AGENDA
PLANNING AND ZONING COMMISSION
WORK SESSION
March 8, 2016
STARTING AT 5:00 PM

LOCATION: **150 Courthouse Dr., Driggs, ID**
Planning Department Conference Room – First Floor (lower level, SW Entrance)

1. Approve Available Minutes
    - February 9, 2016
2. Chairman Business
3. Administrator Business

5:00 PM - WORK SESSION: Draft Code: Discussion of Article 8: Building Types and Article 14: Administration

No public comment will be taken regarding the Draft Land Use Code.

ADJOURN

Any person needing special accommodations to participate in the above noticed meeting should contact the Board of County Commissioners' office 2 business days prior to the meeting at 208-354-8775.

DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from February 9, 2016
County Commissioners Meeting Room, Driggs, ID

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

COUNTY STAFF PRESENT: Mr. Jason Boal, Planning Administrator, Ms. Kristin Rader, Planner.

The meeting was called to order at 5:04 PM.

Approval of Minutes:

MOTION: Mr. Larson moved to approve the minutes from January 12, 2016. Mr. Booker seconded the motion.

VOTE: All in favor.

MOTION: Mr. Booker moved to approve the written decisions for the Cowboy Church CUP and the Walipini Concept Approval. Ms. Robson seconded the motion.

VOTE: All in favor. Mr. Moyer abstained from voting because he was not present at the meeting.

Chairman Business:

Mr. Hensel asked if there has been an update from Idaho Fish and Game. Mr. Boal explained that he spoke with them a couple weeks ago, and they said to expect comments soon. He also explained that Ms. Williams has met with the local NRCS office.

Administrative Business:

Mr. Boal informed the PZC that the BoCC has proposed to have a joint meeting on April 12 instead of the last Tuesday in March due to scheduling conflicts. Because of this, PZC will only meet twice in March.

WORK SESSION: <u>Draft Code Discussion</u>, Article 3: Rural Districts

The Commission reviewed and discussed the proposed draft code presented by Mr. Boal.

Ms. Johnston had to leave the meeting early, but she left comments with Mr. Hensel.

Density Options for Rural Agriculture, Lowland Agriculture, and Foothills

Mr. Larson mentioned that he was not at the previous meeting when the scenario tool was discussed, but he thought the tool was very helpful. Mr. Hensel explained that the Commission decided the rural zones (RA, LA, and FH) would have the same density. Mr. Larson commented he felt that was a great idea.

Mr. Hensel read Ms. Johnston's comments (attachment 2).

The PZC discussed utilizing similar density in each of the zones and all agreed it was a defensible, justifiable approach. It was discussed how a more complex approach could be devised, but it becomes harder to defend, and this approach is a step in the right direction.

Mr. Hensel explained that the PZC would take a vote on the density options to be used for the rural zones. PZC discussed the different options using land splitting scenarios before voting.

VOTE

Density Options (1 lot /# acres)		**Vote**
Option 1:	OTO: 1/10 LD: 1/20 SP/FP Max: 1/10 SP/FP Mid: 1/20 SP/FP Min: 1/30	Mr. Arnold (via email) Mr. Breckenridge Mr. Moyer Ms. Robson
Option 2:	OTO: 1/20 LD: 1/30 SP/FP Max: 1/20 SP/FP Mid: 1/30 SP/FP Min: 1/40	Mr. Hensel (or Option 5)
Option 3:	OTO: 1/15 LD: 1/22 SP/FP Max: 1/15 SP/FP Mid: 1/22 SP/FP Min: 1/30	None
Option 4:	OTO: 1/10 LD: 1/20 SP/FP Max: 1/10 SP/FP Mid: 1/25 SP/FP Min: 1/40	Mr. Larson, Mr. Booker, and Mr. Haddox
Option 5:	OTO: 1/15 LD: 1/22 SP/FP Max: 1/15 SP/FP Mid: 1/25 SP/FP Min: 1/40	Mr. Hensel (or Option 2)

Ms. Johnston did not vote on the density option.

It was decided that Option 1 (OTO: 1/10; LD: 1/20; SP/FP Max: 1/10; SP/FP Mid: 1/20; SP/FP Min: 1/30) would be used for the density in the RA, LA, and FH zones. The PZC also discussed the density option proposed for the Agricultural Rural Neighborhood (ARN) zone. It was agreed that the proposed density (OTO: 1/10; LD: 1/3.75; SP/FP Max: ½.5; SP/FP Mid: 1/3.75; SP/FP Min: 1/5) would be used for the ARN zone.

Open Space

The different types of ownership of open space were discussed. The majority agreed that having open space in one ownership versus spread across multiple, private parcels would be a better approach for management and enforcement. Staff will clarify Div. 3.7.3.A.1 to provide examples of a single landowner (i.e. a legal entity, HOA, or individual).

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Staff will work on definitions for Passive Recreation and Active Recreation.

Staff will look into the possibility of including stormwater management (i.e. retention/detention ponds, bioswales, etc.) as an allowed open space use.

Language for signage of open space will be added to Div. 3.7.8: Access (i.e. notice of boundaries for restricted use or access).

The formatting and content of this Div. 3.7.5 Open Space Priorities may change slightly. Open space priorities will be included with each zone. Information on wildlife areas will be updated after IDFG's comments have been received.

Moving Forward

Mr. Boal gave a brief overview of Articles 9, 10, 11, and 12, which will be discussed at the February 16th meeting.

Mr. Hensel asked for a draft Public Outreach Plan so the PZC could review and comment on it before the final draft of the code is completed for the joint BoCC/PZC meeting. Mr. Boal will provide a copy of the draft plan for the next meeting.

Mr. Boal explained that the joint BoCC/PZC meeting was originally planned for March 22. The BoCC has asked to reschedule this meeting to April 12 because of scheduling conflicts. PZC will only meet twice in March now.

The next version of the code that PZC will see is the Red Line version. After this meeting, the Red Line version of Article 3 will be completed. The Article 13 Red Line version is partially complete. Staff is still waiting for comments from IDFG. When those are received, the Red Line version will be completed and sent to the PZC.

MOTION: Mr. Booker moved to adjourn the meeting. Mr. Larson seconded the motion.

VOTE: The motion was unanimously approved.

The meeting was adjourned at 7:30 pm.

Respectfully submitted,
Kristin Rader, Scribe

_____	_____
Dave Hensel, Chairman	Kristin Rader, Scribe

Attachments:

1. PZC February 9, 2016 Meeting Packet
2. Ms. Sarah Johnston's comments

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AGENDA
PLANNING AND ZONING COMMISSION
WORK SESSION
February 9, 2016
STARTING AT 5:00 PM

LOCATION: **150 Courthouse Dr., Driggs, ID**
Commissioners' Chamber – First Floor (lower level, SW Entrance)

1. Approve Available Minutes
2. Chairman Business
3. Administrator Business

5:00 PM - WORK SESSION: **Draft Code:** Discussion of Article 3: Rural Districts.

No public comment will be taken regarding the Draft Land Use Code.

ADJOURN

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

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

COUNTY STAFF PRESENT: Mr. Jason Boal, Planning Administrator, Ms. Kristin Rader, Planner, Ms. Amanda Williams, Weed Superintendent/Natural Resources Specialist

The meeting was called to order at 5:03 PM.

Approval of Minutes:

MOTION: Mr. Arnold moved to approve the minutes from December 8, 2015, as amended to change "Mr. Robson" to "Ms. Robson" in the first paragraph, second line under Administrative Business. Mr. Booker seconded the motion.

VOTE: All in favor. Mr. Larson and Ms. Johnston abstained from voting because they were absent from the December 8, 2015 meeting.

Chairman Business:

Mr. Hensel mentioned the letter he had said he would write to the Board of County Commissioners expressing the concerns of the Planning & Zoning Commission discussed at the December 8, 2015 meeting. He did not write the letter, but he did have a conversation with Commissioner Riegel.

Mr. Hensel brought up the Guiding Principles Exercise that Mr. Boal gave the PZC in December. He explained that after his conversation with Commissioner Riegel, he felt the Board was interested in the strategies that the PZC used to get from Point A to Point B to Point C. Mr. Haddox mentioned that he also spoke to Commissioner Leake, who said he was interested in something short, 1-2 paragraphs.

Mr. Hensel asked Mr. Boal how the answers provided to the Guiding Principles Exercise would be used. He explained that as we prepare a public review draft of the code and start public outreach, he anticipates staff working with the PZC to create summaries explaining the process that was used, and the answers to the Guiding Principles Exercise will help with that.

Mr. Hensel asked that any commissioners that have not submitted their Guiding Principles Exercise to please do so. Mr. Boal said he would email copies to everyone again.

Election of New Officers

Mr. Hensel explained that because it was the first meeting of the new year, the Commission needed to vote on officers for the positions of Chairman and Vice Chairman.

Mr. Larson expressed that since several members have stayed on for the code process, they should continue the same leadership. Ms. Johnston agreed.

Vote: The motion was unanimously approved.

Administrative Business:

Mr. Boal introduced the new Weeds Superintendent/Natural Resources Specialist, Amanda Williams.

PUBLIC HEARING: Conditional Use Permit Application for the Cowboy Church.

Mr. Hensel asked if any commissioners had been to the site, had any ex parte conversations about this application, or felt conflicted in any way. They had not.

Ms. Rader introduced the applicant.

Applicant Presentation:

Mr. David Kite, pastor of the Teton Valley Cowboy Church (TVCC), explained that their intention was to use the building for church services one night a week (Monday nights). There may be special activities that would require using the building at a different time than Monday evenings.

The TVCC hosted a rodeo program for kids during the Summer of 2015. They also provided help to local families at Thanksgiving and Christmas, as well as working with the Suicide Prevention and Awareness Network (SPAN). Mr. Kite explained that TVCC is trying to be involved in the county and provide a positive impact to the community. Mr. Hensel asked about the rodeo location. Mr. Kite explained that the TVCC rented the fairgrounds for that event.

Ms. Robson asked about the potluck dinners at the church and if there was a kitchen. Mr. Kite explained that members of the church bring food, that was prepared off site, so the fellowship can eat dinner together before service begins.

Staff Presentation:

Ms. Rader explained the application. Larger activities hosted by the TVCC offsite, such as the rodeo, could be handled in the future through a Temporary Use Permit or something similar. Activities on site would include the dinners, discipleship classes, services, and Vacation Bible School (summers).

The building accesses directly off of Highway 33. The application was provided to ITD, and they did not recommend a traffic study for this application. The building does have a sprinkler system installed, which has not been inspected. The building code would require a sprinkler system based on the occupant load. Without exact measurements of the building, it is unclear whether or not the sprinkler system would be required. A possible condition of approval was included for the applicant to provide the Building Official with the necessary measurements to determine this. Staff recommends that the sprinkler system be inspected and used, even if it is not required.

A sign permit application was submitted by the applicant, but it has not been approved at this time.

Mr. Hensel asked if the membership and traffic increased and became an issue, could this be limited through the CUP or would it come up in review. Ms. Rader explained that it could be conditioned and/or monitored by staff. ITD looked at the square footage of the building when they determined it would not require a traffic study. Eastern Idaho Public Health said the number of current attendees (25-30) could double or triple with the existing septic system.

Mr. Larson asked for clarification on the sprinkler system requirements. There are two standards in the building code that would trigger the requirement. We know the building size does not meet one of the standards, but the other standard looks at the net square footage of the assembly area, which needs to be measured. Mr. Hensel opened Public Comment.

Public Comment:

In Favor:

Mr. Boal read the following written testimonies.

Ms. Rhoda Simper (Tetonia) wrote "I support the application for Teton Valley Cowboy Church to be approved. It is a wonderful church that is helping many in the community."

Ms. Barbara Butler (Driggs) wrote "Wish to see this church grow – we love it. The town can use it."

Ms. Rebecca Koch (Victor) wrote" I believe this county would benefit from the church. The area is a perfect place. I am very much in favor of this church and the location."

Mr. Robert A. Vostrejs (Tetonia), Ms. Denise Vostrejs (Tetonia), and Ms. Bonnie Reece (Tetonia), submitted sign-up sheets in support of the application, but they did not testify.

Neutral:

There were no neutral comments.

Opposed:

There were no comments opposed to the application.

Applicant rebuttal was not necessary, as there was no opposition. Mr. Hensel closed Public Comment.

COMMISSION DELIBERATION:

Mr. Arnold thinks this could be a positive addition to the county, and it looks like a lot of effort was put into the applicant. He is in favor.

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Mr. Booker agreed. He lives in the neighborhood, and the building has been vacant for a while, so it is nice for the building to be used. Mr. Booker asked how CUPs are monitors. Mr. Boal explained that staff is responsible for monitoring the conditions. If there is a violation of conditions, the applicant is notified. If the use grows to exceed conditions, the applicant would be notified that they need to find a new location or amend the CUP to accommodate the growth.

Mr. Arnold asked the applicant what he is looking for in terms of the number of attendees the church would provide services to in the existing building. Mr. Kite explained the layout of the building. If attendance increased, worship services and discipleship classes could be held concurrently, twice a night instead of once per night at separate times. Mr. Kite explained that the layout of the room used for services would probably allow for a maximum of 60 people.

Mr. Arnold commented that he wants to make sure that traffic does not become an issue. He asked the applicant if 75 would be a fair number of attendees before reviewing the CUP again? Mr. Kite asked that the CUP be reviewed after 100 rather than 75 because alternating rooms for the service and classes would maximize the use of the building. He also stated that parking should not be an issue, and the adjacent property is owned by the same property owner and could be used for additional parking.

Mr. Larson commented that it would be interesting to know what ITD's standard is to trigger a traffic impact study because traffic is more of an issue than parking.

Mr. Breckenridge mentioned that occupancy loads set by the Fire Department and Building Official would limit the number of people that could be in the building.

Mr. Hensel suggested that a condition of approval would be that when the size meets a trigger, like for the traffic impact study, then the CUP would have to be reviewed. Ms. Johnston commented that she felt there were several threshold concerns including water, sewer, access, and building safety. The application states 35 attendees. She would be comfortable with doubling the size, like 60 attendees, before needing to review the CUP again. She also mentioned that each agency could be asked for their thresholds and base the review on that.

Mr. Larson commented that they should be conservative with the numbers or go back to each agency to get their specific threshold. Mr. Boal explained the options for moving forward, including recommending conditions based on specific thresholds which can be determined before the BoCC hearing occurs or the application could be tabled until the thresholds are determined, then PZC could make a recommendation to the BoCC.

Mr. Kite asked for clarification on the expiration of the CUP. Mr. Hensel explained that the approval would expire if the activity has not started within 12 months of the approval. Mr. Larson clarified that if there are conditions of approval that need to be completed, like a sign permit, that would need to be completed within 12 months.

Mr. Hensel asked if there was any additional public comment since new information may have come up. There was no public comment.

MOTION:

Ms. Johnston 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 applicant will provide Teton County Planning & Building with the net square footage to calculate the occupancy load to determine if a sprinkler system is required. If the system is not required, it is highly recommended that the system be inspected and utilized for the safety of the occupants.
2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
3. All outdoor lights must comply with the Teton County Code, if applicable.
4. A sign permit is required for the existing Cowboy Church sign.
5. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
6. Access, parking, septic system, water, and building safety thresholds will be established and included in such a way that the CUP will be reviewed when those thresholds are met.

- 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 Cowboy Church as described in the application materials submitted December 4, 2015 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.

PUBLIC HEARING: Concept Approval for Walipini Subdivision.

Ms. Rader explained that Grace and Jimmy Hartman are working with Harmony Design & Engineering to propose a 3 lot subdivision south of Victor.

