



### ZONE CHANGE 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 67-6519 and 67-6535 of the Idaho Code. Application materials may be viewed on the Teton County Idaho website at [www.tetoncountyidaho.gov](http://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: Frank Winkler

Applicant: Jorgensen Associates E-mail: djohnson@jorgensenassociates.com

Phone: 208 354 8330 Mailing Address: PO Box 584

City: Driggs State: ID Zip Code: 83422

Engineering Firm: Jorgensen Assoc Contact Person: Darryl Johnson <sup>208 317 6531</sup> <sub>(208) 354 8330</sub>

Address: PO Box 584 Driggs ID 83422 E-mail: djohnson@jorgensenassociates.com

Location and Zoning District: RP00134.0050

Address: 663 & 775 Teton Vista Dr. Parcel Number: RP001340010060

Section: 13 Township: 05N Range: 45E Total Acreage: 10.0

Present Zoning District: ADR-1.0 Requested Zoning District: M1

- Latest Recorded Deed to the Property
- Affidavit of Legal Interest
- Fees paid in accordance with current fee schedule
- Legal Description

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: [Signature] Date: 5/18/12

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: \_\_\_\_\_  
*Fees are non-refundable.*

**SECTION II: REQUIRED ITEMS**

- 1. Narrative that addresses the criteria below.
- 2. Ten (10) copies of the Plat of Survey labeled "Change of Zone":
  - Legal description
  - Vicinity Map showing surrounding properties
  - Current zoning district
  - Requested zoning district

**SECTION III: CRITERIA FOR RECOMMENDATIONS AND DECISIONS**

- 1. Recommendations of the commission and the decisions of the board shall be made a matter of public record in accordance with sections 67-6511, 67-6519 and 67-6535 of the Idaho Code. The recommendations and decisions shall specifically find that such changes, modifications, and reclassifications of zoning districts meet the following criteria:
  - The approval or denial of the application shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate county ordinances or regulations, and particular consideration shall be given to the effects of any proposed zone change upon the delivery of public services, including school districts;
  - The comprehensive plan is considered for compliance and conformance with the goals, policies and objectives as outlined in the plan and other evidence gathered through the public hearing process;
  - The proposed change will maintain and preserve compatibility of surrounding zoning districts and future development;
  - The proposed change will maintain the purposes and objectives of zoning and secure the public health, safety and general welfare;
  - The approval or denial shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant facts relied upon, and explains the rationale for the decision based upon the applicable provisions of the comprehensive plan, relevant ordinances and statutory provisions, pertinent constitutional principles and factual information contained in the record.

**SECTION IV: SPECIFIC REQUIREMENTS FOR PUBLIC HEARING AND NOTICE**

Notification is required for both hearings in accordance with Title 67, Chapter 65; Section 6509 of the Idaho Code. Notice shall be provided by mail to property owners within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. At least fifteen (15) days prior to the hearing, notice of the time, date and place and a summary of the plan to be discussed shall be published in the paper of general circulation within the jurisdiction. This procedure will be completed by the planning staff.

**SECTION V: STAFF SUMMARY ANALYSIS, REASONING AND FACT FINDING**

**SECTION VI: PLANNING AND ZONING COMMISSION ACTION**

**SECTION VII: BOARD OF COUNTY COMMISSIONERS ACTION**



PLANNING AND BUILDING DEPARTMENT  
LETTER OF AUTHORIZATION

Frank D Winkler Revocable Trust "Owner" whose address is  
3834 Spring Hill Rd City Jeppin State MO Zip 64804

As owner of property more specifically described as:  
LOTS 5 & 6 SWEETWATER SUBDIVISION

HEREBY AUTHORIZES JORGENSEN ASSOCIATES P.C. as Agent to represent and act for the Owner in making application for and receiving and accepting on Owners behalf, any permit 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, platting 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 foregoing 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.

Frank D. Winkler Revocable Trust  
OWNER:  
X [Signature] Frank Winkler Title Trustee  
(Signature of Owner) (Print Name)

X \_\_\_\_\_ Title \_\_\_\_\_  
(Signature of Co-Owner) (Print Name)

X \_\_\_\_\_  
(Secretary or Corporate Owner)  
(Print Name)

NOTARY:  
STATE OF: Missouri SS. \_\_\_\_\_  
COUNTY OF: Newton Zip 64804

Subscribed and sworn to before me by Frank Winkler  
this 10th day of April, 2012.

**STEPHANIE D. MASON**  
Notary Public - Notary Seal  
State of Missouri, Jasper County  
My Commission Expires Dec. 15, 2013  
Commission # 09809754

WITNESS my hand and official seal.  
X [Signature] 12/15/13  
Notary Public Expiration Date

Teton County, Idaho  
Planning and Building Department  
150 Courthouse Drive Suite 107 Briggs, ID 83422  
208-354-2593 Fax 208-354-8778



Inc. 1910

Planning and Zoning Department

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60 S Main St | PO Box 48 - Driggs, ID 83422 | Ph: 208-354-2362 | Fax: 208-354-8522 | www.driggs.govoffice.com

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March 21, 2012

**Curt Moore**  
**Planning Department**  
**Teton County, Idaho**  
**150 Courthouse Drive**  
**Driggs, ID 83422**

TETON COUNTY  
PLANNING & ZONING

MAR 21 2012

RECEIVED

**RE: Frank and Justine Winkler Zone Change for Portions of Lots 5 and 6, Sweetwater Subdivision Phase I**

Curt:

This letter accompanies the City of Driggs files for the above referenced application, located in the Driggs Area of Impact. The Driggs City Council is recommending approval of the zone change application as presented to the Council on March 6, 2012.

The file contains the following:

**CITY DOCUMENTS**

City Council Findings, Conclusions and Recommendation  
City Council Meeting Minutes (3/6/12)  
Planning and Zoning Commission Minutes (11/9/11 and 2/8/12)  
City Council Hearing Notice  
List of Property Owners w/in 300ft

**MATERIAL SUBMITTED BY APPLICANT:**

Application  
Legal Description  
Letter of Authorization  
Narrative  
Short Plat – defining the boundaries of the requested zone change

**WRITTEN COMMENTS**

Peter Doyle, FAA, Dated 11/10/11

This application was received prior to the effective date of the recently adopted ordinance amending the Driggs Area of City Impact. Therefore, the previous Area of Impact agreement /

code should be followed, and a final hearing should be scheduled for this application with the Board of County Commissioners.

The Plan and Ordinances applicable within the Driggs Area of City Impact at the time of application are: Driggs Comprehensive Plan adopted by Driggs Resolution 264-10, and Driggs Zoning Ordinance #281-07 (both adopted by the Teton Board of County Commissioners on February 10, 2010).

The applicant has been informed of the need to file a county application and pay the associated fee.

Please contact me at City Hall if you have any questions.

