

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

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

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

ELECTED OFFICIALS: Mr. Bill Leake and Ms. Cindy Riegel.

The meeting was called to order at 4:10 pm.

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

Ms. Rader started with the Executive Summary that was requested. She felt a double sided one page summary would be more effective for a quick reference to mail out to property owners, and a longer more detailed summary could be done for the website. She put together a one page flyer for an executive summary with the why, how and what parts of the code are being updated on the front and compliance with the comp plan information on the back. It would have less information, but would be more reader friendly and could have multiple uses as a one page double sided flyer. Mr. Larson commented he liked the idea of a one page document, and Ms. Johnston agreed. Ms. Riegel wanted all the goals included so the public would not think any of the goals were being skipped.

Mr. Leake commented if the summary was 11 x 17 you could include the zoning map, which he believed was what most people were most interested in. He also suggested listing only the key goals rather than all of them and thought a scheduled for future meetings was a good addition.

Mr. Larson was in favor doing a one page small document and then another more detailed executive summary that would be available on the website. Mr. Breckenridge felt that a document any bigger than 8 1/2 x 11 would not be read and he felt the references to documents on the website would lead people there who wanted more information. Mr. Hensel wondered if the map on the back might be of more interest than the goal comparisons to the comp plan.

Mr. Larson suggested having the flyer printed by a professional printer so it would be really legible if a map were added. Mr. Hensel asked the group if they felt page 2 should be a map or the goal comparison. It was the consensus that it should be a map on the back and professionally printed to obtain the highest quality in regards to the map and identifying the different zone districts.

Regarding the first page, Mr. Leake suggested rather than using a meeting schedule on the flyer, it should refer to the most current schedule reflected on the website. Ms. Rader suggested a reference to the full timetable online to send them to the website in order not to clutter up the flyer. Ms. Riegel commented she wanted to see the word “draft” before the word “Code” so people wouldn’t think it was already adopted. Mr. Breckenridge suggested the density/lot size paragraph be revised to make it easier to understand.

Mr. Moyer asked about the scenario tool and if that would be used to bring people to the website. Ms. Rader commented she is still finishing up the scenario tool and will update it after the next meeting. Mr. Leake suggested some kind of banner ad on the county website home page to send people over to the Teton Valley Code website if that is the information they are looking for. Ms. Rader commented she could add something to the county website home page that would be bright and hard to miss that would direct people to the Teton Valley Code website to find the most current information and history about the process so far. Mr. Larson suggested archiving the old stuff so only the most relevant items appeared first. He offered some assistance with the process when he is in town.

Regarding the FAQ sheet, Ms. Rader explained that she designed it to be oriented to draft code questions and would also be adding a general planning & zoning FAQ page to the county website. Mr. Arnold asked about adding the land use table to the list somewhere. Ms. Rader suggested a paragraph that explains how the draft code meets the comp plan goals as another question that refers people to the code website. Mr. Leake suggested a questions on how the code changes affect my CC&Rs. Ms. Johnston suggested referring to the draft code rather than the new code in the Right to Farm Act question and a change to the tiny homes question referring to building code regulations. Mr. Breckenridge suggested a question about the wildlife overlays.

The next topic discussed was controlling short term rentals to try and support the long term rental market for employees of local businesses. Ms. Rader commented she felt it was a good idea to have some guidelines for safety reasons and some mechanism to collect a lodging sales tax. She suggested possibly requiring a CUP for short term rentals with conditions for inspections of the rental and some type of outdoor signage so that a code enforcement inspector could recognize from the street that the home had a permit. Ms. Rader was not suggesting banning short term rentals in every zone but adopting some type of permitting process to offer the option of a short term rental.

Ms. Riegel commented that the lodging tax collected goes to the state and they distribute it to the cities, but not the county. She wanted to know how the county could collect some income from that type of rental. Mr. Arnold commented that Fremont County and the city of Island Park both have a lodging tax for rentals. Mr. Arnold did not want to see the nightly rental market taken away, he felt it was a good option for the valley, but he also wanted to try and help the long term rental market. Ms. Riegel found some information online about short term or transient rentals and commented in Fremont county you have to get a permit that has conditions for health, safety and welfare that you can attach conditions to. The process also requires the applicant to provide their sales tax license information to prove they have registered with the state as a business.