Applicant Presentation:

Ms. Jen Zung, Harmony Design & Engineering, represented the applicant. Ms. Zung introduced the property. This proposal will split an 8-acre parcel into two, 2.5 acre lots and one, 3-acre lot. There is an existing driveway that is shared between this property and the property to the north. The grades are steep. This proposal will regrade the access from Old Jackson Highway and reduce the slopes. The road would be constructed to meet County standards and Fire standards. The project does require fire protection, and this proposal includes a fire pond with a dry hydrant. There is also an option to develop a shared agreement with a pond in Grant Subdivision, but the pond would need to be improved to meet current Fire standards.

The property is located in the Big Game Migration Corridor overlay, which requires a Natural Resources Analysis at the preliminary process. The applicant is having that study conducted. The concept proposal shows building envelopes that are clustered to minimize impacts on whole property. The western boundary of the property falls within the scenic corridor overlay, but development is not being proposed in that area. This property is identified as part of the Foothills area in the Comp Plan Framework Map. The building envelopes are clustered to help meet low density residential nature of the Foothills area.

Ms. Zung explained that the parcel is owned by Ms. Hartman's brother. They would like to sell two of the parcels and live on the third. A Walipini is an underground greenhouse. The applicant intends to have a Walipini as the first built structure. They also intend to put tiny homes on the properties. The applicant currently lives in a tiny home of about 300 ft^2. The building envelopes are larger than that to allow for flexibility on the location of the tiny homes.

Ms. Grace Chin Hartman lived on the property for a short time before moving to Wilson. They love the land and enjoy picnicking there with their children. Her brother told her if he sold the land, he would split off a portion for her and her family, which is why they are now applying for the subdivision process.

Mr. Hensel asked for clarification on the turquoise square that is on the soil map in attachment 9. Ms. Zung explained that the square shows the area that the soil map was created for, but it is not the property boundaries. Mr. Hensel also asked about the current vegetation. Ms. Hartman explained that there are some aspens, sage brush, and grasses.

Ms. Robson asked is anyone lives in the main house. Ms. Hartman explained her brother lives in the house, but he has a buyer lined up to purchase the home.

Ms. Robson asked about the ditch on the property. Ms. Zung explained that the ditch is not currently running because the diversion has been shut off. The proposal would allow the ditch to be used. Ms. Zung believes the surrounding property owners have shares to the property rights, but they have not fully investigated that at this time.

Mr. Larson asked if access needed to be provided to the surrounding property owners for the ditch if they have rights to it. Ms. Zung explained that there is an easement for the ditch, which then lines up with the road.

Mr. Haddox asked if the property owner to the north that uses the shared driveway was agreeable to move the driveway. The property owner was in the audience and waiting to testify. Ms. Zung explained that the realignment of the driveway is needed for the regrading of that area for safer slopes. She said it will greatly improve the access.

Mr. Booker asked if the building envelopes include all structures, including infrastructure like water and septic. Ms. Zung explained that they had not completely decided on whether water and septic systems would be inside the envelopes. Ms. Johnston commented that building envelopes typically only include buildings. Mr. Booked asked if the natural vegetation would remain intact outside of the building envelopes. Ms. Zung said it would remain.

standing, but she has not looked at them. Mr. Hare asked who would enforce the CC&Rs. Mr. Booker explained that CC&Rs are a civil matter between the property owners involved. The county does not enforce CC&Rs. Mr. Hensel recommended that the applicant research the CC&Rs before they spend more money on the subdivision process.

Mr. Haddox asked if the ~~easenment~~easement was described on the original survey or just shown. Ms. Zung explained that the record of survey showed the easement, but it is not a plat, so it does not create an easement.

Mr. Breckenridge asked about the previous splits. Mr. Boal explained that there ~~was~~were some questions around the process used to create the 2 acre and 8 acre parcels, but the 10 acre parcel was created legally. Mr. Hare explained that his parents bought the 10 acre piece in 1976. The subdivision process would provide building rights to the three lots proposed.

Mr. Booker asked Ms. Zung about the proposed road, which dead ends. He asked if it would be a cul-de-sac or some kind of access for Lot 3 because the concept plat does not connect to the boundary of Lot 3. Ms. Zung explained that the road would extend to the Lot 3 boundary, which would then become the driveway. Mr. Booker asked about Lot 1, and if it was considered out of the subdivision because it is existing. Ms. Zung explained that it is part of the subdivision, but there is existing infrastructure on that lot.

Due to the disorder, Mr. Hensel asked if there was any additional public comment.

Public Comment:

In Favor

Ms. Karie Josten (Victor – nearby neighbor) stated that development will be in that area, and she thinks the applicants would be good stewards of the land and take care of it. She thinks they have good intentions, and she is all for the proposal.

Neutral

There were no neutral comments.

Opposed

There were no additional comments opposed to the application.

Mr. Hensel closed Public Comment.

COMMISSION DELIBERATION:

Mr. Booker stated that there are issues that need to be remedied, like the CC&Rs. Is the PZC concerned about this. Mr. Hensel explained that the PZC recommends the applicant get the CC&Rs figured out, but it is not something they can decide. Mr. Larson commented that it is up to the property owners. Mr. Arnold stated that it is the PZC's responsibility to determine if the application meets the code. He is concerns with the building envelope locations being close to Mr. Harrison's home, which may be able to be moved to give consideration to the neighbor.

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owners in 1976 (submitted to the record - see attachment 3). The Covenants were placed on the original 10-acre parcel. The Covenants state that no more than two lots, of no less than 5 acres each could be created from the original 10-acre parcel. This parcel has already been split into an 8-acre parcel and a 2-acre parcel. Now, the 8-acre parcel is being proposed to be split into 3 lots, which goes against the covenants and should not be approved by the Planning and Zoning Commission.

Mr. Michael Harrison (Victor – adjacent property owner) stated he had several issues and feels that a lot of wishful thinking has been proposed. He said the pond that was mentioned as an option for a fire pond is an ornamental pond and was not designed for fire protection. He also stated that to access the pond, the applicant would need to cross his property and Mr. Hare's property, which he says is not an option. Mr. Harrison felt that the three homes on 8 acres were not clustered. He said he positioned his home as far as possible from the existing Chin home to allow for privacy. There is also a wildlife refuge to the northeast of the property that is closed off to human traffic through winter. Mr. Harrison stated that Mr. Chin approached him a few years ago to keep the ditch on the Chin property. When Moose Creek Road was widened last year, the ditch was filled in by the road crew, which has not been dug back out. When the water does flow, animals come down to the property to access the ditch water instead of Trail Creek. Mr. Harrison said the Chins have always said they would help with labor of maintaining the ditch, which they have not provided. Because of this, Mr. Harrison said he is planning on digging his ditch this year so that it is no longer on the Chin property, and they will not have access to it. Mr. Harrison stated that he shares the driveway, and he does not accept that it will be shared with two more homes. He proposed that too much earth would need to be moved to get the proposed 4% grade on the driveway. He also stated that the Old Jackson Highway is too narrow for lines to be drawn on it, and he believes the road would have to be widened for the subdivision to be approved. For these reasons, Mr. Harrison stated he opposed the application. He also stated that he expected his view to disappear at some point, but he does not feel it deserves to for this application.

Applicant Rebuttal:

Ms. Zung stated that the applicant does not have a copy of the Covenants that Mr. Hare mentioned. She said the application would obtain a copy and work with the county to determine if they are applicable to the property. In terms of the fire pond, discussions have just begun. The nearby pond is on private property, and it may not even be an option, and there is a pond proposed on site. Ms. Zung explained that keeping building locations away from wildlife areas would be desired, and the applicant could work with the neighbors for shielding for views to minimize the impact of nearby homes. It sounds like the ditch will not be an issue. Ms. Zung stated that the road would meet county standards and she believes Old Jackson Highway also meets county standards. There is room to construct the proposed road.

Mr. Hensel asked if there was an easement for the existing driveway. Ms. Zung explained that there is an easement shown on a Record of Survey, but there is not recorded document for that easement. She stated that from what she understands, the easement does not technically exist because there is no recorded document backing up the record of survey. The plat from this subdivision would create an easement for that driveway.

Mr. Booker asked for clarification of the previous splits and the easement. He thought it might be a prescriptive easement since it has been used. Mr. Booker asked for Ms. Zung to confirm that the applicant nor she have reviewed the CC&Rs. Ms. Hartman said she was told they were not in

standing, but she has not looked at them. Mr. Hare asked who would enforce the CC&Rs. Mr. Booker explained that CC&Rs are a civil matter between the property owners involved. The county does not enforce CC&Rs. Mr. Hensel recommended that the applicant research the CC&Rs before they spend more money on the subdivision process.

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Public Comment:

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Neutral

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Opposed

There were no additional comments opposed to the application.

Mr. Hensel closed Public Comment.

COMMISSION DELIBERATION:

Mr. Booker stated that there are issues that need to be remedied, like the CC&Rs. Is the PZC concerned about this. Mr. Hensel explained that the PZC recommends the applicant get the CC&Rs figured out, but it is not something they can decide. Mr. Larson commented that it is up to the property owners. Mr. Arnold stated that it is the PZC's responsibility to determine if the application meets the code. He is concerns with the building envelope locations being close to Mr. Harrison's home, which may be able to be moved to give consideration to the neighbor.

Mr. Haddox commented that he was having a hard time separating the various questions they have had, but this is a concept proposal. Mr. Hensel said he would be in favor of approving the concept application, but he would like clarification of the parcel history, and other issues would need to be addressed, like the driveway easement, fire pond, and ditch.

Ms. Johnston asked staff to clarify if the county enforces CC&Rs or deed restrictions. Ms. Rader explained that the county does not enforce CC&Rs, and the county only enforces deed restrictions that were required by the county. Ms. Johnston asked if building envelopes that are shown on a plat would be enforced by county. Ms. Rader said yes.

Ms. Johnston asked if the Old Jackson Highway meets road standards. Mr. Boal stated that question would be better suited for the Public Works Director. Ms. Johnston asked if a public road that a subdivision is access from does not meet standards, are there provisions available to require that road to be improved. Mr. Boal explained that off-site improvements are not generally required. Ms. Johnston stated she felt there was a lot of new information brought up during the meeting that was not in the application, which makes it hard to consider the application.

Mr. Larson explained that he is okay with the concept plan, but there are issues that need to be addressed. He would encourage the applicant to look at different building envelopes that would help preserve Mr. Harrison's views. Mr. Hensel also mentioned that the envelopes were probably chosen to help protect wildlife habitat, so that will become a factor in the future. Mr. Larson agreed and said it would be a balancing act.

Ms. Johnston felt a lot of her concerns would be addressed later in the process, like the specifics of how the driveway will be improved.

Mr. Breckenridge and Mr. Larson stated they do not believe this is technically a clustered development. Mr. Breckenridge also commented that some form of agreement is needed for the shared access.

Mr. Booker explained that he has a lot of concerns, so he does not want concept to be misconstrued at the preliminary approval. Mr. Hensel stated that concept approval implies that there is future work that needs to be done.

MOTION:

Mr. Arnold 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. Compliance with all local, state, and federal regulations.
2. Begin working with EIPH for septic approval.
3. Begin working with Teton County Fire District for fire suppression approval.
4. Conduct required studies/plans for Preliminary Review: Landscape Plan, Natural Resources Analysis.
5. Consider the importance of viewsheds.
6. Adequately address the shared driveway/roadway with the 2-acre parcel to the north (Mr. Harrison's property).

- and having found that the considerations for granting the Concept Plan Approval to Grace Hartman 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 Walipini Subdivision as described in the application materials submitted December 7, 2015 and as supplemented with additional applicant information attached to this staff report.

Mr. Breckenridge seconding the motion.

Mr. Larson commented that this application is right on his threshold of wanting to see the application moved forward and wanting to table it to get more information. He hopes everyone understands there are questions that need to be addressed. Mr. Haddox agreed that he has a lot of concerns with this application, but it is a concept application. Ms. Johnston agreed. She commented that she sympathized with the neighbors' concerns, but those are outside of the jurisdiction of the Planning and Zoning Commission, and the application meets the required conditions of approval.

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

MOTION: Ms. Johnston moved to adjourn the public hearing. Ms. Robson seconded the motion.

VOTE: The motion was unanimously approved.

The public hearing was adjourned at 6:53 pm, and the Planning and Zoning Commission took a break until 7:05 pm.

WORK SESSION: Draft Code Discussion, Article 13: Property Development Plan

The Commission reviewed and discussed the proposed draft code presented by Mr. Boal.

Article 13.1 and 13.2 were generally discussed, but more discussion of these sections will take place at the January 19th meeting.

Mr. Hensel asked for clarification on easements listed under 13.1.3.b.x, like what type of easements need to be included. Mr. Haddox asked for clarification of a preliminary title report. Ms. Johnston asked if the county requires an official title report from a title company and if that is something that should be considered. Mr. Boal explained that there are costs associated with title reports, and there are some concerns with requiring an official title report. The Planning Department provides a lot of the same information, and the county can relate it to the regulations being enforced. Ms. Johnston commented that it would be helpful to require easements to be shown and also include who the easement if from and to. Mr. Boal explained that is covered in another section of the code.

Mr. Larson asked if there were specific approval and appeal processes, such as study requirements that may be determined by the Planning Administrator. Mr. Boal stated those processes are

DRAFT

outlined in Article 14. The intent of the sections for each study is that the standards are clear about when they are required.

Article 13.3.1 was reviewed in more depth. Text edits were identified to staff, including standardizing the language used throughout and clarifying definitions.

Mr. Breckenridge mentioned that irrigation ditches and canals have the same setback requirement, which may not be necessary. Mr. Hensel asked if there was a standard that would differentiate between ditches and canals. Irrigation ditches and canals were discussed more. Staff will clearly define each and utilize different setbacks for each.

The question of which standards to use was discussed, including whether NRCS standards are appropriate and if there are other options available. Mr. Booker stated that the standards are very technical. Mr. Boal explained that worksheets or handouts would be developed to help applicants understand the standards used in the code. Ms. Johnston expressed that she felt the language was vague and unclear on specific requirements, in terms of what the trigger points are, what exactly is required, and what do the requirements apply to. Mr. Boal explained that there are sections outlined of specific allowed uses and prohibited uses, but staff can try to clarify those sections more.

Ms. Johnston commented on the language in the 13.3.1 chart about wetland delineations. The language will be adjusted to clarify that delineations are approved by the US Army Corps of Engineers instead of created by them.

Ms. Johnston also mentioned that she does not think the NRCS standards are the best option, and she believes the intent of those standards are different from what we want. Mr. Larson asked how the standards do not do what we want them to do. Mr. Booker commented that The Nature Conservancy has standardized worksheets for different topics, which may be similar to what Mr. Boal explained would be created. Mr. Booker said the standards would be similar to the Building Code, but the worksheet would be created to give to the applicant that explains what needs to be done. More discussion occurred on standards. Staff will look into other standard options besides NRCS. Ms. Johnston mentioned having standards created specific to Teton County. Mr. Hensel stated that would be a long and expensive process, which may not be an option. He agrees that it would be better, but adopting a standard that has already be created could still work well. Mr. Booker mentioned that an adopted standard could be amended in the future if it needs to. Mr. Arnold commented that he has used the NRCS standards, and he thinks they are a good standard. There may be times when they are not always applicable, but the only way to get around that is to create a unique standard for Teton County. Mr. Haddox explained that he felt comfortable with the NRCS standards with a worksheet that goes along with it, realizing that it may not be perfect, but they could be amended in the future if needed. He feels that if something is created specific to Teton County, there may be too many loopholes or it may be too burdensome for anyone to use. Mr. Larson agreed. Staff will also work to develop a worksheet/handout for a specific section in Article 13 that uses the NRCS standards as an example to see how the standards work when applied.

Mr. Boal gave a brief summary of what was planned for the next meeting. Mr. Booker suggested that if any commissioner will miss a meeting, they should email comments on that meeting's topic to the Chair so their comments will be included in the discussion.

