A REQUEST FOR A CONDITIONAL USE PERMIT BY:

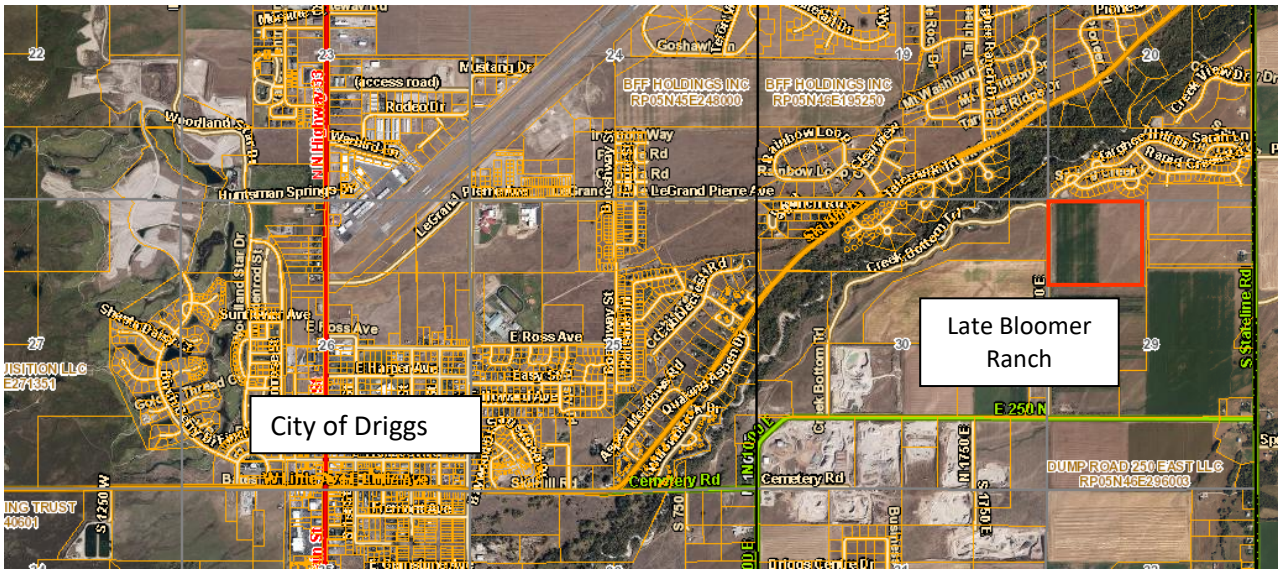
FOR: Late Bloomer Ranch, Campground
WHERE: 979 N 2000 E, Driggs, Idaho
Prepared for the Planning & Zoning Commission
Public Hearing of July 14, 2020
CONTINUATION on Aug. 11, 2020

APPLICANT: Late Bloomer Ranch LLC, Corinne McAndrews
LANDOWNER: Deal Come Round LLC

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: Corinne McAndrews submitted an application for a campground Conditional Use Permit to request a total of seven (7) RV and/or tiny home sites to provide housing for farm employees and other farm guests.

LEGAL DESCRIPTION: TAX # 106 SEC 29 T5N R46E, RP05N46E293000;
LOCATION: 979 N 2000 E Driggs, Idaho
ZONING DISTRICT: A-2.5
PROPERTY SIZE: 66.36 acres
VICINITY MAP:



AERIAL IMAGE OF SITE:

PROJECT BACKGROUND:

Late Bloomer Ranch is a working farm and ranch established in 2019. Its objectives and operational methods are described in the proposal Narrative. In general, agricultural farming and ranching land uses are permitted by right in Teton County, Idaho and subject to protections of the State of Idaho's Right to Farm Act legislation. Other associated uses such as accommodations for worker housing are subject to zoning regulations which are applicable to all residential uses. Accommodations for housing beyond two residential units, identified as primary and accessory dwellings, by definition constitute a campground and are only permitted in the county through a Conditional Use Permit or "CUP." This applies to campground or RV sites offered for rent as well as permanent cabins or residences.