Sincerely,

Doug Self, AICP  
Planning & Zoning Administrator

## City Council Findings, Conclusions and Recommendations



**Application:** ZC11-1\_Winkler (Driggs Area of Impact)

**Hearing Date:** 3/6/12

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### SUMMARY

The subject property consists of portions of lot 5 (1.32 acres of 5.0 acres) and 6 (0.79 acres of 5.0 acres) in the Sweetwater Phase I Subdivision, which lies along the NW side of the Driggs Airport, in the Driggs Area of Impact. The exact boundary of the zone change properties are shown on the proposed Winkler Short Plat (lots 5B and 6B), which is being applied for in conjunction with the zone change application. This application for rezone requests a change to M1, Light Industrial, from the existing ADR-1.0 residential zoning in order to develop the lots as hangar lots with through the fence access to the Driggs Airport.

The Driggs Airport Corrective Action Plan and FAA Interim Residential Through the Fence Policy prohibit through the fence access from parcels zoned residential or on which a residence exists. The requested zone change and short plat subdivision, if approved, will allow through the fence access to be approved by the City and FAA from lots 5B and 6B, Sweetwater Subdivision (see Peter Doyle, FAA, e-mail comment).

The Plan and Ordinances applicable within the Driggs Area of City Impact at the time of application are: Driggs Comprehensive Plan adopted by Driggs Resolution 264-10, and Driggs Zoning Ordinance #281-07 (both adopted by the Teton Board of County Commissioners on February 10, 2010).

The Comprehensive Plan designates the subject property and adjacent Sweetwater lots as Airport Land Use (Figure 2), which supports the requested zone change, since M1 is the only appropriate zone at this time for airport land uses.

Surrounding land uses (Figure 3) are Airport, Hangar Homes, and Agriculture, which are all compatible with the proposed M1 zone, assuming the subsequent use is, as proposed: airplane hangars.

No public comments have been received. (Note, there are public comments on the related short plat application).

*The Driggs City Council recommends approving the rezone application as presented.*

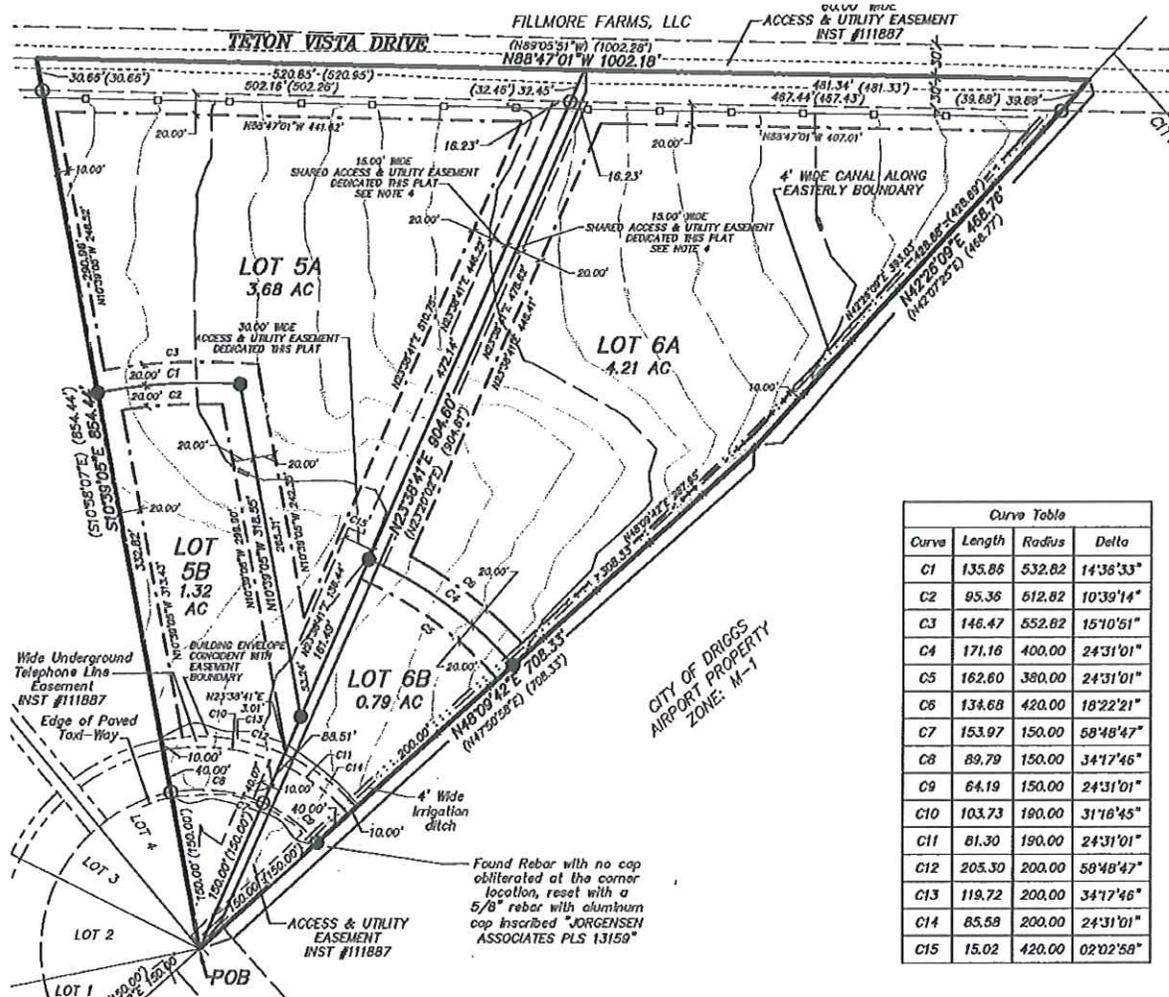
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- VI. STAFF COMMENTS
- VII. STAFF RECOMMENDATION

### ATTACHMENTS

- I. APPLICATION MATERIALS
  - a. Application Form
  - b. Narrative
  - c. Proposed Short Plat
- II. WRITTEN COMMENTS
  - a. Peter Doyle, FAA.

