prior to DRC meetings & Public Hearings.
 (2) Public Hearings must be noticed according to state code §65-67:6509, 6511, 6512 & 6519.
 (3) P&Z's Recommendation will be: (A) a recommendation of approval, (B) recommendation of approval with conditions, or (C) a denial.
 (4) BOCC's Decision will be: (A) Approval of the CUP, (B) Modification of the CUP, or (C) Denial of the CUP

2



-Meeting w/ Staff
 -Public Hearing
 -Applicant Responsibility

***§8-6-1-B PROCEDURE:** Requests for a conditional use permit shall be submitted to the Planning Commission. Applications for conditional use permits shall be considered in accordance with the public hearing process in sections 67-6509 and 67-6512 of the Idaho Code. The Commission and Board shall each hold a public hearing. The Commission shall recommend approval with conditions or denial and the Board shall approve, deny or remand the application back to the Commission.

****§8-6-1-B-7 Criteria for Approval:** The Board, after considering the advice of the Commission, may approve a conditional use permit when evidence presented at the hearings is such to establish each of the following:

- a. The location of the proposed use is compatible to other uses in the general neighborhood.
- b. The proposed use will not place undue burden on existing public services and facilities in the vicinity.
- c. The site is large enough to accommodate the proposed use and other features as required by this title.
- d. The proposed use is in compliance with and supports the goals, policies, and objectives of the comprehensive plan.



PLANNING AND BUILDING DEPARTMENT

150 Courthouse Drive, Room 107 Driggs, Idaho 83422

Phone: 208-354-2593 | Fax: 208-354-8410

2016 Hearing Schedule and Deadlines (BoCC & PZC)

| Submittal Deadline | DRC | Notice Due | Staff Report Due | Public Comment Due | Hearing Date PZC | Hearing Date BoCC |
|---------------------------|------------|--------------------------------|-------------------------|-------------------------------|-------------------------|--------------------------|
| 12/8/2015 | 12/15/2015 | 12/18/2015 | 12/30/2015 | 1/1/2016 | 1/12/2016 | 1/11/2016 |
| 1/5/2016 | 1/12/2016 | 1/15/2016 | 1/27/2016 | 1/29/2016 | 2/9/2016 | 2/8/2016 |
| 2/2/2016 | 2/9/2016 | 2/12/2016 <u>(2/19/2016)</u> | 2/24/2016 | 2/26/2016 <u>(3/4/2016)</u> | 3/8/2016 | <u>3/14/2016</u> |
| 3/8/2016 | 3/15/2016 | 3/18/2016 | 3/30/2016 | 4/1/2016 | 4/12/2016 | 4/11/2016 |
| 4/5/2016 | 4/12/2016 | 4/15/2016 | 4/27/2016 | 4/29/2016 | 5/10/2016 | 5/9/2016 |
| 5/10/2016 | 5/17/2016 | 5/20/2016 | 6/1/2016 | 6/3/2016 | 6/14/2016 | 6/13/2016 |
| 6/7/2016 | 6/14/2016 | 6/17/2016 | 6/29/2016 | 7/1/2016 | 7/12/2016 | 7/11/2016 |
| 7/5/2016 | 7/12/2016 | 7/15/2016 | 7/27/2016 | 7/29/2016 | 8/9/2016 | 8/8/2016 |
| 8/9/2016 | 8/16/2016 | 8/19/2016 | 8/31/2016 | 9/2/2016 | 9/13/2016 | 9/12/2016 |
| 9/6/2016 | 9/13/2016 | 9/16/2016 | 9/28/2016 | 9/30/2016 | 10/11/2016 | 10/11/2016* |
| 10/4/2016 | 10/11/2016 | 10/14/2016 <u>(10/21/2016)</u> | 10/26/2016 | 10/28/2016 <u>(11/4/2016)</u> | 11/8/2016 | <u>11/14/2016</u> |
| 11/8/2016 | 11/15/2016 | 11/18/2016 | 11/30/2016 | 12/2/2016 | 12/13/2016 | 12/12/2016 |

*Holiday conflict-date may change

February 17, 2016

RE: Notice of Public Hearing and Solicitation for Comments from property owners within 300 feet of a property that has an application for a conditional use permit.

Dear Property Owners:

This letter is to notify you that an application for a Conditional Use Permit (CUP) for a church has been submitted to the Teton County Planning Department by a nearby landowner. CUPs are an allowed approval process in Idaho State Code and the Teton County Zoning Ordinance for uses that require an additional level of review, special conditions placed upon them prior to approval, or specific limits placed upon them due to the nature and/or location of the proposed use.

The planning staff is soliciting comments from people in the vicinity of the applicant's property so that we can be aware of neighborhood issues and then include your comments in the packet of information provided to the Teton County Board of County Commissioners for their consideration prior to the hearing. Please provide comments related to this application and the CUP criteria of approval: (1) The location of the proposed use is compatible to other uses in the general neighborhood; (2) The proposed use will not place undue burden on existing public services and facilities in the vicinity; (3) The site is large enough to accommodate the proposed use and other features as required by Teton County Code; (4) The proposed use is in compliance with and supports the goals, policies, and objectives of the Comprehensive Plan.

