



Amended
2/17/2017

**AGENDA
PLANNING AND ZONING COMMISSION
PUBLIC MEETING
March 14, 2017
STARTING AT 5:00 PM**

**LOCATION: 150 Courthouse Dr., Driggs, ID 83422
Commissioners' Chamber - First Floor (lower level, SW Entrance)**

1. Approval of Minutes
 - October 18, 2016
 - November 8, 2016
 - December 13, 2016
2. Chairman Business
3. Administrator Business

5:00pm – Item #1 - SCENIC CORRIDOR DESIGN REVIEW: Adam & Brianna Cohn: Applicant is proposing to build a 30' x 30' metal garage in non-metallic colors that compliment the existing house. A 16' x 24' addition to the existing house is also being proposed along with 6' tall privacy fence to reduce light and noise impact from Hwy 33. The property is completely within the Scenic Corridor Overlay.

Legal Description: RP05N45E028102; LOT 2B WEST TAX #6557 SEC 2 T5N R45E

5:30pm – Item #2 - SCENIC CORRIDOR DESIGN REVIEW: Jess & Lynda Hawkes: Applicant is proposing a pole barn/shop approx. 120' from the outer edge of Hwy 33 ROW. There is an existing home, driveway and animal shelter. The property is zoned R-1 and the house and proposed pole barn are in the Scenic Corridor Overlay.

Legal Description: RPRP06N45E196200; W2SW4SW4 SEC 19 T6N R45E

6:00pm – Item #3 – UNSPECIFIED USE IN THE DRIGGS AREA OF IMPACT: Longhorn Corral located at 1776 N. Hwy 33 in Driggs. Business is located in the C-3 Service & Highway Commercial District. The business is an allowed use in this zone under the classification of “Sale of hay, grain, seed and related supplies”. The owner would like to sell firearms at this location. Uses not specified within zoning districts are prohibited unless determined by the Planning & Zoning Commission or its authorized representatives to be similar in nature to those specified. (Ord. 281-07, 9-4-2007)

Legal Description: RP05N45E232451; TAX #6561 SEC 23 T5N R45E

6:15pm – Item #4 - WORK SESSION: Draft Code: Discussion of the Draft Development Code redline process and proposed changes.

Public comment will not be taken regarding the Draft Development Code.

ADJOURN

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- **Written comments received by 5:00 pm, March 7, 2017 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 Planning & Zoning Commission department page, then select the Public Hearing of March 14, 2017 item in the Additional Information Side Bar.
 - Comments may be emailed to pz@co.teton.id.us. 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 two business days prior to the meeting at 208-354-8775.

TETON COUNTY PLANNING AND ZONING COMMISSION
DRAFT Meeting Minutes from October 18, 2016
County Commissioners Meeting Room, Driggs, ID

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

COUNTY STAFF PRESENT: Ms. Kristin Owen, Planning Administrator, Ms. Sharon Fox, Planning Services Assistant.

The meeting was called to order at 5:06 pm.

APPROVAL OF MINUTES:

MOTION: Mr. Arnold moved to approve the Minutes from the August 2, 2016. Mr. Larson seconded the motion.

VOTE: The motion was unanimously approved.

CHAIRMAN BUSINESS:

There was no Chairman Business.

ADMINISTRATIVE BUSINESS:

Ms. Owen told the Commission that due to the election on November 8th the Planning & Zoning public hearing will be held in the Courtroom on the third floor.

PUBLIC HEARING: Concept Approval for Ross Meadow Subdivision. Cleon Ross is proposing a 2-lot subdivision on his property (8.22 acres) located south of Victor. Both lots are proposed as 4.11 acres. This parcel is zoned A-2.5, in the Victor Area of Impact. This property is located in the Scenic Corridor Overlay, Wetlands and Waterways Overlay, and Flood Plain Overlay.

Ms. Owen explained that Mr. Cleon Ross is proposing a 2-lot subdivision on 8.22 acres. Each lot will be approximately 4 acres. This property is located in the Scenic Corridor Overlay, Flood Damage Prevention Overlay, and the Wetlands and Waterways Overlay. This property is also located in the Victor Area of Impact. Mr. Ross is splitting the property to sell to his children. The One Time Only Land Split is not an option on this property because the parcel is less than 20 acres, and the One Time Only option was used in the past.

Ms. Owen discussed the access next. This subdivision will have one access point, Old Jackson Highway. Highway 33 borders the property, but the applicant does not have an approved access from ITD. That portion of the property is also located in the floodplain and the Scenic Corridor. This development proposes that each lot owner would be responsible for an individual well and septic system. Fire suppression is not required because this proposal is fewer than 3 lots.

Ms. Owen reviewed the criteria for approval for a Concept subdivision application. She identified the suggested conditions of approval and said only one public comment letter has been received.

APPLICANT PRESENTATION:

Mr. Arnold Woolstenhulme with AW Engineering, representing the applicant, commented that the subdivision is being done so that Mr. Ross can sell the property to his two children. Because the parcel is located in the Victor Area of Impact they approached the City of Victor to see about tying into their water and sewer system. The City of Victor did not want to allow that due to water issues, so the parcel will have to have a well and septic system.

Ms. Johnston asked how far the lot was from the nearest public sewer service. Mr. Woolstenhulme commented the nearest public service is approximately 300 yards, but it is uphill and would require a lift station and would have to go under the highway to connect to the subdivision across the highway.

Mr. Haddox asked if any test holes would be dug to test the soil prior to the holes required for an NP evaluation. Mr. Woolstenhulme commented they have not done any perc test holes because they are not required by Idaho, but two test holes were dug near the canal area 10' deep and found no water. He commented that the wells in the area are around 40' deep and have had no problems with sub water in this area.

PUBLIC COMMENT:

Ms. Janine Jolley, daughter of the applicant, explained that her grandfather purchased the land in 1945 and in 1959 Highway 33 was constructed and split the property in half. The One Time Only lot split was used to produce two legal parcels after the highway was constructed. She commented she has been waiting for the new draft code to be approved to move forward, but since that has been delayed they decided to move forward with a subdivision application. Ms. Jolley stated they have no plans to make any changes to the property at this time, but the county is requiring the subdivision process in order for the lots to be purchased separately.

Mr. Kendall Jolley, resident at 9290 Old Jackson Hwy, commented he is asking for help to make it possible for the property to be split so that Mr. Ross's two children can each have a piece. He was also asking to avoid having to do the NP study.

Mr. Newell Kimball, resident at 580 E. 9500 S., commented he is an adjoining neighbor and wanted to speak in favor of the applicant and encouraged the Commission to approve the application.

Ms. Gloria Kimball, resident at 580 E. 9500 S., commented the land has been in the family for a very long time and the children are just trying to keep the land in the family. The land has been used as pasture land for the last 50 years and both children want to continue that use.

COMMISSION DELIBERATION:

Mr. Arnold commented he was in favor of approving the concept application. Ms. Johnston agreed with Mr. Arnold and had no concerns at the concept level. She was in favor of having the building envelope identified outside the floodplain. Mr. Larson commented he was sorry that the draft code

has not moved forward to allow a different option for a lot split, and did not have a problem with the concept plan.

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. Identify building envelopes for both lots, outside of the Special Flood Hazard Area, on the plat.
 2. Identify the Special Flood Hazard Area on the plat.
 3. Obtain access approval from Teton County, ID Road & Bridge for Old Jackson Highway.
 4. Begin working with Eastern Idaho Public Health for approval.
 5. Conduct required studies/plans for Preliminary Review: Landscape Plan, Natural Resource Analysis, and Nutrient Pathogen Evaluation (if not waived). Cleon Ross 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 Ross Meadow Subdivision as described in the application materials submitted August 4, 2016 and as supplemented with additional applicant information attached to this staff report.

Mr. Larson seconded the motion.

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

Nutrient Pathogen Waiver Request: Ross Meadow Subdivision. Cleon Ross is requesting a waiver from the Nutrient Pathogen Evaluation. This Evaluation will be required for the Ross Meadow Subdivision Preliminary Approval, if Concept Approval is granted.

Ms. Owen explained that Title 9 identifies a process for a waiver if the state does not require the study but county code does. The approval process is a review by the Planning Commission with a recommendation to the BoCC, and then the BoCC will approve or deny the waiver request. Ms. Owen sent the request to the county's technical reviewer for NP studies, Jen Zung with Harmony Design, and Flint Hall from DEQ and they had a few comments. Ms. Zung said she would not recommend granting a waiver unless the applicant can show that Trail Creek is not hydraulically connected to any shallow or perched ground water that could be contaminated. Mr. Hall suggested that the developer be requested to collect ground water samples for total nitrite plus nitrate from the nearest domestic wells up gradient and down gradient to provide a basis for the assumption that they won't cause any impact. The applicant has also said they would be willing to use advance septic systems on the property if that will help with the waiver. Ms. Owen recommended the applicant look at those two comments and provide that information. Mr. Woolstenhulme has provided some of the information Ms. Zung requested, but Ms. Owen has not had time to review the information.

APPLICANT PRESENTATION:

Mr. Arnold Woolstenhulme with AW Engineering, representing the applicant, commented he did receive the request for additional information. He talked to a testing lab and he collected samples from three wells, one upstream from the property, one southeast of the property and another one

½ mile downstream from the property. He has submitted the samples but has no idea what to expect from the samples. He was not sure he could show where the nitrates are coming from with the results from the lab, or how soon he would get the results. Mr. Woolstenhulme commented he dug several test holes near Trail Creek and there was no evidence of water. He was confident that the soil would not percolate deep enough to get into the ground water to contaminate wells.

COMMISSION DELIBERATION:

Mr. Booker commented he did not walk the site but he did not feel with two houses there would be a lot of waste produced. He did not feel the houses would impact the wetlands based on the distance from the building envelopes to the creek. Ms. Owen commented the site does not show wetlands and it is the proximity to Trail Creek that runs through the site that is triggering the NP study.

Mr. Haddox commented he was not concerned with the septic system flowing into Trail Creek based on the gravelly soil in the area. He did not feel an NP study was necessary. Mr. Breckenridge felt with building envelopes located on the higher ground and based on the size of the parcel, he did not feel the NP study was necessary. Mr. Moyer agreed with Mr. Breckenridge and was surprised it could be required for two lots.

MOTION: Mr. Larson moved to forward a positive recommendation to the BoCC to waive the Nutrient Pathogen Evaluation study for Ross Meadow Subdivision with the following condition(s):

1. The applicant must collect ground water samples for total nitrite plus nitrate from the nearest domestic wells up gradient and down gradient from the proposed subdivision to provide a basis for the assumption that there will be no impact.
2. Recommend an advance septic system.
3. Building envelopes be set away from Trail Creek.

Mr. Moyer seconded the motion.

Ms. Johnston commented she felt that environmental protections are very important and the NP study is one of the environmental protections in the Code she felt was important. She did not see any overwhelming reason to waive the requirement for this application.

Mr. Arnold did not feel the advanced system should be required as a condition of approval. Mr. Larson commented he felt requiring an advanced system was a rational way to ensure there would be no impact to the ground water.

VOTE: After a roll call vote the motion failed 5-3.

MOTION: Mr. Arnold moved to forward a positive recommendation to approve the Nutrient Pathogen Study Waiver based on the hydrology of Trail Creek at that point and the test holes showing no sign of water. Ms. Robson seconded the motion.

VOTE: After a roll call vote the motion failed 4-4.

MOTION: Mr. Arnold moved to forward a positive recommendation to approve the Nutrient Pathogen Study Waiver for Ross Meadows Subdivision with the BoCC recognizing the Minutes of this discussion in their decision on the Waiver requirements.