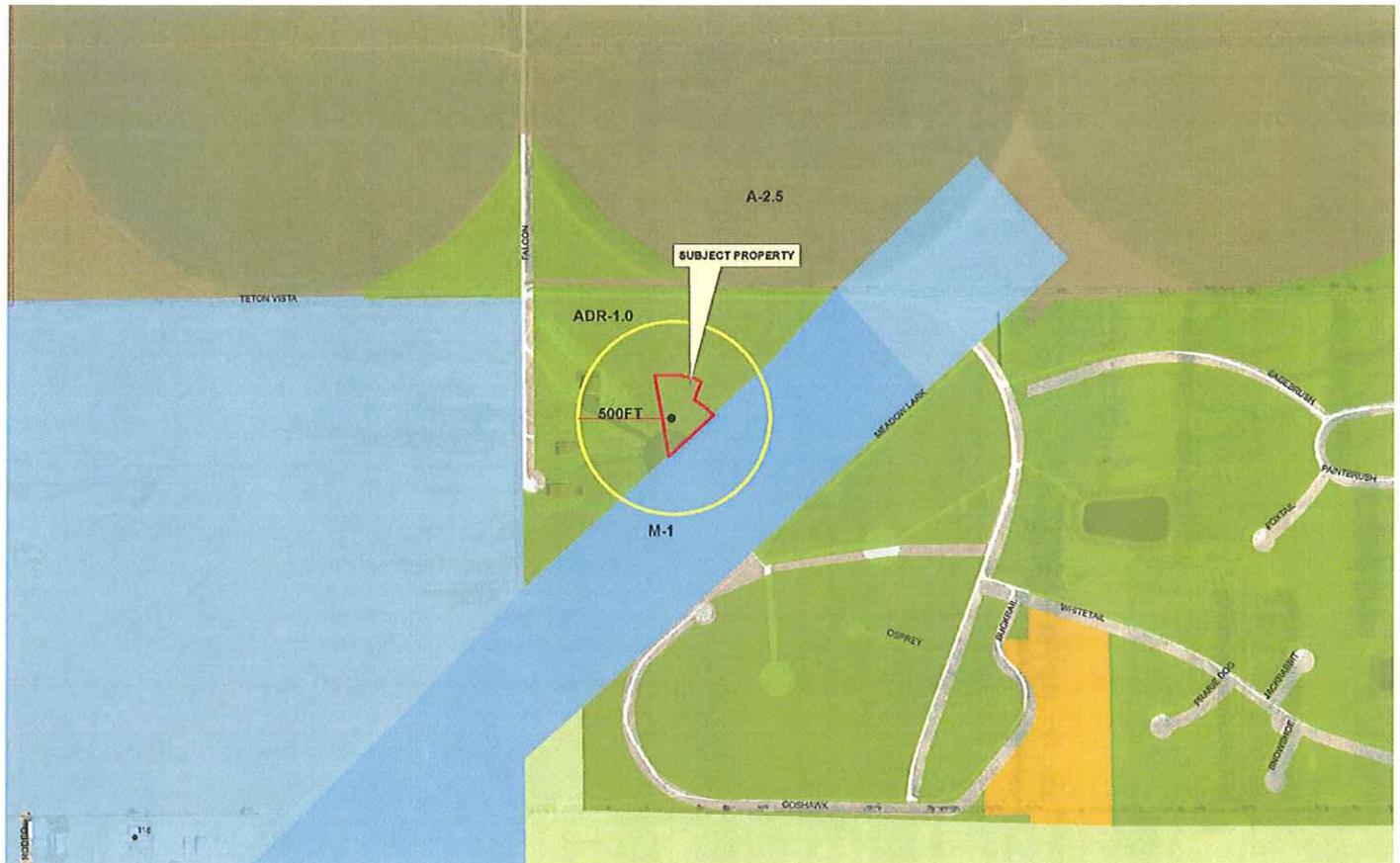
Figure 1: Preliminary Plat for Frank "Nipples" Winkler Subdivision



I. ZONING AND LAND USE FINDINGS

- a. EXISTING ZONE(S): ADR-1.0, One Acre Average Density Residential (see Table 1 for uses and standards).
- b. PROPOSED ZONE(S): M1, Light Industrial
- c. ADJACENT ZONING: M1 (Airport), ADR-1.0 (Sweetwater Subdivision)
- d. PROPERTY SIZE: 2.11 acres
- e. EXISTING USE(S): Vacant lot
- f. PROPOSED USE(S): Airplane Hangars. This use is allowed in ADR-1.0 as an Accessory Use Building, and allowed in M-1 as a Storage use. The reason for the rezone request is that access to the airport may not be granted from the ADR-1.0 (residential) zone because of FAA policy on Residential Through the Fence Access.
- g. ADJACENT USES: East / South – Airport; North – Vacant lot; West – Vacant lot and 3 developed Hangar/Home Lots, with homes approximately 500ft from the subject property.