Mr. Haddox asked who would do the inspections on short term rentals in Teton county to ensure maximum occupancy isn't exceeded and things like adequate parking provided and fire safety precautions addressed. Ms. Rader commented it would probably be done by the various departments at the same time through a joint inspection process. Mr. Arnold commented each permit in Fremont county has a maximum occupancy included in the permit conditions. Ms. Rader commented she could email the sheriff's office & fire marshal to ask if they would be able to enforce the maximum occupancy limit.

Mr. Booker commented a VRBO is a business and they can be disruptive to the neighbors. He commented he did not want to stop people from having short term rentals, but wanted to have some regulations in place to protect the owner and renters. Ms. Johnston suggested adding a parking requirement to the permit so as to minimize the impact on the neighbors. Ms. Riegel

commented she understands someone renting out their house through VRBO when they aren't in town, but wondered about the accessory dwelling unit and if the intent for that dwelling is to encourage long term rentals or would short term rentals be allowed as well.

Mr. Hensel suggested Ms. Rader write up something on the short term rental options to go along with the new draft code. Ms. Rader suggested adding it to Article 10. Mr. Leake was concerned with the impact on adopting the new code if short term rental restrictions are added and a lot of people are against the control of short term rentals. He believed that short term rental restrictions were worth pursuing, but thought it would be a good idea to wait until after the new code is adopted.

Mr. Hensel asked for a consensus of whether or not it should go in the new code. Mr. Arnold thought it might be easier to wait rather than add something new that is potentially controversial. Ms. Riegel thought now would be a good time and that it would be easy to add to the draft code. Mr. Breckenridge commented he felt if it isn't added to the draft code now, it would be a long time before it gets addressed. Mr. Leake then agreed that maybe now would be a good time to get it started and changed his mind about waiting. Mr. Leake wanted to also add something about ad hoc campgrounds like camping at the rodeo grounds, which is not legal, and include that in FAQ sheet as well about using your land for camping. Mr. Leake thought because of the event next summer with the eclipse, it would be a good idea if it could be done on a permit basis before then. Ms. Rader commented the temporary use permit section could be a spot for it. Mr. Hensel asked Ms. Rader to come up with a proposal for them.

Ms. Rader then discussed some of the points in the table of changes she put together for the draft code. Ms. Johnston wanted to see a "defined term" placed in italics so that it would stand out and you would know how to find it in the definition section, especially in the FAQ section. Mr. Hensel wanted to have more time to go over the proposed changes list and suggested another meeting to go over them. It was decided the next draft code work session meeting would be in August. Ms. Rader pointed out she would be leaving on the 9th so it will need to be sooner and that the public hearing in August will be on the 16th.

The Work Session was adjourned at 5:45 pm and the Public Hearing was called to order at 6:00 pm.

APPROVAL OF MINUTES:

Motion: Mr. Arnold moved to approve the Minutes from June 14, 2016, as amended. Mr. Booker seconded the motion.

Vote: The motion was unanimously approved.

CHAIRMAN BUSINESS: There was no Chairman's business.

ADMINISTRATIVE BUSINESS: Ms. Rader informed the Commission that Ms. Fox has been hired for the Planning Services Assistant position and that she has accepted the position of Planning Administrator.

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

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

Mr. Hensel reviewed the process for the public hearing and the order of presenters. He also emphasized that the applicant has 15 minutes to present and that the public must limit their presentation to three minutes. Ms. Johnston recused herself from the hearing because she is working with the applicant.

Staff Introduction:

Ms. Rader reminded the Commissioners that if they have had any communication with anyone regarding the application or have gone to the site, that needs to be disclosed. The application is for a Concept Review for a subdivision on a property owned by Peacock Property, LLC. The property was formerly platted as Mountain Legends Ranch PUD in 2008 and vacated in 2012. The new application is for a subdivision of 76 lots, not a PUD.