There was no second for the motion so the motion was not voted on.

MOTION: Mr. Larson moved to forward a positive recommendation to the BoCC to waive the Nutrient Pathogen Evaluation study for Ross Meadow Subdivision with the following condition(s):

1. The applicant must collect ground water samples for total nitrite plus nitrate from the nearest domestic wells up gradient and down gradient from the proposed subdivision to provide a basis for the assumption that there will be no impact.
2. Recommend an advance septic system.
3. Building envelopes be set away from Trail Creek.

Mr. Haddox seconded the motion.

VOTE: After a roll call vote the motion passed 7-1.

CONTINUATION OF PUBLIC HEARING: A new Land Use Development Code. This is a continuation of the 10/5/2016 public hearing. The public comment period was closed on 10/5. This meeting is a continuation of the Planning Commission's discussion and deliberation.

Mr. Dave Hensel contributed to the discussion via a conference call from his location out of town. Mr. Booker commented the continuation of the draft code hearing is to discuss the options for moving forward. The options are to make a list of recommended changes and then hold another public hearing at the Planning Commission level, or make a list of recommended changes and make a recommendation to the BoCC with the list.

MOTION: Mr. Arnold moved to review the changes in further detail with the addition of the updated definitions that need to be done and continue the hearing, and hold another public hearing with the Commission at a later date before making a recommendation to the BoCC. Ms. Robson seconded the motion.

Mr. Hensel asked what kind of timeline can be expected to accomplish the review. Ms. Owen commented it would be the end of November before she would have time to work on the definitions and anything else that needed more research.

Mr. Larson commented he felt the Commission had already reached a consensus on the code and did not need another public hearing to move forward. He wanted to review the changes and then have another meeting to make the recommendation to the BoCC for approval with a list of changes agreed on. Mr. Haddox agreed with Mr. Larson.

Mr. Breckenridge commented he felt the public needed to see the document again to review the changes and see if they are ready to take ownership of the code. Mr. Moyer felt the public's opinion was important and he was in favor of taking more time to incorporate the changes and have another public hearing.

Ms. Johnston commented she did not think good planning should be political. She did not feel the process they have been following is in line with best planning practices. She was disappointed in the lack of public comment and the addressing of their concerns. Ms. Johnston wanted to have more public comment and more expert opinions sought out. She wanted to be sure that the Commission listens to the public comments and implements them into code changes. She did not

feel that so far the discussions and changes have been particularly adequate in addressing the public concerns.

Ms. Robson commented that the Commission has been working on the draft code for a really long time and the public was only given three minutes at one meeting to make a comment. She did not feel that was adequate time for the public to absorb and comment on the document. Ms. Robson wanted to have a redline version with the changes incorporated and then listen to the public comments again since it impacts a lot of people's lives. Ms. Robson wanted to have an open dialogue with the public so they could ask questions and get a response to their concerns. Ms. Spitzer commented that was a procedural issue not a legal issue. The law requires one public hearing but the Commission can have more than one if they so choose. Mr. Breckenridge commented that the open houses that were held provided the perfect opportunity for an open dialogue with Ms. Owen and several Commissioners present. Several members of the public took the time to come to those open houses.

Ms. Johnston commented she was not comfortable moving forward with a continued undefined process that is open ended. She felt the draft code could drag on forever without specific direction. She did not think the draft code should be based solely on nine Commissioners' opinions because she did not see meaningful changes after the discussions. She felt there is a large gap between the comp plan and the draft code that needs to be closed and reviewed by an expert.

Mr. Arnold felt that the changes they have approved helped with some of the definitions that were difficult to understand and clarified some of the misconceptions to make the code more straight forward. He wanted to see a redline document that the Commission can review at a work session and then have another public hearing before moving it forward. He asked about opening up the public comment period and the timing. Ms. Owen commented the Commission can reopen the public comment as a continuation of this hearing at any time, but she recommended that the public be noticed again because she was hearing that the Commission felt the public was not aware of the process. Ms. Johnston suggested that the public be allowed to submit written comments now until the close of the oral public hearing comment period at the next public hearing after the redline review.

Mr. Arnold called for a vote on his motion. The motion was restated for the Commission. Ms. Johnston wanted to amend the motion to clarify that the changes will be incorporated into a redline version of the code which will then be considered and reviewed at a work session after which another public hearing will be held.

AMENDED MOTION: Ms. Johnston moved to amend the motion to direct staff to incorporate the changes that have been discussed and agreed upon thus far into a redline version of the code which the P&Z will review at a subsequent work session and following that session another public hearing will be noticed and held on the updated document and that the public comment period is reopened as of October 18, 2016. Mr. Arnold accepted the amended motion and Ms. Robson seconded the amended motion.

VOTE: After a roll call vote the motion passed 7-2 with Mr. Larson and Mr. Hensel opposed.

SCENIC CORRIDOR DESIGN REVIEW: Aaron Cisco. Building a storage shed on his property, located at 9539 S. Highway 31 in Victor. The property is partially in the Scenic Corridor Overlay, and the building site for this shed is completely in the Scenic Corridor.

Ms. Owen commented that the applicant would not be present for the review. Mr. Cisco submitted a completed scenic corridor design review application on September 29, 2016, and he also submitted a building permit application. Before the building permit can be approved, a scenic corridor design review must occur and be approved for the structure. The proposed garage/shed will be approximately 280 feet from the outer edge of Highway 31's right of way, and this proposal complies with all required setbacks. Ms. Owen commented that the garage location was chosen based on the existing home and driveway, and he is proposing to use materials that are consistent with the existing home and non-reflective.

It was the consensus of the Commission that the application should be approved.

MOTION: Mr. Arnold moved that having found that the proposed development for Aaron Cisco is consistent with the Teton County development ordinances, specifically Title 8-5-2-D, 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. If outdoor lighting is desired, it must comply with Teton County Code lighting requirements.
4. Building materials shall not be highly reflective materials.

Mr. Moyer seconded the motion.

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

MOTION: Mr. Larson moved to adjourn. Mr. Arnold seconded the motion.

VOTE: The motion was unanimously approved.

The meeting was adjourned at 7:20 pm.

Respectfully submitted,
Sharon Fox, Scribe

Cleve Booker, Vice-Chairman

Sharon Fox, Scribe

DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from November 8, 2016
Main Courtroom (3rd floor), Driggs, ID

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

COUNTY STAFF PRESENT: Ms. Kristin Owen, Planning Administrator, Ms. Sharon Fox, Planning Services Assistant.

The meeting was called to order at 5:06 PM.

Chairman Business:

Mr. Booker commented on the draft code red line progress. He suggested that the Commission recommend to the BoCC to hire someone to take on the red line process to get the document back out to the public. Mr. Larson commented he thought it would be easier to convert the document to Word so it could be red lined easier.

MOTION: Mr. Larson moved to recommend the BoCC find some additional resources to help the Planning Administrator produce a red lined version of the draft code. Mr. Arnold seconded the motion.

VOTE: The motion was unanimously approved.

Mr. Booker next asked the Commission when they would like to try and schedule the Christmas gathering for the Commissioners at Linn Canyon Ranch. Ms. Owen asked for a consensus on doing it in December or waiting until January, as was done last year. It was decided that the members would check their schedules and email Ms. Owen so she can check on availability.

PUBLIC HEARING: Preliminary Approval for Nelson Subdivision. Valoie Nelson is proposing a 2-lot subdivision on her property (8.49 acres) located north of Victor at 680 E 5500 S. This property is not located in any overlay areas.

Applicant Presentation:

Mr. Patrick Gilroy from Pierson Land Works, representing the applicant, commented on the history of the property and the problem with a one time only lot split because of the lot size. He explained that there are currently two residences on the 8 acre lot, one owned by Ms. Nelson and one owned by her son. The subdivision application will allow Ms. Nelson to have two separate deeds for the parcel so she can leave each of her sons half of the 8.49 acres. He discussed the existing infrastructure and access, the need for separate deeds for the homes on the property, and the fact that nothing will be changed from what is existing.

Staff Presentation:

Ms. Owen commented Valoie Nelson, applicant, is proposing a 2-lot subdivision on her property (8.49 acres) located north of Victor at 680 E 5500 S. There are two existing homes on the property, each accessing off a County road. Ms. Nelson is proposing to split her parcel into 2 lots, so her son

can own the parcel his home is located on, and she can own the parcel that her home is on. This property is not eligible for the One Time Only Land Split because it does not have at least 20 acres. Because the property is in the wetlands and waterways overlay it will trigger an NP study requirement or a waiver. It will also trigger a Natural Resource Analysis existing conditions inventory, although most of the conditions that are required to be addressed don't apply to this property so it shouldn't be difficult to complete. Ms. Owen commented she felt the existing conditions inventory could be a condition of preliminary approval so that it could be completed before the BoCC hearing without having to come back to the Commission for review. She reviewed the areas of concern in the riparian areas adjacent to the creek but did not feel there were any other issues that would be a problem with granting a waiver.

Ms. Owen commented on the DRC meeting that was held and she said Mike Dronen with EIPH felt that Lot 2, where Ms. Nelson's house is located, was pretty much built out based on the location of the septic and the creek although the Zoning Ordinance does allow for two residences on a lot. Mr. Dronen felt it would be difficult to meet required setbacks in order to place a second residence on Lot 2 or on Lot 1. Ms. Owen also reviewed a public comment letter received from an adjacent property owner regarding the fence on the south side of the property. The neighbor wanted it to be noted on the plat that the fence line was not the lot boundary line. Ms. Owen felt that the plat will clearly show the boundary lines so she did not think a note on the plat was necessary.

Public Comment:

There was no public comment.

Commission Deliberation:

Mr. Larson asked if Lot 2 was built out as far as the septic was concerned. Ms. Owen said it was as far as Mr. Dronen is concerned because of the setbacks required for Fox creek, but Lot 1 could potentially have another septic if placed properly.

Mr. Arnold asked about the NP study waiver and what it would entail. Ms. Owen read the criteria for existing conditions for the waiver request which include floodplain, seismic hazards, wildfire danger areas, existing vegetation, ridges, and scenic corridor. The existing vegetation in a riparian area is the only one that would apply since the other conditions do not exist on this property, and Ms. Owen felt that could be done before the BoCC hearing as a condition of approval.

Mr. Moyer asked if the county road through the property was a problem. Ms. Owen said that is not a problem.

MOTION: Mr. Arnold moved that having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2(C) can be satisfied with the inclusion of the following conditions of approval:

1. Conduct a Nutrient Pathogen Evaluation, or get a waiver approved by the Board of County Commissioners.
2. Conduct a Natural Resources Analysis to be completed for review at the Board of County Commissioners public hearing.
3. Begin working with Eastern Idaho Public Health for approval.

- and having found that the considerations for recommending Preliminary Plat approval to Valoie Nelson can be justified and have been presented in the application materials, staff report, and presentations to the Teton County 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 of the Preliminary Plat for Nelson Subdivision as described in the application materials submitted October 4, 2016 and as supplemented with additional applicant information attached to this staff report.

Mr. Larson seconded the motion.

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

PUBLIC HEARING: Nutrient Pathogen Waiver Request: Nelson Subdivision. Valoie Nelson is requesting a waiver from the Nutrient Pathogen Evaluation. This Evaluation will be required for the Nelson Subdivision Preliminary Approval.

Ms. Owen commented on the letter received from the applicant requesting the NP Waiver and noted they are not proposing any new development because each lot has an existing residence and septic system installed. The subdivision application is not proposing any new homes or septic systems. Ms. Owen suggested a possible condition that the NP study would be triggered if the applicant were to decide to build another residence with another septic system on either of the lots or to further subdivide the property.