MOTION: Mr. Booker moved to adjourn the meeting. Mr. Larson seconded the motion.

VOTE: The motion was unanimously approved.

The meeting was adjourned at 8:17 pm.

Respectfully submitted,
Kristin Rader, Scribe

Dave Hensel, Chairman

Kristin Rader, Scribe

Attachments:
1. PZC January 12, 2016 Meeting Packet
2. Public Comment Sign-up Sheets
3. Covenants & Restrictions provided by Mr. Hare (Walipini Sub. App.)
4. Written Decision for Cowboy Church CUP Recommendation of Approval
5. Written Decision for Walipini Subdivision Concept Approval

Attachment 1

AGENDA
PLANNING AND ZONING COMMISSION
PUBLIC HEARING
January 12, 2016
STARTING AT 5:00 PM

LOCATION: **150 Courthouse Dr., Driggs, ID**
Commissioners' Chamber – First Floor (lower level, SW Entrance)

1. Approve minutes
   a. December 8, 2015
2. Chairman's Business
3. Administrative Business

5:00 PM – PUBLIC HEARING: Conditional Use Permit Application for the Cowboy Church. David Kim has applied for a Conditional Use Permit for a "Church or Place of Worship" on a property owned by Valley Group Properties, LLC. This project is located north of Driggs, at 4369 N. Hwy 33. The applicant is not proposing any new structures or changes to the existing building, so a scenic corridor design review is not required. This parcel is zoned A-2.5.

Legal Description: RP05N01E020E000, TAX #6425 SEC 2 T5N R45E

5:30 PM – PUBLIC HEARING: Contract Approval for Walipini Subdivision. Grace Hartman is proposing a 3 lot subdivision on an 8-acre parcel owned by the James Clay Revocable Trust. Two lots will be 2.5 acres, and the third lot will be 3 acres. This project is located south of Victor, at 10645 Old Jackson Highway. This parcel is zoned A-2.5.

Legal Description: RP05N04E190100, TAX #6213 SEC 19 T5N R46E

6:00 PM - WORK SESSION: Draft Code: Discussion of Article 13: Property Development Plan.

No public comment will be taken regarding the Draft Land Use Code.

ADJOURN

- **Written comments received by 5:00 pm, January 5, 2016 will be incorporated into the** packet of materials **provided to the Planning & Zoning Commission prior to the hearing**
- Information on the above application(s) is available for public viewing in the Teton County Planning and Zoning Office at the Courthouse between the hours of 9am and 5pm Monday through Friday.
- The application(s) and related documents are posted at www.tetoncountyidaho.gov. To view these items, select the "Quick Links" drop down, then select the Department page, then select the Public Hearing of January 12, 2016 under the Additional Information Sub-Menu.
- Comments may be emailed to staff@tetoncounty.id. Written comments may be mailed or dropped off at: Teton County Planning & Building Department, 150 Courthouse Drive, Room 107, Driggs, Idaho 83422. Faxed comments may be sent to (208) 354-8410.
- Public comments at this hearing are welcome.

Any person needing special accommodations to participate in the above noticed meeting should contact the Board of County Commissioners' office 2 business days prior to the meeting at 208-354-8775.

Planning & Zoning Commission Hearing 12/8/2015 Page 1 of 4

DRAFT TETON COUNTY **PLANNING AND ZONING COMMISSION**
Meeting **Minutes from December 8, 2015**
County Commissioners' **Meeting Room, Driggs, ID**

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Clove Booker, Mr. Bruce Arnold, Mr. Marlene Robson, Mr. Jack Harrison, Mr. Pete Moyer, and Mr. David Breckenridge.

COUNTY STAFF PRESENT: Mr. Jason Boal, Planning Administrator, Ms. Kristin Rader, Planner.

The meeting was called to order at 5:04 PM.

Approval of Minutes:

Motion: Mr. Arnold moved to approve the minutes from November 10, 2015. Mr. Moyer seconded the motion.

Vote: The motion was unanimously approved.

Chairman Business

Mr. Hensel remarked the commissioner there would not be a second meeting in December.

Administrative Business:

Mr. Boal asked if there were any comments on the Meeting Notes for the November 17th meeting. Mr. Robson mentioned that Commissioner Louis and Commissioner Riegel were at the meeting but were not listed as present at the end of the page. Staff will add that they were present to the meeting notes.

Ms. Rader asked if Mr. Hensel wanted the Action Items that were discussed at the November 17th meeting, and he had **not.**

SCENIC CORRIDOR DESIGN REVIEW: Zube Ehlshed **for Land On Time Financial LLC:** Building a single-family **home** and **guest** cabin in Fox Creek Village, located at 395 W. 4500 S. The building site **is complicated** with **the Scenic** Corridor Overlay.

Mr. **Rader commented the application** is on the corner of Fox Creek Village at Hwy 33 and 4500 S. **The lot is a reserve lot that** has not been given a use designation, so the staff determined that **the lot should be treated as a regular** lot tested for under the current zoning of A-2.5. The majority **of the property is within the scenic** corridor, with the eastern 75 feet out. There is currently nothing **on the property that would screen** it from view from Highway 33. The applicant has agreed to **provide some screening. Fox Creek** Village does have a landscape easement along the Highway **on this property, but it does not** appear that landscaping has been planted there.

Planning & Zoning Commission Hearing 12/8/2015 Page 2 of 4

Mr. Haddox commented he is a neighbor and is also on the board **of the Cherry Creek Cities Co.** and wanted that to be known in the public record.

Public Comment:

There was no public comment.

Commission Deliberation:

Mr. Hensel commented he did not have a problem with the **application and encouraged the** owner to be generous with planting landscaping.

Mr. Arnold agreed that the application was well thought out and **he did not** have a problem with the structure.

Mr. Breckenridge asked if screening was required for outdoor storage. Mr. Boal commented outdoor storage is required to be screened and the applicant has shown landscaping to screen the building.

Motion: Mr. Arnold moved that has has found that the proposed development for Zube Elshed is consistent with the Teton County development ordinances, specifically Title 8-2-21, 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. Building materials shall not be highly reflective materials.
4. All utilities shall be placed underground.
5. Any satellite dishes shall be located to minimize visibility from Highway 33 and shall use earth tone colors and/or screening to minimize their visual impact.
6. The landscaping and revegetation shall be done prior to the final Certificate of Occupancy
7. The Fox Creek Canal Company may have a pipeline that crosses this property. The applicant shall identify the location of this pipe and meet required setbacks.

Mr. Breckenridge seconded the motion.

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

Motion: Mr. Breckenridge moved to adjourn the Public Meeting portion of the meeting and continue with the Work Session. Ms. Robson seconded the motion.

Vote: The motion was unanimously approved.

The Public Meeting portion of the meeting was adjourned at 5:25 PM.

Planning & Zoning Commission Hearing 12/8/2015 Page 3 of 4

WORK SESSION: Draft Code: Discussion of the Draft Zoning Map

Summary of the 12/7 BoCC work meeting & the Plan Forward

Mr. Boal reviewed the work meeting he had with the Board of County Commissioners on December 7th. The BoCC has asked staff to start gathering PZC's perspective of the "strategies" that have been utilized through the writing and revision process, as well as start explaining how certain goals/policies of the Comprehensive Plan are being met in the new code. To start the process, staff asked PZC members to complete the "Guiding Principle" exercise by the first meeting in January. Staff suggested looking at the action items and goals/policies of the Comprehensive Plan, explaining them in their words, and explaining how they perceive they have been inserted in to the code or in the process. This exercise will be anonymous. Mr. Hensel will write a letter to the BoCC on behalf of the PZC to express concerns they currently have.

Staff and PZC reviewed and agreed on the plan and timeline for moving forward with the draft code on the work meeting pieces. It was also decided that PZC, Plan, will call for a roll call vote, using a majority rules approach, if there are topics/changes to the code that are talked about and complete consensus cannot be reached.

Review of the Draft Zoning Map, Remaining of the Alt Zone, Review of Densities

PZC reviewed the draft zoning map boundaries. It was agreed that the Agricultural Wetlands zone would be renamed to Lowland Agriculture. The importance of the zoning boundaries was discussed, and the idea of utilizing the same density in the three zones (Rural Agriculture, Lowland Agriculture, and Foothills) and explanation on the approval criteria for each zone was discussed. Staff noted that if the same density in the three zones is adopted and Commissioner Johnston has expressed concern about it in the past, it was agreed that the current boundaries on the draft map are sufficient, and if property owners wish to change the zoning of their property (in the three rural zones) to a more dense zone, (Agriculture, Rural Neighborhood), these changes are easy to accommodate during the public outreach portion of the adoption process if the same density for each of the three zones is used.

The discussion of using the same density for the three zones started a discussion on density options and required studies. The purpose of the "studies" in Article 13 were discussed. The studies are required to be done if the density of the zone is increased, depending on the density and type of development. In lieu of developments, there is additional review and justification for the location of the development and that resources of great concern are being addressed at a higher level of scrutiny due to the greater potential for impact. It is not to place additional requirements on an application in hopes of discouraging development.

Staff is going to review different density scenarios for Article 3, utilizing the same density in the three zones (Lowland Ag., Foothills, and Rural Ag.). PZC suggested starting with densities of a minimum of 1/40 and a maximum of 1/10. Staff did express concerns with 1/10 but agreed to include it in the scenarios and analysis that will be done.

Planning & Zoning Commission Hearing 12/8/2015 Page 8 of 4

The one-acre minimum lot size was discussed. The majority of the PZC supported this approach, acknowledging that Commissioner Johnston has expressed concern about it in the past

Motion: Mr. Booker moved to adjourn the meeting. Ms. Robson seconded.

Vote: The motion was unanimously approved.

The meeting adjourned at 8:12 PM.

Respectfully Submitted,
Sharon Fox, Scribe

Dave Hensel, Chair

Sharon Fox, Scribe

Attachment:
1. PZC 12/8/2015 Meeting Packet

Planning & Zoning Commission Hearing 12/8/2015 Page 4 of 4

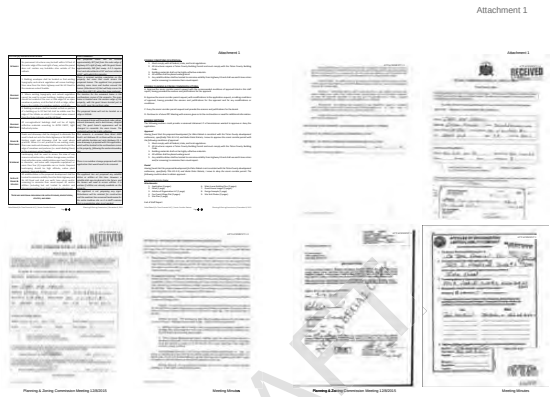
Attachment 1

Planning & Zoning Commission Hearing 12/8/2015 Page 5 of 4

Meeting Minutes

Planning & Zoning Commission Hearing 12/8/2015 Meeting Minutes

Planning & Zoning Commission Hearing 12/8/2015 Meeting Minutes



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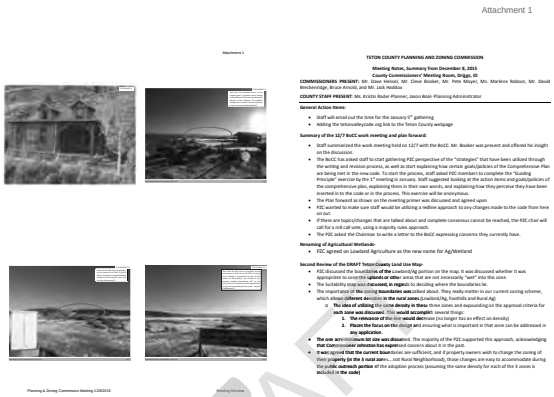

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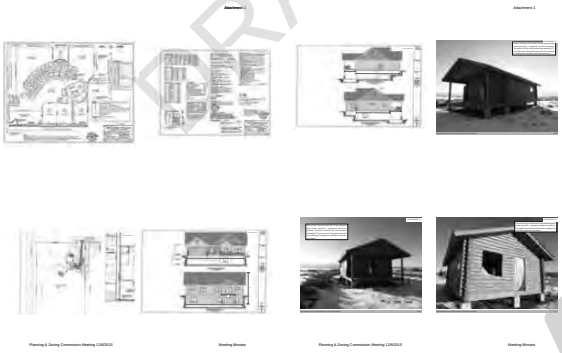
PZC Hearing 1/12/2016 — Meeting Minutes



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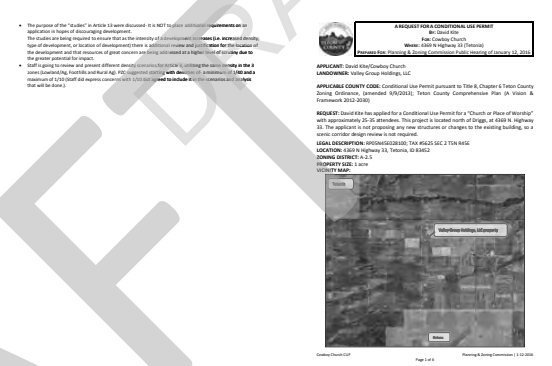

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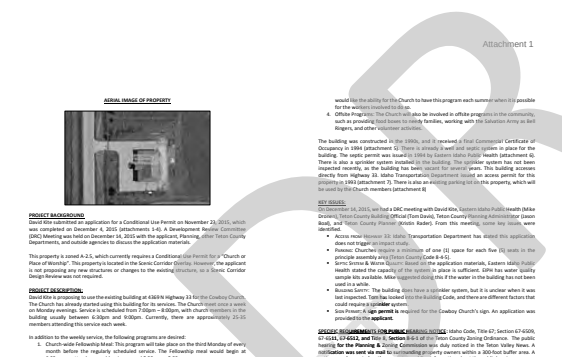

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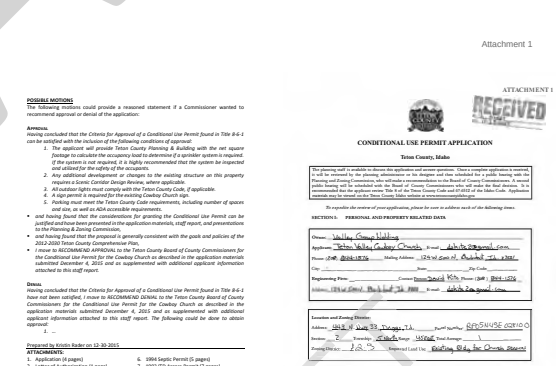

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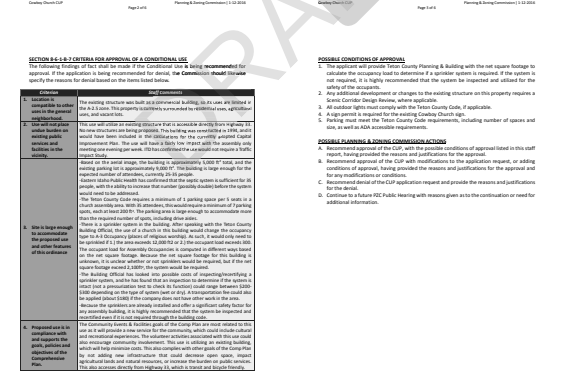
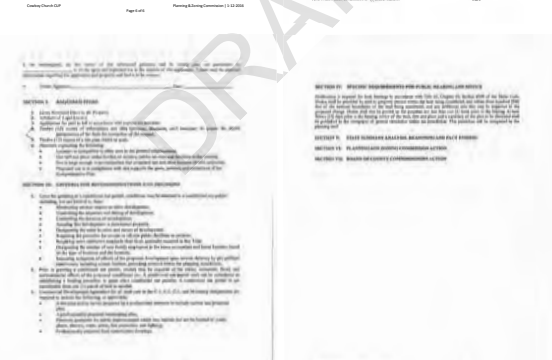