Applicant: David Kite (Cowboy Church) **Landowner:** Valley Group Holdings, LLC

Legal Description: RP05N45E028100; TAX #5625 SEC 2 T5N R45E

Parcel Size: 1 acre **Physical Address:** 4369 North Highway 33, Teton, ID 83452

Zoning District: A-2.5; located in the Scenic Corridor

Description of the Request: The applicant proposes to utilize the existing building, parking lot, and access from Highway 33 for the Cowboy Church. The applicant is not proposing any new structures or changes to the existing structure, so a Scenic Corridor Design Review is not required. The assembly will meet on Monday evenings (6pm-9pm), with approximately 25-35 attendees.

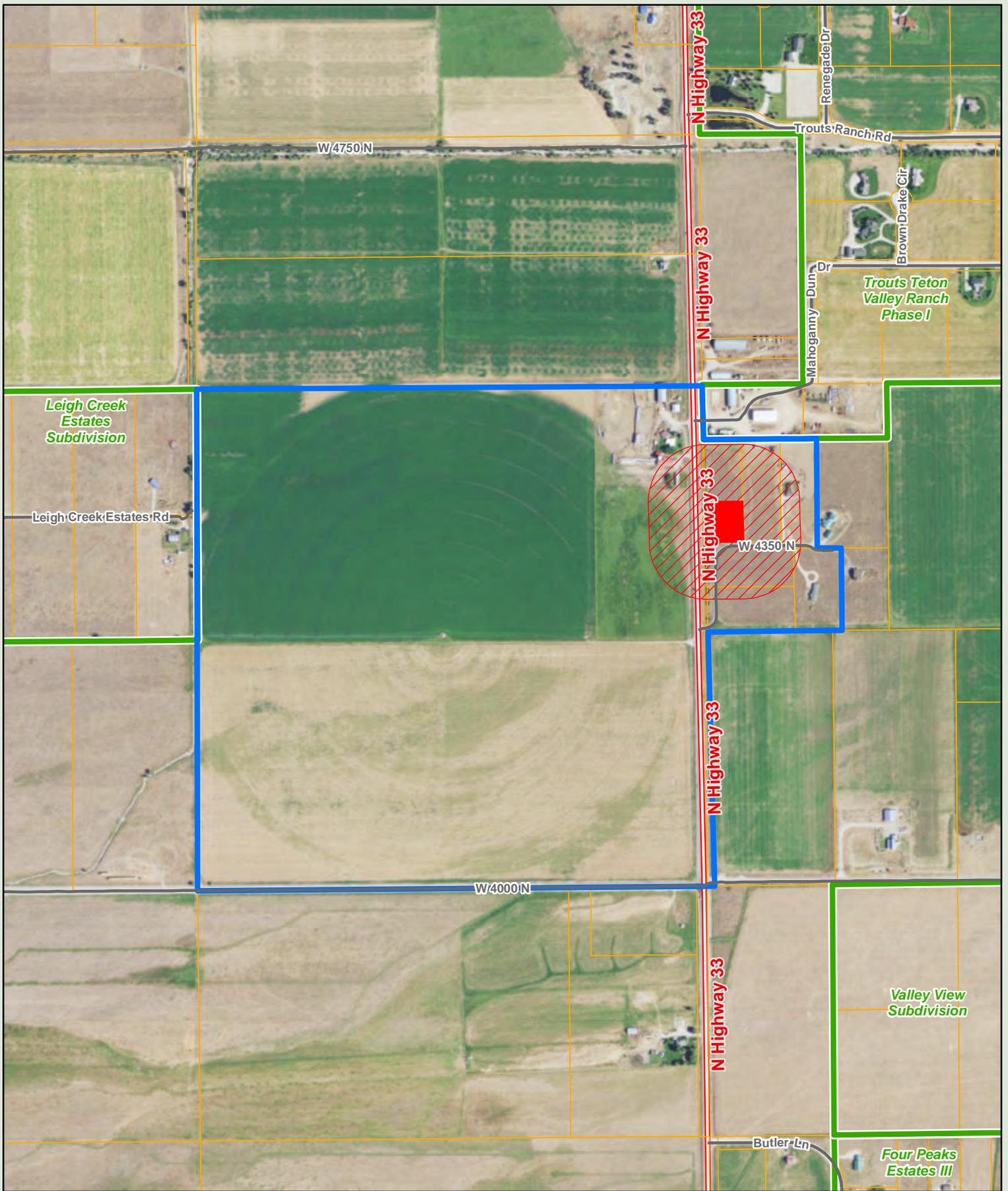
PUBLIC HEARING

The Teton County Board of County Commissioners will hold a public hearing in the Commissioners' Chamber located on the First Floor (lower level, southwest entrance) at 150 Courthouse Drive, Driggs, Idaho on **March 14, 2016** on this matter. This application is scheduled to be heard at **1:30 pm**.

Information on the above application is available for public viewing in the Teton County Planning and Building Department at the Teton County Courthouse in Driggs, Idaho. The development application and various related documents are also posted, as they become available, at www.tetoncountyidaho.gov. To view these items, go to the Board of County Commissioners department page, then select the 3-14-2016 Meeting Docs item in the Additional Information Side Bar. Written comments will be included in the packet of information provided to the Board for consideration prior to the hearing if they are received in the Planning and Building Department no later than 5:00pm on Friday, March 4, 2016. Written comments may be e-mailed to pz@co.teton.id.us, mailed to the address above, or faxed. You may also present your comments in person at the hearing.

