



TETON COUNTY FIRE PROTECTION DISTRICT

P.O. Box 474

911 North Hwy. 33

Driggs, ID 83422

Marc Anderson, Fire Marshal

Phone: 208-354-2760

Fax: 208-354-2764

06 February 2012

Teton County Planning and Zoning

Attn: Kurt Moore

150 Courthouse Drive

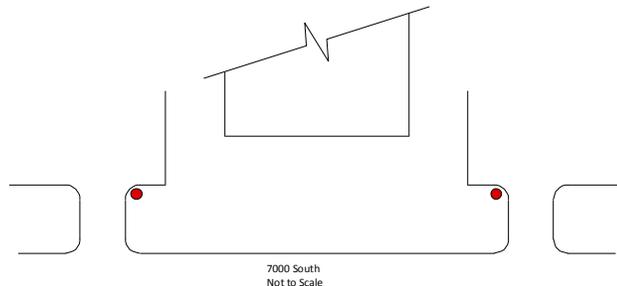
Driggs, ID 83422

Re: Project Located at 7000 South, Victor – Victor Meetinghouse Driggs Idaho Stake

Mr. Moore,

An initial site plan review of the Victor Meetinghouse Driggs Idaho Stake project has been conducted and following are stipulations that need to be followed at this point. Further detailed requirements will be forthcoming during the plan review stage.

- » Premises Identification: Where applicable, streets shall be clearly identified and address numbers shall be plainly legible and visible from the street or road. Address numbers shall be a minimum of four inches high and the stroke width shall not be less than 0.5 inches.¹
- » Fire Flow Requirements: The required fire flow for this building shall be no less than 4,250 GPM for a duration of 4 hours.² This flow will require two hydrants.
- » Fire Hydrant Locations: Two hydrants are required and shall be located at the two entrances to the parking lot. These hydrants should be located as indicated below and shall be subject to the approval of the Fire Marshal.³



¹ 2009 International Fire Code Sections 505.1 & 505.2.

² 2009 International Fire Code Appendix B, Table B105.1

³ 2009 International Fire Code Appendix B, Section B105.2

- » Fire Apparatus Access Roads: Provided the height of the structure not including the steeple is less than 30' from the lowest level of fire department vehicle access, dedicated fire apparatus roads are not required.⁴
- » Automatic Fire Sprinkler System: In conjunction with the Teton County Fire Protection District, the automatic fire sprinkler system is subject to review and approval from the State Fire Marshal's Office and shall follow the sprinkler standards set forth in NFPA 13. The Teton County Fire Protection District shall require the Fire Department Connection to be located on the east side of the building with direct access from the parking lot. Final location of the Fire Department Connection shall be approved by the local Fire Marshal. Additionally, a wall mounted post indicating valve is required and shall be located on the building, beside the Fire Department Connection.⁵
- » Fire Alarm System: The automatic sprinkler system shall be monitored by an alarm system and shall follow the provisions of NFPA 72. The Fire Alarm System shall be subject to review and approval from the Fire Marshal.⁶
- » Fire Extinguishers: Portable fire extinguishers rated at a minimum of 4-A: 20-B: C shall be installed at each exit and in special hazard areas as approved by the Fire Marshal. A K-class extinguisher shall be installed in the kitchen (if applicable).⁷
- » Automatic Fire Extinguishing System (if applicable): If a kitchen is planned for this building, plans for a Class I Kitchen Hood Suppression system shall be submitted to the Fire Marshal for review and approval.⁸
- » Key Box: The Fire District shall require the installation of an approved key box system. The box shall contain keys to gain necessary access in the event of an emergency. The appropriate key box information is available from the Fire District.⁹

If you have any further questions, please feel free to contact me at your convenience.