Mr. Moyer asked if doing an addition or remodel would trigger the NP study because that would require a building permit even if it didn't include a new bedroom. Ms. Owen commented if they would like they could substitute language that stated any adjustment in the existing septic rather than a new building permit would trigger the study.

Ms. Johnston commented she thought it would be sufficient if the condition is for an accessory dwelling building permit. Ms. Owen pointed out that adding additional bedrooms to the existing structure could require an increase in the septic system, which should trigger the study.

MOTION: Mr. Larson moved to forward a positive recommendation to the Board of County Commissioners for the Nutrient Pathogen Evaluation Waiver Request for Nelson Subdivision approval, with the following condition:

1. A section in the Development Agreement for Nelson Subdivision will be added that says the Nutrient Pathogen Evaluation will be will be required if a building permit requires an additional septic capacity.

Mr. Arnold seconded the motion.

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

PUBLIC HEARING: Amendment to Teton Reserve Planned Unit Development's Master Plan and Development Agreement. TR Golf, LLC is proposing an AMENDMENT to the Teton Reserve PUD Master Plan and Development Agreement to reflect the existing location of the golf clubhouse and parking area, as well as to identify specific uses allowed on those lots. This amendment also identifies an event lawn and retains the original clubhouse/parking lots for future

growth of those uses. This amendment is defined as a Substantial Changes – Decrease Scale, Impact request pursuant to the Teton County Code, Section 9-7-1-B-2.

Staff Presentation:

Ms. Owen explained that this was an amendment to their master plan and development agreement to accurately reflect what was built on the property and will bring the subdivision into compliance. She explained the PUD approval allows the lots to have specific uses other than residential as long as the plat accurately reflects the use. She did explain that the preliminary and final plat phases are combined in this request because it is an insignificant change to the plat.

Applicant Presentation:

Mr. Herb Heimerl, representing the applicant, explained that when his client purchased the subdivision from the bank a residential building was being used for a clubhouse and the lot next door for parking, even though the plat specified those uses on different lots. The applicant is planning on a significant replat of the subdivision to reduce the density in one of the phases and it was suggested by staff to clean up the existing plat discrepancies before making a significant plat amendment.

Mr. Larson asked about the existing lots designated for the clubhouse and parking. Ms. Owen commented they are designated, but have never been used. The two lots being used for the clubhouse and for parking are currently designated as residential lots. Mr. Larson asked if Lot 5, which is designated as an event lot, would remain designated as an event lot. Ms. Owen confirmed that was correct. It has been used for events in the past and the applicant wanted to maintain that option.

Ms. Johnston asked if the existing clubhouse was originally built as a single family home. Mr. Heimerl commented he believed it was, but it was it was built before the applicant purchased the subdivision so he could not confirm. The applicant commented he believed the house was constructed as the original clubhouse built for the original golf course design. Ms. Johnston next asked if the bedrooms attached to the clubhouse were rented on a nightly basis. Mr. Heimerl commented that the previous owners used the rooms for overnight guests from out of town who were interested in playing golf or purchasing a lot. He stated it was not operated like a hotel but more of a bed and breakfast for potential clients. Mr. Booker asked if those rooms were offered on airbnb or a similar rental website. The applicant stated they were not.

Mr. Booker asked about the existing uses. Ms. Owen explained that the PUD was approved with lots designated for a clubhouse and adjacent parking, but the clubhouse was built on a different lot designated as residential and the applicant is trying to correct that designation on the plat. Staff asked the applicant to specify the uses to be allowed in the clubhouse since that was not done during the original approval. They have been using the rooms for rentals for golf course players and have offered limited food service in the past as well, and so they are simply bringing those uses into conformance. Ms. Owen commented the subdivision is in the Victor Area of Impact so the application was sent to the Planning Administrator and Public Works Director but neither department responded with concerns.

Mr. Breckenridge asked about renting the bedrooms and if that was planned for the original clubhouse. Mr. Larson thought the existing clubhouse was built as a spec home originally, and Ms.

Owen commented it is not clear if the original developer planned to have sleeping units in the clubhouse.

Public Comment:

Mr. Robert Anderson, a homeowner in Teton Reserve, commented he is in favor of the application and, as an HOA board member, he would like to support it.

Commission Deliberation:

Mr. Larson commented he felt it would be a good idea to bring the subdivision into compliance to eliminate the non-conforming use. He did not believe the development would be needing another clubhouse any time soon, so he felt the application should move forward. He was somewhat concerned about the rental rooms.

Ms. Johnston commented that what is already built isn't what should be used as the criteria for approval. She pointed out that the Comp Plan specifies that non-residential uses should be located within the interior of the PUD and not along state highways or county roads. The proposal has the non-residential uses right on the county road and adjacent to other residential lots within the subdivision and directly across the county road. She felt the application was in direct conflict of the Comp Plan. Mr. Arnold commented that other golf courses are on county roads and did not feel that this was a problem.

Mr. Larson commented he lives across the street from the location of the clubhouse and he does not find the impacts to be that great as far as additional traffic or noise is concerned. He was somewhat concerned with having two lots designated for a clubhouse because it is not clear if the existing clubhouse would go away if a larger one was built on the lot it was designated for. He commented he did want to see the development be successful.

Mr. Arnold wanted to see the new owner that purchased the property succeed and he is trying to bring the subdivision into compliance. Mr. Arnold wanted to support the efforts of the new owner to make the subdivision viable. He felt it was important to the economics of the valley to try and salvage developments that have gone back to the bank and try to make them successful. Mr. Arnold also pointed out that golf courses in surrounding cities have their clubhouse and parking along a county road rather than within the interior.

Mr. Booker asked if there was a restaurant approved for the original clubhouse. Ms. Owen said the clubhouse uses were not specified in the original approval.

Mr. Larson commented he would like to hear from the applicant as to how soon they anticipate building a new clubhouse. Mr. Heimerl commented the applicant is not the original developer and did not plan or construct the non-conforming use, it was already existing. He commented the applicant is willing to give up the existing clubhouse when they can afford to build a new clubhouse on the originally designated lot. Based on the intent to reduce the approved density it is possible there will never be a need for a larger clubhouse in the development. Mr. Heimerl commented the applicant is not in a hurry to move forward and would not have a problem coming back with a more detailed application.

MOTION: Mr. Larson moved to continue the application for a significant plat amendment approval for Teton Reserve Planned Unit Development to the next available meeting after staff has received updated materials from the applicant. Ms. Robson seconded the motion.

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

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

VOTE: The motion was unanimously approved

The meeting was adjourned at 6:50 pm.

Respectfully submitted,
Sharon Fox, Scribe

Cleve Booker, Vice-Chairman

Sharon Fox, Scribe

Attachments:

1. November 8, 2016 PZC Meeting Packet
2. Public Comment Sign in Sheets

TETON COUNTY PLANNING AND ZONING COMMISSION
DRAFT Meeting Minutes from December 13, 2016
County Commissioners Meeting Room, Driggs, ID

COMMISSIONERS PRESENT: Mr. Cleve Booker, Mr. Chris Larson, Mr. Jack Haddox, Ms. Marlene Robson, and Ms. Sarah Johnston. Mr. Dave Hensel was present by speaker phone for the discussion and vote on the Draft Land Use Code.

COUNTY STAFF PRESENT: Ms. Ms. Kristin Owen via speaker phone and Ms. Sharon Fox, Planning Services Assistant

The meeting was called to order at 5:03 pm. Due to technical issues involving the audio recording the Commission proceeded with administrative business while working out the problem.

CHAIRMAN/VICE CHAIRMAN ELECTION:

MOTION: Mr. Larson moved to elect Mr. Cleve Booker as Chairman. Ms. Johnston seconded the motion.

VOTE: The motion was unanimously approved.

MOTION: Mr. Larson moved to postpone the election of Vice Chairman until the next Planning Commission hearing when a full Commission could be present. Ms. Johnston seconded the motion.

VOTE: The motion was unanimously approved.

APPROVAL OF MINUTES:

MOTION: Mr. Larson moved to approve the Minutes from October 5, 6, and 10, 2016 as amended. Ms. Robson seconded the motion.

VOTE: The motion was unanimously approved.

CHAIRMAN BUSINESS:

There was no Chairman business.

ADMINISTRATIVE BUSINESS:

There was no administrative business.

MOTION: Ms. Johnston moved to postpone the Public Hearing for the Amendment to Title 8, Teton County Zoning Ordinance, until a future date due to the lack of audio recording ability. Mr. Larson seconded the motion.

VOTE: The motion was unanimously approved.

The audio was restored at 5:31 so the meeting continued.

MOTION: Mr. Larson moved to restore the Public Hearing for the Amendment to Title 8. Ms. Johnston seconded the motion.

VOTE: The motion was unanimously approved.

PUBLIC HEARING: Amendment to Title 8, Teton County Zoning Ordinance – Proposing amendments to Title 8 to amend a definition in Chapter 4, Section 2, amend all of Chapter 6, Section 3: Temporary Uses, and amend all of Chapter 9: Signs. This amendment is intended to change the definition of a Bed & Breakfast Inn to allow serving food as an option instead of a requirement, to clearly identify temporary uses and establish a clear and comprehensive process for approving Temporary Use Permits, and this amendment is also intended to update the existing sign ordinance to bring Title 8 into compliance after a recent U.S. Supreme Court decision (Reed v. Town of Gilbert) changed how signs may be regulated.

STAFF PRESENTATION:

Ms. Owen explained staff is proposing three amendments to the Zoning Ordinance: 1) amend the definition of a Bed & Breakfast Inn to allow serving food as an option instead of a requirement, 2) amend the Temporary Use section to clarify temporary uses and temporary use permits, as well as to identify a thorough process for permit review, and 3) amend the sign ordinance to come into compliance with a recent US Supreme Court decision. Ms. Owen commented that two of the proposed amendments were incorporated into the draft code to be adopted as part of the new code. Since that process has been delayed staff felt it was important to move these proposed amendments forward on their own along with the amended sign ordinance based on the recent court decision.

The first proposed amendment changes the definition of a Bed & Breakfast Inn. Title 8 identifies two types of bed & breakfasts, Bed & Breakfast Residential and Bed & Breakfast Inn. For a Residential B&B, serving food to guests is allowed, but it is not a requirement. For a B&B Inn, serving food to guests is a requirement. The proposed amendment changes the definition of a B&B Inn so that serving food will be an option.

The Temporary Use Permit amendment is needed as soon as possible to address the upcoming Eclipse Event happening on August 21, 2017 because the public has already started to inquire about things like hosting special events and renting out vacant land for camping. Ms. Owen explained that there have been several meetings with emergency management officials to try and ensure these permits adequately address issues like public safety, security, traffic, pet control, etc. that are not addressed in the existing code.

The third amendment involves the existing sign ordinance which is not legal and cannot be enforced, so it is important the County make this amendment to bring the code into compliance. The US Supreme Court decision ruled that sign ordinances must be content neutral. This essentially means that if you have to read what is on the sign to know how to permit it, your ordinance is not valid. Instead, signs can be regulated by things like size, location, and duration of time they are allowed.

PUBLIC COMMENT:

There was no public comment.

COMMISSION DELIBERATION:

The Commission was in favor of approving the Bed & Breakfast amendment.