The public shall not contact the Board of County Commissioners concerning this application, as their decision must, by law, be confined to the record produced at the public hearing.

If you have any further questions, please do not hesitate to call the Teton County Planning and Building Department at 208-354-2593.



Legend

- 300 ft Notification Buffer
- Subject Parcel
- Notified Parcels
- Subdivisions / Phases
- Parcels

**COWBOY CHURCH
CONDITIONAL USE PERMIT NOTIFICATION**

Printed: February 17, 2015



**TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from January 12, 2016
County Commissioners Meeting Room, Driggs, ID**

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

COUNTY STAFF PRESENT: Mr. Jason Boal, Planning Administrator, Ms. Kristin Rader, Planner, Ms. Amanda Williams, Weed Superintendent/Natural Resources Specialist

The meeting was called to order at 5:03 PM.

Approval of Minutes:

MOTION: Mr. Arnold moved to approve the minutes from December 8, 2015, as amended to change “Mr. Robson” to “Ms. Robson” in the first paragraph, second line under Administrative Business. Mr. Booker seconded the motion.

VOTE: All in favor. Mr. Larson and Ms. Johnston abstained from voting because they were absent from the December 8, 2015 meeting.

Chairman Business:

Mr. Hensel mentioned the letter he had said he would write to the Board of County Commissioners expressing the concerns of the Planning & Zoning Commission discussed at the December 8, 2015 meeting. He did not write the letter, but he did have a conversation with Commissioner Riegel.

Mr. Hensel brought up the Guiding Principles Exercise that Mr. Boal gave the PZC in December. He explained that after his conversation with Commissioner Riegel, he felt the Board was interested in the strategies that the PZC used to get from Point A to Point B to Point C. Mr. Haddox mentioned that he also spoke to Commissioner Leake, who said he was interested in something short, 1-2 paragraphs.

Mr. Hensel asked Mr. Boal how the answers provided to the Guiding Principles Exercise would be used. He explained that as we prepare a public review draft of the code and start public outreach, he anticipates staff working with the PZC to create summaries explaining the process that was used, and the answers to the Guiding Principles Exercise will help with that.

Mr. Hensel asked that any commissioners that have not submitted their Guiding Principles Exercise to please do so. Mr. Boal said he would email copies to everyone again.

Election of New Officers

Mr. Hensel explained that because it was the first meeting of the new year, the Commission needed to vote on officers for the positions of Chairman and Vice Chairman.

Motion: Mr. Arnold moved to nominate Mr. Hensel to continue as Chairman and Mr. Booker to continue as Vice Chairman. Mr. Breckenridge seconded the motion.

Mr. Larson expressed that since several members have stayed on for the code process, they should continue the same leadership. Ms. Johnston agreed.

Vote: The motion was unanimously approved.

Administrative Business:

Mr. Boal introduced the new Weeds Superintendent/Natural Resources Specialist, Amanda Williams.

PUBLIC HEARING: Conditional Use Permit Application for the Cowboy Church.

Mr. Hensel asked if any commissioners had been to the site, had any ex parte conversations about this application, or felt conflicted in any way. They had not.

Ms. Rader introduced the applicant.

Applicant Presentation:

Mr. David Kite, pastor of the Teton Valley Cowboy Church (TVCC), explained that their intention was to use the building for church services one night a week (Monday nights). There may be special activities that would require using the building at a different time than Monday evenings.

The TVCC hosted a rodeo program for kids during the Summer of 2015. They also provided help to local families at Thanksgiving and Christmas, as well as working with the Suicide Prevention and Awareness Network (SPAN). Mr. Kite explained that TVCC is trying to be involved in the county and provide a positive impact to the community. Mr. Hensel asked about the rodeo location. Mr. Kite explained that the TVCC rented the fairgrounds for that event.

Ms. Robson asked about the potluck dinners at the church and if there was a kitchen. Mr. Kite explained that members of the church bring food, that was prepared off site, so the fellowship can eat dinner together before service begins.

Staff Presentation:

Ms. Rader explained the application. Larger activities hosted by the TVCC offsite, such as the rodeo, could be handled in the future through a Temporary Use Permit or something similar. Activities on site would include the dinners, discipleship classes, services, and Vacation Bible School (summers).

The building accesses directly off of Highway 33. The application was provided to ITD, and they did not recommend a traffic study for this application. The building does have a sprinkler system installed, which has not been inspected. The building code would require a sprinkler system based on the occupant load. Without exact measurements of the building, it is unclear whether or not the sprinkler system would be required. A possible condition of approval was included for the applicant to provide the Building Official with the necessary measurements to determine this. Staff recommends that the sprinkler system be inspected and used, even if it is not required.

A sign permit application was submitted by the applicant, but it has not been approved at this time.

Mr. Hensel asked if the membership and traffic increased and became an issue, could this be limited through the CUP or would it come up in review. Ms. Rader explained that it could be conditioned and/or monitored by staff. ITD looked at the square footage of the building when they determined it would not require a traffic study. Eastern Idaho Public Health said the number of current attendees (25-30) could double or triple with the existing septic system.

Mr. Larson asked for clarification on the sprinkler system requirements. There are two standards in the building code that would trigger the requirement. We know the building size does not meet one of the standards, but the other standard looks at the net square footage of the assembly area, which needs to be measured. Mr. Hensel opened Public Comment.

Public Comment:

In Favor:

Mr. Boal read the following written testimonies.

