



## A REQUEST FOR A CONDITIONAL USE PERMIT BY:

FOR: Educational Institution

WHERE: 8046 Alchemy Ave. Victor Idaho

Prepared for the Planning & Zoning Commission

Public Hearing of August 11, 2020

**APPLICANT:** K'Lea Andreas

**LANDOWNER:** K'Lea Andreas & Robert Broadbent

**APPLICABLE COUNTY CODE:** Conditional Use Permit pursuant to Title 8, Chapter 6 Teton County Zoning Ordinance, (revised 09-09-2013); Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

**REQUEST:** K'Lea Andreas submitted an application for an "Educational Institution" Conditional Use Permit to accommodate "small classes, workshops and individual sessions focused on healing and therapeutic practices..." The property has an existing structure which was designed to potentially accommodate such uses.

**LEGAL DESCRIPTION:** TAX #6028 SEC 10 T3N R45E, RP03N45E100650;

**LOCATION:** 8046 ALCHEMY AVE, Victor, Idaho

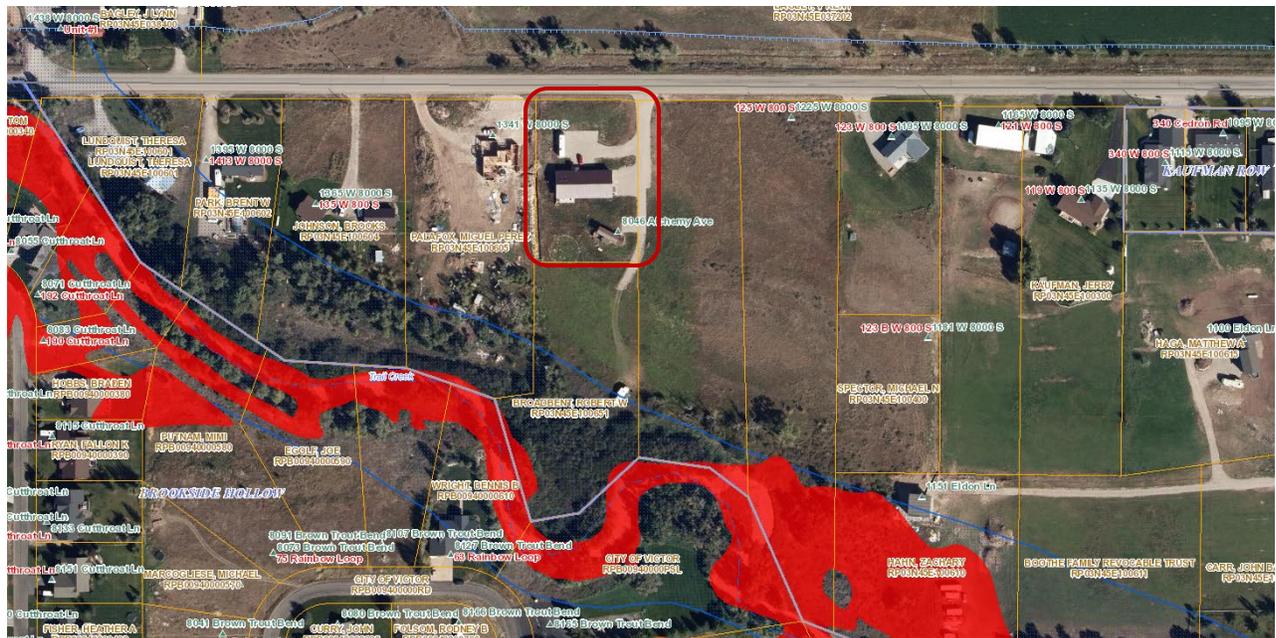
**ZONING DISTRICT:** A-2.5

**PROPERTY SIZE:** 1

**VICINITY MAP:**



## AERIAL IMAGE OF SITE:



## PROJECT DESCRIPTION AND BACKGROUND:

The applicant submitted a request for the proposed CUP on June 10, 2020. The 1-acre parcel is located within the Victor Area of City Impact with frontage on W 8000 South, however it is accessed from Alchemy Drive which serves three lots there. The property is not located within any County overlays as shown on the aerial map above, although there is a floodplain area to the south along Trail Creek.