Attachment 1 — Cowboy Church CUP — Page 2 of 6 — Planning & Zoning Commission | 1-12-2016



Attachment 1 — Cowboy Church CUP — Page 3 of 6 — Planning & Zoning Commission | 1-12-2016

PZC Hearing 1/12/2016 — Meeting Minutes

Attachment 1 — Cowboy Church CUP — Page 4 of 6 — Planning & Zoning Commission | 1-12-2016

Attachment 1 — Cowboy Church CUP — Page 5 of 6 — Planning & Zoning Commission | 1-12-2016

PZC Hearing 1/12/2016 — Meeting Minutes

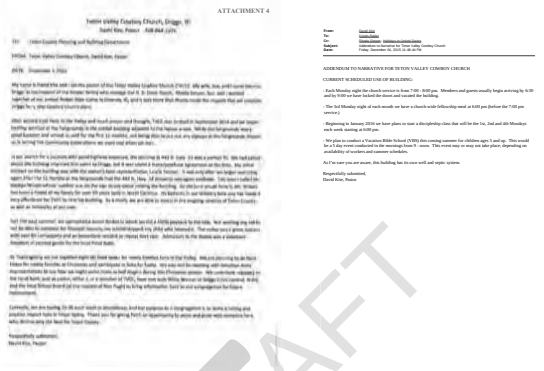
Attachment 1

ATTACHMENT 2

ATTACHMENT 3

Attachment 1

ATTACHMENT 4



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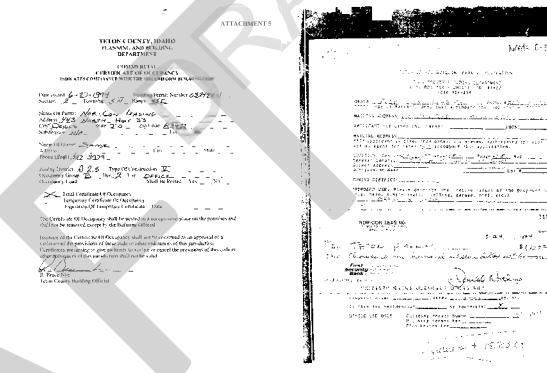

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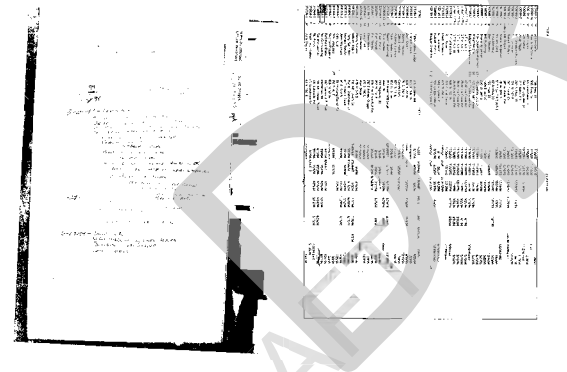

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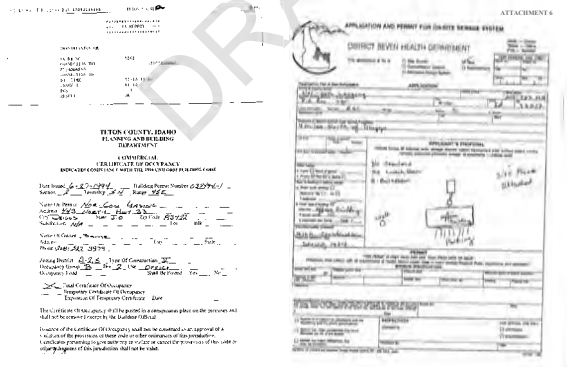

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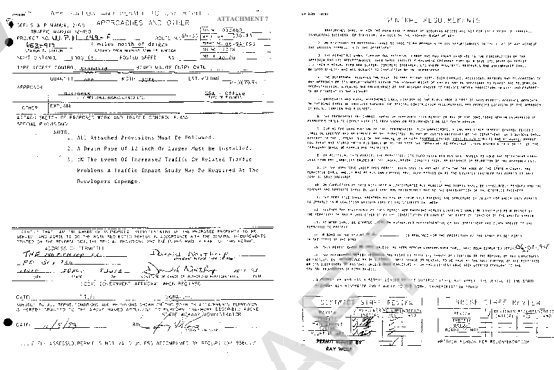
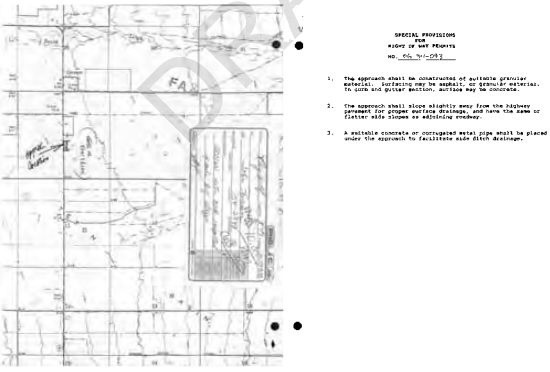
ATTACHMENT 7





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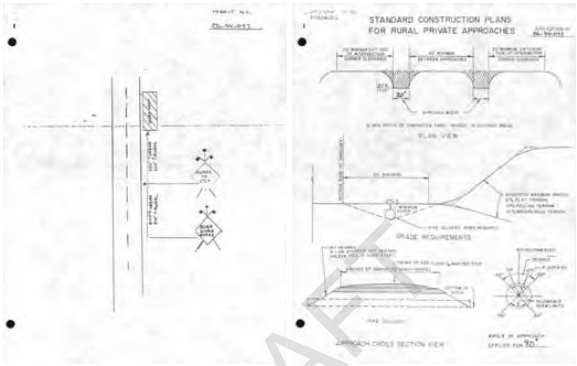


PZC Hearing 1/12/2016

Attachment 1

ATTACHMENT 9

Teton County Planning & Building Department
150 Courthouse Drive, Room 107 | Driggs, ID 83422
Phone (208) 354-2593 | Fax (208) 354-8410
www.tetoncountyidaho.gov

FROM: Kristin Bader, Planner
TO: David Kim, Cowboy Church
CC: Jason Boal, Teton County Planning Administrator; Tom Davis, Teton County Building Official; Earle Giles, Teton County Fire District; Mike Stevens, EIPH; Mark Lupton, ITD
RE: Cowboy Church CUP – DRC Meeting Notes
DATE: December 18, 2015

David, the purpose of this letter is to summarize the meeting we had on Monday, December 14, 2015.

Access from Highway 33

- Idaho Transportation Department has stated this application does not trigger an impact study.
- An access permit through ITD for this property was approved in 1994.

Parking

- Churches require one (1) space for each five (5) seats in the principle assembly area (Teton County Code 8-4-5)

Potable Water & Water Quality

- Eastern Idaho Public Health issued a septic permit for this building in 1994.
- Based on the application materials, the capacity of the system in place is sufficient.
- EIPH has water quality samples kits available. Mike suggested doing this if the water in the building has not been used in a while.

Building Safety

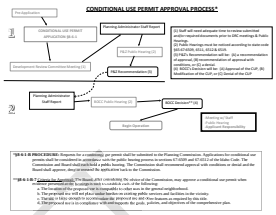
- A building permit for this building, with a Final Commercial Certificate Occupancy issued in 1994.
- The building does have a sprinkler system, but it is unclear when it was last inspected. Tom has looked into the Building Code, and there are different factors that could require a sprinkler system in existing buildings. Because this is a change of use from a church to a school, we highly recommend that the system be certified and useable as it provides a significant safety feature to the assembly area.
- Tom will contact Earle to check on occupancy and fire protection requirements—this will also help clarify if the sprinkler system is required.

Fire Flows

- A sign permit is required for the Cowboy Church's sign. An application was provided, and the fee is $75.00.

Public Hearing Information:
You are scheduled for the Teton County Planning and Zoning Commission public on **Tuesday, January 12, 2016 at 5:00 PM**. This public hearing is at the Teton County Courthouse, 150 Courthouse Drive, Driggs, Idaho. A motion, agenda, and meeting packet will be sent to you no later than the week before the meeting. This application will require a public hearing before the Board of County Commissioners. Depending on the decision from the PZC public hearing, you could be scheduled for the February 8, 2016 or the March 14, 2016 BoCC public hearing.

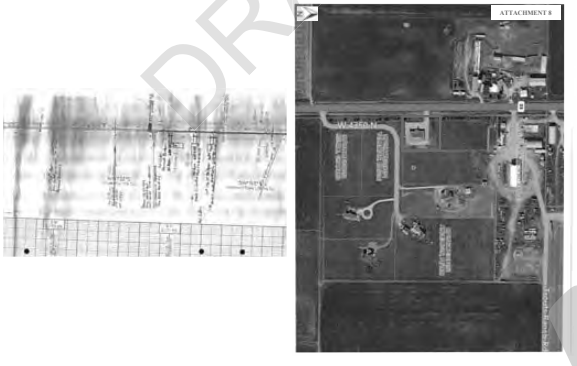
Attachments: 1. Process Flow Chart, 2. 2016 Hearing & Meeting Schedule



***(8-4-1-B) PROCEDURE:** Requests for a conditional use permit shall be submitted to the Planning Commission. Applications for conditional use permits shall be considered in accordance with the public hearing process in sections 9-5-6(B) and 9-7-5(C) of the Idaho Code. The Commission and Board shall each hold a public hearing. The Commission shall recommend approval with conditions or denial and the Board shall approve, deny or remand the application back to the Commission.

****(8-4-1-B-7)** Criteria for Approval. The Board, pursuant to (8-4-1-B-6-b), the action of the Commission, may approve a conditional use permit when evidence presented by the Applicant shall establish a finding of the following:

a. The location of the proposed use is compatible to other uses in the general neighborhood.
b. That the site for the proposed use is adequate in size and shape to accommodate said use.
c. That the is ONLY AUTHORITY to recommend the proposed use, AND that features as required by this title.
d. The proposed use is in compliance with the objectives of the comprehensive plan.



Meeting Minutes

PLANNING AND BUILDING DEPARTMENT
150 Courthouse Drive, Room 107 | Driggs, Idaho 83422
Phone: 208.354.2593 | Fax: 208.354.8410

2016 Hearing Schedule and Deadlines (BoCC & PZC)

Submittal Deadline	BoCC	Notice Due	Staff Report Available	Public Comment Due	Hearing Date PZC	Hearing Date BoCC
12/8/2015	12/21/2015	12/28/2015	12/30/2015	1/4/2016	1/12/2016	1/26/2016
1/5/2016	1/11/2016	1/18/2016	1/19/2016	1/25/2016	1/26/2016	2/8/2016
2/2/2016	2/8/2016	2/15/2016 **CANCELLED**	2/16/2016	2/22/2016 **CANCELLED**	2/8/2016	**CANCELLED**
2/16/2016	2/22/2016	2/29/2016	2/29/2016	3/4/2016	2/23/2016	3/7/2016
3/1/2016	3/11/2016	3/18/2016	3/17/2016	3/24/2016	3/12/2016	3/28/2016
3/16/2016	3/22/2016	3/29/2016	3/30/2016	4/4/2016	3/26/2016	4/4/2016
4/5/2016	4/12/2016	4/19/2016	4/20/2016	4/25/2016	4/9/2016	4/25/2016
4/19/2016	5/12/2016	5/16/2016	5/11/2016	5/16/2016	4/26/2016	5/12/2016
5/3/2016	5/13/2016	5/20/2016	5/18/2016	5/23/2016	5/10/2016	5/23/2016
5/17/2016	5/27/2016	6/3/2016	6/1/2016	6/6/2016	5/24/2016	6/6/2016
6/7/2016	6/17/2016	6/24/2016	6/22/2016	6/27/2016	6/14/2016	6/27/2016
6/21/2016	7/11/2016	7/18/2016	7/13/2016	7/18/2016	6/28/2016	7/11/2016
7/5/2016	7/15/2016	7/22/2016	7/20/2016	7/25/2016	7/12/2016	7/25/2016
7/19/2016	7/29/2016	8/5/2016 **CANCELLED**	8/3/2016	8/8/2016 **CANCELLED**	7/26/2016	**CANCELLED**
8/2/2016	8/12/2016	8/19/2016	8/17/2016	8/22/2016	8/9/2016	8/22/2016

* Holidays can/may cause dates to change

ATTACHMENT 10

Teton County Planning & Building
150 Courthouse Drive, Room 107 | Driggs, ID
Phone (208) 354-2593 | Fax (208) 354-8410
www.tetoncountyidaho.gov

December 17, 2015

Re: Notice of Public Hearing and Solicitation for Comments from property owners within 300 feet of a property that has an application for a conditional use permit.

Dear Property Owners:
This letter is to notify you that an application for a Conditional Use Permit (CUP) for a church has been submitted to the Teton County Planning Department by a nearby landowner. CUPs are an allowed approval process in Idaho State Code and the Teton County Zoning Ordinance for uses that require an additional level of review, special conditions placed upon them prior to approval, or specific limits placed upon them due to the nature and/or location of the proposed use.

The planning staff is soliciting comments from people in the vicinity of the applicant's property so that we can be aware of neighborhood issues and then include your comments in the packet of information provided to the Teton County Planning & Zoning Commission for their consideration prior to the hearing. Please provide comments related to this application and the CUP criteria of approval: (1) The location of the proposed use is compatible to other uses in the general neighborhood, (2) The proposed use will not place undue burden on existing public services and facilities in the vicinity, (3) The site is large enough to accommodate the proposed use and other features as required by Teton County Code, (4) The proposed use is in compliance with and supports the goals, policies, and objectives of the Comprehensive Plan.

Applicant: David Kim (Cowboy Church) **Landowner:** Valley Group Holdings, LLC
Legal Description: RP0TN0010200D0, TAX 858/25 SEC 2 T5N R45E
Parcel Size: 1.10 ac **Physical Address:** 4348 North Highway 33, Tetonia, ID 83452
Zoning District: R-2-L located in the Scenic Corridor

Description of the Request: The applicant proposes to utilize the existing building, parking lot, and access from Highway 33 for the Cowboy Church. The applicant is not proposing any new structures or changes to the existing structure, so a Scenic Corridor Design Review is not required. The assembly will meet on Monday evenings (Approx), with approximately 25-35 attendees.

PUBLIC HEARING
The Teton County Planning & Zoning Commission will hold a public hearing in the Commissioners' Chamber located on the First Floor (lower level, southwest entrance) at 150 Courthouse Drive, Driggs, Idaho on **January 12, 2016** on this matter. This application is scheduled to be heard at **5:05 pm**.

Information on the above application is available for public viewing in the Teton County Planning and Building Department at the Teton County Courthouse in Driggs, Idaho. The development application and various related documents are also posted, as they become available, at www.tetoncountyidaho.gov. To view these items, go to the Planning & Zoning Commission department page, then select the Public Hearing of January 12, 2015 item in the Additional Information Side Bar. Written comments will be included in the packet of information provided to the Commission for consideration prior to the hearing if they are received in the Planning and Building Department no later than 5:00pm on Friday, January 7, 2016. Written comments may be e-mailed to cmiller@tetoncounty.id.gov, mailed to the address above, or faxed. You may also present your comments in person at the hearing.

The public shall not contact members of Planning & Zoning Commission concerning this application, as their decision must, by law, be confined to the record produced at the public hearing.

If you have any further questions, please do not hesitate to call the Teton County Planning and Building Department at 208-354-2593.