Regarding the Temporary Use Permit amendment, Mr. Larson was concerned with the County's liability and control since this section states that any event sponsored by Teton County is exempt from the permitting process. Mr. Larson was also concerned with what would trigger a cash deposit or bond for a special event. He felt the criteria should be very specific. Ms. Owen explained the use of the deposit/bond would be triggered by a large event to ensure that the conditions of the permit were adhered to and the site was cleaned up after the event. Mr. Larson felt there should be a specific trigger so it isn't decided on a case by case basis by people who may or may not be in favor of the event. Ms. Johnston agreed it should be spelled out because she also had concerns with a biased judgement on a permit application. Mr. Booker also agreed with that point based on the potential for bias on the part of the decision maker. Ms. Owen commented she could do some research to determine a threshold based on the potential diversity of events.

Ms. Johnston was concerned with the language about exempting uses on public property and with the 60 day permit application submission requirement. Ms. Johnston was also concerned with limiting the hours of operation for an event to 6am to midnight because some events run for 24 hours. Ms. Owen commented #3 allows deviation from those hours if the event warrants it. Ms. Johnston thought it should be spelled out what decibel levels would be allowed for a 24 hour event. She did not feel the temporary use permit amendment was ready because she wasn't sure of the intent and wanted to make sure the amendment spelled out the intent clearly. Ms. Johnston felt it was important to look at the policy and execution side both.

Mr. Haddox was in agreement with Ms. Johnston and felt the amendment needed more work. Ms. Robson also agreed it was hard to understand and needs more work. Mr. Larson agreed there should be some clarifications. Mr. Booker felt it should have more work. Mr. Robson wanted it to be simpler and easier to understand. Mr. Larson did not want to make it simpler but wanted some consistency and maybe some rewording.

Next discussed was the sign permit amendment. Ms. Owen explained the court ruling that made the existing ordinance illegal because it is content based regulation, and that it cannot be enforced as written. She talked about the confusion in the Driggs Area of Impact since the City of Driggs has already approved their sign ordinance and the need to have something adopted by the county as soon as possible for purposes of enforcement. Ms. Johnston asked if it mirrors the City of Driggs sign ordinance. Ms. Owen stated it was written to match theirs and verified as content neutral.

Ms. Robson asked for an example of regulating content. Ms. Owen commented that signs like real estate signs which are allowed one per street frontage would be illegal because you have to read it to know it is a real estate sign. If the ordinance read you could have one sign per street frontage without being specific, that would be content neutral. Ms. Robson asked about signs like Kings. Ms. Owen commented those type of signs are only allowed in the city limits.

Mr. Booker summarized the Commission was in favor of the B&B amendment, they want to have more work done on the temporary use amendment, and in favor of the sign amendment.

MOTION: Mr. Larson moved to forward a positive recommendation on Amendment 8-4-2 to change the definition of Bed & Breakfast Inn, to continue Amendment 8-6-3 Temporary Use Section with the following direction:

1. Further criteria on how cash deposit/bond and liability insurance is required;
2. 4.a.i – strike the last sentence or make it more consistent with #1. Exempt Temporary Uses;
3. Review D.1 - 60 day criteria with consistency to other jurisdictions
4. Review E. Hours of Operation for consistency in longer term uses such as camping;
5. H. should apply possibly to Type 1 and not to just a use with 250 or more expected attendees.

Also to forward a positive recommendation for Amendment 8-9 Sign Ordinance as proposed.

Mr. Haddox seconded the motion.

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

SCENIC CORRIDOR REVIEW: Amber Winegar – Amber Winegar is requesting to place a single-wide, manufactured home on her family’s property south of Felt, located along Highway 32 at 4035 W 10000 N. The property is entirely in the Scenic Corridor Overlay.

STAFF PRESENTATION:

Ms. Owen explained that Amber Winegar and her husband submitted a completed scenic corridor design review application on December 1, 2016 and they also submitted a building permit application. Before the building permit can be approved, a scenic corridor design review must occur and be approved for the structure. The proposed single-wide, manufactured home will be approximately 280 feet from the outer edge of Highway 32’s right of way, and this proposal complies with all required setbacks. The home is not highly reflective and a neutral color that matches other buildings on the property. There are three existing homes on the property that are not livable and will be marked as “condemned” by the Building Official. One of these homes will be removed and replaced by the proposed home. The building location was chosen because it is replacing one of the existing homes.

PUBLIC COMMENT:

There was no public comment.

COMMISSION DELIBERATION:

Ms. Johnston asked about placement and building setbacks. Ms. Owen commented there was enough space for them to legally place it by adjusting the location slightly and it would be reviewed at the building permit level. Ms. Johnston commented she was not in favor of the color, but since it was non-reflective she was not sure if there could be any additional color conditions.

Mr. Booker commented he thought they were doing the best they could and it wasn't visible for very long as you drive by. He did not think wood siding was necessary to change the appearance. Mr. Haddox commented he did not notice the problems with the site as he drove by either.

It was the consensus of the Commission that the application should be approved.

MOTION: Ms. Johnston moved that having found that the proposed development for Amber Winegar is consistent with the Teton County development ordinances, specifically Title 8-5-2-D, 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. If outdoor lighting is desired, it must comply with Teton County Code lighting requirements.
4. Building materials shall not be highly reflective materials.
5. If a satellite dish is installed, it must be located to minimize visibility from Highway 32, as per Title 8-5-2-D-4.

Mr. Larson seconded the motion.

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

Mr. Booker closed the public hearing at 6:45 and the Commission took a 5 minute break.

5:30 PM – WORK SESSION: Joint with the Board of County Commissioners – Discussion of the Draft Land Use Development Code.

The discussion involved the next step for the draft code. It was the consensus of the Commission to have the document converted to a Word document. Once that is completed the Commission would like to have the document redlined with the changes approved and then have another public hearing before making a final recommendation to the BoCC.

The Work Session ended at 8:00 pm.

Respectfully submitted,
Sharon Fox, Scribe

Cleve Booker, Chairman

Sharon Fox, Scribe

Attachments:

1. PZC October 18, 2016 Meeting Packet
2. October 18, 2016 Public Comment



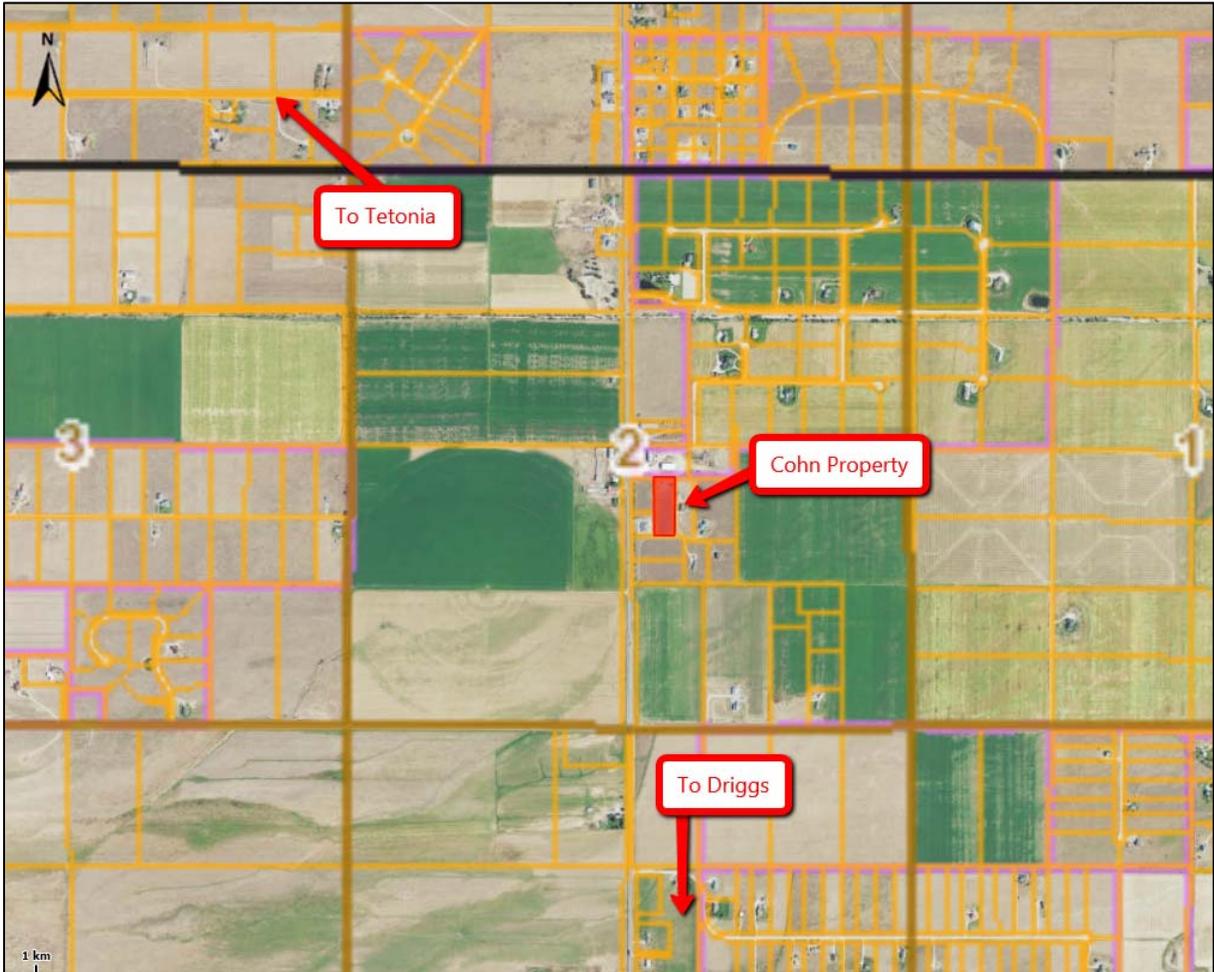
SCENIC CORRIDOR REVIEW for: Adam & Brianna Cohn
WHERE: 360 West 4350 North
Prepared for the Planning & Zoning Commission
March 14, 2017

APPLICANT: Adam & Brianna Cohn
LANDOWNER: Adam & Brianna Cohn

APPLICABLE COUNTY CODE: Teton County Zoning Ordinance Section 8-5-2-D (SC) Scenic Corridor Overlay Regulations.

REQUEST: Adam and Brianna Cohn are requesting approval for constructing several structures located in the scenic corridor of State Hwy 33, specifically; a 6’ partial privacy fence constructed of natural wood, a 30’ by 30’ metal garage in non-metallic colors, and a 16’ X 24’ addition and breezeway connecting to the primary residence in the same materials and colors as the primary residence.

LEGAL DESCRIPTION: RP05N45E028102; LOT 2B WEST TAX #6557 SEC 2 T5N R45E
LOCATION: 360 W 4350 N
ZONING DISTRICT: A-2.5
PROPERTY SIZE: 2.5 acres
VICINITY MAP:





PROJECT BACKGROUND: Mr. Cohn submitted a scenic corridor design review application on Jan. 26, 2017. Before the building permit can be approved, a scenic corridor design review must be conducted and approved for the proposed structures. The Cohn property is currently zoned A-2.5. The entire property is within the scenic corridor. Mr. & Mrs. Cohn purchased the property in 2014, after which they constructed a yurt and subsequently replaced it with a single family dwelling on the property. There is a building on the adjacent property to the west, which screens most the building location from Highway 33.

The proposed garage will be approximately 265 feet from the outer edge of Highway 33, and it was discussed with the applicant that this proposal must comply with all required setbacks (30' front and side and 40' rear). The applicant also proposes to plant additional trees on the western boundary for natural screening and noise reduction.

The proposed garage and addition will be one story structures not exceeding the height of the home. The addition will match the home in materials and colors and have a gray metal roof. It is laid out at an opposing angle to the existing home and attached by a breezeway. Attachment 4 shows the siding and color options for the garage.

