



**AGENDA**  
**PLANNING AND ZONING COMMISSION**  
**PUBLIC HEARING**  
**October 5, 2016**  
**STARTING AT 5:00 PM**

**LOCATION: 555 Ross Avenue, Driggs, Idaho**  
**Teton High School Auditorium**

1. Swear in Commissioners for new terms
2. Elect Chair and Vice Chair
3. Chairman Business
4. Administrator Business
5. Approval of Documents
  - Mountain Legends Subdivision Concept Written Decision
  - Meeting Minutes – August 2, 2016
  - Meeting Minutes – August 16, 2016

**5:00 PM - ITEM #1 – PUBLIC HEARING: A new Land Use Development Code** is proposed for Teton County after working in conjunction with the City of Driggs and the City of Victor in order to re-format the existing Zoning, Subdivision, and Floodplain Codes to be more user-friendly, graphic based, offer greater flexibility in design, and support the Comprehensive Plan. The text of the proposed Land Use Development Code is divided into 15 Articles. All Articles have been reviewed by the Planning & Zoning Commission during work sessions. On October 5, the Commission will hold its 1<sup>st</sup> public hearing to take public comment on **Articles 1-15 and the Zoning Map. This hearing will be continued to October 10 for deliberation, when the Commission may make a recommendation to the Board of County Commissioners.**

Article 1- General Provisions  
Article 2- Measurements & Exceptions  
Article 3- Rural Districts  
Article 4- Residential Districts  
Article 5- Mixed Use Districts  
Article 6- Industrial District  
Article 7- Civic/Open Space Districts  
Article 8- Building Types

Article 9- Special Overlay Districts  
Article 10- Use Provisions  
Article 11- Site Development  
Article 12- Streets & Public Improvements  
Article 13- Property Development Plan  
Article 14- Administration  
Article 15- Definitions

**ADJOURN**

*The Commission may add additional work sessions between the hearings on 10/5 and 10/10. This will be decided on 10/5, and if any are desired, they will be held at the Teton County Courthouse.*

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- **Written comments received by 5:00 pm, October 5, 2016 will be provided to the Planning & Zoning Commission to review for this 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](http://www.tetoncountyidaho.gov). To view these items, select the Planning & Zoning Commission department page, then select the 10-5 & 10-10 Meeting Docs item in the Additional Information Side Bar.
  - Comments may be emailed to [pz@co.teton.id.us](mailto:pz@co.teton.id.us). Written comments may be mailed or dropped off at: Teton County Planning Department, 150 Courthouse Drive, Room 107, Driggs, Idaho 83422. Faxed comments may be sent to (208) 354-8410.
  - Public comments at the public hearing are welcome.

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



August 16, 2016

**Teton County Planning & Zoning Commission  
Written Decision for Mountain Legends Subdivision Concept Approval**

**Overview**

On July 12, 2016, Harry Statter came before the Teton County Planning & Zoning Commission to request Concept Plan approval of a proposed subdivision on property located northeast of Driggs, on Stateline Road, for a 76-lot subdivision.

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

Applicant(s)/Representative(s) Present: Harry Statter; Sarah Johnston, Arrowleaf Engineering; Herb Heimerl, Heimerl Law Firm, PC.

**Motion**

Mr. Larson 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. Provide an updated plan with the public road right of ways of N. Stateline Road and N 1500 E shown and removed from the lot areas, show the addition to the subdivision road with the road surface removed from the lot area, and include an updated number of lots proposed for this subdivision.
  2. Provide an open space management plan as part of the preliminary plat application stating how much open space will be dedicated to agriculture, wildlife habitat, and pedestrian use. Also include a map of where these uses will be located and elaborate on what pedestrian use means. Include in this plan how the open space easements will be managed. If no open space is proposed a management plan will be provided for all vacant lots.
  3. Obtain access approval from Teton County, ID Road & Bridge for N 1500 E and N. Stateline Road.
  4. Begin working with EIPH for septic approval.
  5. Begin working with Teton County Fire District for fire suppression approval.
  6. Conduct/update required studies/plans for Preliminary Review: Traffic Impact Study, Public Service/Fiscal Analysis, Landscape Plan, Stormwater and Infrastructure Plans, Phasing Plan (if required), Natural Resource Analysis, and Nutrient Pathogen Study. The traffic impact study will include the distribution of traffic on Grand Teton Road.
  7. We request a year round wildlife study and a fiscal viability analysis.
- and having found that the considerations for granting the Concept Plan Approval to Peacock Property LLC 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 Mountain Legends Ranch Subdivision as described in the application materials submitted June 7, 2016 and June 21, 2016 and as supplemented with additional applicant information attached to this staff report.

Mr. Arnold seconded the motion.