Ms. Rhoda Simper (Tetonia) wrote “I support the application for Teton Valley Cowboy Church to be approved. It is a wonderful church that is helping many in the community.”

Ms. Barbara Butler (Driggs) wrote “Wish to see this church grow – we love it. The town can use it.”

Ms. Rebecca Koch (Victor) wrote” I believe this county would benefit from the church. The area is a perfect place. I am very much in favor of this church and the location.”

Mr. Robert A. Vostrejs (Tetonia), Ms. Denise Vostrejs (Tetonia), and Ms. Bonnie Reece (Tetonia), submitted sign-up sheets in support of the application, but they did not testify.

Neutral:

There were no neutral comments.

Opposed:

There were no comments opposed to the application.

Applicant rebuttal was not necessary, as there was no opposition. Mr. Hensel closed Public Comment.

COMMISSION DELIBERATION:

Mr. Arnold thinks this could be a positive addition to the county, and it looks like a lot of effort was put into the applicant. He is in favor.

Mr. Booker agreed. He lives in the neighborhood, and the building has been vacant for a while, so it is nice for the building to be used. Mr. Booker asked how CUPs are monitored. Mr. Boal explained that staff is responsible for monitoring the conditions. If there is a violation of conditions, the applicant is notified. If the use grows to exceed conditions, the applicant would be notified that they need to find a new location or amend the CUP to accommodate the growth.

Mr. Arnold asked the applicant what he is looking for in terms of the number of attendees the church would provide services to in the existing building. Mr. Kite explained the layout of the building. If attendance increased, worship services and discipleship classes could be held concurrently, twice a night instead of once per night at separate times. Mr. Kite explained that the layout of the room used for services would probably allow for a maximum of 60 people.

Mr. Arnold commented that he wants to make sure that traffic does not become an issue. He asked the applicant if 75 would be a fair number of attendees before reviewing the CUP again? Mr. Kite asked that the CUP be reviewed after 100 rather than 75 because alternating rooms for the service and classes would maximize the use of the building. He also stated that parking should not be an issue, and the adjacent property is owned by the same property owner and could be used for additional parking.

Mr. Larson commented that it would be interesting to know what ITD's standard is to trigger a traffic impact study because traffic is more of an issue than parking.

Mr. Breckenridge mentioned that occupancy loads set by the Fire Department and Building Official would limit the number of people that could be in the building.

Mr. Hensel suggested that a condition of approval would be that when the size meets a trigger, like for the traffic impact study, then the CUP would have to be reviewed. Ms. Johnston commented that she felt there were several threshold concerns including water, sewer, access, and building safety. The application states 35 attendees. She would be comfortable with doubling the size, like 60 attendees, before needing to review the CUP again. She also mentioned that each agency could be asked for their thresholds and base the review on that.

Mr. Larson commented that they should be conservative with the numbers or go back to each agency to get their specific threshold. Mr. Boal explained the options for moving forward, including recommending conditions based on specific thresholds which can be determined before the BoCC hearing occurs or the application could be tabled until the thresholds are determined, then PZC could make a recommendation to the BoCC.

Mr. Kite asked for clarification on the expiration of the CUP. Mr. Hensel explained that the approval would expire if the activity has not started within 12 months of the approval. Mr. Larson clarified that if there are conditions of approval that need to be completed, like a sign permit, that would need to be completed within 12 months.

Mr. Hensel asked if there was any additional public comment since new information may have come up. There was no public comment.

MOTION:

Ms. Johnston moved that having concluded that the Criteria for Approval of a Conditional Use Permit found in Title 8-6-1 can be satisfied with the inclusion of the following conditions of approval:

1. The applicant will provide Teton County Planning & Building with the net square footage to calculate the occupancy load to determine if a sprinkler system is required. If the system is not required, it is highly recommended that the system be inspected and utilized for the safety of the occupants.
 2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
 3. All outdoor lights must comply with the Teton County Code, if applicable.
 4. A sign permit is required for the existing Cowboy Church sign.
 5. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
 6. Access, parking, septic system, water, and building safety thresholds will be established and included in such a way that the CUP will be reviewed when those thresholds are met.
- and having found that the considerations for granting the Conditional Use Permit can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
 - and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
 - I move to RECOMMEND APPROVAL to the Teton County Board of County Commissioners for the Conditional Use Permit for the Cowboy Church as described in the application materials submitted December 4, 2015 and as supplemented with additional applicant information attached to this staff report.

Mr. Arnold seconded the motion.

VOTE: After a roll call vote, the motion was unanimously approved.

PUBLIC HEARING: Concept Approval for Walipini Subdivision.

Ms. Rader explained that Grace and Jimmy Hartman are working with Harmony Design & Engineering to propose a 3 lot subdivision south of Victor.

Applicant Presentation:

Ms. Jen Zung, Harmony Design & Engineering, represented the applicant. Ms. Zung introduced the property. This proposal will split an 8-acre parcel into two, 2.5 acre lots and one, 3-acre lot. There is an existing driveway that is shared between this property and the property to the north. The grades are steep. This proposal will regrade the access from Old Jackson Highway and reduce the slopes. The road would be constructed to meet County standards and Fire standards. The project does require fire protection, and this proposal includes a fire pond with a dry hydrant. There is also an option to develop a shared agreement with a pond in Grant Subdivision, but the pond would need to be improved to meet current Fire standards.