Applicant Presentation:

Ms. Sarah Johnston with Arrowleaf Engineering, representing the applicant Harry Statter from Peacock Properties, LLC, gave an overview of the proposed subdivision and location of the project and commented the zoning for the site is Agricultural/Rural Residential 2.5 and the comp plan designates the area as a Rural Neighborhood area. She presented a map of the site showing existing roads, borders, ROWs and existing topography. She commented there is a sliver in the corner of the property that is in the wetlands and waterways overlay, approximately 700 sq. ft., because it is within 300' of the Dry Creek high water line, and there are no floodplains or designated wildlife habitat overlays on the property. Ms. Johnston next pointed out the layout of the lots and the roadways.

Mr. Harry Statter with Stateline Management, who is the manager for Peacock Properties, LLC, showed photos of the site and commented on the work done on the site in the past to maintain the agriculture use. He discussed the previous PUD approval with the concept of an agricultural subdivision that had all open space farmed, proposed defined building envelopes, placement of driveways, and continued ag use in open areas. He emphasized the farming component to manage the open space throughout the subdivision and noted that the property is designated in the comp plan as Rural Neighborhood which includes medium density single family neighborhoods. He also commented that the CIP assumes an average density of 50 to 80 units per 100 acres and the density proposed for Mountain Legends is 38.6 units per 100 acres. He discussed how the site is located in relation to the land use map, proposed phasing, his intent to work with the adjacent neighbors and previous contributions to numerous local non-profit organizations. He emphasized he was at the meeting to find out if the proposed development meets the requirements of a concept hearing only. Regarding the public comment letters received, Mr. Statter pointed out the property is not in any designated wildlife corridor or wetlands area and there are no trees on the property. It is completely agriculture land at this time. He commented on the studies that will be done for the preliminary approval phase and based on the findings of those studies they will have tangible data to use to further plan the development, even if it means reducing the density of the development or revising the design. Mr. Statter once again stated he felt that the concept plan requirements have been met.

Staff Presentation:

Ms. Rader gave an overview of the proposal and commented the access will be from Stateline Road and N 1500 E, which has access off Grand Teton Road that goes through Teewinot Subdivision. She identified some key issues like lot area which cannot include the road ROW, the number of lots proposed, road easements versus dedicated roads, the requirement for a driveway that accesses more than two parcels to have road names, and the various studies and plans that will be required at the preliminary phase. Ms. Rader also commented that the Public Works Director asked her to add a condition that the applicant address through the traffic impact study the distribution of vehicles on Grand Teton Road because it is a county road, not a private road. She commented that Teton County Wyoming is responsible for maintaining Stateline Road and were noticed as a political subdivision but did not provide formal comment. She did send the application to the Planning Dept. and the county engineer for review. The engineer, Shawn O'Malley, told Ms. Rader that he was interested in seeing the results of the traffic impact study on Stateline Road before he makes any official comments. Ms. Rader reviewed the staff conditions for approval and required studies for the preliminary review.

Mr. Hensel asked if there is a connection between the two phases. Ms. Rader commented there is road proposed across the easement that separates the two proposed phases. He also asked about a road adjacent to Teewinot and the western boundary of the property. Ms. Rader commented there is some type of ROW easement but it is unclear if it is an official easement and what it is for.

Mr. Booker asked Ms. Rader if the lots would be tax exempt because they have ag use besides the residential. Ms. Rader commented they need five acres or more to be tax exempt unless approved by the county commissioners. Ms. Spitzer commented if you can create more than five contiguous acres you could apply for an ag exemption.

Mr. Breckenridge asked if the open space provided was counted since it wasn't contiguous. Ms. Rader commented the subdivision process does not require open space so it is up to the applicant on how they want to locate it. Ms. Spitzer commented open space requirements only applied to PUD applications.

Mr. Moyer asked about the need for open space to be well defined. Ms. Rader pointed out open space was not a requirement of approval but the Commission could ask for clarification of any open space provided.

Mr. Hensel asked Ms. Spitzer to clarify the review process as it applies to the comp plan. She said the comp plan should be considered, but subdivisions are only required to comply with current zoning laws. She commented they could not deny a subdivision application based solely on not complying with the comp plan. She emphasized that current zoning laws were all that could be used to judge a subdivision application.