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

## Conclusions

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

1. In general, the proposed subdivision conforms with the goals outlined in the 2012-2030 Teton County Comprehensive Plan.
2. Public services are being utilized by the surrounding property owners, so they are available in the area. The subdivision is proposed to utilize private well and septic systems. The development will be accessed from Stateline Road and N 1500 E. Studies at the Preliminary Plat phase will provide additional information on the impact to public services.
3. Applicable impact fees will be required for all lots within the proposed subdivision, as adopted by Teton County.
4. The fiscal impact of the proposed development will be better understood after the Public Service/Fiscal Impact Study, as required by Teton County Code, is provided during the Preliminary Plat phase.
  - a. In addition to this, the Planning & Zoning Commission and the public were concerned with the fiscal viability of the proposed development due to the number of existing subdivision lots in Teton County that remain vacant. Because of this, the Planning & Zoning Commission has requested the applicant to provide a Fiscal Viability Analysis to better understand how the development would be fiscally successful after approval and to better understand the impacts to Teton County and its taxpayers.
5. The proposed development does not appear to negatively impact the health, safety, or general welfare of the County with the information presented for the Concept Plan. More information on this is required for the Preliminary Plat phase.
  - a. Water quality concerns were discussed. A Nutrient Pathogen Study, as required by Teton County Code, must be submitted at the Preliminary Plat phase, which will provide more information on how the proposed development may impact water quality and how that will be mitigated.
  - b. Traffic concerns were also discussed. A Traffic Impact Study, as required by Teton County Code, will be submitted at the Preliminary Plat phase, which will provide more information on how the proposed development may impact traffic and how it will be mitigated.
  - c. Wildlife habitat on this property and the impact the proposed development would have on Natural Resources in the area was also discussed. A Natural Resources Analysis, as required by Teton County Code, will be submitted at the Preliminary Plat phase. This property is not mapped in a Wildlife Habitat Overlay, so the Teton County Code does not require the applicant to perform a Wildlife Habitat Assessment. However, the Planning & Zoning Commission has requested the applicant to perform a year-round wildlife study on this property due to these concerns and the goals related to wildlife habitat outlined in the Comprehensive Plan.
6. The proper legal requirements for advertisement of the public hearing have been fulfilled as required by Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Zoning Ordinance. The public hearing was duly noticed in the Teton Valley News on June 23, 2016 and June 30, 2016. A notification was sent via mail to surrounding property owners within a 300-foot buffer area, as well as all property owners in subdivisions that intersect with the 300-foot buffer. A notice was also posted on the property providing information about the public hearing.
7. Other persons in attendance expressed neutral and opposing comments of the proposed subdivision. All public comments are on file with the minutes of July 12, 2016.
8. This proposal is not in conflict with the provisions of any adopted Teton County ordinances.

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Dave Hensel  
Chair of Teton County Planning & Zoning Commission

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Date

**DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION**  
**Meeting Minutes from August 2, 2016**  
**County Commissioners Meeting Room, Driggs, ID**

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

**COUNTY STAFF PRESENT:** Ms. Kristin Rader, Planning Administrator

**ELECTED OFFICIALS:** Bill Leake and Cindy Riegel

The meeting was called to order at 5:11pm.

**CHAIRMAN BUSINESS:** There was no chairman business.

**ADMINISTRATIVE BUSINESS:** There was no administrative business.

**WORK SESSION: Draft Code:** Discussion of Draft Land Use Development Code with the Board of County Commissioners.

Ms. Rader provided an overview of the updated Draft Code documents.

The Commission and Board reviewed the updated Frequently Asked Questions document. There were no concerns. If any new FAQs come up throughout the draft code process, they can be added to the document.

The Commission and Board reviewed the updated executive summary brochure. Ms. Rader explained the changes. The zoning map was added to the document as asked at the previous meeting. A schedule of events was also added. The language for the Rural Agriculture zoning district was discussed, and it was decided to change “very limited development” to “low density development”. Mr. Booker asked that a note be added that says the Preservation zoning district is currently only mapped as public lands. He also commented that the font sizes did not all appear the same. The schedule of events was discussed. It was decided to add “planned” or “tentative” to each of the meeting dates in case something needs to change in the future. Ms. Rader explained that she had been working with Alpha Graphics to print and mail the brochure. She asked if there were any other issues or changes that should be made to the brochure before printing it. The Board and Commission did not have any other comments on the brochure.

The Commission and Board asked about having open houses. Ms. Rader explained she was thinking of having two or three open houses at the end of August or beginning of September. The Commission did not want the open houses too close to the public hearing date. Everyone agreed the schedule should be pushed back by at least one week. It was decided to shift the schedule back, so the first Planning Commission public hearing would be scheduled on September 20 instead of September 13. The open houses will be scheduled at the beginning of September, so there will be almost two weeks between them and the public hearing. The Planning Commission would still continue the hearing to September 27 to make their formal recommendation. Ms. Rader said she would make a post card mailer for the open houses that could be mailed out the week before with the dates and times.