PZC Hearing 1/12/2016

Meeting Minutes

Attachment 1

A REQUEST FOR SUBDIVISION CONCEPT PLAN REVIEW APPROVAL
Re: Grace Hartman
For: Wolfpin Subdivision
Where: 10645 Old Jackson Highway (Vicinity)
Planners For: Planning & Zoning Commission Public Hearing of January 12, 2016

APPLICANT: Grace Hartman
LANDOWNER: James Chin Revocable Trust

REQUEST: Grace Hartman is proposing a three lot subdivision on an 8 acre parcel owned by the James Chin Revocable Trust. Two lots will be 2.5 acres, and the third lot will be 3 acres. This project is located southeast of Victor, at 10645 Old Jackson Highway.

APPLICABLE COUNTY CODE: Subdivision Concept Plan Review pursuant to Title 9, Chapter 3 Teton County Subdivision Ordinance, (revised 5/16/2013); Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

LEGAL DESCRIPTION: RP0TN0410100D, TAX 862/13 SEC 19 T5N R45E
LOCATION: 10645 Old Jackson Highway, Victor, ID 83455
ZONING DISTRICT: A-2.5
PROPERTY SIZE: 8 acres
VICINITY MAP:

Wolfpin Concept Review
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Attachment 1

CRITERIA FOR APPROVAL
For Approval of Concept Review of a proposed subdivision (9-3-2(B-4)), the County shall consider the objectives of Teton County Title 9, application materials, and in a general way, at least the following:

Objective	Applicant Comments	Staff Comments
1. The conformance of the subdivision with the comprehensive plan.	Property is within the "Foothills" area, another subdivision is designed in a way to align with the desired characteristics of that area, including low density and clustered building envelopes to preserve open space and viewsheds. A Natural Resource Analysis will be conducted in the preliminary stage.	This subdivision is designed in such a way to preserve the characteristics of the Foothills area. It is protecting the natural resources and habitat in the area by designating building envelopes that are clustered, which allows for open space on each lot and steeper slopes are protected. The Natural Resource Analysis will provide more information on the natural resources and wildlife habitat that can be protected on the property, but the applicant has stated the implement recommendations from that Mitigation Plan.
2. The availability of public services to accommodate the proposed development.	There are entities accessible for all public services (power, telephone, solid waste, fire, emergency services, school services, health care, and schools).	The subdivision will utilize private well and septic systems. The subdivision will access from a public road, Old Jackson Highway. The property is surrounded by residential lots that have been built on, and one of the three lots in the subdivision has already been built on. Because of this, there are really only two lots proposed that would increase the impact, so it is unlikely that there will be a need for additional services. The services that they are already utilized in that area. The subdivision will have its own road, maintained by the subdivision. The applicant has proposed a fire pond on the property. There is an option to utilize a nearby fire protection source if available. Having the source on site would create less of a burden on the Emergency Services.
3. The conformity of the subdivision development with the capital improvements plan (CIP).	The density is 2ft/ 7 units/100 acres. The density assumption was not identified in the Tetonia Area Plan, but it can be assumed it would be assessed into the City of Victor. All applicable impact fees based on the Impact Fee Program/CIP 2008 will be paid.	This development is only three lots, with one already built on. The impact will be from two new lots. Impact fees will be paid during the building permit process that would offset that demand.
4. The public financial capability of supporting services for the proposed development.	Due to the small scale of this subdivision and the absence of any new public infrastructure, it would have a negligible impact on public finances. The Fiscal Impact Calculator was used for this proposal, which shows a slightly positive impact.	The size of the subdivision should not cause a significant financial burden on the County. The Fiscal Impact Calculator submitted by the applicant shows a $27 annual cost for operations and maintenance and a capital maintenance reserve of $1,000 per year. The property will likely increase from the current amount, as the property values will increase when the new lots have been improved.
5. Other health, safety, or general welfare concerns that may be brought to the County's attention.	Wildlife habitat will be considered through the Natural Resource Analysis recommendations. The property is in the Hillside Overlay, but the slopes are mostly less than 10%. The development has also been designed to keep development out of the steep slopes.	The slopes and the location of the fire pond could affect septic system options, but the applicant has been in contact with Eastern Idaho Public Health. The roads will be constructed to safe standards, and the property slopes are lower than the Hillside Overlay requires studies for. At the building permit stage, erosion and steep slope factors would be considered.

Wolfpin Concept Review
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POSSIBLE CONDITIONS OF APPROVAL
1. Compliance with all local, state, and federal regulations.
2. Begin working with IDPA for septic approval.
3. Begin working with Teton County Fire District for fire suppression approval.
4. Conduct required studies/plans for Preliminary Review: Landscape Plan, Natural Resources Analysis.

POSSIBLE PLANNING & ZONING COMMISSION ACTIONS
A. Approve the Concept Plan, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
B. Approve the Concept Plan, with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or additional conditions.
C. Deny the Concept Plan application request and provide the reasons and justifications for the denial.
D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

POSSIBLE MOTIONS
The following motions could provide a reasoned statement if a Commissioner wanted to approve or deny the application.

APPROVAL
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. *Compliance with all local, state, and federal regulations.*
2. *Begin working with IDPA for septic approval.*
3. *Begin working with Teton County Fire District for fire suppression approval.*
4. *Conduct required studies/plans for Preliminary Review: Landscape Plan, Natural Resources Analysis.*

- *and having found that the considerations for granting the Concept Plan Approval to Grace Hartman for Wolfpin Subdivision as described 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 Wolfpin Subdivision as described in the application materials submitted December 7, 2015 and as supplemented with additional applicant information attached to this staff report.*

Denial
Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) have not been satisfied, I move to DENY the Concept Plan for Wolfpin Subdivision as described in the application materials submitted December 7, 2015 and as supplemented with additional applicant information attached to this staff report. The following could be done to obtain approval:
1. ___

Prepared by Kristin Bader on 12-30-2015
ATTACHMENTS:
1. **Application (5 pages)**
2. **Letter of Authorization (1 page)**
3. **Quitclaim Deed #1566416 (2 pages)**
4. **Recorded Survey #614669** (1 page)
5. **Subdivision Name Request** (1 page)
6. **Notices (3 pages)**
7. Concept Drawings (1 page)
8. Fiscal Impact Calculator (1 page)
9. Soil Resource Report (3 pages)
10. DRC Meeting Notes (1 page)
11. Adjacent Landowner Notification (2 pages)

End of Staff Report

Wolfpin Concept Review
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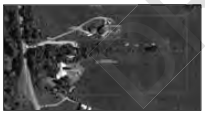
Attachment 1

AERIAL IMAGE OF PROPERTY



PROJECT BACKGROUND:
Harmony Design & Engineering submitted a completed application for Grace Hartman to the Teton County Planning Department on December 7, 2015 for the proposed 3-lot subdivision. A Development Review Committee (DRC) Meeting was held on December 14, 2015 with the applicant, Planning, other Teton County Departments, and outside agencies to discuss the application materials.

The first step in the subdivision process is a Concept Plan Review (9-3-2B). Because the proposed subdivision is located in a Natural Resource Overlay, a public hearing before the Teton County Planning and Zoning Commission is required. The western edge of this property is located in the Scenic Corridor Overlay; however, no development is proposed in that area, so a Scenic Corridor Design Review is not required. This property is located within the Hillside Overlay, but it was determined that the Hillside Studies are not required for this project as development is not occurring on slopes over 20% nor are the access roads to the building sites on slopes over 20%.

PROJECT DESCRIPTION:
Grace Hartman is proposing a three lot subdivision on an 8-acre parcel, with two, 2.5 acre lots and one, 3 acre lot. The property is currently owned by the James Chin Revocable Trust. Ms. Hartman is currently living on the property. This split would allow the property owner to sell the property while allowing Ms. Hartman to have her own lot and continue living on the property.

There is an existing home and outbuildings on the west side of the property, which is accessed from Old Jackson Highway. The existing home, barn, and other outbuildings will be reconstructed to meet road standards, which will change the slopes of the neighbor's driveway. The applicant is also proposing to move the neighbor's driveway slightly to the east after the road has been constructed so it remains safe and useable. A fire pond has been proposed on lot 2, but the applicant will contact the Fire District to determine if there is an approved water source that could be used nearby without constructing a fire pond. Each lot will use an individual well and septic system that will be the responsibility of the landowner.

Wolfpin Concept Review
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OVERVIEW OF CONCEPT APPROVAL
A concept review with the Planning Administrator or Planning and Zoning Commission is the required first step in the development process. The purpose of this review is to:

1. Acquaint the applicant with the procedural requirements of Title 9
2. Provide for an exchange of information regarding applicant's proposed development ideas and the applicable requirements of the County Code, Plan, and other subdivision requirements
3. Advise the applicant of any public sources of information that may aid the applicant or the application, and identify policies and regulations that create opportunities or pose significant restraints for the proposed development
4. Review the sketch plans, if any, and provide the applicant with opportunities to improve the proposed plan in order to mitigate any undesirable project consequences
5. Review the compatibility with nearby land uses, either proposed or existing
6. Provide general assistance by County staff on the overall design of the proposed development

It is not to determine the exactness of each item required in the checklists of the preliminary and final plat processes.

KEY ISSUES
On December 14, 2015, we had a DRC meeting with Harmony Design & Engineering (Jen Zung), Grace and Jimmy Hartman, Silver Star Communications (Michelle Metolius), Eastern Idaho Public Health (Mike Stevens), Teton County Public Works Director (Darryl Johnson), Teton County Building Official (Tom Davis), Teton County Planning Administrator (Jason Boal), and Teton County Planner (Kristin Bader). From this meeting, several key issues were identified, most of which concerned requirements for the Preliminary Plat application.

- Roads & Utilities: Reconstructing the access point from Old Jackson Highway and relocating the existing driveway that is used to access the parcel to the north were discussed. Public Works does not have concerns with the proposed new road, as the slopes are within 8%. Silver Star did not have concerns. Fall River was not present to discuss potential concerns.
- Fire Protection: This project does require Fire Protection. A fire pond has been located on the Concept Plan. The applicant will contact the Fire District directly to discuss the options for fire protection.
- Wastewater Treatment: We good designs to determine setback requirements for septic systems. Mike Stevens, EIPH, stated that he has seen the proposed layout for our lot. EIPH needs their subdivision application submitted for the Preliminary Review Stage.
- Views & Vistas: A Landscaping Plan and Natural Resource Analysis will be required at the Preliminary Review stage.

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE
Idaho Code, Title 67, Section 6-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Code. The public hearing for the Planning & Zoning Commission was duly noticed in the Teton Valley News. A notification was sent via mail to surrounding property owners within a 300-foot buffer area, as well as property owners adjacent to the proposed access road within the 300-foot buffer. A notice was also posted on the property providing information about the public hearing.

COMMENTS FROM NOTIFIED PROPERTY OWNERS AND PUBLIC AT LARGE
Staff has not received any written comments from the public at the time of this report.

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ATTACHMENT 1

CONCEPT PLAN

SECTION 1: PERSONAL AND PROPERTY INFORMATION

SECTION 2: CONSIDERATION FOR APPROVAL

PZC Hearing 1/12/2016

Meeting Minutes

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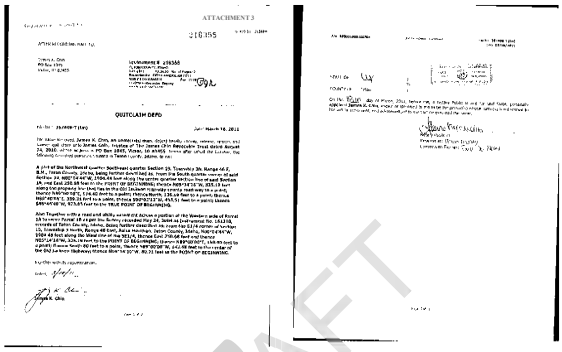


Walipini Subdivision

Concept Plan Narrative

I. INTRODUCTION AND PROJECT DESCRIPTION

Walipini Subdivision is a proposed single family residential subdivision in Teton County, Idaho. The site is located on the east side of Old Jackson Highway approximately 3 miles from the City of Victor.

Existing Conditions:
The existing site consists of 8 acres of land. One single family home and associated outbuildings exists on the west end of the site, and these are accessed from Old Jackson Highway at the northwest corner of the property. The site is bordered by residential properties on all sides.

Proposed Development:
The proposed development will consist of 3 lots with a minimum lot size of 2.5 acres and a maximum lot size of 3.0 acres. No zone change is proposed.

Setbacks / Building Envelopes:
In all cases, building setbacks will meet or exceed the minimum setbacks required by Teton County code for front yard, side yard, rear yard, wetland, and ditch setbacks. Building envelopes are proposed to further restrict building locations to only a portion of the lot in order to preserve mountain views for all lots in the subdivision as well as the adjacent house to the north.

II. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Walipini Subdivision property lies within the "Foothills" area as shown on the current Comprehensive Plan Framework Map. This Concept Plan for the Walipini Subdivision aligns with the vision of the Comprehensive Plan for this area. The following is a list of design elements incorporated into the proposed development plan, and a description of how these elements align with the definitive characteristics of the Comprehensive Plan Framework Map area.

Foothills Area	
Desired characteristics and land use (Teton Comprehensive Plan)	**Design elements of Walipini Subdivision Concept Plan**
Low residential density with the provision for clustering/conservation development.	Building envelopes are provided for lots 2 and 3 to cluster the houses in close proximity to existing structures and reserve the eastern portion of the development for open space and viewsheds.
Residential development clustered to respect topography.	Existing topography rises to the eastern portion of the site. Building envelopes are provided on the western side of lots 2 and 3.
Access points to public lands.	The site is surrounded by private property on all sides. No access to public lands is possible from this property.
Conservation and wildlife habitat enhancement.	A Natural Resource Analysis is being conducted due to the wildlife overlay. Any recommendations in the Mitigation Plan will be implemented.
Wildland urban interface.	The site is located near an existing wildland edge, and is adjacent to residential development. The existing edge of the property lies more than 100' from the existing wildland edge.
Development regulated by overlays and development guidelines to protect natural resources and improve public safety.	This site lies within the Hillside Overlay, Scenic Corridor Overlay and Big Game Overlay. Although the site lies within the Hillside Overlay, actual slopes on the property are moderate (generally less than 10%). Only a small portion of the property lies within the Scenic Corridor Overlay. No improvements are proposed in this area. Wildlife will be considered in the C.E.N.'s regarding fencing restrictions and domestic animals as recommended by the Mitigation Plan, which will be submitted with the Preliminary Plan.

III. AVAILABILITY OF PUBLIC SERVICES TO ACCOMMODATE THE PROPOSED DEVELOPMENT

Fire protection:
The developer is investigating the possibility of entering into an agreement to share fire protection with a nearby (within 1 mile driving distance) development with an approved water source. If a nearby water source is not available an engineered fire pond located near the center of the development will provide fire protection. A dry hydrant will be provided and the pond will meet or exceed the requirements of the Teton County Fire District. The fire pond will be located within a proposed fire pond easement on lot 2.

Police protection:
Provided by Teton County Sheriff.

Public road construction and maintenance:
The development will be served by the existing access drive Ellen Old Jackson Highway. Existing grades on the west end of the access drive currently exceed County standards. The existing access drive will be regraded and brought into compliance with County road standards for a local road and will be extended to the east to serve lots 2 and 3. A fire apparatus turnaround will be constructed at the end of the access drive to meet the requirements of the Teton County Fire. It will extend from the ends of the turnaround. Driveway access to lot 1 will be from the new access road in the approximate location of the existing access. Access to the adjacent lot to the north will be relocated where shown to accommodate new grading and alignment. The road will be located in a proposed 60' private access and utility easement. Maintenance of the roadway will be the responsibility of the developer until a Homeowners Association is formed. Once the Homeowners Association is formed, maintenance of the roadways including, repairs, snowplowing, and re-grading, will be the responsibility of the association.