Sincerely,



Marc Anderson
Fire Marshal

⁴ 2009 International Fire Code Appendix D105

⁵ 2009 International Fire Code Section 903.2.1.3

⁶ 2009 International Fire Code Section 907.2.1

⁷ 2009 International Fire Code Section 906.3

⁸ 2009 International Fire Code Section 904

⁹ 2009 International Fire Code Section 506.1

City of Victor
P.O. Box 122
32 Elm Street
Victor, Idaho 83455



(208) 787-2940
FAX (208) 787-2357
craigs@victorcityidaho.com

August 12, 2011

Scott Neilson
NBW Architects
990 John Adams Pkwy
Idaho Falls, ID 83401

Dear Scott:

Enclosed is the signed copy of the will server letter. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Craig Sherman".

Craig Sherman
City Administrator

MEMORANDUM OF UNDERSTANDING

The parties to this Memorandum of Understanding are the City of Victor (the "City") and Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints, a Utah Corporation Sole (the "Church").

The Church has asked the City to provide water and sewer services to a proposed development on the north side of 7000 South, west of 50 West Street. The proposed development is that of a church and according to Church engineers the peak domestic water usage would be based on 116 fixture units and would be approximately 45 GPM (the "Project"). As per a memo from Church engineers this would only happen on Sundays and would amount to approximately 1800 gallons per day.

The Church agrees to abide by the following conditions in order for the City to make water and sewer service available at the Project.

The City agrees to provide water and sewer service with the following conditions.

1) The Church shall construct at its sole cost and expense approximately 4,300 linear feet of 8 inch diameter ductile iron class 50 Water Line, connecting the City's existing 12 inch Water Line west of the north well site to the Project. This line shall be built to City specifications and shall become the property of the City upon completion of the Water Line and acceptance by the City as to conformity with City specifications (the "Water Line"). The Water Line shall be run north on the west side of 1000 West to avoid the power lines on the east side of the road until it reaches 7000 South where it should be placed on the north side of 7000 South heading east until it reaches the Project. Fire hydrants will be required every 400 feet according to the City's Specifications. The County's Engineer shall be contacted to coordinate all of the necessary permits and reviews from the County's perspective.

2) Prior to construction of the Water Line the Church shall have a pre-construction meeting with the City engineer and the Church's engineer and contractor. Representatives of the City shall have the right to enter upon the Project at any reasonable time to inspect and to determine whether the Water Line is being built to City specifications. The Church agrees to pay the inspection fees as required by the City. The Church shall notify the City when it believes that the Water Line has been fully and properly completed and shall request final inspection and approval and acceptance of the Water Line by the City. The Church must provide a signed and sealed letter from an engineer stating the Water Line has been built in accordance with City specifications.

3) The City reserves the right to limit the amount of irrigation water to be drawn from the City water system for use at the Project. This reservation may be removed in the event that the City completes the proposed north well project, however, in the event the north well project is not completed prior to commencement of construction of the Project an analysis shall be conducted to verify that the demands during the irrigation season can be met by the City's current water system.

4) The Church shall have a limited right to reimbursement for 10 years following acceptance of the Water Line by the City. In the event other buildings are subsequently connected to the Water Line, the Church shall have the right to obtain from the owners of such other buildings a proportional reimbursement of the Church's original cost of installing the Water Line. The

reimbursement shall be based on the Church's equivalent residential users verses the new buildings equivalent residential users. As the owner of the Water Line the City shall make final determinations as to whether a particular parcel or building may be served by this Water Line. The City shall have the sole discretion to refuse any request by a developer to connect to the Water Line regardless of whether the Water Line may have the apparent capacity to carry or serve the additional connections.

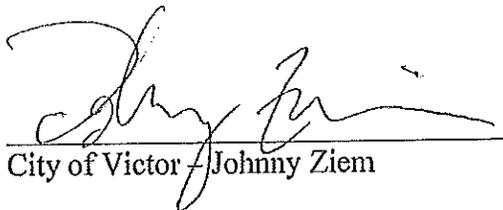
5) Upon completion of the current Victor/Driggs sewer upgrade there will be sufficient capacity for the Project to be hooked in to the Victor sewer system and the Church may connect the Project to the City's 12 inch sewer interceptor on the East side of 500 West. In the event the sewer upgrade is not complete prior to the hookup the City will need to perform an analysis as to whether or not the City sewer system has sufficient capacity for the Project to be hooked up to it.