The property is located in the Big Game Migration Corridor overlay, which requires a Natural Resources Analysis at the preliminary process. The applicant is having that study conducted. The concept proposal shows building envelopes that are clustered to minimize impacts on whole property. The western boundary of the property falls within the scenic corridor overlay, but development is not being proposed in that area. This property is identified as part of the Foothills area in the Comp Plan Framework Map. The building envelopes are clustered to help meet low density residential nature of the Foothills area.

Ms. Zung explained that the parcel is owned by Ms. Hartman's brother. They would like to sell two of the parcels and live on the third. A Walipini is an underground greenhouse. The applicant intends to have a Walipini as the first built structure. They also intend to put tiny homes on the properties. The applicant currently lives in a tiny home of about 300 ft². The building envelopes are larger than that to allow for flexibility on the location of the tiny homes.

Ms. Grace Chin Hartman lived on the property for a short time before moving to Wilson. They love the land and enjoy picnicking there with their children. Her brother told her if he sold the land, he would split off a portion for her and her family, which is why they are now applying for the subdivision process.

Mr. Hensel asked for clarification on the turquoise square that is on the soil map in attachment 9. Ms. Zung explained that the square shows the area that the soil map was created for, but it is not the property boundaries. Mr. Hensel also asked about the current vegetation. Ms. Hartman explained that there are some aspens, sage brush, and grasses.

Ms. Robson asked is anyone lives in the main house. Ms. Hartman explained her brother lives in the house, but he has a buyer lined up to purchase the home.

Ms. Robson asked about the ditch on the property. Ms. Zung explained that the ditch is not currently running because the diversion has been shut off. The proposal would allow the ditch to be used. Ms. Zung believes the surrounding property owners have shares to the property rights, but they have not fully investigated that at this time.

Mr. Larson asked if access needed to be provided to the surrounding property owners for the ditch if they have rights to it. Ms. Zung explained that there is an easement for the ditch, which then lines up with the road.

Mr. Haddox asked if the property owner to the north that uses the shared driveway was agreeable to move the driveway. The property owner was in the audience and waiting to testify. Ms. Zung explained that the realignment of the driveway is needed for the regrading of that area for safer slopes. She said it will greatly improve the access.

Mr. Booker asked if the building envelopes include all structures, including infrastructure like water and septic. Ms. Zung explained that they had not completely decided on whether water and septic systems would be inside the envelopes. Ms. Johnston commented that building envelopes typically only include buildings. Mr. Booker asked if the natural vegetation would remain intact outside of the building envelopes. Ms. Zung said it would remain.

Staff Presentation:

Ms. Rader explained that the application is in the Big Game overlay, so the Natural Resources Analysis will be required. That study will provide more detail on the existing vegetation. The property is also in the Hillside overlay, but development is not located on any steep slopes, so the studies associated with that overlay will not be required. The property is partially in the Scenic Corridor overlay, but no development in is planned there.

A DRC meeting was held in December. There was concern with the slopes of the existing road access, but Public Works was satisfied with the proposed changes. Fire protection is required, and the applicant has been in contact with the Fire Department. There may be some limitations to septic locations because of the fire pond location and slopes, which can be identified at the preliminary stage.

Mr. Breckenridge asked if there was a previous split on this property. Mr. Boal explained that there was a One Time Only done previously on this lot.

Mr. Booker asked if there were any concerns with the ditch and access for the fire pond. Ms. Rader explained that the Fire District did not have comments, but they will review it again at preliminary. There is also the possibility of using a nearby pond, which would remove the fire pond that is proposed on site. Mr. Breckenridge asked if the nearby pond met the fire standards. Ms. Rader explained that it does not at this time, but the Fire District mentioned that it could be improved to meet their standards. Specific fire protection options and their advantages were not discussed, but the Fire District will be able to review the application at Preliminary.

Mr. Hensel asked if there were any problems with subdividing a parcel that was created through the One Time Only process. Ms. Rader explained that parcels created through the One Time Only process could be subdivided as long as they can meet the underlying zoning requirements and the subdivision process, which this application does. Ms. Johnston asked how large the original parcel was. Ms. Rader explained that the parcel proposing the subdivision is about 8 acres, and the original piece that was split was 10 acres. The subdivision process created building rights for the new lots.

Mr. Hensel opened Public Comment.

Public Comment:*In Favor:*

There were no comments in favor of the application.

Neutral:

There were no neutral comments.

Opposed:

Mr. Meredith Hare (Victor - adjacent property owner) stated he was opposed to the application because it is in violation of a Declaration of Restrictive Covenants placed on this land by the

owners in 1976 (submitted to the record - see attachment 3). The Covenants were placed on the original 10-acre parcel. The Covenants state that no more than two lots, of no less than 5 acres each could be created from the original 10-acre parcel. This parcel has already been split into an 8-acre parcel and a 2-acre parcel. Now, the 8-acre parcel is being proposed to be split into 3 lots, which goes against the covenants and should not be approved by the Planning and Zoning Commission.