**Figure 3: Surrounding Zoning and Land Use** (approximate boundary; revised by 1/23/12 Short Plat)

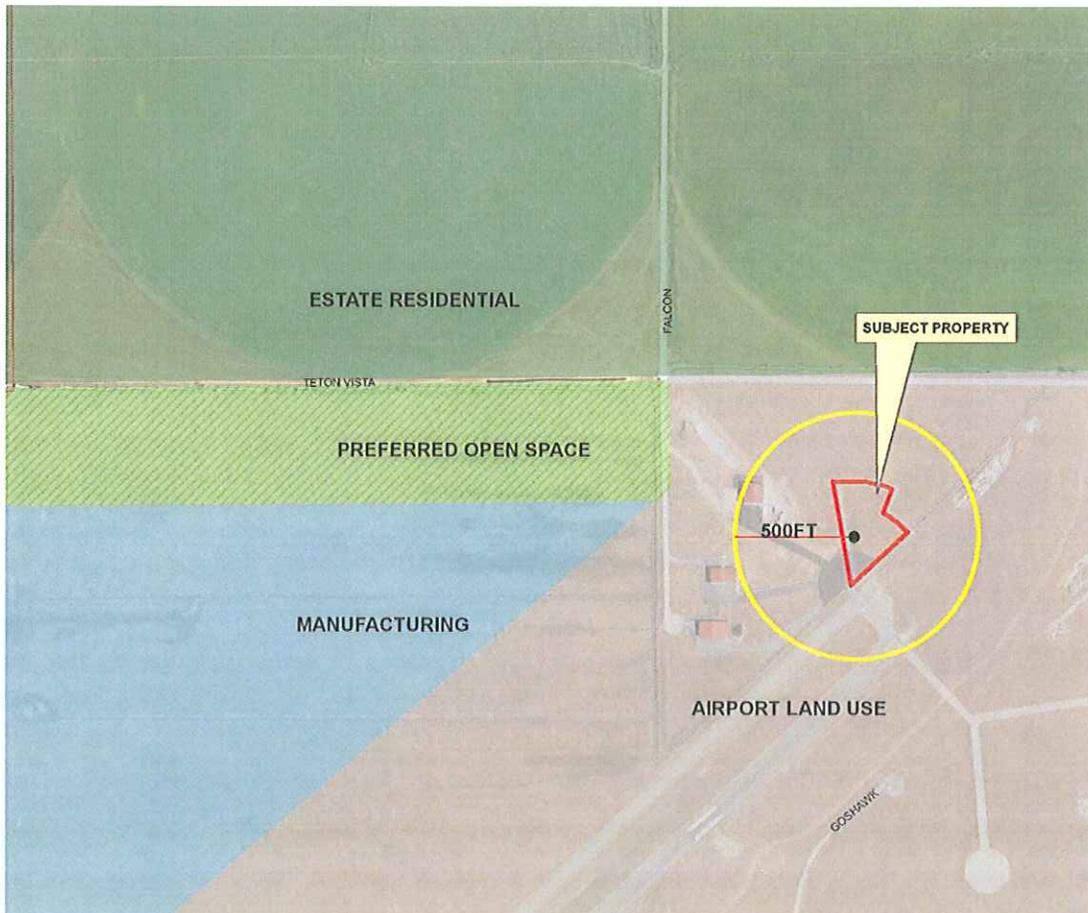


**Table 1: Uses and Development Standards**

	ADR 1.0	M-1
Temporary Building	A	A
Accessory use building	A	
Agricultural	A	
Church	A	
Day Care (less then 6 children)	A	
Home Occupation	A	
School	A	
Single and Two Family Dwelling/SFAD(2 units)	A	
Building for nonprofit community functions	C	
Building for public service uses	C	
Day Care (more then 6 children)	C	
Home Business	C	
Auction establishment		A
Auto body and paint shop		A
Auto or truck repair shop		A
Automobile gas/service station		A
Automobile sales lot		A
Bottling and distribution plant		A
Contractor's shop		A
Cottage industry		A

Crafts Shop		A
Food processing		A
Grain elevator and bulk storage		A
Industrial laundry and dry cleaning		A
Manufacturing/assembling/storage uses		A
Radio or Television Studio		A
Sale of hay/related items		A
Sale of salvaged goods		A
Sheet metal/sign painting shop		A
Storage of contracting equipment		A
Trade or industrial school		A
Trailer sales		A
Wholesaling, storage or distribution		A
Animal Hospital/Kennel/Vet		C
Broadcasting Tower		C
Impound Yard		C
Microbrewery		C
Private Amusement Park		C
Public Utility Installation		C
Sawmill or log production		C
Storage of wholesale or bulk material		C
Truck and Transit Terminal		C

II. COMPREHENSIVE PLAN DESIGNATION/RECOMMENDATION: **Airport Land Use**



## **Driggs Comprehensive Plan – Airport Land Use Recommendations**

*The proposed Airport land use was delineated based on platted airport related subdivisions and anticipated future airport needs, with a desire to minimize impacts to residential areas to the south, while incorporating room for an additional taxiway and some aircraft hangar space also on the south side. The zone could be condensed on the west side if existing non-airport related uses (e.g., storage units, residences, Arts Council building, etc.) do not desire transition to airport related uses. An Airport Zone should be created, with a perimeter fence eventually being developed around the zone and vehicle traffic controlled within. A more detailed neighborhood plan should be developed with assistance of property owners and the Driggs Airport Board.*

### **III. IMPACTS TO PUBLIC SERVICES**

- a. The proposed zone change, if conditioned on the future use being airplane hangars, does not increase the impacts on public services from the uses allowed in the previous zone.
- b. Impact fees will be collected by Teton County for Roads, Parks and Fire service impacts.
- c. The proposed zone change facilitates airport compatible development adjacent to the Driggs Airport, which helps to ensure the long term viability of this public facility.

### **IV. AGENCY COMMENTS**

- a. FAA – 11/10/11 E-mail from Peter Doyle, stating that “it appears as if it could be a workable solution for these lots in the Sweetwater subdivision...[t]his proposal will need to have a review completed by HQ to insure compliance with the grant assurances via the Access Plan submittal. [T]wo points that should be addressed in the Access Plan with respect of this proposal: How will the residential lot be separated (physically from the nonresidential lot. If these sublots are truly separate how will one access the nonresidential lot?”
- b. Teton County School District #401 – No comments received.
- c. Teton County Fire Protection District – No comments received.

### **V. PUBLIC COMMENTS**

- a. None written comments received (see Stettler and Vetsch comments on related short plat application)

### **VI. CITY COUNCIL CONCLUSIONS**

- a. The applicable Comprehensive Plan (Driggs Res 264-10) recommends Airport Land Use for this property, and with conditions restricting land uses to those compatible with the airport, M1 zoning for the subject property can conform with the Driggs Comprehensive Plan.
- b. The list of land uses allowed in the M1 zone contain some uses that may be incompatible with the adjacent developed hangar home properties. Additional use restrictions, or simply limiting the allowed uses to airplane hangars, would ensure continuing compatibility with these properties.
- c. The Comprehensive Plan envisions an Airport Land Use Zone. This will be a more appropriate zone for the properties, and an additional negotiated condition of the zone change might be that the city and county may rezone the property to Airport Land Use Zone once that zone is created.

VII. CITY COUNCIL RECOMMENDATIONS

- a. The Driggs City Council recommends to the Board of County Commissioners that the requested zone change from ADR-1.0 to M1 for portions of lots 5 and 6 of Sweetwater Phase I, shown as lots 5B and 6B on the Preliminary Plat for Frank "Nipples" Winkler subdivision (as drawn on the 1/23/12 preliminary plat approved by the Commission), be approved as presented.

**MINUTES OF THE CITY OF DRIGGS  
CITY COUNCIL MEETING  
MARCH 6, 2012**

Pursuant to adjournment of the City Council meeting held February 21, 2012, and the call of the Mayor, the Driggs City Council met **Tuesday, March 6, 2012**, at 7:15 p.m. A roll call was taken and present were council members: George Mosher and Ralph Mossman, Mayor Daniel Powers, City Attorney Stephen Zollinger, and Planning and Zoning Administrator Doug Self. Mayor Powers led the Pledge of Allegiance.

**2012 FAIR HOUSING PROCLAMATION FOR THE MONTH OF APRIL**

Mayor Powers read the Proclamation.

**DANIEL KING / JUDO ACADEMY – REQUEST FOR LEASE IN DRIGGS RECREATION CENTER**

Doug Self presented information to the Council. He stated this business currently had space on Johnson Avenue with 200 square feet. Yama Judo would like to expand and Mr. Self assumed 400 square feet would be adequate. He further stated it was a use that would benefit children and was in the approved Resolution for the Community Center.

Mr. Self explained that the city would rather see businesses in viable space in the downtown area, but in this case they are outgrowing their current space. There are other spaces available, according to Daniel King's summary, but which are less than ideal and more expensive.

Mayor Powers requested to know what other spaces had been researched because he did not want to compete with private space. He felt that there may be private spaces that would be suitable and wanted to know why they had ruled them out.

Council Member Mosher questioned if the space they used would be available for other larger city functions.

**PLANNING AND ZONING REPORT**

**Policy on Public Lighting Standards (Recommendations from Driggs Outdoor Lighting Standards Committee)**

Council Member Mossman explained that the proposed lighting standards would change the current standards drastically and would mean that over time, some of the lighting that was in place now would be lost. He further explained that some money would be saved by turning lights off sooner, but that timers would be needed, costing money to put those in place.