6) The hookup fees charged to the Church shall be 1.5 times the standard rate because the Project is located outside the City. The number of ERU's that will be assigned to the Project per City ordinance is 1 ERU per congregation (or ward in this case). The water hookup fee is 1.5 x \$2,500, which equals \$3,750 per ERU. The sewer hookup fee is 1.5 x \$5,000, which equals \$7,500 per ERU. The total hookup fees for a 3 ward building would be 3 x (\$7,500+\$3,750), which equals \$33,750.

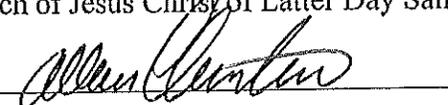
7) The Church shall pay all City costs associated with the Project including but not limited to engineering and legal fees.

If any portion of this MOU is held to be unenforceable or unlawful by a court of law, the parties hereto intend that the remainder of this MOU shall not be affected thereby and shall remain in force and effect.

Signed this 10 day of AUG, 2011.


City of Victor / Johnny Ziem

Corporation of the Presiding Bishop of the
Church of Jesus Christ of Latter Day Saints

By: 

Name: Project Manager

Title: Allan Christean

Curt Moore

From: Herb Heimerl [herb@tetonlawfirm.com]
Sent: Monday, January 30, 2012 4:08 PM
To: 'Bill K'; Curt Moore; Angie Rutherford
Cc: 'Zach Smith'; Kathy Spitzer
Subject: LDS height issue

I have been asked to give my legal opinion as it relates to the application for a variance on the County's height limit for the new LDS building. I understand that the church is claiming that this issue has jurisdiction under RLUIPA, however, I tend to disagree. The general RLUIPA standard is whether or not a zoning ordinance would have a material impact on one's ability to worship. Typically RLUIPA has been used to get around parking requirements, building configuration requirements, and certain location requirements, when they can be shown to interfere with a group's ability to worship. The quote below from the APA (article circulated by Curt) seems to sum it up best. I don't see any good reason not to simply change the zoning ordinance in a prudent fashion to allow for this height application if the BOCC believes that it is in the best interests of the public. The problem with granting a variance is that it simply does not qualify under Idaho or Teton County Codes. My fear with acting in contravention of these codes is that the next applicant, whether it be a church, a gas station, or an industrial use is that you give the next applicant the ability to claim that your previous decision was arbitrary if you deny them. It is much safer to simply change the zoning ordinance to accommodate the church structure if in fact the BOCC believes that is what is best for the community at large.

"In very general terms, local governments have tended to prevail against RLUIPA challenges when they could demonstrate that the restrictions placed on a church do not target religious uses for discriminatory treatment, are necessary to achieve valid land use regulatory goals, and do not force the church to cease religious worship."

*American Planning Association
Planning & Environmental Law
March 2008 Vol. 60, No. 3 | p.3*

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2 February 2012

Curt Moore
County Planner
Teton County, Idaho

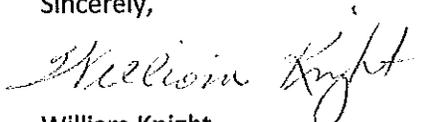
RE: Black Foot Farms/LDS Stake Center CUP Application

Dear Curt;

The City of Victor supports the Black Foot Farms/LDS Stake Center Conditional Use Permit application contingent upon successful compliance with all County and State performance standards. The City of Victor considers the location compatible with that of a sub-regional religious center and feels that its extensive use of land and automobile dependency affirms the proposed church site.

The City Attorney has commented on the church steeple variance application and has forwarded his comments to the county.