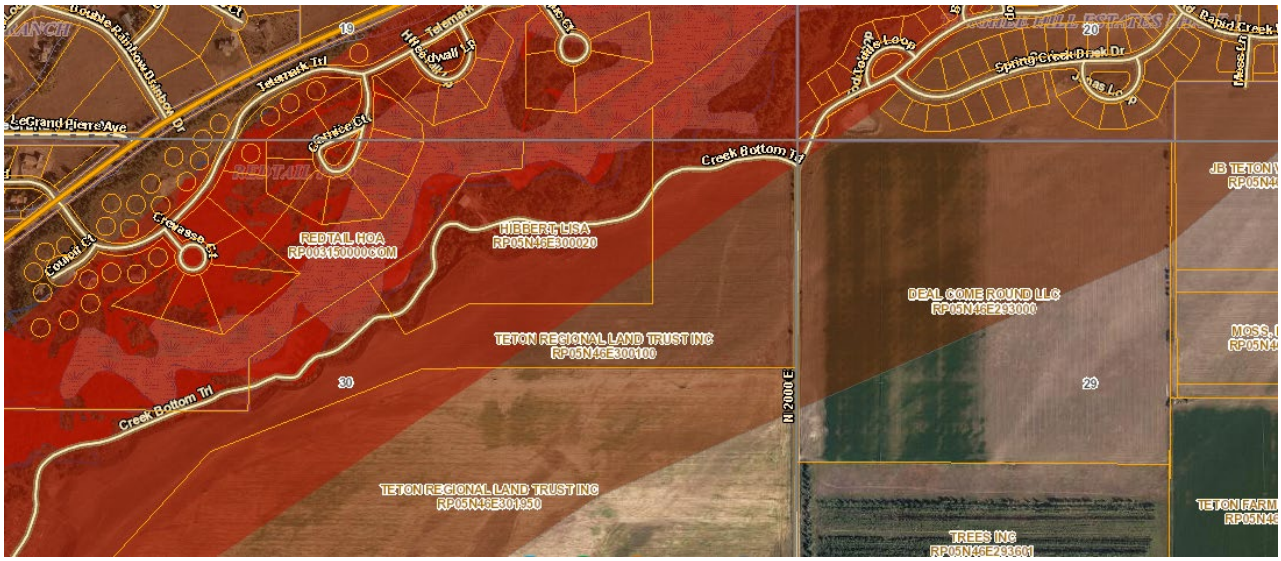
The applicant submitted an application requesting seven permanent short term sites to place tiny homes on wheels or airstream RV trailers to provide housing to farm laborers, program participants and eco-tourists coming to learn about farm operations. The owners plan to lease small acreages to allow for a small farm incubator program. The site is located approximately three miles from Driggs' city center. Surrounding land uses are largely agricultural including a tree farm, with a four lot subdivision to the south which has frontage on the access road to this property. The application Narrative explains that there is one additional residential user accessing from N 2000 East. The applicants propose to place the units on a portion of the site, about 1.15 acres, in the northwest corner of the 66+ acre property.

An initial hearing for the project was held on July 14, 2020. At that hearing the commission requested additional information in order to be able to deliberate and reach a decision for making a recommendation to the Board, including a request for additional information on water and wastewater disposal, and a wildlife habitat assessment, impact analysis, and mitigation plan. The applicant has indicated that they have no issue with the proposed conditions of approval and have identified a plan to control access to the Teton Creek riparian corridor trail from the site.

KEY ISSUES:

The Zoning ordinance includes provisions for a "Campground" as a conditional use in the ARR 2.5 Zone, which the entire property is zoned. The applicants have described additional amenities including a bathroom/shower house and parking spots, which could be considered customary for a campground, as well as a dog run and office and tool storage buildings shown on the site plan. The applicants will need to obtain a wastewater treatment system permit from the Eastern Idaho Public Health District and/or Idaho Department of Environmental Quality. The applicants submitted a letter from the Health District, after an onsite inspection, suggesting that a septic system could be accommodated on the site. The site does include overlay areas, primarily the Big Game Migration and Seasonal Habitat overlay as well as a small area of Songbird/Raptor Breeding and Wintering Habitat associated with the Teton Creek stream corridor, however the site appears to be limited to land disturbed by agricultural land use practices with no mature woody native vegetation. The property is not identified for potential wetlands and is not within the floodplain.

OVERLAY AREAS:



Approximately half of the property is located within the Big Game Migration overlay area with a small area of Songbird Raptor Habitat in the northwest corner (red).

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 June 24th & July 1, 2020. A notification was sent via mail to surrounding property owners within a 300-foot buffer area and all adjacent subdivision lot owners on June 25, 2020, and notice was posted on site on June 25, 2020.

COMMENTS FROM NOTIFIED PROPERTY OWNERS & PUBLIC AT LARGE

A number of written comments were received from an adjacent landowner or interested public. Some of them site concerns with proximity to the Teton Creek stream corridor and inclusion of areas in the habitat overlays. Specific concerns include the projects potential impacts or

compatibility with the goals and objectives of an existing conservation easement, as well as the recently established Teton Creek trail. Concerns with wastewater impacting groundwater near Teton Creek. An adjacent property owner identified concerns with general compatibility with surrounding land uses and with the goals and policies of the comprehensive plan or potential visual impacts. Additional comment letters have been received since the initial public hearing date. In general, these letters identify concerns that the proposal is inconsistent with goals of other properties in the area, placed in conservation, and request a review of the wildlife habitat analysis by the Idaho Department of Fish and Game and consideration of the location of the development on the property. One letter includes an analysis of the submitted wildlife study.