Mayor Powers was concerned with the limited options for LED lights that do not exceed 3200 kelvins. Council Member Mossman felt that street lights should be kept as low as possible and didn't feel the kelvins should be increased. Mayor Powers questioned what the current color temperature was on Main Street. Mr. Self stated he would check to see

call vote; Council Member Mossman, aye; Council Member Mosher, aye; Council Member Jones, aye.

**Council Member Mosher made a motion** to approve Ordinance 332-12. Council Member Mossman seconded the motion. The motion passed with all in favor.

**PUBLIC HEARING - WINKLER ZONE CHANGE REQUEST – PORTIONS OF LOTS 5 AND 6 IN THE SWEETWATER SUBDIVISION – PHASE 1 - 7:45PM**

Darryl Johnson, from Jorgensen Associates, presented information to the Council. Currently the two subject lots were zoned ADR1.0. Mr. Johnson stated that the original intent of the subdivision was to build hangars on the lots with residential units to the north. Because of the Driggs Corrective Action Plan, residentially zoned lots no longer have the capability to access the runway.

It was being proposed that the southern portion of Lots 5 and 6 be rezoned to M1 (Industrial) to allow for hangar use and providing a means to access the runway with a Through the Fence Agreement with the airport.

Mike Dronen, from Eastern Idaho Public Health, had reviewed and approved the proposed shared well and septic for lots 5a and 5b and 6a and 6b. The Fire Marshal had approved the subdivision and the Home Owners Association and neighbors were in favor of the configuration of building envelopes.

Mr. Self presented his staff report. He presented a letter from Ray Vetsch stating all owners in Sweetwater Subdivision were in favor of the Winkler Subdivision short plat. The Comprehensive Plan dedicates the entire Sweetwater Subdivision as airport land use and the M1 zone was essentially the airport land use zone at this time.

The Planning Commission recommended rezoning the properties with two conditions; that the allowed uses on the property are limited to airplane hangars and all other uses are treated as conditional uses and that the applicant consents to allow a future rezone to Airport Land Use zone, once such a zone was created. Mr. Stephen Zollinger stated he would feel more comfortable if the applicant signed a letter giving the City permission to change the zone once that was established and not have it as a condition of the zone change. He further stated that the State Statute for the new zone would include all of the above conditions and given the change in circumstances, no conditions would be needed on the current zone change.

Mayor Powers opened the Public Hearing at 9:12pm. There were no comments and the Public Hearing was closed.

**WINKLER SHORT PLAT – SPLITTING LOTS 5 AND 6 IN SWEETWATER SUBDIVISION, PHASE 1**

There was no additional information for the short plat.

**Council Member Mosher made a motion** to recommend to the County the approval of the zone change for Lots 5b and 6b in Sweetwater Subdivision as presented. Council Member Jones seconded. The motion passed with all in favor.

**Council Member Mosher made a motion** to recommend to the County the approval of the short plat for Lots 5 and 6 in Sweetwater Subdivision as presented. Council Member Jones seconded. The motion passed with all in favor.

**PUBLIC HEARING - PLAT AMENDMENT IN DRIGGS FLY-IN SUBDIVISION  
– SHIFT IN LOT G1 – 8:00PM**

Mr. Self presented the information to the Council. He stated the building was misplaced on the lot by approximately 9.5 feet. The application was to move the G1 hangar envelope to the east to correct this issue. There were no written comments. Mr. Self also spoke with Mark LaJohn, representative from Teton Aviation, who did not have any concerns.

Mayor Powers opened the Public Hearing at 9:20pm. There were no comments and the Public Hearing was closed.

**Council Member Mossman made a motion** to approve the plat amendment for the Driggs Fly-In Parkway Third Amendment as presented. Council Member Jones seconded the motion. The motion passed with all in favor.

**PLANNING AND ZONING REPORT**

**Tiger IV Grant**

Mr. Self reported the Tiger IV Grant was a total of \$1.4 million with a minimum Federal grant amount of \$1 million. This grant would include the Victor Transit Facility, the Driggs Transit Facility, the LINX Central Office, and the Driggs Park and Ride Lot. There are matches that would be included.

Council Member Jones voiced his concerns regarding the LINX Central Office taking “a big chunk” of the Community Center. He was uncomfortable with reducing space for the gymnastic center, the Judo Academy, the climbing wall and various other recreation activities. Mayor Powers felt that square footage was larger than originally discussed. Mr. Self stated it would include the call center with offices for 5 staff members, a reservations desk, break room and waiting room for riders. Mayor Powers felt there was space to include this and did not feel 2,500 square feet would need to be “taken away from anyone else.”

Mayor Powers stated it was discussed that the LINX Central Office could use the Industrial Building for the interim, but for the long term it made more sense for them to be where the transit center was located.

Council Member Mossman questioned what the local contribution was to the projects. Mr. Self stated other grants would be found to help supplement and reserve funds could be used.

City of Driggs  
**PLANNING AND ZONING COMMISSION MEETING**  
**MINUTES**  
MEETING HELD AT CITY HALL  
February 8, 2012  
6:30pm

**MEMBERS PRESENT:** Rene Lusser (Conducting), Rick Baldwin, Chris Valiante, and Jen Calder.

**OTHERS PRESENT:** Planning and Zoning Administrator Doug Self and Deputy Planning and Zoning Administrator Kreslyn Schuehler and other community members.

**1) Approval of Minutes**

The Commission reviewed the minutes from January 11, 2012.

**Commissioner Chris Valiante made a motion to approve the minutes from January 11, 2012. Commissioner Rick Baldwin seconded the motion. The motion passed with all in favor.**

**2) Zone Change and Short Plat for Lot 5 and 6 in Sweetwater Subdivision as submitted by Frank Winkler – Tabled from 11-9-11**

Jeff Bates, from Jorgensen and Associates, presented information to the Commission. He explained the history of the application and stated that a zone change had been granted once before, but the property had since been sold to Frank Winkler. At the previous meeting, the Home Owners Association expressed concerns regarding the view corridors and building envelopes. The applicant had reconfigured the lots to accommodate those concerns. Mr. Bates stated the Fire Marshal had approved the plat and the fire access width would be maintained. The shared well and septic had been approved by District Health and the HOA members had reviewed the new configuration and were in support of it.

Doug Self presented the staff report to the Commission. He stated and reviewed the reasons for tabling the application at a previous meeting and felt those had been addressed. Lot 6B increased in size from .44 acres to .79 acres and Lot 5B increased in size from 1.10 to 1.32 acres, with a reconfigured boundary that had a “v” shape or wedge of Lot 5A extending south between lots 5B and 6B. A letter from Mike Dronen, District 7 Health Department, approved the subdivision application with a note that the easements may require on-site subsurface sewage disposal, and that such easements, if required, would have to be in place prior to the issuance of individual septic permits.