Water (Culinary Water / Drainage / Irrigation):
The proposed lots will be served by individual domestic wells. Installation and maintenance of each well will be each individual lot owner's responsibility. Lot 1 is currently served by an existing well.

The natural drainage patterns of the site will be maintained wherever possible. Drainage swales along the roadway edges will convey runoff from the roadway where required. A drainage report and stormwater calculations will be provided with the Preliminary Plan submission. Erosion control measures will be implemented to comply with state and federal regulations. Typical measures that may be implemented include, vehicle tracking control, silt fence, hay bales, wattles, and dust control measures.

The site is located within the Fremont-Madison Irrigation District. An existing ditch runs from east to west along the north boundary and serves this development as well as the adjacent property to the north. This ditch will remain

in its current state and will be accommodated through culverts under proposed driveways where necessary. A 20' irrigation easement, centered on the existing ditch is proposed for access and maintenance of the ditch. This property has water rights available.

Sewer:
The proposed lots will be served by individual septic systems that will be designed and constructed in accordance with Eastern Idaho Public Health regulations. The installation and maintenance of each septic system will be each individual lot owner's responsibility. Lot 1 is currently served by an existing septic system.

Parks and open space:
None provided or required.

Recreation:
None provided or required.

Infrastructure open space maintenance:
None provided.

Schools:
Provided by Teton School District 401

Solid waste collection:
Provided by RAD Carbode Trash & Recycling.

Libraries:
Provided by Valley of the Tetons Library

Hospital:
Provided by Teton Valley Hospital, Teton Valley Healthcare

Footprint of sun storage:
See attached.

IV. CONFORMITY WITH THE CAPITAL IMPROVEMENTS PLAN

The density of Walipini Subdivision is 26.7 units per 100 acres. The density assumptions used in the Capital Improvement Plan are not identified for this area as it was assumed by that study that this area would eventually be annexed to the City of Victor.

This development is very small in scale. The only road proposed will be privately built and maintained. An existing single family home already exists on the

property (Lot 1) so the net gain for this 3 lot subdivision is effectively only two lots.

All required impact fees will be paid in accordance with the Teton county development Impact Fee Program / Capital Improvement Plan, 2008. The current fee is $2,985.96 per dwelling unit to be paid at the time of building permit issuance.

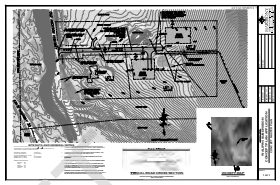
V. THE PUBLIC FINANCIAL CAPABILITY OF SUPPORTING SERVICES FOR THE PROPOSED DEVELOPMENT

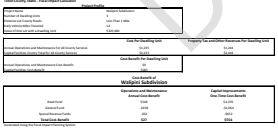
Due to the small scale of this subdivision and the absence of any new public infrastructure (roads, etc.) that would need to be maintained by the County, it will have a negligible impact on public finances.

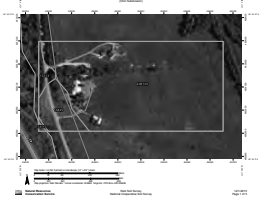
The fiscal impact calculator (see attached) shows a slight positive impact.

VI. OTHER HEALTH, SAFETY OR GENERAL WELFARE CONCERNS

A Natural Resource Analysis is being conducted due to the site being located within the wildlife overlay. Any recommendations in the Mitigation Plan that will be submitted with Preliminary Plat will be implemented. The site also lies within the Hillside Overlay. However, actual slopes on the property are moderate (generally less than 10%). Also a small portion of the property lies within the Scenic Corridor Overlay. However, no improvements are proposed in this area and Scenic Corridor provisions only apply at the time of building permit.







DRAFT

Attachment 1

Soil Map—Teton Area, Idaho and Wyoming

MAP LEGEND

MAP INFORMATION

PZC Hearing 1/12/2016

Attachment 1

Soil Map—Teton Area, Idaho and Wyoming

Map Unit Legend

Teton Area, Idaho and Wyoming (IDA85)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
15B7E4	Kingston-Hillman, 2 to 20 percent slopes	53.3	37.1%
15F7E	Foremark-Hardy, steep, 2 to 2 percent slopes	0.0	2.0%
15J2E	Ridgeline-Alpine complex, 2 to 4 percent slopes	1.4	0.1%
Totals for Area of Interest		143.3	100.0%

Meeting Minutes

Attachment 1

Teton County Planning & Building
150 Courthouse Drive, Room 107 | Driggs, ID 83422
Phone (208) 354-2593 | Fax (208) 354-8410
www.tetoncountyidaho.gov

December 17, 2015

RE: Notice of Public Hearing and Solicitation for Comments from property owners within 300 feet of a property that has an application for a proposed subdivision.

Dear Property Owners:
This letter is to notify you that an application for Subdivision Concept Review has been submitted to the Teton County Planning Department by a nearby landowner. According to the Teton County Code (9-3-28), the purpose of the Concept Review process is to allow the Planning and Zoning Commission to review the proposed subdivision for its consistency with the Comprehensive Plan, its relationship to surrounding development, any site conditions that may require special consideration or treatment, and to discuss and review the requirements of the Teton County Code. It is not to determine the exactness of each item required in the checklists of the preliminary and final plat process.

Because the proposed subdivision is located in Natural Resource Overlay areas, a public hearing with the Teton County Planning & Zoning Commission (PZC) is required for Concept Review approval. For approval of Concept Review of a proposed subdivision, the County shall consider the objectives of Teton County Title 9, in addition to the applicant's narrative explaining the impact of the development, and in a general way, at least the following:
a. The availability of water sufficient for the proposed development.
b. The availability of public services to accommodate the proposed development.
c. The conformity of the proposed development with the capital improvements plan.
d. The public financial capability of supporting services for the proposed development.
e. Other health, safety, or general welfare concerns that may be brought to the County's attention.
The planning staff is soliciting comments from people in the vicinity of the applicant's property, so we can be aware of neighborhood issues related to the application and incorporate your comments into the staff report to the PZC. Please provide comments related to this application and the criteria of approval listed above.

Applicant: Grace Hartman **Landowner:** James Chin Revocable Trust **Zoning District:** A-2.5; partially in Scenic Corridor
Legal Description: RP07N04E270E01: TAX #6213 SEC 19 T 7N R4E
Parcel Size: 8 acres **Physical Address:** 10645 Old Jackson Highway, Victor, ID 83455

Description of Application: Grace Hartman is proposing a 1-lot subdivision on an 8-acre parcel owned by the James Chin Revocable Trust. Two lots will be 2½ acres, and the third lot will be 3 acres. A small portion of this property is located in the Scenic Corridor; however, no **development** is proposed there, so a Scenic Corridor Design Review is not required.

PUBLIC HEARING
The Teton County Planning and Zoning **Commission** will hold a hearing in the Commissioners' Chamber located on the third floor (room 108) of the **Courthouse** located **at 150** Courthouse Drive, Driggs, Idaho on **January 12, 2016** on this matter. This application is **scheduled as the** second **item on the agenda**, at **6:30pm**. The meeting will begin at 6:00 p.m.

Information on **the above application** is available **for public** viewing in the Teton County Planning Department at the Teton County **Courthouse in Driggs, Idaho. The development** application and various related documents are also posted, as they become **available, at www.tetoncountyidaho.gov**. To view these items, go to the PZC department page, then select the Public **Hearing of January 12, 2016 item in the** Additional Information tab box. Written comments will be included in the **packet of information included in the Commission** for consideration prior to the hearing if they are received in the Teton County Planning & Building Department **office** by noon on January 4, 2016. Written comments received after that date will be **included in the addendum** of hand. You may also present your comments in person at the hearing.

The public shall **not contact members** of the Planning and Zoning Commission or Board of County Commissioners **concerning this application, as** their **decision must, by law, be confined to the record produced at the public hearing.**

If you have any further **questions**, please do not hesitate to contact the Teton County Planning & Building Department.

PZC Hearing 1/12/2016

Attachment 10

Teton County Planning & Building Department
150 Courthouse Drive, Room 107 | Driggs, ID 83422
Phone (208) 354-2593 | Fax (208) 354-8410
www.tetoncountyidaho.gov

FROM: Kristin Boden, Planner
TO: Grace Hartman, Jen Zung, Planning Design & Engineering
CC: Jeff Ricks, Teton County Planning & Building Director, Teton County Building Official;
Darryl Johnson, Teton County Public Works Director; Karin Giles, Teton County Fire District;
Mike Graves, EPH; Michelle Mecklun, Silver Star Communications;
Wallpink Subdivision, Concept Approval – DRC Meeting Notes
DATE: December 18, 2015

Grace and Jen, the purpose of this letter is to summarize the meeting **on 3rd on Monday, December 14, 2015**.

Roads & Utilities:
- The access point from Old Jackson Highway for this subdivision road **will be reconstructed**. Because of this, the driveway that is currently used to access the parcel to the north of this **project will** be moved further to the east to account for the change of slope.
- Public Works does not have concerns with the proposed access road, as the slopes are within 8%.
- Silver Star Communications did not have concerns with the project, but the application has been submitted to their engineering department for review.
- Fall River Electric did not attend the meeting. I recommend that the applicant contact them to confirm there are no issues with this project.

Fire Protection:
- This project does require Fire Protection. A fire pond has been located on the Concept Plan. However, there is an option available to connect to an approved water source within 1 mile of the project. ~~However, given the current~~ ~~water source, the Fire District did not attend the meeting. The applicant will contact Kate Giles~~ to discuss the options for fire protection.

Septic System & Water Quality:
- Eastern Idaho Public Health needs their subdivision application submitted at the Preliminary Review Stage.
- Lot 3 may have steep slopes. Mike can confirm what types of septic systems may work on this lot.
- If a fire pond is located on Lot 2, Mike could or should be fined, and he will need to see the designs to determine setback requirements for septic systems.

Plans & Studies:
- **Natural Resource Analysis**: This property is located in the Big Game Migration Corridor and Seasonal Range overlay zone, so this study will be required for Preliminary Review.
- **Landscaping Plan**: This plan will be required for Preliminary Review. This shall include a vegetation/revegetation plan identifying locations where vegetation will be installed in order to replace existing vegetation or revegetate disturbed areas, a plan for weed management, a stabilization plan to cover any disturbed slopes, and a plan to provide screening from neighboring properties or from State Highways 31, 32, 33 or Old Hill Road.
- **Hillside Studies**: Although this property is located within the Hillside Overlay, it was determined that the Hillside Studies are not required for this project as development is not occurring on slopes over 20% nor are the access roads to the building sites on slopes over 20%.

More information on the required studies can be found in the Teton County Code, Title 9.

Public Hearing Information:
You are scheduled for the Teton County Planning and Zoning Commission public on **Tuesday, January 12, 2016 at 5:30 PM**. This public hearing is at the Teton County Courthouse, 150 Courthouse Drive, Driggs, Idaho. A notice, agenda, and meeting packet will be sent to you no later than the week before the meeting. Public hearings are required for the Preliminary and Final stages of this process. The scheduling of those will depend on your application submittal dates.
Attachments: 1. Process Flow Chart; 2. 2016 Hearing & Meeting Schedule

PZC Hearing 1/12/2016

Meeting Minutes

PZC Hearing 1/12/2016

Meeting Minutes

Attachment 1

13.3.26. Fire Protection Plan

PZC Hearing 1/12/2016

Meeting Minutes

Attachment 2

TETON COUNTY
PUBLIC HEARING
SIGN-UP SHEET
You must sign up to testify – or submit comments

PZC Hearing 1/12/2016

Meeting Minutes

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1

Date: 1-12-2016

PLEASE PRINT LEGIBLY

Name: [illegible]

City of Residence (Physical Address: not post office box):

Choose one:

X Support the application ___ Neutral ___ Oppose the application

Do you wish to testify? ___ Yes ___ No

If you do not wish to testify orally, your comments on this sheet will be read into the record – as long as they are written legibly, signed below and do not exceed the space allowed.

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1

Date: 1-12-2016

PLEASE PRINT LEGIBLY

Name: SAND Simpson

City of Residence (Physical Address: not post office box):

7 BOAT TOW to Teton ID

Choose one:

X Support the application ___ Neutral ___ Oppose the application

Do you wish to testify? ___ Yes ___ No

If you do not wish to testify orally, your comments on this sheet will be read into the record – as long as they are written legibly, signed below and do not exceed the space allowed.

I support the application for the Teton Cowboy Church to be approved. It is a wonderful church that is helping many in the community.

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 2

Date: 1-12-2016

PLEASE PRINT LEGIBLY

Name: Kent Jeffery

City of Residence (Physical Address: not post office box):

1005 Rocky Hill Rd. Victor ID 83455

Choose one:

✓ Support the application ___ Neutral ___ Oppose the application

Do you wish to testify? X Yes ___ No

If you do not wish to testify orally, your comments on this sheet will be read into the record – as long as they are written legibly, signed below and do not exceed the space allowed.

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 2

Date: 1-12-2016

PLEASE PRINT LEGIBLY

Name: Michael Harrison

City of Residence (Physical Address: not post office box):

10475 Old Jackson Hwy
Victor, ID 83455

Choose one:

___ Support the application ___ Neutral X Oppose the application

Do you wish to testify? X Yes ___ No

If you do not wish to testify orally, your comments on this sheet will be read into the record – as long as they are written legibly, signed below and do not exceed the space allowed.

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1 & Hearing

Date: 1-12-2016

PLEASE PRINT LEGIBLY

Name: Meredith Hare

City of Residence (Physical Address: not post office box):

Indian Hill Estates
15365 Buffalo Hill

Choose one:

___ Support the application ___ Neutral X Oppose the application

Do you wish to testify? X Yes ___ No

If you do not wish to testify orally, your comments on this sheet will be read into the record – as long as they are written legibly, signed below and do not exceed the space allowed.

Written signature (only if not testifying)

PO Box 420
Moran, WY 83013
January 11, 2016
[illegible]

To: Teton County Planning & Zoning, Driggs, ID

Subject: Notice of public hearing and solicitation for comments from property owners within 300' 15 Dec 2015. Subdivision concept review, to discuss feasibility and possibility of building the proposed subdivision:
19045 Old Jackson Highway, 8 acres. Owner: James Chic (revocable) Trust. Applicants: Grace Harrison. "Rodeyne Subdivision"

Testimony, 12 January 2016

My name is Meredith Hare.
I own the property adjacent to and surrounding some of the proposed subdivision.
I will recently my wife and I built on this property for 20 years.

I am opposed to the proposed subdivision because it is in violation of the Declaration of Restrictive Covenants placed on this land by its owners in 1976.

I have a copy of those covenants for the record.

This subdivision is one of 19 lots that contain the proposed subdivision.

Forty three (43) acres, the 8 acre parcel was sold to Mr. Chic by my father's widow, Fern Fay. He combined 2 acres to Mr Harrison who built his home there.

Those 8 + 2 acres formed the original 10 acres subject to the restrictive covenants.

The covenants stipulate no more than 2 subdivisions of no less than 5 acres each.

So the 10 acres this here Mr. covenants have already been subdivided into 8 and 2 acres.

And now the 8 acres of the original 10 are proposed to be further subdivided into 3.

I believe to you that this is in violation of the Declaration of Restrictive Covenants and should not be approved by the Planning and Zoning Commission.

Thank you.

Sincerely,

Meredith Hare

Attached: Declaration of Restrictive Covenants

[illegible]

February 9, 2016

Teton County Planning & Zoning Commission
Written Decision for Conditional Use Permit Recommendation of Approval for the Cowboy Church

Overview
On January 12, 2015, David Kite came before the Teton County Planning & Zoning Commission to request a recommendation of approval for a Conditional Use Permit for a church on property located north of Driggs, at 4369 N. Highway 33.