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.*

The application states that adjacent property is bordered by a private road, tree farm, a conservation easement and agricultural fields and the (currently vacant) Targhee Hill Estates subdivision. One residence, as well as the new Teton Creek Corridor trail, are located nearby. The campground will be integrated into the farm operation and the location is compatible with other uses in the neighborhood.

Comments from nearby property owners and interested public suggest that the proposal is not compatible with adjacent land uses and the broader goals and policies of the comprehensive plan.

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

The application asserts that the proposed use will not create undue burden on existing public services or facilities. It states that the proposal will allow for short-term housing for farm employees and guests of the farm.

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

The site consists of 66.36 acres and proposes to utilize approximately 1.1.5 acres for the proposed camp sites. As shown on the site plan, there appears to be adequate space to physically accommodate the proposed uses including access, parking, and proposed accommodation and outbuildings without encroaching into required setbacks. The site plan includes an apparent landscaped buffer area but doesn't include details on planting plans. It does not identify location of belowground infrastructure areas for wastewater treatment.

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

The applicant states that "our project supports the goals, policies, and objectives of the Comprehensive Plan" and provides specific example of the goals within the Plan they feel supports their proposal. The Commissions is encouraged to consider the goals and policies of the

Plan in determining if the application is in compliance and in determining appropriate conditions of approval. Some of these goals which may be relevant are included as follows.

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 2: Enhance and preserve access to public lands and recognize the need to accommodate different user groups in a way that minimizes user conflict and damage to natural resources.

Goal NROR 2, Policy 2.2: Support the creation of new public land access when it's consistent with natural resource conservation goals.

Goal NROR 2, Policy 2.4: Consider and accommodate access for different user groups to minimize user conflict and resource damage.

Goal NROR 2, Policy 2.6: Work with state and federal agencies and private landowners to protect environmentally-sensitive areas from resource degradation.

Goal NROR 3: Provide and promote exceptional recreational opportunities for all types of users (including but not limited to biking, skiing, fishing, off-highway vehicle use, target practice, hunting, trail users, equestrians, boating, non-motorized flight) as a means for economic development and enhanced quality of life.

Goal NROR 3, Policy 3.2: Recognize the need to accommodate different user groups in a way that minimizes user conflicts and resource damage.

Goal NROR 3, Policy 3.3: Support a diversity of recreation as a mechanism to bring together community and build acceptance of diverse lifestyles.

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 "Campground/RV Park/Travel Trailer" Conditional Use:

Campground, RV Park, Travel Trailer Camp (CU)

CAMPGROUND, RV PARK OR TRAVEL TRAILER CAMP Definition: A parcel of land under single, unified ownership or control, within which spaces are rented or used by the ownership for occupancy by two (2) or more recreational vehicles and may include tent sites, cabin sites, or travel trailer sites for nightly or short-term rental. 8-4-2 Land Use Definitions;

8-6-2- USES PERMITTED WITH CONDITIONS PROCEDURES:
3. Criteria for Approval: The standard conditions below are applicable to any proposed PC use in the identified zone district.

Staff analysis of conditions and restrictions on specific uses.
The proposal is a request for a campground 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 campground 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 permits have yet to be demonstrated. Associated customary campground uses such as a bathroom/shower house are not explicitly discussed in the ordinance. Other agricultural uses are typically permitted by right in the zoning ordinance including leasing areas of agricultural land and onsite sale of produce.

Other standard conditions imposed on PC uses 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 camping 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

- 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/IDEQ/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:
Determine if the proposal can be permitted under the provisions of a Conditional Use Permit in the current ordinance as outlined in the staff report; 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 May 29, 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.

The following motions could be given:

Having reviewed the application materials for the Late Bloomer Ranch Campground 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 Late Bloomer Ranch Campground 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 the Late Bloomer Ranch Campground 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…

Prepared by Joshua Chase

Attachments:

- Application (2 pages)

- Map and site plan (2 pages)
- Narrative (3 pages)
- Public Comments (10 pages)
- Supplemental Information / Teton Creek Corridor Access Management Plan (1 page)
- EIPH comment letter
- Water and Sewer requirements for CUP correspondence (2 pages)
- Wildlife Habitat Assessment (24 pages)
- Public Comments (6 pages)

End of Staff Report