Mr. Self read a letter from Chad and Jill Stettler who expressed their support for the revised plat. Mr. Self stated he felt the issues of the short plat had been satisfactorily addressed.

Regarding the zone change, Mr. Self stated, there were no issues during the previous discussion. He felt a few conditions should be placed on the zone change; once the airport land use zone was

adopted, the owners should allow their property to be rezoned and that all other uses besides hangar use would require a conditional use permit.

Commissioner Lusser questions if it was possible for Lots 5A and 5B to have separate owners. Mr. Self stated it was possible and if that was the case, the FAA and Airport Board may require separation by fences. The fly-in subdivision was originally approved by the FAA and the logic was by creating separate parcels, it would allow someone to move into the "A" lots and be separated from the airport.

**Commissioner Rick Baldwin made a motion to approve the zone change for Lots 5 and 6 in Sweetwater Subdivision as submitted by Frank Winkler with the conditions listed in the staff report which include: the allowed uses on the property be limited to airplane hangars and all other uses be treated as conditional uses and the applicant consents to allow a future rezone to Airport Land Use zone, once such zone is created. Commissioner Jen Calder seconded the motion. The motion passed with all in favor.**

**Commissioner Chris Valiante made a motion to recommend approval to the City Council of the short plat for Lots 5 and 6 in the Sweetwater Subdivision considered on February 8, 2012. Commissioner Jen Calder seconded the motion. The motion passed with all in favor.**

**3) Plat Amendment for G1 Hangar at 253 Warbird Lane as submitted by Keith Stoltz/Ellsworth Associates – Public Hearing 7:15pm**

Mr. Self presented information to the Commission. He stated the building was in the wrong location by about 9.5 feet and the applicant wanted to move the lot line to accommodate the building. The changes conformed to the zoning code. There were no setbacks in the M1 zone and the only concern Mr. Self had was with the adjacent subdivision, since the new lot line was one foot away. Mr. Self spoke with Teton Aviation and they voiced no concerns about the adjustment as development had already occurred. Mr. Self also questioned whether the building code would be met with fire walls since it was closer to the other hangars. Jason Letham, Driggs Building Inspector, would review this, but the amended plat would not change the situation so there would be no necessary condition, Mr. Self stated.

Commissioner Rene Lusser opened the Public Hearing at 7:20pm. There were no comments and the Public Hearing was closed.

**Finding that the proposed plat amendment conformed to the Driggs Subdivision and Zoning Codes, Commissioner Chris Valiante made a motion to recommend to the Driggs City Council that the Driggs Fly-In Parkway Third Amended Plat be approved. Commissioner Rick Baldwin seconded the motion. The motion passed with all in favor.**

**4) Annexation of Clubhouse Site in Huntsman Springs – Public Hearing 7:45pm**

Bob Ablondi, from Rendezvous Engineering, presented information to the Commission. He felt it made more sense for the property of the future clubhouse to be in the city limits and "ultimately more of the project will be annexed" in the future, Mr. Ablondi stated. He explained how the annexation area was determined, stating it was to include all facilities (clubhouse, fitness building and pool) and hoped they would be able to start construction this summer.

Mr. Self presented his staff report. He stated the Comprehensive Plan discussed the Huntsman Springs PUD, but the Future Land Use Map and related text should be updated to indicate that the Comprehensive Plan supports the PUD. The Huntsman Springs Master Plan could simply be adopted into the Future Land Use Map, replacing the Estate Residential designation. Mr. Self further stated that the mixed use residential (MUR-1) zoning district was the most appropriate designation for the subject property. The MUR-1 district essentially codifies the Huntsman Springs Master plan, requiring land uses to conform to this plan, which the clubhouse facility does. The subject property was currently adjacent to this existing MUR-1 zone and would be a natural and appropriate extension at this time.

Mr. Self felt the financial benefits of annexation, outweighed the financial costs. He also felt it would be in the city's best interest to bring in most, if not all, of the PUD into the city limits.

Mr. Self recommended the approval of the annexation with the following conditions; the designated zone for the property would be MUR-1, Mixed Use Residential - Huntsman Springs PUD and to replace the land use recommendation in the future land use map and associated Comprehensive Plan text with the approved Huntsman Springs Master Plan.

Commissioner Rene Lusser opened the Public Hearing at 7:54pm. No comments were made and the Public Hearing was closed.

**Finding that the annexation request conforms with the general recommendations of the Driggs Comprehensive Plan and would be fiscally responsible, Commissioner Rick Baldwin made a motion to recommend to the Driggs City Council that the Huntsman Springs Clubhouse property be annexed by the city with the MUR-1 zoning designation, and that the Comprehensive Plan Future Lane Use Map and Land Use Recommendations be amended to adopt the approved Huntsman Springs PUD Master Plan as the desired land uses within the PUD boundaries. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

**Commissioner Rick Baldwin made a motion to adjourn. Commissioner Jen Calder seconded the motion. The motion passed with all in favor and the meeting was adjourned at 8:01pm.**

City of Driggs  
**PLANNING AND ZONING COMMISSION MEETING**  
**MINUTES**

MEETING HELD AT CITY HALL

November 9, 2011

6:30pm

**MEMBERS PRESENT:** Rick Baldwin (Conducting), Delwyn Jensen, Chris Valiante, and Ralph Mossman.

**OTHERS PRESENT:** Planning and Zoning Administrator Doug Self and Deputy Planning and Zoning Administrator Kreslyn Schuehler and other community members.

**1) Approval of Minutes**

The Commission reviewed the minutes from October 12, 2011.

**Commissioner Ralph Mossman made a motion to approve the minutes from October 12, 2011. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.**

**2) Appointment of Ray Pond and Re-Appointment of Carl Jordan to the Driggs Lighting Standards Committee**

Commissioner Mossman commented on the appointments, stating the Committee was agreeable to those that are being appointed.

**Commissioner Delwyn Jensen made a motion to appoint Ray Pond and Carl Jordan to the Driggs Lighting Standards Committee. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

**3) Appointment of Three Commission Members to the Joint Driggs-Teton County Planning Commission**

Doug Self explained that the responsibility of this commission would be to review subdivisions in the Area of Impact.

**Commissioner Ralph Mossman made a motion to appoint Rick Baldwin, Delwyn Jensen and Chris Valiante to the Joint Driggs-Teton County Planning Commission. Commissioner Delwyn Jensen seconded the motion. The motion passed with all in favor.**

**4) 6:45pm – Public Hearing for a Zone Change from ADR1.0 to M1 for Lots 5b and 6b as submitted by The Frank D. Winkler Revocable Trust**

Julie Stomper was present, representing the applicant. She stated the purpose for the zone change was to allow the property to be used for the intended purpose of having residential hangers. If the zone change took place, the City could grant a Through the Fence Agreement without being in violation of the Corrective Action Plan with the FAA.