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

Applicant(s)/Representative(s) Present: David Kite

Motion
Ms. Johnston 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 applicant will provide Teton County Planning & Building with the net square footage to calculate the occupancy load to determine if a sprinkler system is required. If the system is not required, it is highly recommended that the system be inspected and utilized for the safety of the occupants.
2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
3. All outdoor lights must comply with the Teton County Code, if applicable.
4. A sign permit is required for the existing Cowboy Church sign.
5. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
6. Access, parking, septic system, water, and building safety thresholds will be established and included in such a way that the CUP will be reviewed when those thresholds are met.

- 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 Cowboy Church as described in the application materials submitted December 4, 2015 and as supplemented with additional applicant information attached to this staff report.

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

DRAFT

Conclusions
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 was built as a commercial building, so its uses are limited in the A-2.5 zone.
2. The fiscal impact of the proposed use will be minimal as no new structures are being proposed, it accesses directly from Highway 33, and the church assembly will only meet once per week.
3. The location for the proposed use is large enough to accommodate the proposed use at its current size, with some room to grow. It was recommended to determine a threshold that would require the Conditional Use Permit to be reviewed to ensure the location is able to accommodate the use in the future.
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 December 24, 2015 and December 31, 2015. 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 approving comments of the proposed Conditional Use Permit. All public comments are on file with the minutes of January 12, 2016.
7. 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
1. The applicant will provide Teton County Planning & Building with the net square footage to calculate the occupancy load to determine if a sprinkler system is required. If the system is not required, it is highly recommended that the system be inspected and utilized for the safety of the occupants.
2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
3. All outdoor lights must comply with the Teton County Code, if applicable.
4. A sign permit is required for the existing Cowboy Church sign.
5. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
6. Access, parking, septic system, water, and building safety thresholds will be established and included in such a way that the CUP will be reviewed when those thresholds are met.

Dave Hensel
Chair of Teton County Planning & Zoning Commission

Date

February 9, 2016

Teton County Planning & Zoning Commission
Written Decision for Walipini Subdivision Concept Approval

Overview
On January 12, 2016, Grace Hartman came before the Teton County Planning & Zoning Commission to request Concept Plan approval of a proposed subdivision on property located southeast of Victor, at 10645 Old Jackson Highway, for a 3-lot subdivision.

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

Applicant(s)/Representative(s) Present: Grace Hartman; Jen Zung, Harmony Design & Engineering.

Motion
Mr. Arnold 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. Compliance with all local, state, and federal regulations.
2. Begin working with EIPH for septic approval.
3. Begin working with Teton County Fire District for fire suppression approval.
4. Conduct required studies/plans for Preliminary Review: Landscape Plan, Natural Resources Analysis.
5. Consider the importance of viewsheds.
6. Adequately address the shared driveway/roadway with the 2-acre parcel to the north (Mr. Harrison's property).

- and having found that the considerations for granting the Concept Plan Approval to Grace Hartman 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 Walipini Subdivision as described in the application materials submitted December 7, 2015 and as supplemented with additional applicant information attached to this staff report.

Mr. Breckenridge seconding the motion.

Mr. Larson commented that this application is right on his threshold of wanting to see the application moved forward and wanting to table it to get more information. He hopes everyone understands there are questions that need to be addressed. Mr. Haddox agreed that he has a lot of concerns with this application, but it is a concept application. Ms. Johnston agreed. She commented that she sympathized with the neighbors' concerns, but those are outside of the jurisdiction of the Planning and Zoning Commission, and the application meets the required conditions of approval

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

Conclusions
Having given due consideration to the application and evidence presented, and to the criteria of approval defined in Teton County Code, Title 9-3-2(B-4), the Teton County Planning & Zoning Commission hereby makes the following conclusions:

1. In general, the proposed subdivision conforms with the goals outlined in the 2012-2030 Teton County Comprehensive Plan, including low to medium-density housing and building envelopes to protect wildlife habitat, sensitive areas, and natural resources.
2. Public services are being utilized by the surrounding property owners, so they are available in the area. The subdivision will utilize private well and septic systems. The development will be accessed from Old Jackson Highway.
3. Applicable impact fees will be required for all lots within the proposed subdivision, as adopted by Teton County.
4. The fiscal impact of the proposed development will be minimal due to its size.
5. The proposed development will not negatively impact the health, safety, or general welfare of the County.
6. 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 December 24, 2015 and December 31, 2015. 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.
7. Other persons in attendance expressed approval and opposing comments of the proposed subdivision. All public comments are on file with the minutes of January 12, 2016.
8. 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.

Conditions of Approval
1. Compliance with all local, state, and federal regulations.
2. Begin working with EIPH for septic approval.
3. Begin working with Teton County Fire District for fire suppression approval.
4. Conduct required studies/plans for Preliminary Review: Landscape Plan, Natural Resources Analysis.
5. Consider the importance of viewsheds.
6. Adequately address the shared driveway/roadway with the 2-acre parcel to the north (Mr. Harrison's property).

Dave Hensel
Chair of Teton County Planning & Zoning Commission

Date

TETON COUNTY PLANNING AND ZONING COMMISSION

Meeting Notes, January 19, 2016

County Commissioners' Meeting Room, Driggs, ID

Article 13 Review:

PZC discussed Article 13. Overall, the PZC is comfortable with Article 13, except for specific standards which are being worked on (i.e. NRCS standards, wildlife habitat section). Staff is to work with IDFG to see what their comments are. There are concerns about being open with the requirements and making the requirements applicable to the appropriate types/scope of development. There will be further discussion on the standards.

- Table 13.2.2
  - Include a copy of the row that shows the types of development that trigger the study in the specific section outlining the standards of each study.
  - Update the section numbers on this table.
- Language in Article 13 section needs to be reviewed and standardized (Section vs. Division)
- Section 13.3.9 Fencing will be removed.
  - At first it was discussed to remove everything after 13.3.9.C.1, so the fencing section would basically only regulate that there could not be rigid fencing in in wildlife or riparian areas.
  - It was decided that the Wildlife Habitat Protection Plan and the Riparian Buffer Plan sections would address fencing in those areas, so the fencing section wasn't needed at all.
- Section 13.3.15 Public Service/Fiscal Analysis – include standard formulas to be used, so the impact is looked at in the same way for every study.
- Section 13.3.16 Traffic Impact Study – include land uses (CUPs, Home Occupations, etc.) in the scale/scope of development because some could have a large impact on traffic, either by increasing traffic or having large vehicles that could damage roads/slow traffic. This should also be mentioned in Article 10 where those land uses are described.
- Section 13.3.22 Deed – clarify the requirement of deeds.
  - A deed is required to be submitted with an application to show ownership.
  - A preliminary deed is required to be created as part of some applications (i.e. OTO deed), which is recorded after approval.

Article 3 Review:

- Include open space intents with each zone (i.e. 3.1 RA would include a list of open space priorities for the RA zone, like prime ag land, versus only having open space listed in 3.7.5.
  - 3.7.5 will still include the list of primary and secondary open space options.
- For each zone, there is currently a list that says "Subdivision must be designed to:" which will be changed to "Development must be design to:"
- Five density options were discussed, and the scenario tool was briefly looked at. Density Options 3 and 4 were mentioned most. PZC decided they would like more time to review the density options, then make a decision at the 2/9 meeting. Staff will create a scenario tool for each density option and send them to PZC.
  - The option of using the same density for the Rural Ag, Lowland Ag, and Foothills zones was discussed again. The majority of PZC agreed that was still something they were comfortable with doing.

DRAFT

TETON COUNTY PLANNING AND ZONING COMMISSION

Meeting Primer, February 9, 2016

County Commissioners' Meeting Room, Driggs, ID

Article 3 Review:

In the January 19th meeting 5 different density options were provided for the Foothills, Lowland Ag, and Rural Ag. Districts. The goal of this meeting is to answer any question about those options and decide on an approach to present in the public review draft.

We will also need to review the Open Space section, Division 3.7. As part of the open space review we need to identify priority open space areas in each of the zones.

Goals:

- Make sure we are comfortable with Article 3 as a whole.
- Decide on densities for the zones.
- Discuss and finalize the open space requirements found in 3.7.

Article 9,10,11,12 Review:

To get a jump on the February 16th meeting, here is a brief summary of Articles 9-12. I am including portions of these Articles that the City of Driggs PZC recommended to the City Council.

Article 9- Special Districts

Div. 9.1 Airport Vicinity Overlay- This district relies on the Driggs-Reed Memorial Airport Master Plan.

Div. 9.2 Flood Damage Prevention Overlay- This is a "partially" revised floodplain ordinance. In Article 13 we require setbacks from the floodplain, so this section is intended to only be utilized when a variance is obtained for development in the floodplain, or for projects such as bridges, culverts, bank stabilization, etc. The State of Idaho was working on a new floodplain ordinance, but the person who was working on it is no longer with the state. I am still waiting to see where that draft is in the development process.

Div. 9.3 Scenic Corridor Design Overlay- This section replaces our current scenic corridor regulations. This was drafted by code studio after a specific visit to the valley to address this issue.

Div. 9.4 Transfer Development Right Receiving Area Overlay- This section is intended to provide an additional incentive to vacate distressed subdivisions, as well as preserve unique areas in the Foothills, Lowland Ag, and Rural Ag. Districts.

Div. 9.5 Workforce Housing Overlay- This section is intended to provide density incentive for the construction of affordable/workforce housing. This section maybe one that we chose not to include until we renegotiate the AOI agreements with the cities. There will also be a reestablished Teton County Affordable Housing Commission, which may want to review/revise this section in the future.

Div. 9.6 Area of City Impact- This section recognizes the AOI. There should be a reference to the AOI Agreements that establish the boundaries, standards and review procedure more specifically.

Article 10- Use Provisions

We previously spent quite a bit of time reviewing the definitions of each use. We have not spent any time working on 10.2, the Allowed Use Table and identifying which uses are allowed where. We should focus our time there, and then review any specific uses where there is a question or concern by PZC members.

Article 11- Site Development

The City of Driggs did take the lead on revising the sign and outdoor lighting portions of the code.

Div. 11.1 Access and Parking- This is mainly intended for more "urban" development, but is important to have in place for those non-exempt uses.

Div. 11.2 Landscaping & Screening- This section is intended to provide standards for screening between less compatible uses, create parking lot standards, fencing standards (I would recommend removing the fencing plan in Article 13 (13.3.9), and utilize this portion of the code to establish the standard.)

Div. 11.3 Signs- A recent Supreme Court case has gutted the previously established basis for sign ordinances. At this time we are no longer supposed to use what the sign says, as a determination for regulation. It is even more convoluted than what it was before.

*I recommend that we utilize the City of Driggs Div. 11.3 Signs as the basis for our public review draft, as they had public input on it and went through it to make sure it was in compliance with the Supreme Court case.

Driggs- http://tetonvalleycode.org/wp-content/uploads/2015/04/Article-11.3-PZ-Recommended-Draft-11-4-15.pdf

Div. 11.4 Outdoor lighting- The City of Driggs PZC has recommended a few things that are different from the current version of our code. They include: when/how existing fixtures have to come into compliance and what fixtures are exempt.

Driggs- http://tetonvalleycode.org/wp-content/uploads/2015/04/Article-11.4-PZ-Recommended-Draft-11-4-15.pdf

Article 12- Streets and Public Improvements

The Public Works Director is the one that has the most authority for this Division. He is currently review Article 12 and his suggested edits will be forwarded to you as soon as he is done.

Div. 12.1 General Provisions-

Div. 12.2 Blocks, Lots, Access-

Div. 12.3 Existing Streets-

Div. 12.4 New Streets-

Div. 12.5 Utilities-

Div. 12.6 Parks-

Here are comments from the City of Driggs Public Works Director concerning Drictor:

Jason,
I met with Jared our Public Works Director on Friday and discussed Article 12 and specific questions about waste water service in Drictor here are his comments/responses:

- If the County were to permit development in Drictor should the development be REQUIRED to hook onto sewer? If it's within so many feet from the sewer line? *No- should be discretionary by the City at time of application. There is already a state requirement that if your septic tank fails and you are within so many feet of a sewer line, then you're required to connect. May want to follow up with Jared for the reference and # of feet.*
- Make sure County code requires that City of Driggs is the approving entity for sewer connections for all new developments. Public Works review and City Council issues a "will-serve."
- Driggs staff is interested to look at Drictor/County zoning maps when they are drafted to comment on sewer service.
- County would like to know the current WWTP's capacity to see how much Drictor development could be serviced. *This has been calculated by Aqua Engineers when they were designing the Waste Water Treatment Plant. Contact Eric at erics@aquaeng.com 801-683-3729.*

Kristin Rader

From: Bruce Arnold
Sent: Wednesday, February 03, 2016 7:41 PM
To: Kristin Rader
Subject: FW: 2-8-16 Mtg draft Primer.

Bruce's Comments

FYI

From: Bruce Arnold [mailto:]
Sent: Wednesday, February 03, 2016 12:27 PM
To: 'Jason Boal'
Subject: RE: 2-8-16 Mtg draft Primer.

Hi Jason,

For the next meeting on the Scenario Tools page with the 5 scenarios, **my choice is Scenario #1**. (OTO is 10; Land Division is 20; 75% open space is 10; 50% open space is 20 and 75% open space is 30)

I think the numbers make more sense for the 50% (20) and 25% (30) open space than on scenario number 4.

Can you please let my thoughts known for the discussion on this at the meeting?

Please let me know if you understand my choice.

Thank you for all you do,
Bruce

From: Jason Boal [mailto:]
Sent: Friday, January 22, 2016 3:27 PM
To: Bruce Arnold; Chris Larson; Cleve Booker; Dave Hensel; David Breckenridge; Jack Haddox; Marlene Robson; Pete Moyer; Sarah Johnston
Cc: Kristin Rader
Subject: 2-8-16 Mtg draft Primer.

Here is a draft primer for our meeting on the 9th.

I wanted to make sure you have adequate time to review Articles 9-12, which is scheduled for February 16th.

THIS IS A DRAFT, SO IF I NEED TO ADD SOMETHING PLEASE LET ME KNOW.

Jason Boal – AICP, CFM

Planning & Building Administrator

Teton County, Idaho

150 Courthouse Drive #107 Driggs, ID 83422

208-354-2593 x204

DRAFT

GENERAL CONCERNS

My concerns with this code are too numerous and fundamental to address in the context of our article-specific work meetings. I do not think it is effective or efficient for us (PZC) to be reviewing entire sections of code verbatim and suggest sentence level edits at this stage in the process, when various big-picture policy decisions remain unanswered and unaddressed. Furthermore, when we have discussed specific sentence-level changes, they have not been consistently or reliably incorporated into the code. Changes that have been made to the code are not trackable and the progression of discussion, decisions, and resulting changes to the code language has not been documented.

DEFINITIONS

As I review Article 3, there are many inclusions of subjective language that are not defined in the Article nor in the Definitions.

PUBLIC INPUT

During the time I have been a member of the PZC, we have not solicited or even allowed public input into the code drafting process or into the policies and priorities that the new code is seeking to implement. I believe the public should be involved.

DENSITY & OPEN SPACE

I disagree with the approach of using identical density across the various rural zones. Staff has indicated the goals of the comp plan will be met by using different development requirements and open space priorities in each zone, however, as these hypothetical changes are not available yet they are impossible to evaluate. The way I read the comp plan, there are different areas of the County where differing densities are appropriate. Using a one-size-fits-all approach of uniform densities seems to be in contradiction to the comp plan. My current position is that densities should be set independently for each zone in a way that protects the unique resources of that zone. We have not clearly identified or understood the specific resources we are trying to protect in each area; we do not know what particular steps are necessary to protect what we are trying to protect; and as such we do not have the necessary information to be setting densities and open space percentage requirements at this point. The density allowances and open space percentages that have been proposed to date seem arbitrary.