OVERVIEW OF SCENIC CORRIDOR REVIEW:

8-2-1-A. GENERAL DEFINITIONS: Scenic Corridor Overlay includes all lands lying within 330 feet of both sides of the rights-of-way for Idaho State Highways 31, 32, 33 and Ski Hill Road from Driggs City limits to the Wyoming state line.

8-5-1-D. PURPOSE: The purpose of this overlay area is to provide a design review procedure to ensure that key roads in Teton County are sufficiently protected from unsightly and incompatible land uses.

8-5-2-D (1) DESIGN REVIEW: All development shall be subject to design review to ensure that the location, scale, and appearance of buildings, structures, and development of land shall preserve the rural character of the areas bordering Idaho State Highways and Ski Hill Road and to prevent the construction of buildings that project upward beyond the ridgeline of any hill located within one (1) mile of major roads when viewed from those major roads.

Title 8 of the Teton County Code authorizes the Planning & Zoning Commission to make a final determination on scenic corridor applications. A development application shall only be approved if the Planning Commission finds that it meets the design review criteria.

8-5-2-D (3). DESIGN REVIEW CRITERIA:		STAFF COMMENTS:
SETBACKS	No permanent structures may be built within 50 feet of the outer edge of the road right of way, unless the parcel does not contain any buildable sites outside of the setback.	<i>The proposed garage will be located approximately 260 feet from the outer edge of Highway 33's right of way. A-2.5 requires front and side setbacks of 30' and rear setbacks of 40'. (discussed with applicant)</i>
BUILDING ENVELOPE	1. Building envelopes shall be located so that existing topography and natural vegetation will screen buildings from view from the State Highways and Ski Hill Road to the maximum extent feasible.	<i>There is some existing vegetation on the property but none that could screen the proposed home entirely. The applicant planted some trees and bushes on a berm on the west side of the property, that will help screen the home from HWY 33, when they have matured. There is a building between the property and HWY 33, which almost completely screens the location of the proposed construction. There are existing trees along HWY 33 that help screen the property.</i>
	2. Where existing topography and natural vegetation cannot be used to screen buildings, building envelopes should be located at the rear or side edges of an open meadow or pasture, or at the foot of a hill or ridge, rather than in the middle of a meadow, pasture, or hillside.	<i>The location for the proposed construction is on the southern end of the property, where an existing dwelling unit is located. There is an existing septic tank and drain field to the north of the existing home.</i>
	3. Building envelopes shall be located so that no portion of a building up to 30 feet tall shall be visible over the ridge of the hillside on which it is located when viewed from the State Highways and Ski Hill Road.	<i>The proposed construction will not be located on a ridge or hillside.</i>
BUILDING MATERIALS	All non-agricultural buildings shall not be of highly reflective materials according to ASTM C6007, Light Reflectivity Index.	<i>The proposed addition will have wood siding, blue in color, and a gray, metal roof. The metal garage will be constructed using blue siding with a gray roof. The fence will be constructed of wood. The materials will not be highly reflective.</i>
ROADS & DRIVEWAYS	Roads and driveways shall be designed to eliminate the need to back out onto the State Highways or Ski Hill Road. Existing roads and driveways shall be used where practical. When it is not practical to use existing roads, then new roads and driveways shall be located to skirt the edge of meadows and pastures (i.e. avoid dividing them) to the maximum extent feasible	<i>This property is accessed from West 4350 North, not Highway 33, so there will be no issue with vehicles backing out onto Highway 33. An additional driveway is proposed with this application but the site is already disturbed.</i>
SCREENING	Landscaping shall be used to screen the view of any resource extraction sites, outdoor storage areas, outdoor trash collection areas, satellite dishes over two (2) meters in diameter, and areas with inoperable equipment or more than four (4) inoperable cars or trucks. Required landscaping should be high altitude, native plant material, trees and shrubs	<i>There is no outdoor storage proposed with this application that would need to be screened.</i>
THERE ARE ADDITIONAL PROVISIONS FOR SATELLITE DISHES, REVEGETATION, UTILITIES, AND SIGNS.		<i>The applicant is not proposing a satellite dish, utilities, or signs. An existing satellite dish and utilities will be used. Disturbance will be minimal for construction, so it is staff's opinion that a revegetation plan is not needed, however the applicant is proposing tree planting for screening.</i>

POSSIBLE 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.

POSSIBLE PLANNING & ZONING COMMISSION ACTIONS:

A. Approve the scenic corridor permit request with the recommended conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.

B. Approve the scenic corridor permit request, 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 conditions.

C. Deny the scenic corridor permit request and provide the reasons and justifications for the denial.

D. Continue to a future PZC Meeting with reasons given as to the continuation or need for additional information.

POSSIBLE MOTION:

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

Approval

Having found that the proposed development for Adam and Brianna Cohn is consistent with the Teton County development ordinances, specifically Title 8-5-2-D, 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.*

Denial

Having found that the proposed development for Adam and Brianna Cohn is not consistent with the Teton County development ordinances, specifically Title 8-5-2-D, and Idaho State Statute, I move to deny the scenic corridor permit. The following could be done to obtain approval...

Prepared by Joshua Chase, Consulting Planner, 2/8/2017

Attachments:

1. Application (3 pages)
2. Deed (2 pages)
3. Site Plan with setbacks (1 page)
4. Roof and Siding Material Design Options (3 pages)

End of Staff Report



SCENIC CORRIDOR OVERLAY APPLICATION

Teton County, Idaho

The Planning Staff will review this request for completeness. The Planning and Zoning Commission will make the final decision at their regularly scheduled meeting. The applicant is encouraged to discuss this application with the Planning Staff prior to submittal.

To expedite the review of your application, please be sure to address each of the following items.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: ADAM + BRIANNA COHN
 Applicant: ADAM COHN E-mail: CONSCIOUSSEARTH@GMAIL
 Phone: (530) 263-6606 Mailing Address: 360 W 4350 N
 City: TETONIA State: ID Zip Code: 83452

Location and Zoning District: RP05N45E028102
 Address: 360 W 4350 N Parcel Number: (2B WEST)
 Section: 2 Township: SN Range: 45E Total Acreage: 2.5

- Latest recorded deed to the property Affidavit of Legal Interest
 Fees in accordance with current fee schedule

I, the undersigned, understand that the items listed below are required for my application to be considered complete and for it to be scheduled on the agenda for the Planning and Zoning Commission public meeting.

• Applicant Signature: [Signature] Date: 1-26-17

I, the undersigned, am the owner of the referenced property and do hereby give my permission to _____ to be my agent and represent me in the matters of this application. I have read the attached information regarding the application and property and find it to be correct

• Owner Signature: [Signature] Date: 1/26/17

Fees are non-refundable.



SECTION II: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

In accordance with 8-5-2 (C) of the Teton County Zoning Ordinance the Scenic Corridor Overlay shall apply to those lands within 330' of both sides of the right-of-way for Idaho State Highways 31, 32, 33 and Ski Hill Road from Driggs city limits to the Wyoming stateline.

- Design Review: All development shall be subject to design review to ensure that the location, scale, and appearance of buildings, structures, and development of land shall preserve the rural character of the areas bordering Idaho State Highways and Ski Hill Road and to prevent the construction of buildings that project upward beyond the ridgeline of any hill located within one (1) mile of major roads when viewed from those major roads.
- Documentation Required: The applicant shall submit plans and drawings showing all existing structures, building envelopes for all proposed structures, setbacks from the closest State Highway or Ski Hill Road, as applicable, existing and proposed landscaping and fences, existing and proposed off-street parking areas, and drawings of exterior elevations of primary structures visible from the closest State Highway or Ski Hill Road. These materials will be submitted with a conditional use or building permit application, and at the preliminary plat stage of a subdivision or PUD application.
- Design Review Criteria: A development application shall only be approved if the Commission finds that it meets the following criteria:

Setbacks: No permanent structure shall be constructed within fifty (50) feet of the outer edge of the road right-of-way, unless the parcel does not contain any buildable site outside of the setback area in, which case primary structures shall be located as far from the outer edge of the road right-of-way as possible.

Building Envelopes: The development shall identify building envelopes for all primary and accessory structures. Building envelopes shall comply with the following requirements:

- 1) Building envelopes shall be located so that existing topography and natural vegetation, such as ridges, hills, and existing trees, will screen buildings from view from the State Highways and Ski Hill Road to the maximum extent feasible.
- 2) Where existing topography and natural vegetation cannot be used to screen buildings as described in Subsection 1 above, building envelopes should be located at the rear or side edges of an open meadow or pasture, or at the foot of a hill or ridge, rather than in the middle of a meadow, pasture, or hillside.

Notwithstanding Subsections 1 and 2 above, building envelopes shall be located so that no portion of a building up to thirty (30) feet tall shall be visible over the ridge of the hillside on which it is located when viewed from the State Highways and Ski Hill Road, and the applicant shall submit a sight line analysis in sufficient detail to confirm that this standard has been met.

Building Materials: All non-agricultural buildings shall not be of highly reflective materials according to ASTM C6007, Light Reflectivity Index.

Roads and Driveways: Roads and driveways shall be designed to eliminate the need to back out onto the State Highways or Ski Hill Road. Existing roads and driveways shall be used where practical.

When it is not practical to use existing roads, then new roads and driveways shall be located to skirt the edge of meadows and pastures (i.e. avoid dividing them) to the maximum extent feasible.

Satellite Dishes: All satellite dishes in the proposed development shall be located to minimize visibility from the State Highways and Ski Hill Road and shall use earth tone colors and/or screening to minimize their visual impact.

Screening: Landscaping shall be used to screen the view of any resource extraction sites, outdoor storage areas, outdoor trash collection areas, satellite dishes over two (2) meters in diameter, and areas with inoperable equipment or more than four (4) inoperable cars or trucks. Required landscaping should be high altitude, native plant material, trees and shrubs.

Revegetation: The applicant shall revegetate all areas disturbed by grading or cut-and-fill activity with plants similar to those on the remainder of the development site as each stage of grading is completed, and no later than one (1) year after construction.

Utilities: All service utilities (including but not limited to electric and telecommunication lines) shall be placed underground.

SECTION III: STAFF SUMMARY ANALYSIS, REASONING AND FACT FINDING

SECTION IV: PLANNING AND ZONING COMMISSION ACTION

SECTION V: PLANNING ADMINISTRATOR/DESIGNEE REVIEW/ACTION

Application is considered complete and accepted on this the 2 day of Feb, 20 17.