Mr. Booker asked about page 10 of 10, about a statement that says there is no surface water on-site but there is some depicted on the site plan. Mr. Statter commented there is something identified in the wetlands inventory but stated there is no surface water on-site. He explained the remote sensing and topographical differences used to generate a wetlands inventory but insisted that there is no surface water on the site. Mr. Booker asked if that would mean it is a dry swell, and Mr. Statter agreed it was. Mr. Booker next asked about the ability to harvest the ag open space between the lots and how functional the space would really be. Mr. Statter commented he agreed

with the difficulties to farm some of the depicted areas, but did not expect houses to be built close to the lot lines and stated adjustments may be made in the next phase.

Public Comment:

In Favor:

There was no public comment in favor of the application.

Neutral:

Mr. Fred Dormeier, a Teewinot resident, commented he was speaking for the HOA Board of Directors and they are concerned about increased use on Grand Teton Road. It accesses all 32 existing structures in Teewinot and as a Board, they would like to be included in the traffic count since the road is the main access for Teewinot and all owners will be affected by the traffic increase.

Opposition:

Ms. Georgina Worthington, a Teewinot resident, commented that she cross country skis and walks throughout the adjacent property year round. She has elk grazing in her front yard and has followed their tracks right through the proposed subdivision, along with tracks from other various wildlife species. She was concerned what would happen to the wildlife using the land if the subdivision is developed.

Mr. John Greenwood, a Teewinot resident, commented that there are numerous wildlife species living on the site and felt it should be protected for their sake and for the economic value of the wildlife remaining in the area. He did not want to see his real estate values go down because a developer wants to build more lots.

Mr. Chuck Kunz, who is living in the old Peacock home, commented 1500 E. connects to Grand Teton Road, but needs improvements if it is going to be used as access to the proposed subdivision because of visual impairments and the narrow width of the road. He was also concerned that there was no open space required.

Mr. John Unland, adjacent property owner, commented on the legal, financial, and compatibility with Teton county. He referred to Title 9, Consideration for Approval, and felt the comp plan should be used in consideration for approval. He did not want to see more subdivisions approved or lose valuable wildlife habitat. He did not believe the application conformed with the comp plan and felt it should be denied.

Ms. Jan Betts, adjacent property owner, commented she and her husband have lived in their home for 30 years adjacent to Mountain Legends. She talked about the adjacent Bridger Ridge Subdivision that has lots that range from 9 to 20 acres which she felt set a precedence for larger lots in that area. She also had a problem with the two separate parcels being connected by a two track road, and with the open space proposed. She mentioned meeting with Mr. Statter during the PUD process and did not feel the applicant was listening to the neighbors he met with.

Mr. Robert Emerson, a Saddlehorn Subdivision resident, was concerned with the access being Grand Teton Road, which is a school bus route. He was concerned with the lack of buildout in Saddlehorn and Teewinot and did not understand the need to develop more lots. He was also concerned with the ag use adjacent to his property considering it to be disruptive to the residential neighbors. He also suggested a workforce housing fee be assessed.

Mr. Felix Zajac, a resident in nearby Darby Creek, commented his interest is in Teton County as a whole and wanted to support the comments of the adjacent property owners. He did not feel the application was consistent with the comp plan and he wanted to see the application denied because he did not approve of the layout proposed. He also did not feel the open space proposed was viable for farming.

Mr. Richard Welch, a Tetonia resident, commented he is not a neighbor but he did not want to see the project approved, and felt it should be denied based solely on the comp plan. He felt there were other reasons for denial such as increased traffic on existing roads, wildlife habitat destruction, and water quality issues due to the increase in wells in the area.

Ms. Linda Unland, adjacent property owner, commented her 52 acre property is directly adjacent to the subject property. She stated she believes the property is within a wildlife corridor because the overlays are within 300 feet of the northern portion of the site. She believes there is a raptor and songbird overlay as well because she has seen their nests and does not want to see the riparian corridor destroyed. She also commented on the lack of compliance with the comp plan.