Mr. Self presented his staff report. He stated the lot size was an issue, but could be dealt with when reviewing the subdivision application. The zone change should just deal with a change in the zoning and the potential uses in those zones, Mr. Self stated. The Comprehensive Plan includes Sweetwater Subdivision in the airport land use zone and the city wanted to encourage airplane compatible uses in the area.

Mr. Self stated he recommended approval of the zone change with the condition that allowed use on the property was only for an airplane hangar and all other uses would require a Conditional Use Permit. He also recommended that the owner allows the future airport land use zone to be placed on the property once the zone was developed.

Commissioner Valiante questioned if a fence would be placed between the property and the runway. Mr. Self stated there was currently no fence between the lots and the runway. However, the Master Plan Steering Committee and the Airport Board were working on a Master Plan to determine where the fences need to be placed. Mr. Self continued, stating that the FAA may require fences between hangars and residential lots. However, those issues should be dealt with through the Airport Board and the Through the Fence Agreement requests.

Commissioner Rick Baldwin opened the Public Hearing at 6:56pm.

Chad Stettler, owner of Lot 3 in Sweetwater Subdivision, spoke to the Commission. He stated he did not receive a notice regarding this application. He understood why the applicant was moving forward in this direction, but was concerned with the small lot size and the building envelopes. He stated the homeowners meet when Sweetwater Subdivision was first developed, and discussed where hangars would be placed as to not obstruct the views of others. Based on the proposed information, the hangars would obstruct Mr. Stettler's views. He requested that lot 5B be expanded to the north to give more space to place a hangar.

Kreslyn Schuehler verified the Stettler's address as being correct and indicated their address was included in the list of notices that was sent.

Ms. Stomper questioned if a rezone application could be processed without doing a short plat application. Mr. Self stated it would be unclear to the FAA if the parcels were not split in regards to approving Through the Fence Agreements.

**Commissioner Delwyn Jensen made a motion to table the application until the information on the subdivision was presented. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor.**

**5) 7:00PM – Public Hearing for a Short Plan for Lot 5 and 6 in Sweetwater Subdivision as submitted by the Frank D. Winkler Revocable Trust**

Mr. Self presented the information for the short plat to the Commissioners. He stated the proposal was to create 4 lots and described where the easement for access would be placed. He stated Marc Anderson, Teton County Fire Marshal, was agreeable to the application in regards to emergency access. Mike Dronen, from District 7 Health Department, had reviewed the application and it was discussed where the property leach fields should be placed.

Mr. Self questioned if there was any reason as to why the original building envelopes for Sweetwater Subdivision were not placed on this plat, which would move the lot line for 6b back. The Sweetwater Home Owners Association could possibly enforce that and if so, the subdivision, as drawn, would not work. He continued to state that the City and County could require that all buildings be placed within the appropriate envelopes on the original plat.

Mr. Self explained why Lot 6b was too small. There must be an object free area which is a little over 40 feet. In addition to that, there was a required transition area that would not leave room for the hangar. It appeared that a typical 50 x 50 foot hangar would not fit on the lot as it was presented. Mr. Self concluded his report by stating that septic issues would also have to be addressed.

Commissioner Rick Baldwin opened the Public Hearing at 7:26pm. There were no comments and the Public Hearing was closed.

**Commissioner Ralph Mossman made a motion to table the subdivision application until the next meeting. Commissioner Chris Valiante seconded the motion. The motion passed with all in favor.**

**6) Lot Split – Gabe Rogel, for Val Christensen Property (80 acres) S 1.2 of NW Quarter of Section 36, Township 5 North, Range 45 East**

Val Christensen was present at the meeting. He stated he had a letter from Gabe Rogel agreeing to the 24 foot easement.

Mr. Self stated that the access road would need to be 24 feet wide. However, for snow removal, a bigger access may be desired. He also stated that if more than one home was to be developed on that lot, the road width would have to increase to 30 feet.

Commissioner Mossman questioned the direction of the lot line. Mr. Christensen stated it followed the canal. He further stated he would agree to the 30 foot easement.

**Commissioner Delwyn Jensen made a motion to approve the Lot Split with the condition that the easement be increased to 30 feet. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor.**

**Commissioner Delwyn Jensen made a motion to adjourn. Commissioner Ralph Mossman seconded the motion. The motion passed with all in favor and the meeting was adjourned at 7:41pm.**

# LEGAL NOTICE OF PUBLIC HEARING

CITY OF DRIGGS, IDAHO  
City Council

Pursuant to established procedure, NOTICE IS HEREBY GIVEN that the Driggs City Council will hold a public hearing in the Driggs City Hall, 60 S. Main Street, Driggs, Idaho on Tuesday, March 6, 2012 at 7:45 PM.

The Purpose of the hearing is to consider an application for a **ZONE CHANGE from ADR1.0 (Average Density Residential - one acre) to M1 (Light Industrial) for Lot 5B and Lot 6B in Sweetwater Subdivision Phase 1, as submitted by The Frank D. Winkler Revocable Trust.**

The Planning and Zoning Commission recommended approval of the zone change with the conditions that the allowed uses on the property be limited to airplane hangars and all other uses be treated as conditional uses and that the applicant would consent to allow a future rezone to the Airport Land Use zone, once such zone was created.

Information pertinent to this application, including a map of the subject property and the applicant's narrative is available for review at Driggs City Hall. The current Driggs Zoning Map and Ordinance is available at City Hall or on the web at [www.driggs.govoffice.com](http://www.driggs.govoffice.com).

**Written comments must be received by 5 p.m. Tuesday, February 28, 2012,** at Driggs City Hall P.O. Box 48, Driggs, Idaho 83422. You may also FAX your written response to 208-354-8522 or email a response to [pzdriggs@pdt.net](mailto:pzdriggs@pdt.net). Verbal and written comments will be heard during the public hearing.

BLUE, BRENT ALAN  
PO BOX 15240  
JACKSON, WY 83002

CITY OF DRIGGS  
P O BOX 48  
DRIGGS, ID 83422

FILLMORE FARMS LLC  
500 HUNTSMAN WAY  
SALT LAKE CITY, UT 84108

STETTLER, CHAD A  
PO BOX 221  
DRIGGS, ID 83422

VETSCH, RAYMOND REV TRST  
PO BOX 4000  
JOPLIN, MO 64803

WADE, STEPHEN D REVOCABLE TRST  
822 OAKMONT DRIVE  
JOPLIN, MO 64804

WINKLER, FRANK D REVCBLE TRUST  
3834 SPRINGHILL  
JOPLIN, MO 64804

City of Driggs  
Planning & Zoning Commission

APPLICATION FOR ZONE CHANGE

(Not a business license or building permit)

OWNER/APPLICANT NAME: FRANK D. WINKLER, PHONE: (208) 557-5211

TRUSTEE, FRANK D. WINKLER REVOCABLE TRUST dated June 29, 2009

\*\*A statement authorizing a representative to apply for owner/applicant must accompany this form if applicable.

