



May 17, 2016

Teton County Planning & Zoning Commission Written Decision for a Zoning Map Amendment Recommendation of Approval and a Conditional Use Permit Recommendation of Approval for the Fin and Feather Bed & Breakfast

Overview

On May 10, 2016, Rachel Fortier came before the Teton County Planning & Zoning Commission to request a recommendation of approval for a Zoning Map Amendment from A/RR-2.5 to R-1 and a Conditional Use Permit for a bed & breakfast inn on property located west of Victor, at 9444 S HWY 31.

This written decision includes the motion, conditions of approval, and conclusions associated with the Zoning Map Amendment recommendation and the Conditional Use Permit recommendation.

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

Applicant(s)/Representative(s) Present: Rachel Fortier

Motion | Zoning Map Amendment

Mr. Arnold moved that having concluded that the Criteria for Approval of a Zoning Map Amendment found in Title 8-11 and Idaho State Statute 67-6511 can be satisfied with the inclusion of the following conditions of approval:

1. The applicant will provide written consent stating Teton County may rezone the property with the adoption of the new Land Use Development Code and associated Zoning Map.
 2. The applicant will not pursue a zoning map amendment for their adjacent property, also known as Lot 2 of Brown Acres Subdivision.
 3. The applicant will enter into a Development Agreement with Teton County, pursuant to Idaho State Statute 67-6511(a), restricting the R-1 uses to only allow Bed & Breakfast Inn.
- and having found that the considerations for granting the Zoning Map Amendment 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 not in conflict 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 Zoning Map Amendment for Rachel Fortier as described in the application materials submitted on March 28, 2016 and as supplemented with additional applicant information attached to this staff report. There will also be a development agreement entered into specifying allowable uses.

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

Conclusions | Zoning Map Amendment

Having given due consideration to the application and evidence presented, and to the criteria of approval defined in Teton County Code, Title 8-11 and Idaho State Statute 67-6511, the Teton County Planning & Zoning Commission hereby makes the following conclusions:

1. The permitted uses in the R-1 zone will be restricted to the Bed & Breakfast Inn. With this restriction, the proposed Zoning Map Amendment is not in conflict with the goals outlined in the 2012-2030 Teton County Comprehensive Plan.
 - a. In general, the proposed Zoning Map Amendment supports the following goals outlined in the Comprehensive Plan:
 - i. ED 1.3 Encourage and support local commerce
 - ii. ED 1.6 Encourage and pursue economic diversity, innovation, and creativity to keep our economy stable
 - iii. ED 1.7 Support the expansion of recreational, cultural, and entertainment options that would improve the visitor experience and boost economic development
 - iv. ED 4.7 Encourage creative economic solutions such as live-work opportunities and appropriate home businesses.
 - b. This property is located near a Gateway on the Framework Map, which is an area identified as areas that emphasize the sense of arrival, which could include rest areas, visitor information, etc. The Fin and Feather Inn provides lodging to visitors, as well as visitor information about local and regional activities.
 - c. This property is identified as Rural Agriculture on the Framework Map, which calls for low density residential uses. With the R-1 uses restricted, no high density residential development will be permitted.
2. This proposal is not negatively impacting the public health, safety, or general welfare. The impact of this use will be the same as the existing use on the property. No new construction is being required, and no new services are being required. This application will also provide additional short term lodging options available in the County.
3. 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 April 21, 2016 and April 28, 2016. 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. Notice was also mailed to political subdivisions providing services in the planning jurisdiction, including the school district and airport board. A notice was also posted on the property providing information about the public hearing.
4. Other persons in attendance expressed neutral and opposing comments of the proposed Zoning Map Amendment and Conditional Use Permit. All public comments are on file with the minutes of May 10, 2016.
5. 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 | Zoning Map Amendment

1. The applicant will provide written consent stating Teton County may rezone the property with the adoption of the new Land Use Development Code and associated Zoning Map.
2. The applicant will not pursue a zoning map amendment for their adjacent property, also known as Lot 2 of Brown Acres Subdivision.
3. The applicant will enter into a Development Agreement with Teton County, pursuant to Idaho State Statute 67-6511(a), restricting the R-1 uses to only allow Bed & Breakfast Inn.

Motion | Conditional Use Permit

Mr. Larson 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 Bed & Breakfast Inn is limited to using 5 guest rooms. If more rooms are desired, the Conditional Use Permit must be modified through the required process at that time.
 2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
 3. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
 4. The CUP is conditional on the Development Agreement for the Zoning Map Amendment.
- 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 Fin and Feather Inn as described in the application materials submitted on March 28, 2016 and as supplemented with additional applicant information attached to this staff report.

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

Conclusions | Conditional Use Permit

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 has been used as a bed and breakfast with three room since 2014.
2. The fiscal impact of the proposed use will be minimal as no new construction is being proposed. There are eight existing rooms in the home being used, with three being used by the Bed & Breakfast and the others being used by long term rentals and the owners. This proposal converts the long term rental rooms to rooms utilized by the Bed & Breakfast. No new parking areas are required, and the property is accessed directly from Highway 31.
3. The location for the proposed use is large enough to accommodate the proposed use as requested.
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 April 21, 2016 and April 28, 2016. 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 neutral and opposing comments of the proposed Zoning Map Amendment and Conditional Use Permit. All public comments are on file with the minutes of May 10, 2016.
7. This proposal, in conjunction of the Zoning Map Amendment, 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 | Conditional Use Permit

1. The Bed & Breakfast Inn is limited to using 5 guest rooms. If more rooms are desired, the Conditional Use Permit must be modified through the required process at that time.
2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
3. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
4. The CUP is conditional on the Development Agreement for the Zoning Map Amendment.

Cleve Booker
Vice-Chair of Teton County Planning & Zoning Commission

Date

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