Planning Administrator/Designee Signature: J. Chase (pending payment)

RECORDING REQUESTED BY

First American Title Company

AND WHEN RECORDED MAIL TO:

First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **496341-T (1b)**

Date: **March 14, 2014**

For Value Received, **The Lynda Sierra Trust, dated August 12, 2005, Lynda Sierra Trustee,** hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Adam Cohn and Brianna Cohn, husband and wife as community property with right of survivorship,** hereinafter called the Grantee, whose current address is **12993 Claymont Ct., San Diego, CA 92130,** the following described premises, situated in **Teton County, Idaho,** to-wit:

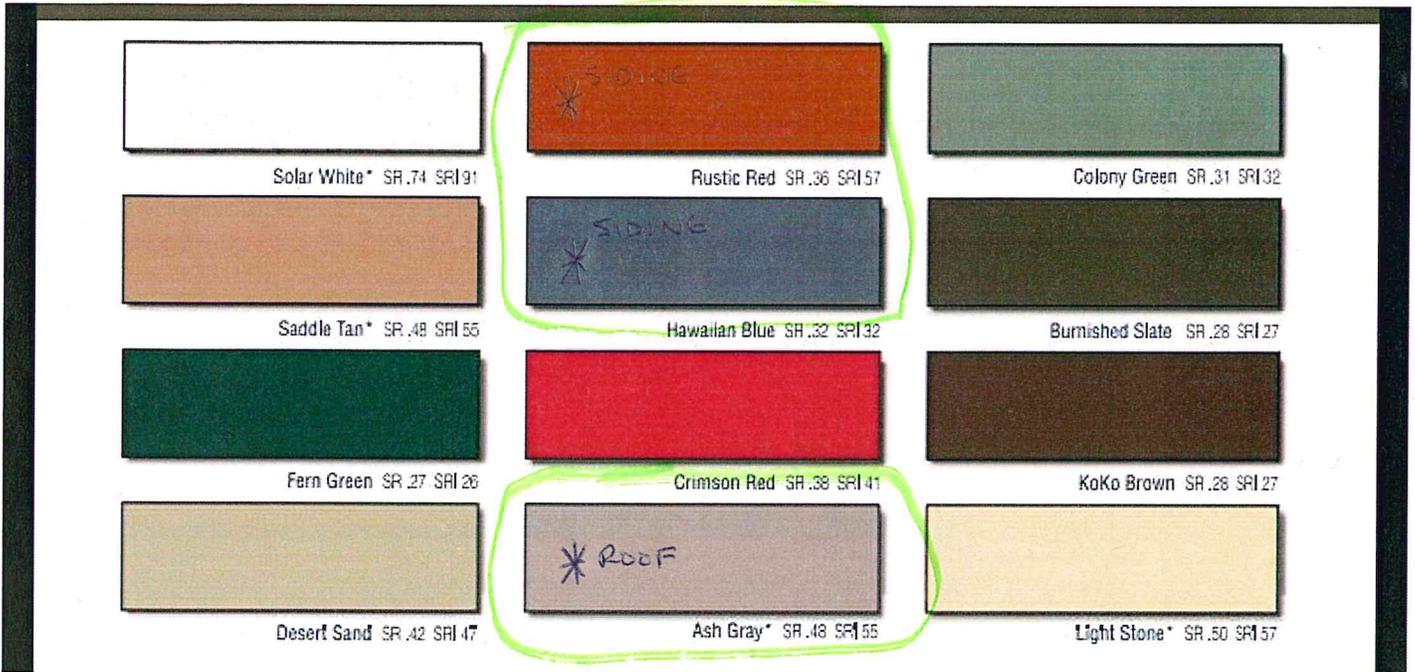
Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.



- Sample Pic of Garage
- we will be using colors from the provided swatches.





- similar to proposed fence
- approx 6' tall



SCENIC CORRIDOR REVIEW for: Jeff Hawkes
WHERE: 7045 N 5000 W
Prepared for the Planning & Zoning Commission
March 14, 2017

APPLICANT: Jeff and Lynda Hawkes
LANDOWNER: Jeff Hawkes

APPLICABLE COUNTY CODE: Teton County Zoning Ordinance Section 8-5-2-D (SC) Scenic Corridor Overlay Regulations.

REQUEST: Jeff and Lynda Hawkes are requesting approval for constructing a pole barn/shop located in the scenic corridor of State Hwy 33. The property is 18.83 acres and has an existing home, driveway and animal shelter.

LEGAL DESCRIPTION: RP06N45E196200; W2SW4SW4 SEC 19 T6N R45E
LOCATION: 7045 N 5000 W
ZONING DISTRICT: A/RR-2.5
PROPERTY SIZE: 18.62 acres
VICINITY MAP:





PROJECT BACKGROUND: Mr. Hawkes submitted a scenic corridor design review application on Jan. 24, 2017. Before a building permit for the pole barn can be approved, a scenic corridor design review must be conducted and approved for the proposed structures. The Hawkes property is currently zoned A-2.5. The property fronts on State Hwy 33, but the property extends north roughly 1200 feet and so a portion lies outside the scenic corridor, however north of the existing home is a wetlands area. Mr. & Mrs. Hawkes purchased the property in 2016, with an existing single family dwelling on the property.

The proposed pole barn/shop will be approximately 120 feet from the outer edge of Highway. The proposed building will be 25' in height and 40' X 60' with a lean to shelter extending 12' on the north and south sides (total width of 64'). It will be constructed of metal siding in two tones of brown with forest green wainscoting Attachment 4 shows the siding and color options for the garage. The applicants are proposing to plant evergreen trees for screening along highway 33.

OVERVIEW OF SCENIC CORRIDOR REVIEW:

8-2-1-A. GENERAL DEFINITIONS: Scenic Corridor Overlay includes all lands lying within 330 feet of both sides of the rights-of-way for Idaho State Highways 31, 32, 33 and Ski Hill Road from Driggs City limits to the Wyoming state line.

8-5-1-D. PURPOSE: The purpose of this overlay area is to provide a design review procedure to ensure that key roads in Teton County are sufficiently protected from unsightly and incompatible land uses.

8-5-2-D (1) DESIGN REVIEW: All development shall be subject to design review to ensure that the location, scale, and appearance of buildings, structures, and development of land shall preserve the rural character of the areas bordering Idaho State Highways and Ski Hill Road and to prevent the construction of buildings that project upward beyond the ridgeline of any hill located within one (1) mile of major roads when viewed from those major roads.

Title 8 of the Teton County Code authorizes the Planning & Zoning Commission to make a final determination on scenic corridor applications. A development application shall only be approved if the Planning Commission finds that it meets the design review criteria.

8-5-2-D (3). DESIGN REVIEW CRITERIA:		STAFF COMMENTS:
SETBACKS	No permanent structures may be built within 50 feet of the outer edge of the road right of way, unless the parcel does not contain any buildable sites outside of the setback.	<i>The proposed garage will be located approximately 120 feet from the outer edge of Highway 33's right of way. A-2.5 requires front and side setbacks of 30' and rear setbacks of 40'. (complies)</i>
BUILDING ENVELOPE	1. Building envelopes shall be located so that existing topography and natural vegetation will screen buildings from view from the State Highways and Ski Hill Road to the maximum extent feasible.	<i>There is some sparse existing vegetation on the property, none that could screen the proposed structure. The applicant proposes to plant some trees, which will help screen the structure from HWY 33, when they have matured.</i>
	2. Where existing topography and natural vegetation cannot be used to screen buildings, building envelopes should be located at the rear or side edges of an open meadow or pasture, or at the foot of a hill or ridge, rather than in the middle of a meadow, pasture, or hillside.	<i>The location for the proposed construction is on the southern end of the property, where an existing dwelling unit is located.</i>
	3. Building envelopes shall be located so that no portion of a building up to 30 feet tall shall be visible over the ridge of the hillside on which it is located when viewed from the State Highways and Ski Hill Road.	<i>The proposed construction will not be located on a ridge or hillside.</i>
BUILDING MATERIALS	All non-agricultural buildings shall not be of highly reflective materials according to ASTM C6007, Light Reflectivity Index.	<i>The proposed addition will steel sides and roof in two shades of brown with forest green wainscoting. The materials will not be highly reflective.</i>
ROADS & DRIVEWAYS	Roads and driveways shall be designed to eliminate the need to back out onto the State Highways or Ski Hill Road. Existing roads and driveways shall be used where practical. When it is not practical to use existing roads, then new roads and driveways shall be located to skirt the edge of meadows and pastures (i.e. avoid dividing them) to the maximum extent feasible	<i>This property is accessed from Highway 33 and a county road (5000 West). It is a large parcel and there will be no issue with vehicles backing out onto Highway 33.</i>
SCREENING	Landscaping shall be used to screen the view of any resource extraction sites, outdoor storage areas, outdoor trash collection areas, satellite dishes over two (2) meters in diameter, and areas with inoperable equipment or more than four (4) inoperable cars or trucks. Required landscaping should be high altitude, native plant material, trees and shrubs	<i>Nothing is proposed which would require screening. Outdoor storage is proposed under the building eaves and the application states that "those items will be stored in an appropriate and clean manner under a shelter." Trees will be planted.</i>
THERE ARE ADDITIONAL PROVISIONS FOR SATELLITE DISHES, REVEGETATION, UTILITIES, AND SIGNS.		<i>The applicant is not proposing a satellite dish, utilities, or signs. Disturbance will be minimal for construction, so it is staff's opinion that a revegetation plan is not needed, The applicant is proposing tree planting for screening.</i>

POSSIBLE 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.

POSSIBLE PLANNING & ZONING COMMISSION ACTIONS:

A. Approve the scenic corridor permit request with the recommended conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.

B. Approve the scenic corridor permit request, 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 conditions.

C. Deny the scenic corridor permit request and provide the reasons and justifications for the denial.

D. Continue to a future PZC Meeting with reasons given as to the continuation or need for additional information.

POSSIBLE MOTION:

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

Approval

Having found that the proposed development for Adam and Brianna Cohn is consistent with the Teton County development ordinances, specifically Title 8-5-2-D, 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.*

Denial

Having found that the proposed development for Adam and Brianna Cohn is not consistent with the Teton County development ordinances, specifically Title 8-5-2-D, and Idaho State Statute, I move to deny the scenic corridor permit. The following could be done to obtain approval...

Prepared by Joshua Chase, Consulting Planner, 2/8/2017

Attachments:

1. Application (3 pages)
2. Deed (2 pages)
3. Site Plan with setbacks (2 pages)
4. Roof and Siding Material Design Options (2 pages)

End of Staff Report

2nd Tuesday

354-2593

x204
Sharon



SCENIC CORRIDOR OVERLAY APPLICATION

Teton County, Idaho

The Planning Staff will review this request for completeness. The Planning and Zoning Commission will make the final decision at their regularly scheduled meeting. The applicant is encouraged to discuss this application with the Planning Staff prior to submittal.

To expedite the review of your application, please be sure to address each of the following items.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Jeff & Lynda Hawkes

Applicant: Jeff Hawkes E-mail: _____

Phone: 208 313-3235 Mailing Address: 2154 West 3800 South

City: Roxburg State: Id Zip Code: 83440

RP06N45E196200

Location and Zoning District: Tetonia, ID 83452

Address: 7045 N 5000 W Parcel Number: W1/2SW1/4SW1/4

Section: 19 Township: 6N Range: 45 EAST Total Acreage: 18.62

- Latest recorded deed to the property Sept 27, 2016 242864D Affidavit of Legal Interest
- Fees in accordance with current fee schedule

I, the undersigned, understand that the items listed below are required for my application to be considered complete and for it to be scheduled on the agenda for the Planning and Zoning Commission public meeting.

• Applicant Signature: Jeff Hawkes Date: 1-24-17

I, the undersigned, am the owner of the referenced property and do hereby give my permission to _____ to be my agent and represent me in the matters of this application. I have read the attached information regarding the application and property and find it to be correct.

• Owner Signature: Jeff Hawkes Date: 1-24-17

Fees are non-refundable.



SECTION II: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

In accordance with 8-5-2 (C) of the Teton County Zoning Ordinance the Scenic Corridor Overlay shall apply to those lands within 330' of both sides of the right-of-way for Idaho State Highways 31, 32, 33 and Ski Hill Road from Driggs city limits to the Wyoming stateline.