Mr. Michael Harrison (Victor – adjacent property owner) stated he had several issues and feels that a lot of wishful thinking has been proposed. He said the pond that was mentioned as an option for a fire pond is an ornamental pond and was not designed for fire protection. He also stated that to access the pond, the applicant would need to cross his property and Mr. Hare's property, which he says is not an option. Mr. Harrison felt that the three homes on 8 acres were not clustered. He said he positioned his home as far as possible from the existing Chin home to allow for privacy. There is also a wildlife refuge to the northeast of the property that is closed off to human traffic through winter. Mr. Harrison stated that Mr. Chin approached him a few years ago to keep the ditch on the Chin property. When Moose Creek Road was widened last year, the ditch was filled in by the road crew, which has not been dug back out. When the water does flow, animals come down to the property to access the ditch water instead of Trail Creek. Mr. Harrison said the Chins have always said they would help with labor of maintaining the ditch, which they have not provided. Because of this, Mr. Harrison said he is planning on digging his ditch this year so that it is no longer on the Chin property, and they will not have access to it. Mr. Harrison stated that he shares the driveway, and he does not accept that it will be shared with two more homes. He proposed that too much earth would need to be moved to get the proposed 4% grade on the driveway. He also stated that the Old Jackson Highway is too narrow for lines to be drawn on it, and he believes the road would have to be widened for the subdivision to be approved. For these reasons, Mr. Harrison stated he opposed the application. He also stated that he expected his view to disappear at some point, but he does not feel it deserves to for this application.

Applicant Rebuttal:

Ms. Zung stated that the applicant does not have a copy of the Covenants that Mr. Hare mentioned. She said the application would obtain a copy and work with the county to determine if they are applicable to the property. In terms of the fire pond, discussions have just begun. The nearby pond is on private property, and it may not even be an option, and there is a pond proposed on site. Ms. Zung explained that keeping building locations away from wildlife areas would be desired, and the applicant could work with the neighbors for shielding for views to minimize the impact of nearby homes. It sounds like the ditch will not be an issue. Ms. Zung stated that the road would meet county standards and she believes Old Jackson Highway also meets county standards. There is room to construct the proposed road.

Mr. Hensel asked if there was an easement for the existing driveway. Ms. Zung explained that there is an easement shown on a Record of Survey, but there is not recorded document for that easement. She stated that from what she understands, the easement does not technically exist because there is no recorded document backing up the record of survey. The plat from this subdivision would create an easement for that driveway.

Mr. Booker asked for clarification of the previous splits and the easement. He thought it might be a prescriptive easement since it has been used. Mr. Booker asked for Ms. Zung to confirm that the applicant nor she have reviewed the CC&Rs. Ms. Hartman said she was told they were not in

standing, but she has not looked at them. Mr. Hare asked who would enforce the CC&Rs. Mr. Booker explained that CC&Rs are a civil matter between the property owners involved. The county does not enforce CC&Rs. Mr. Hensel recommended that the applicant research the CC&Rs before they spend more money on the subdivision process.

Mr. Haddox asked if the easement was described on the original survey or just shown. Ms. Zung explained that the record of survey showed the easement, but it is not a plat, so it does not create an easement.

Mr. Breckenridge asked about the previous splits. Mr. Boal explained that there were some questions around the process used to create the 2 acre and 8 acre parcels, but the 10 acre parcel was created legally. Mr. Hare explained that his parents bought the 10 acre piece in 1976. The subdivision process would provide building rights to the three lots proposed.

Mr. Booker asked Ms. Zung about the proposed road, which dead ends. He asked if it would be a cul-de-sac or some kind of access for Lot 3 because the concept plat does not connect to the boundary of Lot 3. Ms. Zung explained that the road would extend to the Lot 3 boundary, which would then become the driveway. Mr. Booker asked about Lot 1, and if it was considered out of the subdivision because it is existing. Ms. Zung explained that it is part of the subdivision, but there is existing infrastructure on that lot.

Due to the disorder, Mr. Hensel asked if there was any additional public comment.

Public Comment:

In Favor

Ms. Karie Josten (Victor – nearby neighbor) stated that development will be in that area, and she thinks the applicants would be good stewards of the land and take care of it. She thinks they have good intentions, and she is all for the proposal.

Neutral

There were no neutral comments.

Opposed

There were no additional comments opposed to the application.

Mr. Hensel closed Public Comment.

COMMISSION DELIBERATION:

Mr. Booker stated that there are issues that need to be remedied, like the CC&Rs. Is the PZC concerned about this. Mr. Hensel explained that the PZC recommends the applicant get the CC&Rs figured out, but it is not something they can decide. Mr. Larson commented that it is up to the property owners. Mr. Arnold stated that it is the PZC's responsibility to determine if the application meets the code. He is concerns with the building envelope locations being close to Mr. Harrison's home, which may be able to be moved to give consideration to the neighbor.

Mr. Haddox commented that he was having a hard time separating the various questions they have had, but this is a concept proposal. Mr. Hensel said he would be in favor of approving the concept application, but he would like clarification of the parcel history, and other issues would need to be addressed, like the driveway easement, fire pond, and ditch.

Ms. Johnston asked staff to clarify if the county enforces CC&Rs or deed restrictions. Ms. Rader explained that the county does not enforce CC&Rs, and the county only enforces deed restrictions that were required by the county. Ms. Johnston asked if building envelopes that are shown on a plat would be enforced by county. Ms. Rader said yes.

Ms. Johnston asked if the Old Jackson Highway meets road standards. Mr. Boal stated that question would be better suited for the Public Works Director. Ms. Johnston asked if a public road that a subdivision is access from does not meet standards, are there provisions available to require that road to be improved. Mr. Boal explained that off-site improvements are not generally required. Ms. Johnston stated she felt there was a lot of new information brought up during the meeting that was not in the application, which makes it hard to consider the application.