The application is requesting approval of the CUP in order to offer “small classes, workshops and individual sessions focused on healing and therapeutic practices that are supportive of body, mind, emotions, and spirit.” The classes would initially consist of up to 10 students with up to 8 classes per week, and the less frequent workshops would host up to 20 students and be held six weekends per year. They plan to expand to accommodate additional numbers of students and classes in the future eventually hosting up to 34 students with 2-3 classes per day, one weekend workshop per month and an additional six week long workshops.

The application describes that the property is located  $\frac{3}{4}$  miles from Victor’s Main Street across from Bagley gravel pit and Victor PT, and suggests it is compatible with surrounding uses. It also indicates that the existing structure was constructed with this potential use in mind and includes a landscaping plan along Cedron Road/8000 South and around the structures. The property is located in an area dominated by residential development on smaller lots including the Brookside Hollow subdivision to the south and west and Kaufman Row subdivision to the east with a few vacant parcels just to the east of the property.

## KEY ISSUES:

The Zoning ordinance includes provisions for an Educational Institution as a conditional use in the ARR 2.5 Zone, which the entire property is zoned. The property has existing structures and septic

system. The Eastern Idaho Public Health District should verify that they system has adequate capacity for the number of guests that this use would be allowed to accommodate. Maximum occupancy of the structure for fire safety may be another consideration. The site plan shows proposed landscaping which is not yet installed but the structures and access road / parking areas are in place. The property is not located within any overlay areas. The application has been forwarded to the Planning Administrator of Victor for comments, who may choose to hold a hearing with the Victor Planning and Zoning Commission.

**SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE:** Idaho Code, Title 67; Section, 67-6512 Special Use Permits, and Title 8, Section 8-6-1-B.4. of the Teton County Zoning Ordinance. The public hearing for the Planning & Zoning Commission was duly noticed in the Teton Valley News on July 22nd & July 29th, 2020. A notification was sent via mail to surrounding property owners within a 300-foot buffer area and all adjacent subdivision lot owners on July 20, 2020, and notice was posted on site on July 22, 2020.

**COMMENTS FROM NOTIFIED PROPERTY OWNERS & PUBLIC AT LARGE**

Numerous written comments were received in support of the application. One letter was received which was neutral on the proposal but requested that concerns with hours of operation be included to protect nearby homeowners within Brookside Hollow subdivision.

**SECTION 8-6-1-B-7 CRITERIA FOR APPROVAL OF A CONDITIONAL USE**

The following findings of fact shall be made if the Conditional Use is recommended for approval. If the application is being recommended for denial, the Commission should likewise specify the reasons for denial based on the items listed below.

***1. Location is compatible to other uses in the general neighborhood.***

Comments from nearby property owners and interested public suggest that the proposal may be compatible with adjacent land uses and the broader goals and policies of the comprehensive plan with appropriate conditions in place.

***2. Use will not place undue burden on existing public services and facilities in the vicinity.***

The application identifies the existing facilities on site including a parking area with space for 10 vehicles which meets or exceeds parking requirements for various use categories, and a roadway that could accommodate emergency services vehicles. The site has existing power, and septic system and well.

***3. Site is large enough to accommodate the proposed use and other features as required by this title.***

The site consists of 1 acre and proposes to utilize existing structures for the use. These have received building permits. It appears that the site can accommodate the use but parking may need to be expanded as the use grows to the future proposed level.

***4. Proposed use is in compliance with and supports the goals, policies and objectives of the Comprehensive Plan.***

The applicant states that they believe the proposed use may benefit the community and that impacts will be minimal to surrounding land uses. The application does not identify specific goals and policies of the comprehensive plan. Consider the following goals for compatibility with the comprehensive plan.

### **CONSISTENCY WITH THE APPLICABLE GOALS & OBJECTIVES OF THE TETON COUNTY COMPREHENSIVE PLAN 2012-2030**

#### **Goal ED 1: Develop a coordinated and collaborative economic development strategy that encourages, promotes and supports locally-owned businesses and creates a hospitable and attractive environment for businesses and tourists.**

Goal ED 1, Policy 1.3: Encourage and support local commerce.

Goal ED 1, Policy 1.6: Encourage and pursue economic diversity, innovation and creativity to keep our economy stable.

Goal ED 1, Policy 1.7 : Support the expansion of recreational, cultural, and entertainment options that would improve the visitor experience and boost economic development.

#### **Goal ED 2: Preserve our rural character and heritage and promote local agricultural industries.**

Goal ED 2, Policy 2.1: Encourage development and land use proposals that support prime economic values of rural character and heritage.

Goal ED 2, Policy 2.3: Promote smart growth strategies that help preserve rural character by enhancing existing communities and directing development towards them.

