

GROUSE LANDING
Memorandum of Issues
Final Plat Approval Hearing
Before the Teton County Commissioners
March 17, 2011

Procedural History:

The concept plan for Grouse Landing was approved on September 22, 2008. The application for Grouse Landing was initially heard on April 13, 2010, by the Planning and Zoning Commission. At the conclusion of the April 13, 2010, hearing, the Planning and Zoning Commission continued the hearing on Grouse Landing. After the April 13, 2010, hearing, it was discovered that Teton County had failed to provide proper notice to the surrounding property owners, and the preliminary plat application hearing had to be rescheduled and reconsidered in its entirety. The hearing on the Grouse Landing preliminary plat application was rescheduled for May 11, 2010, and was heard on such date. The Developers submitted additional materials for the May 11, 2010, hearing based upon comments made at the April 13, 2010, hearing. The Planning and Zoning Commission voted to recommend approval at the May 11, 2010, hearing, subject to eight issues being addressed in the final plat. One of the eight issues Planning and Zoning recommended approval "subject to" was that no guesthouses be permitted on any of the lots.

The hearing before the Board of County Commissioners for approval of the final plat for Grouse Landing occurred on July 15, 2010. Prior to such hearing, Developers submitted additional materials to address the issues raised by the Planning and Zoning Commission. After a roughly two hour hearing in which Developers addressed the issues raised by the County Commissioners, the County Commissioners voted to remand the application back to the Planning and Zoning Commission (1) to request that the Planning and Zoning Commission determine how the open space meets the definition in the Teton County Code and (2) to define and explain the rationale for a restriction on guest homes. The County Commissioners also requested that the Developers provide a specific plan with regard to improvements of 1500E from the subdivision entrance traveling south and intersecting with 4000N, and that the Developers deal with other housekeeping details discussed in the hearing. Subsequently, Grouse Landing applied for a time extension for approval of its final plat by the County Commissioners. A hearing was held on that matter, and an extension was subsequently granted, extending Grouse Landing's deadline for obtaining approval of the final plat from the County Commissioners to March 22, 2011.

The hearing before the Planning and Zoning Commission on the above remanded issues occurred on December 14, 2010. The Planning and Zoning Commission voted in favor of the following motion made by Planning and Zoning Commissioner and Chairperson Dave Hensel:

Motion: Mr. Hensel moved to recommend approval of the Grouse Landing PUD as drawn. On the first part the Commission believes that the open space is significant and meaningful and protects a large part of "native" sage brush vegetation, it provides buffering for neighboring subdivisions to the east, south, and partially to the northwest, and protects the view shed and fits in to a meaningful degree of the land contours. On the second issue regarding accessory dwelling units, the Commission recommends they be restricted in height to a single story when detached, and remove the former recommendation of allowing a setback variance and require standard setbacks. Mr. Arnold seconded the motion.

(Planning and Zoning Commission Minutes of December 14, 2010). The hearing on Grouse Landing's final plat approval before the Teton County Commissioners was previously scheduled for February 17, 2011. However, due to a noticing error, the hearing was rescheduled and is currently scheduled for March 17, 2011. Grouse Landing has modified its covenants to comply with the restrictions recommended by the Planning and Zoning Commission and believes that its application meets all applicable Teton County regulations for approval of the final plat.

Remaining Issue: Setbacks and Accessory Dwelling Units

Grouse Landing's covenants have been modified to require the standard setbacks found in Teton County Code. Grouse Landing's covenants regarding setbacks now read as follows:

Section 3. AUTHORIZED STRUCTURES: No buildings or Structures shall be constructed, placed, or maintained on any Lot except one (1) primary residence, and one (1) garage/shop and/or guesthouse, and any related ancillary structures approved by the Committee for Design Review if such ancillary structures are allowable pursuant to applicable governmental ordinances, laws and regulations. All Structures are to be complementary in design and materials. Although building envelopes have been provided, all Structures shall comply with Teton County Code, Title 8, Zoning Regulations. *All Structures shall maintain a minimum of 30' from the front of the property, 40' from the rear of the property and 30' from the sides of the property.* No storage areas or maintenance buildings are provided for in the development.

(Protective Covenants, Conditions and Restrictions for Grouse Landing, Article VIII, Section 3 (emphasis added)).

Grouse Landing's covenants regarding accessory dwellings now read as follows:

Section 5. DESIGN CHARACTER: In order to compliment the existing neighborhood and allow for a more appealing Planned Unit Development, all houses must contain a rustic and natural appearance on the front of the house. This may be accomplished through the use of natural rock, cultured stone, wood siding, wood pillars, and other types of materials with natural earth tones. Metal siding shall not be permitted. The facial appearance of the house must be authorized by the Committee for Design Review to verify that it compliments the development. Any one-story primary residence (excluding garage) shall have a minimum floor area of one thousand five hundred (1,500) square feet. Any split-level or two-story primary residence (excluding garage) shall have a minimum of one-thousand (1,000) square feet of living space on the main ground level. *Any detached guesthouse shall be no more than one-story and shall comply with the square-footage restrictions for a "Dwelling, Accessory Unit" as defined in Teton County Code, Title 8. Any attached guesthouse may be up to two-stories and shall comply with the square-footage restrictions for a "Dwelling, Accessory Unit" as defined in Teton County Code, Title 8.* An attached or detached garage, which can accommodate a minimum of two (2) cars, must be constructed at the same time as the principal residence.

(Protective Covenants, Conditions and Restrictions for Grouse Landing, Article VIII, Section 5 (emphasis added)).

Conclusion:

The Developers believe that they have complied with the conditions imposed by the Planning and Zoning Commission at the December 14, 2010, remand hearing and that Grouse Landing's PUD application meets with all applicable Teton County regulations for final plat approval by the Teton County Commissioners.