- Design Review: All development shall be subject to design review to ensure that the location, scale, and appearance of buildings, structures, and development of land shall preserve the rural character of the areas bordering Idaho State Highways and Ski Hill Road and to prevent the construction of buildings that project upward beyond the ridgeline of any hill located within one (1) mile of major roads when viewed from those major roads.
- Documentation Required: The applicant shall submit plans and drawings showing all existing structures, building envelopes for all proposed structures, setbacks from the closest State Highway or Ski Hill Road, as applicable, existing and proposed landscaping and fences, existing and proposed off-street parking areas, and drawings of exterior elevations of primary structures visible from the closest State Highway or Ski Hill Road. These materials will be submitted with a conditional use or building permit application, and at the preliminary plat stage of a subdivision or PUD application.
- Design Review Criteria: A development application shall only be approved if the Commission finds that it meets the following criteria:

Setbacks: No permanent structure shall be constructed within fifty (50) feet of the outer edge of the road right-of-way, unless the parcel does not contain any buildable site outside of the setback area in, which case primary structures shall be located as far from the outer edge of the road right-of-way as possible.

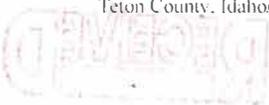
Building Envelopes: The development shall identify building envelopes for all primary and accessory structures. Building envelopes shall comply with the following requirements:

- 1) Building envelopes shall be located so that existing topography and natural vegetation, such as ridges, hills, and existing trees, will screen buildings from view from the State Highways and Ski Hill Road to the maximum extent feasible.
- 2) Where existing topography and natural vegetation cannot be used to screen buildings as described in Subsection 1 above, building envelopes should be located at the rear or side edges of an open meadow or pasture, or at the foot of a hill or ridge, rather than in the middle of a meadow, pasture, or hillside.

Notwithstanding Subsections 1 and 2 above, building envelopes shall be located so that no portion of a building up to thirty (30) feet tall shall be visible over the ridge of the hillside on which it is located when viewed from the State Highways and Ski Hill Road, and the applicant shall submit a sight line analysis in sufficient detail to confirm that this standard has been met.

Building Materials: All non-agricultural buildings shall not be of highly reflective materials according to ASTM C6007, Light Reflectivity Index.

Roads and Driveways: Roads and driveways shall be designed to eliminate the need to back out onto the State Highways or Ski Hill Road. Existing roads and driveways shall be used where practical.



When it is not practical to use existing roads, then new roads and driveways shall be located to skirt the edge of meadows and pastures (i.e. avoid dividing them) to the maximum extent feasible.

Satellite Dishes: All satellite dishes in the proposed development shall be located to minimize visibility from the State Highways and Ski Hill Road and shall use earth tone colors and/or screening to minimize their visual impact.

Screening: Landscaping shall be used to screen the view of any resource extraction sites, outdoor storage areas, outdoor trash collection areas, satellite dishes over two (2) meters in diameter, and areas with inoperable equipment or more than four (4) inoperable cars or trucks. Required landscaping should be high altitude, native plant material, trees and shrubs.

Revegetation: The applicant shall revegetate all areas disturbed by grading or cut-and-fill activity with plants similar to those on the remainder of the development site as each stage of grading is completed, and no later than one (1) year after construction.

Utilities: All service utilities (including but not limited to electric and telecommunication lines) shall be placed underground.

SECTION III: STAFF SUMMARY ANALYSIS, REASONING AND FACT FINDING

SECTION IV: PLANNING AND ZONING COMMISSION ACTION

SECTION V: PLANNING ADMINISTRATOR/DESIGNEE REVIEW/ACTION

Application is considered complete and accepted on this the 21 day of Feb., 2017.

Planning Administrator/Designee Signature: Jarvis Chan, Consulting Planner

Instrument # 242864

TETON COUNTY, IDAHO
09-30-2016 14:43:00 No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - DRIGGS
MARY LOU HANSEN Fee: \$13.00
Ex-Officio Recorder Deputy, Mary Lou Hansen
Index to: DEED, WARRANTY

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 577840-T (tm)

Date: September 27, 2016

For Value Received, **Dean A. Bahr and Nancy Jane Bahr, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Jeffrey Lynn Hawkes and Lynda Kay Hawkes, husband and wife**, hereinafter called the Grantee, whose current address is **2154 W. 3800 S., Rexburg, ID 83440**, the following described premises, situated in Teton County, Idaho, to-wit:

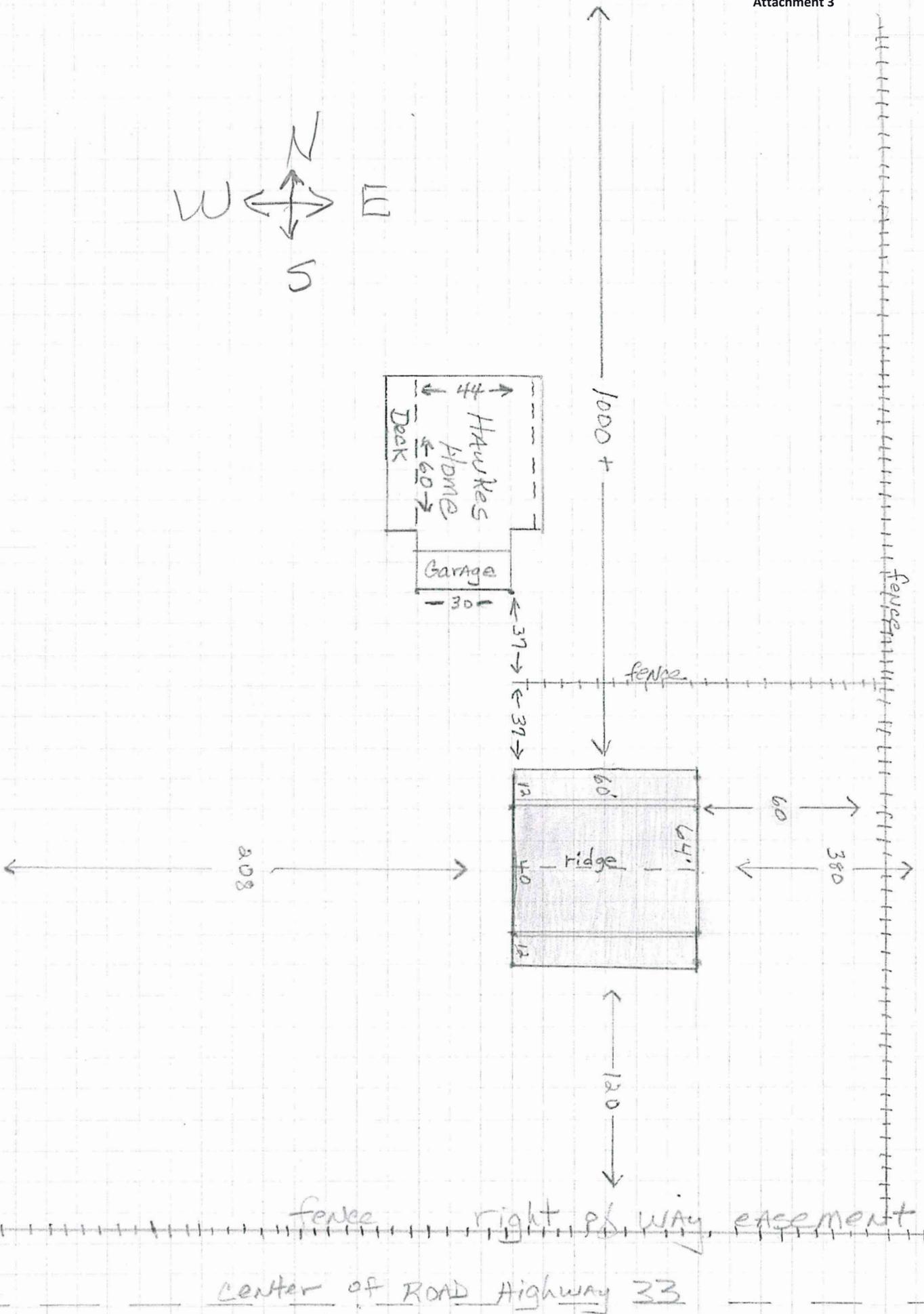
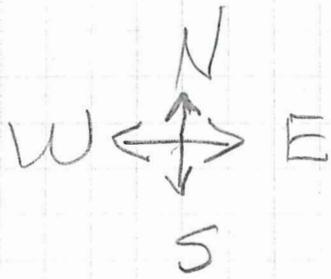
W1/2SW1/4SW1/4 Section 19, Township 6N, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as:

From the Southwest corner of said Section 19 N 00°28'55" E, 92.24 feet to the point of beginning; thence N 00°32'10"E, 1226.03 feet to a point; thence N 89°47'34"E, 660.86 feet to a point; thence S 00°30'41"W, 1227.73 feet to a point; thence S 89°56'27"W, 661.37 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

NOT RECORDED COPY



North Side

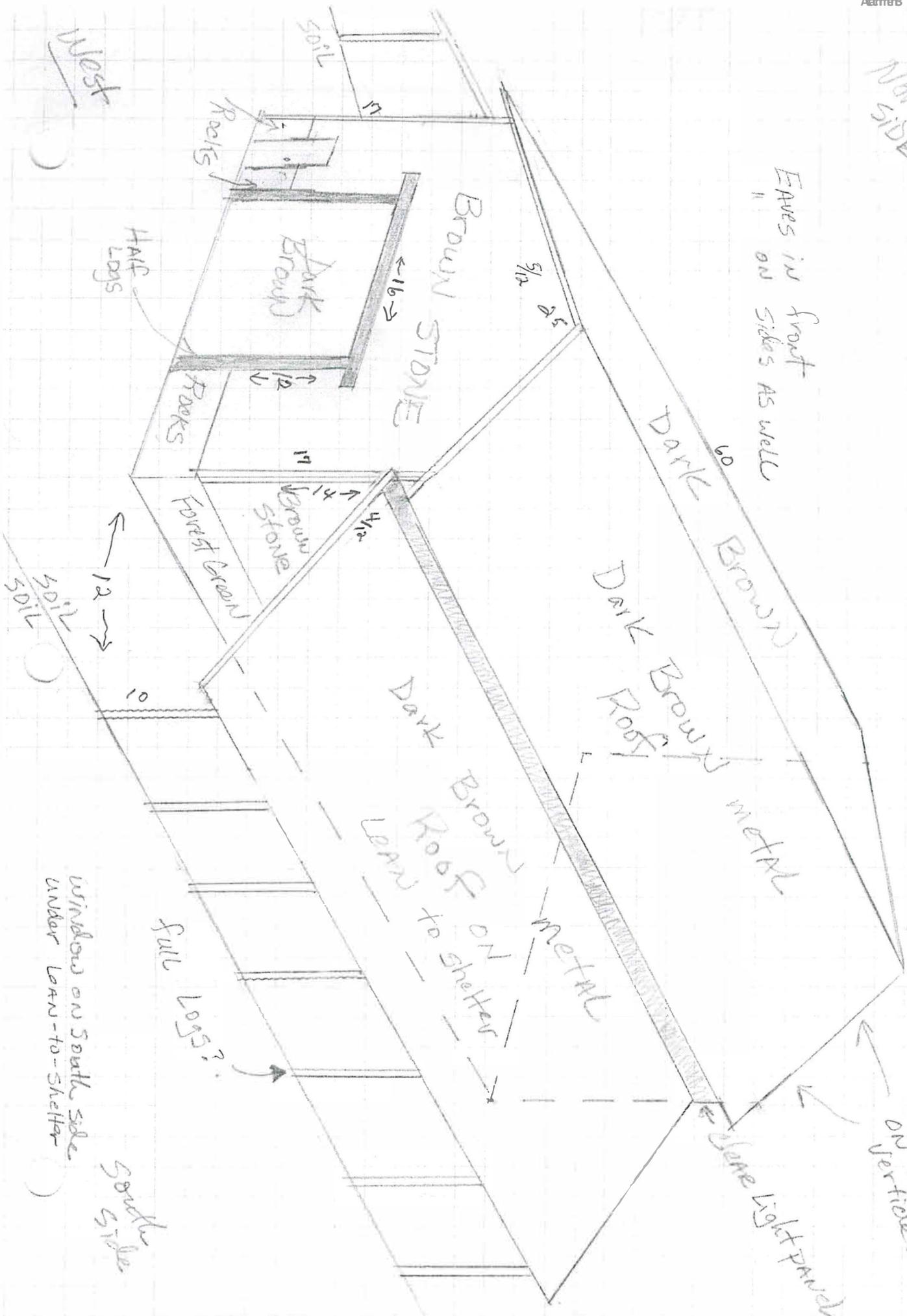
Pole Barn Steel Siding 29 GA.
Trim = Forest Green

Eaves in front
" on sides as well

East

Brown stone outside
on vertical walls

Clear light panel



West

Soil
Soil
Soil

Half Logs

Dark Eaves

Brown Stone

Rocks

Forest Green

Brown Stone

Dark Brown

Dark Brown Roof on shelter

Metal

Dark Brown Roof

Metal

Dark Brown

Full logs?