Ms. Joy Sawyer Mulligan, a resident on N. Stateline Road for 25 years, urged the Commission to encourage open fields in this type of rural neighborhood and wanted to see the land left undeveloped.

Mr. Mike Mulligan, who lives on Cross Creek Ranch in Alta, commented he was concerned how the interior roads will be maintained and the damage construction equipment will do to Stateline Road and other county roads during construction. He also commented he did not support the use of open space between houses for farming.

Mr. Shawn Hill read a comment from Clint Van Syclen, a Tetonia resident who did not want to see high density housing in the rural areas of the county and wanted to see the comp plan upheld because he felt high density housing should be confined to the vicinity of the towns. Daniella Cotler from Victor also asked Sean to read her letter. She did not want to see a poorly designed subdivision that doesn't consider what is best for Teton Valley and was concerned with wildlife habitat, water quality, and the health of the Teton River. Mr. Hill emphasized that those letters did not reflect the views of VARD. He next discussed his position as Executive Director of VARD and the criterion for approval. His first criterion was with the application's non-conformance to the comp plan and did not feel the criteria expressed in the plan should be ignored. His next point was regarding the availability of public services. He stated on June 30th Teton County Idaho confirmed that Teton County, WY is responsible for maintaining the portion of Stateline Road that appears to be the primary access to the subdivision. He stated Mr. O'Mally told him that he was concerned with the number of units accessing Stateline Road with this application and felt that the improvements needed for Stateline Road to absorb the additional traffic were not in place or funded at this time. Mr. Hill felt it was an issue that should be addressed at the concept plan stage. His next criteria was the conformity with the Teton County Idaho Capital Improvements Plan and the fiscal impacts created by the development. He felt existing taxpayers are subsidizing the

developments that impact community services. His fifth criterion was to listen to the public testimony expressing their concerns as a way to gauge the impact on health, safety and welfare and as a reason to deny the application. He next voiced his concern with where exactly the wildlife boundaries lie and felt that the boundaries should be studied more thoroughly before approval of a concept plan. His last comment was that in his opinion a concept plan can be denied if it does not meet the all the criteria established in Title 9.

Ms. Rader read into the record five different statements in opposition who did not want to read it themselves. The first letter was from Mr. Robert Whipple who was concerned with 76 new septic tanks and the elevated N-P levels that will come with them. The second letter was from Lynn Lebolt who opposed the application based on the increased traffic on the road and the infrastructure. The next letter was from Kenneth & Diane Murphy who were concerned with plans, costs, projected buildout, and traffic on Stateline Road. In the letter he submitted he suggested a plan used in Ada County, Idaho to deal with road impacts and improvements as the project is built out. The fourth letter was from Mr. Michael Peters who was not in favor of the project based on density and wildlife corridor impacts and wanted to see the application delayed until after the Land Use Plan is finalized and made official. The last letter was from Jeri Lockman who was opposed based on impact on water, roads, water pollution (air & light) and wildlife impacts.

Mr. Tom Booth, living on Middle Teton Road, wanted to echo the comments of previous speakers. He was concerned with the water supply because of the 76 potential septic systems and additional traffic on the existing roads. He wanted to see the final application delayed until after the draft code is approved.

Applicant Rebuttal:

Mr. Herbert Heimerl, legal council representing the applicant, commented the concept application phase was not the place for the public to try and further their personal views and values. He pointed out there is no requirement for open space in the subdivision process and that it was included to improve the development. He also talked about Title 9 and references to the comp plan. He believed case law supports the fact that a subdivision application does not have to comply with the comp plan, only the existing zoning. He quoted the purpose of the conceptual review as stated in Title 9, which is to discuss in general the feasibility and possibility of the proposed subdivision in the conceptual stage. Mr. Heimerl also commented on the workforce housing tax suggested by someone and encourage people to take that concept to the BoCC. Regarding an existing wildlife corridor, Mr. Heimerl commented that the property is not within any established wildlife corridors and the applicant will be doing a natural resource analysis before the preliminary phase that will address wildlife and other natural resources issues at that time.