The Commission agreed that the 9/20 public hearing would be dedicated to hearing public comment only. Ms. Johnston asked about the public hearing procedures for public comment since the draft code is a legislative public hearing. Ms. Rader explained that the public hearing procedures include the default timeframes, but the Chair may decide to change them for legislative hearings. Ms. Johnston suggested accepting written comment until the 9/20 meeting since it was already agreed that meeting would only be used to hear comment. The Commission agreed to make the deadline for written public comment the start of the meeting on 9/20. Ms. Rader said she was planning to schedule the hearing at the high school and would look into providing snacks for the Commission and public.

Ms. Rader went over the list of code changes and considerations. Ms. Johnston asked if a list of the considerations could be maintained and put on the website, so the public could also be aware of the considerations throughout the process. Ms. Rader said she would compile the list.

The following changes were agreed to:

- Add the official zoning map to Article 1.
- Reference Article 9 in Article 1 for the overlays.
- Change the lot area measurement section in Article 2 to use a two decimal precision and round based on two decimals.
- The information in Article 3 was reorganized. A different lot coverage was proposed, but it was decided to not change lot coverage at this time.
- Delete the Recreational Residence section in Article 8.
- Change the title of Article 9 to “Special Overlay Districts”
- Update the Airport Vicinity Overlay section to ensure the language matches what was approved by the City of Driggs.
- Change the name of Div. 9.4. to “Transfer of Development Rights Overlay”. The reference to specific zoning districts was also removed and referenced “sending” and “receiving” areas instead. Felt was changed from a receiving area to a sending area. A map of this overlay was added.
- Add a note to Div. 9.5 Workforce Housing that this section is intended for the Areas of City Impact.
- Relocate Div. 9.6 Areas of City Impact to Article 1.
- Add Transient Rentals section to Div. 10.5.4 Overnight Lodging
- Change the definitions of Solar Energy Systems to reflect Idaho and Fall River standards.
- Delete “documented historical significance” from page 13-4 part j and leave “Registered Historical Sites”
- Add the updated Slopes Map
- Add a statement to Div. 13.3.16 that a land partitioning survey does not create building rights
- Add language to Div. 13.3.17 to clarify that “pre-recorded” deeds are draft deeds, not previously recorded deeds.
- Add a provision to Div. 14.5.11.B Full Plat Concept Plat Approval that concept approval may be sent to the Planning Commission, similar to the language in the existing code.
- Add Temporary Use Permits to the beginning of Div. 14.6.1
- Add language to Div. 14.6.9 Site Plan review that clarifies what permit types this review is used for.
- Change the name of 14.7.11 from Zoning Map Amendment to Rezone and move to Div. 14.7.12 to maintain alphabetical order.
- Ensure each Administrative Approval includes its own appeal process and delete Div. 14.8 Administrative Appeal.
- Delete 14.10.6.B Granting Building Permit Eligibility because that ordinance was not approved.

**MOTION:** Mr. Larson moved to adjourn. Ms. Johnston seconded the motion..

**VOTE:** All in favor. The meeting was adjourned at 7:19pm.

Respectfully submitted,  
Kristin Rader, Scribe

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Dave Hensel, Chairman

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Kristin Rader, Scribe

Attachments:

1. PZC August 2, 2016 Meeting Packet

**DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION**  
**Meeting Minutes from August 16, 2016**  
**County Commissioners Meeting Room, Driggs, ID**

**COMMISSIONERS PRESENT:** Mr. Dave Hensel, Mr. Bruce Arnold, Mr. Chris Larson, Mr. Jack Haddox, Mr. Pete Moyer, and Mr. David Breckenridge.

**COUNTY STAFF PRESENT:** Ms. Kristin Owen, Planning Administrator, Ms. Kathy Spitzer, County Attorney

The meeting was called to order at 5:05 pm.

**APPROVAL OF MINUTES:**

**Motion:** Mr. Arnold moved to approve the Minutes from July 12, 2016, as amended. Mr. Larson seconded the motion.

**Vote:** The motion was unanimously approved.

**CHAIRMAN BUSINESS:**

There was no Chairman business.

**ADMINISTRATIVE BUSINESS:**

There was no Administrative business.