Windows on South side
under lean-to-shelter

South Side





FROM: Planning Consultant/Staff, Joshua Chase
TO: Planning and Zoning Commission
RE: Paul Raube, Longhorn Corral
MEETING: March 13th, 2017

MEMO-

Paul Raube, owner of Longhorn Corral, (a business in the Driggs Area of Impact with C-3 zoning) has contacted Teton County with a request to determine if the sale of firearms would be permitted in his existing business. After review it was determined that the use is not explicitly permitted in the list of uses. He also made application with the Bureau of Alcohol, Tobacco, Firearms, and Explosive (ATF) to include the sale of firearms at his feed store. The applicable City of Driggs code allows his existing business in the C-3 zoning under "sale of hay, grain, seed and related supplies." Mr. Raube expressed that this use would fall under "related supplies" citing similar businesses as Cal Ranch which sells firearms.

ATF requires a determination from the local jurisdiction that the use is compliant with zoning prior to issuing a permit for the sale of firearms. The City's zoning ordinance includes a provision for the Planning and Zoning Commission to determine if uses not specifically identified in the ordinance are similar in nature to those listed. This is a request to the Planning and Zoning Commission to review the ordinance and determine if this qualifies as a similar use and direct planning staff to notify ATF of the decision. This approach was also suggested after discussion with City of Driggs planning staff.

Applicable ordinances

TITLE 7 CHAPTER 1 DRIGGS AREA OF CITY IMPACT ORDINANCE

7-1-4: APPLICATION OF COMPREHENSIVE PLAN AND ZONING AND SUBDIVISION REGULATIONS; CONFLICTS:

A. The following plans and regulations shall apply to the land in the Driggs area of city impact:

1. "City of Driggs Comprehensive Plan," dated January 19, 2010, a copy of which is on file in the City of Driggs Planning and Zoning office and the Teton County Planning and Zoning office, is by reference herein made a part of this chapter. Where this Plan does not include land use recommendations for any parcel of land, the County Comprehensive Plan shall apply for such a parcel;

2. "City of Driggs Zoning Regulations", (Title 9, Driggs City Code, last amended by Ord. 315-10, 6-15-2010), and including the City of Driggs Commercial Design Standards and Guidelines, copies of which are on file in the City of Driggs Planning and Zoning office and the Teton County Planning and Zoning office, are by reference herein made a part of this chapter.

The City of Driggs Zoning Ordinance dated January 19, 2010 is the applicable zoning ordinance and includes this provision..

9-3-1: **INTENT; PROHIBITED USES:** The provisions of this chapter shall be subject to the general regulations of this title and to the special provisions and exceptions in this chapter so as to secure the intent of this title. In all cases of administration and enforcement of this title for which no other specific provisions are made in this chapter and other provisions herein, the planning and zoning commission shall provide for the same by order, resolution, or the adoption of a rule, regulation or bylaw, which provision shall be in accord with and consistent with the objectives and standards of this title. Uses not specified within zoning districts are prohibited unless determined by the planning and zoning commission or its authorized representatives to be similar in nature to those specified. (Ord. 281-07, 9-4-2007)

Attachments

City of Driggs Zoning Ordinance title 9. Chapter 7. Article D. C-3 Service and Highway Commercial District. 4 pages.

CHAPTER 7

COMMERCIAL, BUSINESS AND INDUSTRIAL DISTRICTS

**ARTICLE D. C-3 SERVICE AND HIGHWAY
COMMERCIAL DISTRICT**

SECTION:

- 9-7D-1: Purpose
- 9-7D-2: Uses Allowed
- 9-7D-3: Conditional Uses Permitted
- 9-7D-4: Area Requirements
- 9-7D-5: Setback Requirements
- 9-7D-6: Building Height
- 9-7D-7: Off Street Parking And Loading Requirements
- 9-7D-8: Signs

9-7D-1: **PURPOSE:** The purpose of the C-3 service and highway commercial district is to provide areas where activities of a service nature may be carried out and which are more intensive in character than in the other commercial districts. (Ord. 281-07, 9-4-2007)

9-7D-2: **USES ALLOWED:**

- Auction establishment.
- Auto and/or truck repair shop.
- Auto body and paint shop.
- Auto/gas service station.
- Automobile sales lot, surfaced.
- Building for nonprofit community functions.

9-7D-2

9-7D-3

"Business services" as defined in section 9-1-5 of this title.

Club or lodge.

Commercial parking lot.

Cottage industry.

Crafts shop.

Mortuary.

Motel.

Office of a professional nature.

Office of an administrative nature.

Radio and/or television studio.

Recreation/fitness center.

Sale of hay, grain, seed and related supplies.

Sale of salvaged goods within an enclosed building.

Temporary building as necessary for construction purposes, and for a period not to exceed one year.

Trailer sales and rental. (Ord. 281-07, 9-4-2007)

9-7D-3: CONDITIONAL USES PERMITTED:

Animal hospital.

Bottling and distribution plant.

Contractor's shop within a building and including outside incidental storage which shall be adequately screened from view by surrounding properties with obscuring fences.

Food processing facility.

Grain elevator and bulk storage.

9-7D-3

9-7D-5

Industrial laundry and dry cleaning.

Kennel.

Microbrewery.

Recreational vehicle park.

Sale of heavy building material and machinery.

Sheet metal, roofing or sign painting shop.

Storage warehouse.

Temporary on site rock crushing for on site construction and maintenance meeting the standards found in section 9-3-9 of this title.

Trade or industrial school.

Transit or trucking terminal.

Wholesaling, warehousing, storage and distribution. (Ord. 281-07, 9-4-2007; amd. Ord. 314-10, 5-18-2010)

9-7D-4: AREA REQUIREMENTS:

- A. Lot Area: There shall be no minimum lot size. (Ord. 281-07, 9-4-2007; amd. 2010 Code)
- B. Building Area: The footprint of a building occupied by a single business shall not exceed fifty thousand (50,000) square feet in area. (Ord. 281-07, 9-4-2007)

9-7D-5: SETBACK REQUIREMENTS:

- A. No front, rear, or side yards shall be required except when a building or group of buildings abut upon a residential district.
- B. A yard having a width of not less than ten feet (10') shall be provided on the side or sides of any lot abutting a residential district.
- C. A yard with a depth of not less than fifteen feet (15') shall be provided at the rear of any lot abutting a residential district. A rear

yard may be used for off street parking and loading. (Ord. 281-07, 9-4-2007)

9-7D-6: BUILDING HEIGHT:

- A. **Maximum Height:** Any building or structure or portion thereof hereafter erected shall not exceed thirty five feet (35') in height above grade, or forty five feet (45') in height above grade when upper floors include a residence, unless a height exception is granted by the planning and zoning commission following the procedures in chapter 2, article D of this title.

- B. **Height Step Down:** Buildings shall not exceed thirty five feet (35') in height when located less than one hundred feet (100') from any residential or neighborhood commercial zone, unless a height exception is granted by the planning and zoning commission following the procedures in chapter 2, article D of this title. Buildings that are partially within one hundred feet (100') of a residential zone shall step down in roof elevation (i.e., from 45 feet to 35 feet) to be consistent with the thirty five foot (35') limit. (Ord. 315-10, 6-15-2010)

9-7D-7: OFF STREET PARKING AND LOADING REQUIREMENTS:
All off street parking and loading shall be governed by chapter 4 of this title. (Ord. 281-07, 9-4-2007; amd. 2010 Code)

9-7D-8: SIGNS: The erection of signs is regulated by title 8, chapter 2 of this code, and commercial design standards and guidelines. (Ord. 281-07, 9-4-2007)

March 6, 2017

Teton County Planning and Zoning Commission

RE: Paul Raube, Longhorn Corral

To Whom It May Concern:

This office represents Paul Raube the owner of Longhorn Corral. In this capacity I've been retained to send you a letter to provide you with more information to make your upcoming determination as to whether my client may sell firearms at his location in the Driggs area of impact with C3 Zoning.

Longhorn Corral has been in operation as a retail establishment at its current location since 2003. At the time my client established his business in 2003, his property was re-zoned C3. The reason for the re-zoning designation was to allow my client to operate a farm and ranch store. It was his expectation with the re-zoning that he would run a "small town Cal Ranch" operation. He envisioned selling feed, farm supplies, ranching supplies, and "related" supplies including firearms.

My client is one of the few businesses that has lasted successfully since 2003. The reasons for my client's success is largely related to his innovation. Longhorn Corral has molded their business to fit the needs of their customers. Longhorn Corral has taken pride in its ability to provide supplies for all the local farmers and ranchers utilizing their requests. This is the reason that Longhorn Corral decided to apply for a Federal Firearms License over five (5) months ago.

After making an application for a Federal Firearms License, Longhorn Corral and Paul Raube, were required to go undergo a two and half month vetting process that concluded with a three-hour interview with an agent from the Federal Bureau of Alcohol Tobacco and Firearms. It took serious dedication to get that far in the process. Longhorn Corral passed all of the interview as well as vetting process. The last thing the ATF Agent looked for was proper zoning.

My client implores the commission to allow him to run a true ranch and farm store which would include firearms.

60 East Wallace
Post Office Box 631
Driggs, Idaho 83422
Telephone 208.354.2345
Facsimile 208.354.2346

As you know, the applicable city of Driggs code allows a business in the C3 zoning area to sell “sale of hay, grain, seed and *related supplies*.” Longhorn Corral is adamant that related supplies would include anything relating to running a ranch and farm operation, especially firearms. Firearms are used to help protect animals. They are used to slaughter animals, and are also used to kill predators, pests, and other critters effecting the farm or ranch. Simply put, it would be nearly impossible to run a true farm and ranch operation without a firearm.

In order for my client to successfully receive his Federal Firearms License, it is necessary for the commission to draft something specifically in the minutes that confirms Longhorn Corral may sell firearms under his C3 Zoning, under the “related supplies” section of the C3 Zoning ordinance.

My client Paul Raube is an active member of this community. He’s helped numerous 4-H Clubs with his retail establishment. He’s volunteered countless hours in hockey, baseball and other outdoor education classes. My client has been a hunter education teacher as a volunteer. Finally, the County 4-H groups have continually asked him to carry archery and air guns for up coming 4-H Clubs.

Should you have any questions regarding this matter, please contact my office.

Best regards,

A handwritten signature in blue ink that reads "Faren Z. Eddins". The signature is stylized and cursive.

Faren Z. Eddins
Attorney at Law

FZE/ch