Ms. Megan Smith, wildlife ecologist, stated she was asked to write the natural resource analysis for the applicant and will do that once the application is approved. She emphasized that the natural resource analysis will be done at the next step because it requires an in-depth study. She pointed out there is a difference between designated habitat and areas that are used by wildlife, and all that will be considered in the natural resource analysis. She will investigate the public comments made, contact Fish & Game for their thoughts, and incorporate environmental priorities and analysis into the next phase of the plan. Ms. Smith also commented on the Dry Creek corridor and pointed out that the habitat is different than the habitat in the uplands agriculture meadow and that difference is significant between the two habitats.

Ms. Johnston addressed the right of ways question and the road issue. She stated she did not find any proof of an existing easement or right of way on the property for Grand Teton Road, which turns into 1500 E. A prior approval involved granting an easement there, but it was her understanding that the additional easement granted for 1500 E. was vacated with the original approval of Mountain Legends PUD. She commented the surveyor will verify the easements through a deed check at the next phase. In her opinion all lot areas shown do not include road easement areas. Regarding shared driveways needing to be roads, she commented they understand the need for the driveways not to access more than two parcels, so no driveways will need to be roads. She verified that 1500 E. is a county road and the applicant will work with the county engineer to meet all requirements at the next stage. Regarding the wetlands overlay, she commented that the amount of land in the overlay is only 700 sq. ft. of the property, which is only .008% of the project area, and that is why they are doing an N-P analysis and natural resources analysis to address any potential issues.

Mr. Statter commented he wanted to address zombie subdivisions. He agreed that there were a majority of lots in Teewinot and Saddlehorn subdivisions that are not built on, and pointed out there is not an open space management plan for either subdivision to address the weeds prevalent in the open spaces in either subdivision. He felt his proposed subdivision was a better plan because of the ag component of the open space alone. He pointed out that regardless of how many lots are sold in the subdivision, the remaining lots will be part of the open space management plan and will be taken care of. Mr. Statter commented he believes that his subdivision is in a unique area with full Teton views and he believed his subdivision would sell better than most areas on the north part of the valley because of the unique location. He emphasized the studies that will be undertaken before the preliminary application and insisted they will be adhered to based on their results. He stated he would reconfigure the application if all the studies indicate the need, but he cannot make decisions on changing the design until after more information is obtained.

Mr. Arnold asked how many acres are in the farming easement being designated as open space. Mr. Statter commented there are approximately 130 acres that could be farmed, but will not all be used for farming.

Mr. Breckenridge asked if there was an actual road easement through that bisects the property. Mr. Statter stated there was an access/utility easement in place when the property was purchased. Mr. Breckenridge then asked if someone could fence off their 2.5 acre completely. Mr. Statter stated they could not, and that is addressed in the CC&Rs.

Mr. Booker asked for clarification of the natural resource overlay not requiring a wildlife study. Ms. Rader commented that the wildlife habitat portion of the natural resource assessment is only required if they are in one of the habitat overlays, per Title 9. The natural resource assessment will not include the wildlife habitat section.

Mr. Moyer asked about the road overlapping the lot boundaries and possibly requiring some adjustments. Ms. Rader said more clarification is needed to determine if it is just a road easement through two lots or a dedicated ROW easement that would split the lots. The lots have to be a minimum of 2.5 acres and none of that can be part of the subdivision road.

Mr. Hensel asked the Commission how they wished to proceed. They agreed to take a break and come back and deliberate. They took a break at 8:25 pm and returned at 8:35 pm.

The Commission discussed how to proceed since there is a Scenic Corridor application to be heard as well. The consensus was to continue deliberations for Mountain Legends Ranch and then hear the Scenic Corridor application after that.

Commission Deliberation:

Mr. Arnold asked if the applicant would be required to do a wildlife study as part of the natural resources assessment. Ms. Rader said it is not required because the site is not in a habitat overlay area, but it could be requested. Mr. Arnold felt a wildlife study should be required as part of this application prior to the preliminary hearing due to the amount of wildlife in the area. He also did not feel the proposed ag use was compatible with the subdivision design. Mr. Arnold also commented that he didn't believe the site needed to be designed at maximum density.