Goal ED 2, Policy 2.4: Encourage and attract businesses that are economically and environmentally friendly, and promote stewardship and accountability in business.

Goal ED 2, Policy 2.5: Encourage development that adheres to environmental standards.

#### **Goal ED 3: Recognize that tourism and lifestyle are fundamental components of our economy and are dependent on healthy natural resources.**

Goal ED 3, Policy 3.1: Encourage economic development through the promotion of recreational opportunities and natural resources.

Goal ED 3, Policy 3.2: Conserve Teton County's natural resources in order to enhance economic development.

#### **Goal NROR 1: Conserve our public lands, trail systems, and natural resources (air, water, wildlife, fisheries, wetlands, dark skies, viewsheds, soundscape, soils, open space, native vegetation).**

1.1 Create benchmarks for monitoring and conserving natural resources.

1.2 Conserve and enhance biodiversity and native ecosystems.

1.5 Ensure adequate wastewater treatment.

Goal NROR 1, Policy 1.6: Encourage the conservation of high water quality in rivers and streams.

**Goal NROR 4: Balance private property rights and protection of our natural resources.**

Goal NROR 4, Policy 4.1: Ensure that development regulations balance natural resources protection, viewshed protection and growth, are clear and predictable, and preserve the economic value of the land.

**Goal NROR 5: Recognize, respect and/or mitigate natural hazards, including but not limited to flooding, earthquakes, landslides, radon and fires.**

Goal NROR 5, Policy 5.1: Ensure that regulations minimize the detrimental effects of natural hazards and their inherent risks.

Goal NROR 5, Policy 5.2: Hazardous areas that present danger to life and property from flood, forest fire, steep slopes, erosion, unstable soil, subsidence or other hazards will be delineated, and development in such areas will be carefully controlled or prohibited by a rigorous building code and permitting process.

Goal NROR 5 Policy 5.3: Develop strategies to protect life and property from natural hazards.

**Goal NROR 8: Respect sensitive habitat and migration areas for wildlife.**

Goal NROR 8 Policy 8.1: Teton County recognizes that wildlife and wildlife habitats provide economic, recreational, and environmental benefits for the residents and visitors of Teton County. Land development decisions will strongly weigh the needs of wildlife to protect the inherent values that they provide.

Goal NROR 8 Policy 8.2: Work with landowners, the Idaho Department of Fish and Game, other state and federal agencies, non-governmental organizations, and other natural resources professionals to utilize wildlife habitat and species information and other tools (such as Western Governors Association Crucial Habitat Assessment Tool and the Wildlife Overlay Map), including new information as it becomes available, to make land use and site planning decisions.

Goal NROR 8 Policy 8.3: Minimize the cumulative impacts of development on wildlife and wildlife habitat.

Goal NROR 8 Policy 8.4: Protect and/or improve the diversity of native vegetation.

Goal NROR 8 Policy 8.5: Protect and improve riparian and aquatic habitats.

8.6 A Wildlife Impact Mitigation Plan shall be developed for any development project which impacts an important habitat or which presents concerns of detrimental human-wildlife interaction. Requirements and performance standards for the mitigation plan shall be clearly established in the Zoning and/or Subdivision Ordinance and shall be the basis for approval of the plan.

8.7 Provide incentives for voluntary habitat buffers, seasonal use restrictions, and aquatic connectivity along key drainages

**Goal ARH 1: Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.**

Goal ARH 1 Policy 1.3: Ensure that open spaces are managed responsibly.

Goal ARH 1 Policy 1.4: Maintain the County's rural heritage through the scenic corridors.

Goal ARH 1 Policy 1.5: Support the preservation of open space, farmland, natural beauty, and critical environmental areas.

***Specific provisions related to “Educational Institution” Conditional Use:***

Educational Institution (CU)

Definition: Any teaching facility, including instructional and recreational uses and facilities for students, teachers, and employees.

***Staff analysis of conditions and restrictions on specific uses.***

The proposal is a request for an Education Institution which is allowed through Conditional Use Permit in this zone. The applicants have presented evidence or arguments that they meet the specific criteria for issuing a Conditional Use Permit as outlined in the County Zoning Ordinance. The CUP criteria for review are limited to the four elements discussed above (**8-6-1-B-7**) and the application appears to meet those conditions or could meet those conditions with appropriate conditions. Additional information as to wastewater treatment capacity has yet to be demonstrated.