Sincerely,


William Knight
Planning & Zoning Administrator



P.O. Box 373
Driggs, ID 83422
(208) 201-1622
www.tvtap.org

February 1, 2012

To: Teton County Planning and Zoning Department
Teton County Commissioners

From: Teton Valley Trails And Pathways
Board of Directors

Re: CUP Application for Proposed Building Located at Highway 33 and 7000 South
Blackfoot Farms LLC Applicant

Please accept this comment regarding the "Statement on Pathway" letter submitted by Arnold Woolstenhulme regarding a connection from the proposed building to the Victor-Driggs Pathway.

Teton Valley Trails and Pathways (TVTAP) has been promoting a trails and pathways connected community in Teton Valley for over 11 years. In that time we have grown our membership base to over 600 families. Accounting for spouses and children, our membership base is well over 1,000 members which is over 10% of the population of Teton Valley. We believe this gives us valuable insight to the pedestrian and bicycle needs and use patterns in this community.

The following is a line item response to the statements made in the above referenced letter.

1. There is only one residence within ½ mile of the pathway system at this time.

This statement may be true, however a proposed pathway connection will serve not only the current adjacent residents but also future residents and developments. Under current zoning, the area surrounding this development could see a significant number of residences in the future.

2. There are no active or proposed subdivisions within 1.5 miles East or South of this pathway system.

A proposed pathway from and through this site will serve to connect a significant number of existing residents residing in the multiple subdivisions located to the west of the existing Victor-Driggs Pathway.

3. Placing a pathway adjacent to the improved county road is dangerous.

Pathways are located next to county roads, local streets, highways and major thoroughfares throughout the country. A properly designed pathway will be significantly safer for pedestrians and bicyclists than forcing them to walk or ride in the travel lanes or shoulder. We are unaware of any studies or research that contradict this.



- 4. The present proposed land purchases by the LDS Church does not include land on which on which a pathway could be built across from the North side of the project.**

It is common for developments to be required to construct "off site" improvements in order to mitigate the impacts of the proposed development. In this case, the increased traffic from the proposed development along 7000 South between the site and State Highway 33 warrants pathway improvements to provide save travel for pedestrians and bicyclists along this length. There will be no need to purchase additional land for this improvement however an agreement for an easement or right of way across the adjacent property to the east of the site would need to be negotiated with the owner. Given that the adjacent property owner is also the seller of the development parcel, this seems like a reasonable request and a feasible solution.

- 5. Because of the nature of LDS Church meetings, which almost always include small children, walking any distance is not an option for most families.**

In Teton Valley people do walk and bicycle with young children. They often use strollers or backpacks and many travel significant distances. This site is located approximately 1.5 miles from Victor which is well within a reasonable biking distance. Even if many of the users of the proposed Church chose to drive, it would be unfortunate if families did not have the option to walk or bike if they choose.

- 6. We live in a non densely populated agricultural community where most LDS members either do not or cannot walk to church meetings.**

Although this site lends itself less to walking than if it were located within town, walking could still be viable for some.

- 7. The letter additionally states that the applicant "does not feel that a pathway would be justified and or sufficiently utilized to support constructing any significant pathway system to the proposed Church site from the Rails to Trails pathway system".**

TVTAP continuously receives feedback from our membership and throughout the community about how valuable the Victor-Driggs Pathway is to them. The pathway is heavily used and is a vital alternative transportation link that connects neighborhoods and our community to both Driggs and Victor. There are a significant number of homes located to the west of the project site that utilize 7000 South to access this pathway. The proposed Church will increase vehicular traffic in this area which will pose safety concerns for bicyclists and pedestrians. We feel that pathway improvements along 7000 South from the proposed Church



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site to the existing Victor-Driggs Pathway are not only justified but are necessary to mitigate the impact of the proposed development.

In order to reflect the needs of pedestrians and bicyclists and mitigate the impacts of the proposed development we feel that a separated multi-use pathway from the through the project site and to the existing Victor-Driggs Pathway be incorporated as part of the proposed development. This pathway will serve not only the users of the proposed development but all the existing residents to the west as well.

Thank you for considering our request.

On Behalf of the Teton Valley Trails And Pathways Board of Directors

Mark Hanson, President