Mr. Breckenridge commented he felt the application did meet the concept criteria, but he did not feel the ag part would work well as proposed. He suggested relocating some of the building envelopes in some of the more critical farming areas to create more workable ag space. Regarding the wildlife study suggested, he commented he was not concerned with studying the wildlife just because they are there, especially since it isn't in a currently designated wildlife overlay area. He was in favor of a natural resource assessment and the other studies recommended.

Mr. Moyer commented he understood the application was for a concept plan approval, but did not feel the application was in compliance with the comp plan that encourages more open space. He was concerned with the impact 76 individual home sites will have on the property and on the neighbors the way it is being proposed. He was also concerned with the difficult accesses off of 1500 N., Grand Teton Drive and Stateline Road. Mr. Moyer was also concerned with water quality issues because of so many individual wells and septic systems so close together and the fact that there are already documented high levels of nitrates in the soil along Grand Teton Drive. He felt the results of the N-P study alone would likely require a reduction in density and a redesign before the preliminary application is submitted.

Mr. Haddox commented he wanted to be sure information was obtained from Teton County, WY regarding the traffic study since Stateline Road will be the main access for the proposed Phase I. He asked about a fiscal analysis and wanted to see how it would tie into the capital improvement plan, and wanted to have a time frame for buildout. Mr. Haddox was also concerned about the N-P levels existing in that area. Regarding the open space easement for farming, he also did not think that was practical. His last comment was to request more information about the CC&Rs regarding fencing restrictions and open space management.

Mr. Larson commented he was disappointed in the application because of how it does not relate to the comp plan and the new draft code. He agreed with the previous comments regarding the proposed ag operation's potential for success, and felt the site would need some redesign to make it work. His last comment was to encourage the applicant to try and be more in compliance with the comp plan going forward.

Mr. Booker commented he did appreciate the developer's plan from a business standpoint wanting to make a profit on his land, but he still believed the application should be more in line with the comp plan. He supported asking for studies that will help with the final design at the preliminary stage, but wasn't sure a wildlife study was necessary. He felt the wildlife will adapt to their environment. He was also concerned with the ag use proposed on open space areas because he

did not feel it was functional farm ground. Regarding fencing, he commented he would not want to have restrictions preventing him from putting up fencing on his property, and with the proposed ag use it cannot be fenced.

Mr. Hensel commented he felt the application was a bad concept plan. He was troubled by the road layout and would not be able to vote in favor of a subdivision laid out in the manner proposed. Regarding open space usage for farming, he felt that it was a good idea using a management plan to maintain open space before the subdivision reaches buildout. He also voiced concern for the fiscal viability for the proposed design because it was no different than existing subdivided property that has yet to sell. He felt they had a responsibility to the tax payers and other residents to look at the fiscal viability of the project when considering approval. He was disappointed that Teton County, WY did not provide comments since they are responsible for maintaining Stateline Road in that area and he felt they should be actively involved in the review process. Regarding fencing, he did not want to see any on individual lots and he was in favor of a wildlife study. He wanted to make sure the road ROWs and easements were identified correctly before the preliminary phase. He restated his biggest concern was the fiscal responsibility concerns approving another large subdivision in this area.

Mr. Larson commented he did not have a big problem approving the concept plan but wanted to make sure the developer has listened to their comments going forward. Mr. Booker was concerned the developer would be wasting his time going forward unless he is willing to address the concerns of the Commission and consider redesigning the site based on the results of the studies required, especially the access and traffic concerns with Stateline Road.

Mr. Statter commented he heard what the Board is saying, and committed that the work will be done at the preliminary plat stage if he can get a concept approval to move forward. He stated he believed he would be able to address the concerns voiced if he is allowed to move forward. If major redesign is warranted, especially after a fiscal analysis is done, he insisted he will do what is necessary to develop a quality subdivision.

Ms. Rader reminded the Commission that whatever decision they make it must be followed by a reason statement addressing the approval criteria in the code. A wildlife study is not part of the approval criteria in Title 9 because it is not in an overlay area, and in the existing code it would not be required but could be requested.

Mr. Hensel commented they do have the ability to ask for additional studies that are not required by Title 9 and he would like not only to see a wildlife study done, but also a fiscal analysis showing the viability of the project and a project buildout timeline.