Other standard conditions imposed on PC uses (listed below) appear to be relevant to the proposal and should be considered as conditions of approval. Site design and the need for any specific study should be discussed and clarified by the Planning and Zoning Commission. Studies are typically driven by either the presence of overlays or the scale of a development and are clearly called for in the subdivision process but are at the discretion of the Commission and Board in the review of CUPs.

Planning staff would suggest that the proposed use generally meets the four criteria for reviewing a CUP application, however the criteria are generic and allow for specific conditions to be applied based on the nature of the use and the site.

**RECOMMENDED MINIMUM CONDITIONS OF APPROVAL (from uses permitted with conditions)**

- Compliance with Dark Sky Lighting Ordinance: All exterior lighting must conform to Teton County Ordinance 9.4.12.
- Applicant obtains all necessary permits/approvals from Teton County as well as other regulating agencies including water and wastewater permits from EIPH/IDWR, and as discussed in inter-agency and departmental review comments above.
- a. Buffer: Buffers not less than 20 feet in width from all property lines shall be provided and maintained, unless otherwise specified. (Permanent structures must meet current county setbacks for the zone which are more restrictive.)
- b. Screening: Screening from adjacent uses or developments, including across a county road from such a use or development, shall be provided and maintained. Screening shall be accomplished by landscaping at least six (6) feet high and should be high altitude, native plant material, trees and shrubs or existing vegetation.
- c. Lighting: Outdoor lighting, current and future, shall comply with the Outdoor Lighting provisions of this Title, Section 8-4-6.
- d. Parking: The parking requirements of Title 8, Table 3 shall be met and the Americans with Disabilities Act (ADA) required handicap parking spaces provided. In lieu of the above,

a parking plan prepared by a professional in the field shall be submitted to the planning administrator for consideration.

- e. Hours of Operation: Hours of operation for any commercial component shall be determined through this hearing process as well as any seasonal restrictions.
- f. Signage: Signage shall comply with the Title 8, Chapter 9 sign requirements.
- g. Outside Storage: Where outside storage is permitted, such use shall be located in the rear yard and a sight proof fence or natural screening shall be provided and maintained around the storage area at least one foot higher than the stored material
- h. Building Height: Maximum height is 45 feet in the C-1, C-2, C-3, and M-1 districts, and 30 feet in all other districts, unless specified in Title 8.
- i. Technical Studies: The Commission should determine any studies to be required
- j. Onsite Inspection: The planning administrator may determine that there is a need for an inspection at any time.
- Other conditions could be discussed by the Commission and considered where relevant and included in a motion to make recommendation to the Board.

**PLANNING & ZONING COMMISSION ACTION:**

A. Recommend approval of the CUP, with the recommended conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.

B. Recommend approval of the CUP 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. Recommend denial of the CUP application request and provide the reasons and justifications for the denial.

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

**PLANNING STAFF RECOMMENDATION:**

Discuss appropriate conditions related to the nature of the use and character of the site; Determine whether any additional studies or information may be required in order to recommend approval of the Conditional Use application as described in the materials submitted June 10, 2020 and as supplemented with additional applicant information attached to this staff report, along with appropriate conditions to ensure that criteria of the CUP are met. Consider public comments submitted or provided at the hearing in discussing appropriate conditions of approval.

The following motions could be given:

*Having reviewed the application materials for K'Lea Andreas' Educational Institution CUP, as well as the additional material provided by staff and other agencies; I hereby move to RECOMMEND APPROVAL to the TETON COUNTY Board of County Commissioners, having found that the*

*application meets the criteria found in 8-6-1 of the Teton County Zoning Regulations with the recommended conditions (as well as the following conditions...)*

*Having reviewed the application materials for K’Lea Andreas’ Educational Institution CUP, as well as the additional material provided by staff and other agencies; I hereby move to table the public hearing to a future specific date and time to consider additional information or studies requested from the applicant or agencies.*

*Having reviewed the application materials for K’Lea Andreas’ Educational Institution CUP, as well as the additional material provided by staff and other agencies; I hereby move to RECOMMEND DENIAL to the TETON COUNTY Board of County Commissioners, having found that the application does not meet the criteria found in 8-6-1 of the Teton County Zoning Regulations. The following steps might be taken to obtain a future approval...*

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Prepared by Joshua Chase

Attachments:

- Application (2 pages)
- Applicant’s narrative (2 pages)
- Site plan 1 page)
- Map of noticed properties (1 page)
- Public Comments (23 pages)

End of Staff Report