REPRESENTATIVE:  
JULIE  
STOMPER, ESQ.

ADDRESS: 663 & 755 TETON VISTA DRIVE, DRIGGS ID

LEGAL DESCRIPTION OF PROPERTY UNDER EVALUATION (ATTACH IF NECESSARY): PLEASE SEE ATTACHED WARRANTY DEED

PROPOSED ZONE: LIGHT INDUSTRIAL (M-1) PRESENT ZONE: ADL-1

FEE: \$ 0.00 (plus any additional cost incurred) must accompany this completed application.

**NARRATIVE:** Attach a brief statement concerning the following:

1. How the land uses in the requested zone are related to the Comprehensive Plan.
2. Availability of public facilities such as streets, sewage, water, etc., to support the allowable uses; and
3. Compatibility of the allowable uses with the surrounding area.

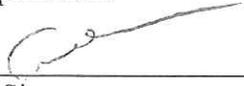
**VICINITY SKETCH:** A vicinity map must be attached showing the location of the property under consideration.

**PROOF OF OWNERSHIP OR VALID OPTION HOLDER:** A copy of your property deed or option agreement must be attached.

The Planning & Zoning Commission reserves the right to NOT officially accept this application until total review is accomplished and all required information is submitted. The date of the public hearing will be established by the Commission upon the acceptance of a complete application.

The Planning & Zoning Commission reserves the right to take photographs and/or videos of the property under consideration for a zone change as deemed necessary as an addendum to the file

I have read and understand the zone change procedures and responsibilities which accompany this application.

  
\_\_\_\_\_  
Signature

09-06-2011  
\_\_\_\_\_  
Date

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**\*OFFICE USE ONLY\***

Date Completed Application Received: \_\_\_\_\_ Accepted By: \_\_\_\_\_

PUBLIC HEARING DATE & TIME:



# LETTER OF AUTHORIZATION

Frank D. Winkler as Trustee of the Frank D. Winkler Revocable Trust utu dated June 29, 2009 "Owner" whose address is: 3834 Springhill, Joplin, MO 64804; As owner of property more specifically described as:

Lots 5 and 6 in Sweetwater Subdivision, according to the official plat thereof, filed in Official Records of Teton County, Idaho;

**HEREBY AUTHORIZES** Julie Stomper and the Law firm of Beard St. Clair, Gaffney, PA as Agent to represent and act for the Owner in making application for zone change, subdivision or any other related actions and receiving and accepting on Owners behalf, any permits or other action by the Driggs City Council, Driggs City Planning Office or any agency or department of the City of Driggs, 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, weather 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   
(Signature of Owner)

Frank D. Winkler Title: Trustee  
(Print Name)

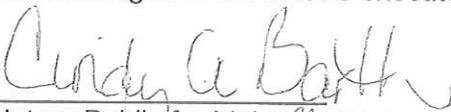
**NOTARY:**

STATE OF Missouri

ss.

County of Newton

On this 6<sup>th</sup> day of September, 2011, before me Cindy A Barth, a Notary Public in and for said state, personally appeared Frank D. Winkler, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Frank D. Winkler Revocable Trust utu dated June 29, 2009 and acknowledged to me that he executed the same as such Trustee.

  
Notary Public for ~~Idaho~~ Missouri

Residing At:  
Commission Expires:

(SEAL)

**CINDY A. BARTH**  
Notary Public - Notary Seal  
State of Missouri, Jasper County  
My Commission Expires Dec. 15, 2013  
Commission # 09809727

## **Application for Zone Change Narrative**

**Frank "Nipples" Winkler**

**Subdivision Lots 5B and 6B**

**(also known as a portion of Lots 5 and 6 of Sweetwater Subdivision)**

### **1. Relationship between Comprehensive Plan and requested zone change.**

The requested zone change involves two lots proposed to be created through the subdivision of the owner's property in Sweetwater Subdivision, Phase 1, Teton County Idaho. Contemporaneous with this zone change application, the owner is submitting an application to subdivide lots 5 and 6 of the Sweetwater Subdivision into four lots to be identified as Lots 5A, 5B, 6A and 6B of the Frank "Nipples" Winkler Subdivision. The owner is applying for a zone change from residential to M-1, light industrial for the two lots contiguous with the airport (Lots 5B and 6B).

Granting the requested zone change will make the property more compatible with the comprehensive plan. Rezoning Lots 5B and 6B from residential to light industrial would create a buffer property between residential subdivision property and the airport. The rezone will also be appropriate for the parcels' intended use as an airplane hangar properties.

### **2. Availability of public facilities such as streets, sewage, water, etc., to support the allowable uses.**

Because the lots are situated in a completed subdivision there is existing access to all required public streets and utilities. Any required private easement for access and utilities, will be granted through Lots 5A and 6A for the benefit of Lots 5B and 6B.

### **3. Compatability of allowable uses with the surrounding area.**

The surrounding area is comprised of other residential hangar subdivisions, the airport, and commercial and light industrial property used largely for airport related businesses and activities. The intended use of the lots subject to this application is the construction and maintenance of airplane hangars. This use is compatible with the surrounding area.

**Subject:** Re: Sweetwater Lot Split and Rezone  
**From:** Peter.Doyle@faa.gov  
**Date:** 11/10/2011 3:49 PM  
**To:** Doug Self <pzdriggs@pdt.net>

Doug,

I have reviewed these information regarding the splitting of lots 5 and 6, and it appears as if it could be a workable solution for these lots in the Sweetwater subdivision.

This proposal will need to have a review completed by HQ to insure compliance with the grant assurances via the Access Plan submittal. Here a two points that should be addressed in the Access Plan with respect to this proposal

How will the residential lot be separated (physically) from the nonresidential lot.  
If these sublots are truly separate how will one access the nonresidential lot?

Thanks,



Peter Doyle  
FAA - Northwest Mountain Region  
Airports Division  
(425) 227-2652  
peter.doyle@faa.gov

From: Doug Self <pzdriggs@pdt.net>  
To: Peter Doyle/ANM/FAA@FAA  
Date: 11/01/2011 04:12 PM  
Subject: Sweetwater Lot Split and Rezone

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Peter -

I have received an application for a short plat subdivision and rezone, which propose to split lots 5 and 6 in Sweetwater Phase I into 4 lots, and to rezone the 2 lots adjacent to the Driggs airport to M1, Light Industrial, so that they may have access to the airport and have hangars (without homes) built on them.

I have attached the proposed short plat. Lots 5B and 6B would be rezoned to M1, Light Industrial.