MOTION: Mr. Larson 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. Provide an updated plan with the public road right of ways of N. Stateline Road and N 1500 E shown and removed from the lot areas, show the addition to the subdivision road with the road surface removed from the lot area, and include an updated number of lots proposed for this subdivision.
2. Provide an open space management plan as part of the preliminary plat application stating how much open space will be dedicated to agriculture, wildlife habitat, and pedestrian use.

Also include a map of where these uses will be located and elaborate on what pedestrian use means. Include in this plan how the open space easements will be managed. If no open space is proposed a management plan will be provided for all vacant lots.

3. Obtain access approval from Teton County, ID Road & Bridge for N 1500 E and N. Stateline Road.
4. Begin working with EIPH for septic approval.
5. Begin working with Teton County Fire District for fire suppression approval.
6. Conduct/update required studies/plans for Preliminary Review: Traffic Impact Study, Public Service/Fiscal Analysis, Landscape Plan, Stormwater and Infrastructure Plans, Phasing Plan (if required), Natural Resource Analysis, and Nutrient Pathogen Study. The traffic impact study will include the distribution of traffic on Grand Teton Road.
7. We request a year round wildlife study and a fiscal viability analysis.

- and having found that the considerations for granting the Concept Plan Approval to Peacock Property LLC 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 Mountain Legends Ranch Subdivision as described in the application materials submitted June 7, 2016 and June 21, 2016 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.

Mr. Hensel closed the public hearing at 9:45.

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

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

Ms. Rader stated it is a Scenic Corridor application and Mr. Halsey Hewson is requesting to build a storage shed on his property south of Victor, in the Victor Area of Impact, located at the corner of Highway 33 and E 9500 S. The property is completely within the Scenic Corridor Overlay and borders the city limits. Mr. Hewson submitted a completed scenic corridor design review application on June 28, 2016, and is currently working on getting his building permit application together. Before the building permit can be approved, a scenic corridor design review must occur and be approved for the structure. The proposed storage shed will be 50 feet from the outer edge of Highway 33's right of way, and this proposal complies with all required setbacks. Construction of the addition has not begun. Some photos of design options were included in the application and Mr. Hewson has submitted his two color choices for the building as well.

Applicant Presentation:

Mr. Hewson, applicant, commented he is aware of how high profile the property is and stated he wants to build a storage shed in a spot with as little visual impact as possible. He explained he will be building a Mormon style barn/house on the sagebrush flats after the new Comp Plan is

adopted and will be building the shed tucked away in the trees. He has located it in the trees for screening, and will plant additional landscaping once water is installed. He explained his color selection for the shed was based on colors that will blend well in the trees. He also pointed out that the shed will be around 5' to 6' below the surface of the road so it will be well hidden.

Commission Deliberation:

Mr. Larson asked if there were any water concerns on the site. Mr. Hewson commented there is an irrigation ditch on the site that flows in the spring. Mr. Hensel asked Mr. Hewson if he will be putting in additional landscaping when he builds his house. He stated he would once he has water available. Ms. Rader explained the shed didn't require additional landscaping and his building plans will be reviewed when he is building the house so landscaping could be a condition of approval at that time.

MOTION: Mr. Arnold moved that having found that the proposed development for Halsey Hewson is consistent with the Teton County development ordinances, specifically Title 8-5-2-D, and Idaho State Statute, I move to approve the scenic corridor permit with the following conditions of approval:

1. Must comply with all federal, state, and local regulations.
2. All structures require a Teton County Building Permit and must comply with the Teton County Building Code.
3. If outdoor lighting is desired, it must comply with Teton County Code lighting requirements.
4. Building materials shall not be highly reflective materials.

Mr. Larson Seconded the motion.

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

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

VOTE: The motion was unanimously approved.

The meeting was adjourned at 10:05 pm.

Respectfully submitted,
Sharon Fox, Scribe

Dave Hensel, Chairman

Sharon Fox, Scribe

Attachments:

1. PZC July 12, 2016 Meeting Packet
2. July 12, 2016 Public Comment
3. Written Decision for Mountain Legends Ranch