DRAFT

TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Notes, February 16, 2016
County Commissioners' Meeting Room, Driggs, ID

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

The March 8th meeting will be held in the Planning Conference Room instead of the Commissioners' Chambers because there is an election that evening.

Ms. Robson provided comments prior to the meeting, which were read by the PZC throughout the meeting.

All Articles:

- Update Agricultural Wetlands (AW) to Lowland Agriculture (LA)
- Verify all references to other sections and bold the text (hyperlinked in PDFs).

Article 9 Review:

Airport Overlay

- We are still waiting for a map from Driggs for the Airport Overlay Area.
- In general, PZC was comfortable with this section. They agreed it could be tightened down in some areas by clarifying the heights/uses allowed or restricted within the overlay. Staff will clarify what requirements need to be met (i.e. underlying zoning vs. overlay).
- PZC had concerns that the language in the section could apply the overlay area to the entire county. There will be a map, which will designate where the actual overlay area is located. Staff showed a map from the Airport Master Plan that shows an area extending from each end of the runway. Some PZC members commented that the overlay could extend further than that map, but it shouldn't extend all the way to the Big Holes.

Floodplain

- The state is working on a new ordinance. It is currently being reviewed by IDWR, so it is expected in a couple weeks. The intent is to use the new state model ordinance in Article 9.
- Article 13 requires a setback from floodplains, so this section will only be used for those properties that cannot build outside of the floodplain. Staff will reference Article 13 in the floodplain section, so it is clear that development is not allowed in the floodplain without a variance.

Scenic Corridor

- Staff is working with a graphic designer to create residential graphics for this section. Measurements and requirements shown on the graphics will be updated to match the text.
- Staff will clarify in the description of the scenic corridor that it does not include within city limits.
- Staff will add language that clarifies native vegetation or agriculture between the highway and buildings.
- PZC agreed to remove that fencing is required.
- An Option 5 will be added for Agricultural Buildings.

Transferred Development Rights

- A map of desirable open space was discussed. The RA, LA, and FH zones are being used as sending areas for open space.
- Staff will add language to this section to identify the Area of Impacts as receiving areas.

Workforce Housing

- This section is intended for the cities and Area of Impacts.
- Using this overlay in Felt was discussed for agricultural workers, and it was agreed that it is not feasible because of the small lot sizes already in Felt, and this needs to be located near existing services.

Article 10 Review:

- Staff will verify the letters used for each permit type are accurate in the chart (i.e. "C" for Conditional Use not "S")
- Minor Utilities will be updated to include sizes of water/wastewater systems.
- Language will be added for Private Burials as an accessory use to bury someone on your private property.
- Light vehicle/equipment will be included as Limited in the Industrial Light Zone.
- Building-Mounted Wireless TC Facility will be included as a Conditional Use Permit in the Mixed Use Zoning Districts.
- Staff will reach out to the Cemetery Districts about zoning them as Civic now.

Article 11 Review:

Signs – The sign ordinance has been partially updated to reflect a recent US Supreme Court Case. Signs may not be regulated based on their content.

- Signs are not allowed along designated Scenic Byways as per Idaho/Federal Laws. The ITD website states that existing signs may stay, but no new signs are permitted. Staff has emailed ITD about this.
    - Language will be added to Article 11 stating signs are not allowed along the Scenic Byways (this includes Highways 31, 32, and 33)
- Real Estate Signs were discussed. They could be allowed through the temporary sign provision or by getting a permit. There is also a provision that allows one, incidental sign (6ft^2 or smaller) per lot that does not require a permit.
- Election signs fall under temporary signs.
- The majority of PZC members agreed off-premise signs should not be allowed.

Lighting

- Language will be added to athletic field lights to require shielding (11.4.1.B.1.d)
- Language will be added to allow for temporary agricultural lights, similar to the language already included for temporary lights (11.4.1.B.1.c).

Article 12 Review:

- Connectivity between subdivisions was discussed. This section does require stub streets.
- Emergency services access was discussed for subdivision.
    - 12.2.7.A.3 will be updated to include that subdivisions may be required to provide multiple entrances/exits to a public or private street.
- Requiring phone lines to be installed in subdivisions was discussed. It was agreed that should remain a requirement because phone lines are still need for areas with poor cell reception, not everyone has a cell phone, internet services, etc.

Draft Public Outreach Plan

- The joint meeting with the BoCC is scheduled for April 12.
- April 19th will be a PZC meeting to review the Redline Version of the code, review any comments from the BoCC/PZC joint meeting, and make any necessary changes before beginning public outreach.
- Public Outreach will take place in May and June. July will be used to review public feedback and make any necessary changes. If possible, public hearings will take place in August or the end of July to make a formal recommendation to the Board.
- Outreach events will take place in multiple locations. Staff will also consider local events for public feedback, such as Music on Main and the Farmers' Market.

TETON COUNTY PLANNING AND ZONING COMMISSION

Meeting Primer, March 8, 2016

Planning Department Conference Room, Driggs, ID

Goals:

- Make sure we are comfortable with Articles 8 and 14 as a whole.
- Identify any deficiencies

Article 8 – Housing Types

This article provide the basics "form" criteria for buildings allowed in the county. It also identifies in what Districts the identified buildings are allowed.

Specific Goals-

1. Are the proper building types identified? (Are there any missing?)
2. Is the criteria for each building type appropriate?
3. Are the zones where each building type allowed appropriate?
4. Does 8.19 Parking Location make sense?

Article 14- Administration

We previously spent quite a bit of time reviewing this section and the process for approval of each type of application. It is important to go back and review to make sure we are comfortable with the processes as identified.

Div. 14.1. Summary of Review Authority

Does this table make sense?

Div. 14.4. Legislative Review

Do we want to put time limits on how often the public can apply to modify the Comprehensive Plan or Land Use Code?

Div. 14.5. Subdivision Review

14.5.11- The biggest change from our current code is that final approval comes after the construction and acceptance of improvements.

Div. 14.6. Administrative Review

14.6.10. Design Review- This is intended to be used for the scenic corridor. Does the PZC want to continue to review and approve application in the Scenic Corridor, or are you comfortable enough with the adopted standards?

Div. 14.7. Quasi-Judicial Review

14.7.11. Rezone Map Amendment Application Review- Do we want to include a different process of rezoning a property to PRS - Preservation?

Div. 14.10. Modifications to Previous Approvals

This section has been included to clarify the process for modifying any previous approval.

ORDINANCE NO. 2015-9-11

AN ORDINANCE OF THE COUNTY OF TETON, STATE OF IDAHO, ADDING TETON COUNTY CODE TITLE 9, CHAPTER 11 TO ADDRESS PREVIOUSLY CREATED PARCELS THAT DID NOT FOLLOW THE LEGAL PROCESS AT THE TIME OF CREATION TO QUALIFY FOR BUILDING PERMITS.

BE IT ORDAINED by the Board of County Commissioners of Teton County, Idaho that Title 9, Chapter 11 of the Teton County Code shall be added as follows:

CHAPTER 11

GRANTING BUILDING PERMIT ELIGIBILITY OF PREVIOUSLY CREATED PARCELS

SECTION:

9-11-1: APPLICABILITY
9-11-2: APPLICATION REQUIRED
9-11-3: PROCESS FOR APPROVAL
9-11-4: CRITERIA FOR APPROVAL
9-11-5: DENIAL OF APPLICATION
9-11-6: APPEAL OF FINAL DECISIONS
9-11-7: EXPIRATION OF THIS CODE SECTION

9-11-1: APPLICABILITY: This chapter is only applicable to parcels where the current property owner desires to be recognized as a "legally designated lot" for building permit purposes, as required in Teton County Code 8-3-5, and only applied to those parcels that were created after June 14, 1999 either through: 1) a process outside of those identified in the Teton County Title 9: Subdivision Regulations, 2) following a process in the Teton County Title 9: Subdivision Regulations but not meeting the criteria of approval identified, or 3) created through an agricultural only parcel process.

9-11-2: APPLICATION REQUIRED
Application: A property owner(s) of parcels identified through the Property Inquiry process as not buildable due to the way they were created, must complete and submit the "Granting Building Permit Eligibility of a Previously Created Parcel" application provided by the Planning and Building Department. Application to this process does not guarantee approval. In addition to the complete application form, the following is required:

1. Fees (Application and Survey/Plat review fee);
2. Narrative outlining how, when, and by whom the parcels were originally created;
3. Approval letter from Eastern Idaho Public Health;
4. Approval letter from Teton County Fire District;

5. Acceptance letter from the city for sewer hookup, or from the providing community, if applicable;
6. Covenants, Conditions, and Restrictions, if being proposed;
7. Plat created by a surveyor, licensed in the State of Idaho which includes:
    i. Vicinity Map, Date of Survey, and North Arrow
    ii. Map scale adequate to depict all adjusted lots (show Bar Scale)
    iii. Legend with a description for all line weights and symbols used
    iv. All bearings and distances for all property lines. Include Basis of Bearing and CP&F Reference
    v. All known easements shown with their instrument numbers
    vi. All existing physical access points shown
    vii. Legal access points shown or possibility for future County Road access permits established
    viii. Property Legal Descriptions
    ix. Surveyor's Certification – Signature block with statement
    x. County Treasurer's Certification
    xi. County Assessor's Certification
    xii. Easter Idaho Public Health Certification
    xiii. Teton County Board of County Commissioners Chair Certification
    xiv. Fire District – Signature block with approval statement
    xv. Certificate of Survey Review – Signature block with approval statement
    xvi. Owner's Certificate – Signature block with approval statement. MUST BE NOTARIZED
    xvii. Recorder's Certificate
    xviii. Certificate of Acceptance of Mortgagee, if applicable. MUST BE NOTARIZED

9-11-3: PROCESS FOR APPROVAL: Property owners desiring to have their lots recognized as a "legally designated lot" for building permit purposes must follow the process outlined below:

A. Property Inquiry: A Property Inquiry Request must be submitted to Teton County Planning and Building Department, and a Property Inquiry Results Letter must be returned to the applicant prior to beginning this process.
B. Application: Once the Property Inquiry Results Letter is returned to the property owners and verifies eligibility for this chapter, an application to the Planning and Building Department can be made. A complete application including the items listed in 9-11-2 must be submitted.
C. Staff Review: Any proposed application shall first be reviewed by the Planning Administrator to determine if the application meets the criteria of this Chapter and the intent of the Comprehensive Plan. The Planning Administrator has the discretion to schedule a meeting with the applicant to review possible modifications of the application. Once the Planning Administrator has reviewed the application and finds it does or does not meet the criteria of this Chapter and the intent of the Comprehensive Plan, a letter will be sent to the applicant outlining the findings. If the application does meet the criteria of this section and the intent of the

Comprehensive Plan, it will be scheduled on the next available Board of County Commissioner Agenda.

D. Board Review: The Board will review staff's findings and the application during a regularly schedule public meeting. The Board will approve, deny, or table the application to another meeting if additional information is needed. Approvals will only be granted if the application meets the criteria found in 9-11-4.
E. Survey Review: Once the Board has approved the application, the County Surveyor will review the submitted plat. Any changes needed to the plat will be forwarded to the applicant.
F. Recording: Once the plat has been reviewed and approved by the County Surveyor, the following shall be submitted to the Teton County Planning and Building Department for recording:
    - Two mylar copies of the Final Plat with approval signatures
    - At least one paper copy of the Final Plat with approval signatures (for the applicant)
    - Development Agreement, if required
    - Final Covenants, Conditions, and Restrictions
    - DWG format of Final Plat on CD

    The applicant is responsible for all recording fees required at the time of recording.

9-11-4: CRITERIA FOR APPROVAL: The following criteria must be met in order for the application to be approved by the Board.

A. The proposed lots must meet the minimum lot size of the underlying zone, exclusive of any public dedicated easements or right-of-ways, either based on the adopted requirements at the time of this application or the adopted requirements at the time the parcels were created through one of the processes identified in 9-11-1.
B. The proposed lots must have approved access.
C. There must have been a survey recorded with Teton County showing the creation of the parcel(s) prior to 2010.
D. No more than two (2) buildable lots are being created.

9-11-5: DENIAL OF APPLICATION: If the application fails to meet the criteria identified above, other remedies, such as a Full Plat Subdivision, may still remain available to the property owner. Fees paid are not refundable if the application is denied.

9-11-6: APPEAL OF FINAL DECISIONS: Decisions of the Board of County Commissioners are final. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request reconsideration by the BoCC. If still not satisfied with a decision of the Board of County Commissioners, one may pursue appeals to District Court within 28 days of the written decision being delivered.

9-11-7: EXPIRATION OF THIS CODE SECTION: This code section and the ability to utilize this process shall expire January 1, 2018.

8.18.1. Description

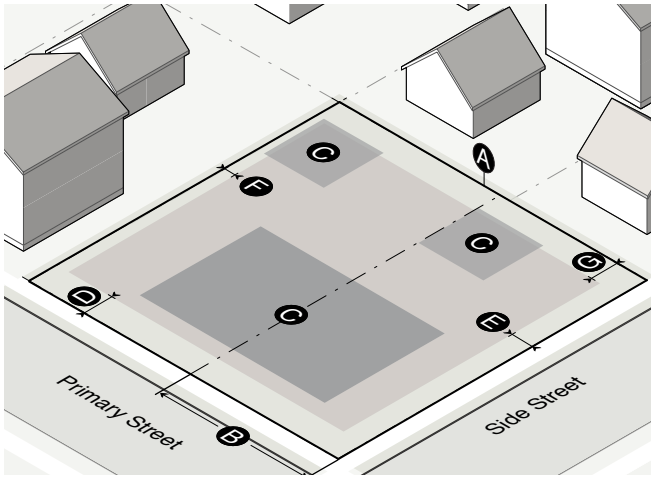
Definition

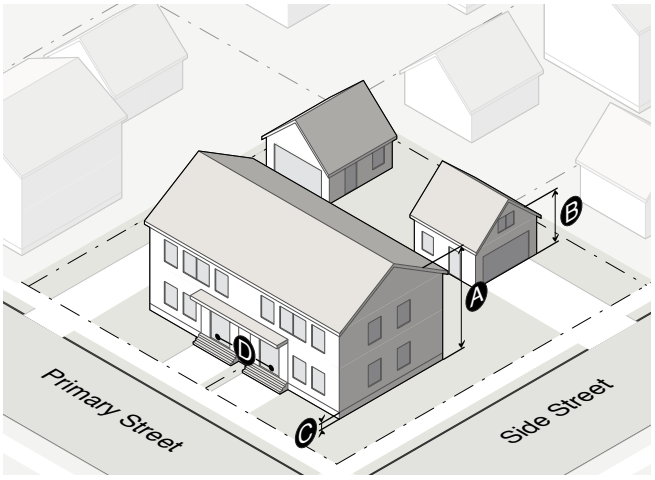
An accessory building includes detached buildings such as garages, carports, storage sheds, barns, pole barns, greenhouses, metal storage containers, and other buildings that are incidental to and located on the same lot as a principal building or use (Accessory buildings may be constructed on a property prior to the principal building, as long as the use is incidental to the underlying use of the property). This building type may not be used as a dwelling unit.

Districts Allowed

RA | LA | FH | ARN | RC | RS-16 | RS-7 | RS-5 | RS-3 | RM-1 | RM-2 | RX | NX | CX | DX | IX

8.18.2. Lot and Placement





Lot		
Area	set by district	A
Width	set by district	B
Coverage		
Lot coverage	set by district	C
Building Setbacks		
Primary street	set by district	D
Side street	set by district	E
Side interior	set by district	F
Rear	set by district	G
Building separation	5' min	H

8.18.3. Height and Form

Site Location	
Garage door restrictions	see **Div. 8.20.1**
Building Size Restrictions	
Height*	set by district *Metal Storage Containers: 10' max
Building Area	Metal Storage Containters are limited to a maximum of 400 ft^2