Mr. Larson explained that he is okay with the concept plan, but there are issues that need to be addressed. He would encourage the applicant to look at different building envelopes that would help preserve Mr. Harrison's views. Mr. Hensel also mentioned that the envelopes were probably chosen to help protect wildlife habitat, so that will become a factor in the future. Mr. Larson agreed and said it would be a balancing act.

Ms. Johnston felt a lot of her concerns would be addressed later in the process, like the specifics of how the driveway will be improved.

Mr. Breckenridge and Mr. Larson stated they do not believe this is technically a clustered development. Mr. Breckenridge also commented that some form of agreement is needed for the shared access.

Mr. Booker explained that he has a lot of concerns, so he does not want concept to be misconstrued at the preliminary approval. Mr. Hensel stated that concept approval implies that there is future work that needs to be done.

MOTION:

Mr. Arnold moved that having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) can be satisfied with the inclusion of the following conditions of approval:

1. Compliance with all local, state, and federal regulations.
2. Begin working with EIPH for septic approval.
3. Begin working with Teton County Fire District for fire suppression approval.
4. Conduct required studies/plans for Preliminary Review: Landscape Plan, Natural Resources Analysis.
5. Consider the importance of viewsheds.
6. Adequately address the shared driveway/roadway with the 2-acre parcel to the north (Mr. Harrison's property).

- and having found that the considerations for granting the Concept Plan Approval to Grace Hartman can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
- and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
- I move to APPROVE the Concept Plan for Walipini Subdivision as described in the application materials submitted December 7, 2015 and as supplemented with additional applicant information attached to this staff report.

Mr. Breckenridge seconding the motion.

Mr. Larson commented that this application is right on his threshold of wanting to see the application moved forward and wanting to table it to get more information. He hopes everyone understands there are questions that need to be addressed. Mr. Haddox agreed that he has a lot of concerns with this application, but it is a concept application. Ms. Johnston agreed. She commented that she sympathized with the neighbors' concerns, but those are outside of the jurisdiction of the Planning and Zoning Commission, and the application meets the required conditions of approval.

VOTE: After a roll call vote, the motion was unanimously approved.

MOTION: Ms. Johnston moved to adjourn the public hearing. Ms. Robson seconded the motion.

VOTE: The motion was unanimously approved.

The public hearing was adjourned at 6:53 pm, and the Planning and Zoning Commission took a break until 7:05 pm.

WORK SESSION: Draft Code Discussion, Article 13: Property Development Plan

The Commission reviewed and discussed the proposed draft code presented by Mr. Boal.

Article 13.1 and 13.2 were generally discussed, but more discussion of these sections will take place at the January 19th meeting.

Mr. Hensel asked for clarification on easements listed under 13.1.3.b.x, like what type of easements need to be included. Mr. Haddox asked for clarification of a preliminary title report. Ms. Johnston asked if the county requires an official title report from a title company and if that is something that should be considered. Mr. Boal explained that there are costs associated with title reports, and there are some concerns with requiring an official title report. The Planning Department provides a lot of the same information, and the county can relate it to the regulations being enforced. Ms. Johnston commented that it would be helpful to require easements to be shown and also include who the easement is from and to. Mr. Boal explained that is covered in another section of the code.

Mr. Larson asked if there were specific approval and appeal processes, such as study requirements that may be determined by the Planning Administrator. Mr. Boal stated those processes are

outlined in Article 14. The intent of the sections for each study is that the standards are clear about when they are required.

Article 13.3.1 was reviewed in more depth. Text edits were identified to staff, including standardizing the language used throughout and clarifying definitions.

Mr. Breckenridge mentioned that irrigation ditches and canals have the same setback requirement, which may not be necessary. Mr. Hensel asked if there was a standard that would differentiate between ditches and canals. Irrigation ditches and canals were discussed more. Staff will clearly define each and utilize different setbacks for each.

The question of which standards to use was discussed, including whether NRCS standards are appropriate and if there are other options available. Mr. Booker stated that the standards are very technical. Mr. Boal explained that worksheets or handouts would be developed to help applicants understand the standards used in the code. Ms. Johnston expressed that she felt the language was vague and unclear on specific requirements, in terms of what the trigger points are, what exactly is required, and what do the requirements apply to. Mr. Boal explained that there are sections outlined of specific allowed uses and prohibited uses, but staff can try to clarify those sections more.

Ms. Johnston commented on the language in the 13.3.1 chart about wetland delineations. The language will be adjusted to clarify that delineations are approved by the US Army Corps of Engineers instead of created by them.

Ms. Johnston also mentioned that she does not think the NRCS standards are the best option, and she believes the intent of those standards are different from what we want. Mr. Larson asked how the standards do not do what we want them to do. Mr. Booker commented that The Nature Conservancy has standardized worksheets for different topics, which may be similar to what Mr. Boal explained would be created. Mr. Booker said the standards would be similar to the Building Code, but the worksheet would be created to give to the applicant that explains what needs to be done. More discussion occurred on standards. Staff will look into other standard options besides NRCS. Ms. Johnston mentioned having standards created specific to Teton County. Mr. Hensel stated that would be a long and expensive process, which may not be an option. He agrees that it would be better, but adopting a standard that has already be created could still work well. Mr. Booker mentioned that an adopted standard could be amended in the future if it needs to. Mr. Arnold commented that he has used the NRCS standards, and he thinks they are a good standard. There may be times when they are not always applicable, but the only way to get around that is to create a unique standard for Teton County. Mr. Haddox explained that he felt comfortable with the NRCS standards with a worksheet that goes along with it, realizing that it may not be perfect, but they could be amended in the future if needed. He feels that if something is created specific to Teton County, there may be too many loopholes or it may be too burdensome for anyone to use. Mr. Larson agreed. Staff will also work to develop a worksheet/handout for a specific section in Article 13 that uses the NRCS standards as an example to see how the standards work when applied.

Mr. Boal gave a brief summary of what was planned for the next meeting. Mr. Booker suggested that if any commissioner will miss a meeting, they should email comments on that meeting's topic to the Chair so their comments will be included in the discussion.

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

VOTE: The motion was unanimously approved.

The meeting was adjourned at 8:17 pm.

Respectfully submitted,
Kristin Rader, Scribe



Dave Hensel, Chairman



Kristin Rader, Scribe

Attachments:

1. PZC January 12, 2016 Meeting Packet
2. Public Comment Sign-up Sheets
3. Covenants & Restrictions provided by Mr. Hare (Walipini Sub. App.)
4. Written Decision for Cowboy Church CUP Recommendation of Approval
5. Written Decision for Walipini Subdivision Concept Approval



February 9, 2016

**Teton County Planning & Zoning Commission
Written Decision for Conditional Use Permit Recommendation of
Approval for the Cowboy Church**

Overview

On January 12, 2015, David Kite came before the Teton County Planning & Zoning Commission to request a recommendation of approval for a Conditional Use Permit for a church on property located north of Driggs, at 4369 N. Highway 33.

Planning & Zoning Commissioners Present: Mr. Dave Hensel, Mr. Cleve Booker, Mr. Bruce Arnold, Mr. Chris Larson, Ms. Marlene Robson, Mr. Jack Haddox, Ms. Sarah Johnston, and Mr. David Breckenridge.

Applicant(s)/Representative(s) Present: David Kite

Motion

Ms. Johnston moved that having concluded that the Criteria for Approval of a Conditional Use Permit found in Title 8-6-1 can be satisfied with the inclusion of the following conditions of approval:

1. The applicant will provide Teton County Planning & Building with the net square footage to calculate the occupancy load to determine if a sprinkler system is required. If the system is not required, it is highly recommended that the system be inspected and utilized for the safety of the occupants.
 2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
 3. All outdoor lights must comply with the Teton County Code, if applicable.
 4. A sign permit is required for the existing Cowboy Church sign.
 5. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
 6. Access, parking, septic system, water, and building safety thresholds will be established and included in such a way that the CUP will be reviewed when those thresholds are met.
- and having found that the considerations for granting the Conditional Use Permit can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
 - and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
 - I move to RECOMMEND APPROVAL to the Teton County Board of County Commissioners for the Conditional Use Permit for the Cowboy Church as described in the application materials submitted December 4, 2015 and as supplemented with additional applicant information attached to this staff report.

Mr. Arnold seconded the motion. After a roll call vote, the motion was unanimously approved.

Conclusions

Having given due consideration to the application and evidence presented, and to the criteria of approval defined in Teton County Code, Title 8-6-1, the Teton County Planning & Zoning Commission hereby makes the following conclusions:

1. The location for the proposed use is compatible to other uses in the general neighborhood. The existing building was built as a commercial building, so its uses are limited in the A-2.5 zone.
2. The fiscal impact of the proposed use will be minimal as no new structures are being proposed, it accesses directly from Highway 33, and the church assembly will only meet once per week.
3. The location for the proposed use is large enough to accommodate the proposed use at its current size, with some room to grow. It was recommended to determine a threshold that would require the Conditional Use Permit to be reviewed to ensure the location is able to accommodate the use in the future.
4. In general, the proposed Conditional Use Permit conforms with the goals outlined in the 2012-2030 Teton County Comprehensive Plan, including new services for the community and community involvement.
5. The proper legal requirements for advertisement of the public hearing have been fulfilled as required by Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Zoning Ordinance. The public hearing was duly noticed in the Teton Valley News on December 24, 2015 and December 31, 2015. A notification was sent via mail to surrounding property owners within a 300-foot buffer area, as well as all property owners in subdivisions that intersect with the 300-foot buffer. A notice was also posted on the property providing information about the public hearing.
6. Other persons in attendance expressed approving comments of the proposed Conditional Use Permit. All public comments are on file with the minutes of January 12, 2016.
7. This proposal is not in conflict with the provisions of any adopted ordinance or intent of any county policy or use within the proposed zone classification.

Recommended Conditions of Approval

1. The applicant will provide Teton County Planning & Building with the net square footage to calculate the occupancy load to determine if a sprinkler system is required. If the system is not required, it is highly recommended that the system be inspected and utilized for the safety of the occupants.
2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
3. All outdoor lights must comply with the Teton County Code, if applicable.
4. A sign permit is required for the existing Cowboy Church sign.
5. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
6. Access, parking, septic system, water, and building safety thresholds will be established and included in such a way that the CUP will be reviewed when those thresholds are met.



Dave Hensel
Chair of Teton County Planning & Zoning Commission

2/9/16

Date