**5:00 PM - Item #2 – PUBLIC HEARING: Conditional Use Permit:** Corner Fox LLC, represented by Aaron Powers, is requesting a Conditional Use Permit for a “Construction/General Contractor” use on two properties (approximately 15 acres) owned by Corner Fox LLC. The property is located north of Victor at 376 W. 5000 S, at the corner of Highway 33. The applicant is requesting to use this property for his business, Powers Excavating Inc., which includes the following uses: topsoil screening, parking trucks and equipment, landscape rock and other gravel products, and using the shop to perform repairs and maintenance on equipment, as well as a small office space. This parcel is zoned A-2.5.

**Legal Description:** RP04N45E238400; TAX #1105 SEC 23 T4N R45E and RP04N45E238000; TAX #1106 SEC 23 T4N R45E

**APPLICANT PRESENTATION:**

Mr. Aaron Powers, applicant, commented the property has a grandfathered use dating back to when the site was leased to a sugar company in the 1950s to construct a shop and house their trucks and equipment and to stage rock from the Fox Creek quarry in the winter. He stated he bought the property because of the grandfathered use he felt was compatible with his business, Powers Excavating. Mr. Powers discussed the zoning of adjacent properties, his topsoil screening operation that he understood was not an approved use, and his desire to expand onto the adjacent 9 acres and continue to screen topsoil and have space to store all of his trucks and equipment. He commented he has laid down pea stone on the entire property to help with the dust problem and stated he will be purchasing a lower decimal backup alarm for his loader to help reduce the noise. He agreed to additional landscaping and the other conditions recommended by staff in exchange for being allowed to continue topsoil screening and to expand onto the adjacent 9 acres due to a partnership with RAD that would involve parking their trucks on-site. Mr. Powers then told the

Commission that if his application was denied he would move his screening operation up to Fox Creek quarry and truck gravel back to the 5 acre site for staging.

#### **STAFF PRESENTATION:**

Ms. Owen discussed the current operation regarding the grandfathered use on the existing 5 acres which allows for storage of limestone rock and equipment, and explained that he is currently out of compliance with the grandfathered use and would still be out of compliance if he moved his screener to the quarry and brought back dirt to the 5 acre site. She commented on concerns expressed by ITD and the Public Works director regarding the visibility at the intersection of 5000 S. and Hwy 33 and wanted to see a site analysis of that intersection to evaluate the landscaping that has been added that may be blocking the view for traffic entering the highway. Another concern is the debris being transferred onto the highway as well as dust control for the screening operation. DEQ was contacted regarding possible contamination from the operations inside the building used for maintenance and storage of heavy equipment and it was their recommendation that the applicant hire a consultant to inspect the site for safety and pollution issues. She then reviewed the criteria for approval for a CUP, the zoning of surrounding properties, compatibility with the Comp Plan goals, and the specific recommended conditions for approval or reasons for denial.

Mr. Hensel asked about the grandfathered use. He stated there were many years where nothing happened on this property and wondered if there is a time limit for when the use is discontinued to eliminate the grandfathered condition. Mrs. Owen read the definition for Nonconforming Use which stipulates that the grandfathered use must be stopped for 18 months before losing the grandfathered rights. He also asked about the scenic corridor portion of the site. Ms. Owen commented that there were no buildings in the scenic corridor.

#### **PUBLIC COMMENT:**

##### *In Favor:*

Mr. Jake Hawkes, resident at 5000 Country Club Dr., commented that the operations of the site have grown over the last five years and suggested that some of the equipment be fenced. He stated he liked the berms planted that aided in screening the equipment. He believed commerce is important to the community and felt the business should be considered at this location.

##### *Neutral:*

Mr. Allan Allred, resident at Fox Creek Country Club Estates, commented he has worked in the past to mitigate maritime shipyards and stated that it can be done, even though it will be expensive and the county will need to monitor it. He complimented the applicant for the mitigation measures he has already taken and stated he believed the County can monitor and control the operation based on conditions of approval. He wanted to make sure specific conditions were attached if approved, and wanted to see the improvements already made taken into consideration.

Ms. Liz Cowie, resident in Fox Creek Country Club Estates, commented on PEI providing employment and a useful service to the community. She was concerned with the visibility from 5000 N. and was opposed to the noise on Sunday morning from the operation. She asked the applicant to create an entrance & exit so it would be easier to figure out what the trucks would be doing when they appeared at the intersection.

##### *Opposed:*

Ms. Lorie Spoelhoff, owner in Fox Creek Country Club Estates, asked the Commission to deny the application. She did not feel that the use was a rural ag use and felt it was ugly. She believed it was heavy industry use and wasn't compatible with the residential neighborhood.

Mr. Matt Strong, operating a CUP for the same use, commented he was opposed to the application. He believed it shouldn't be grandfathered in because it was not in use for more than 18 consecutive months. He stated PEI was mining dirt from his property, which is illegal without a state permit. He stated he was concerned with the dust because his children live in the adjacent subdivision and he has seen the results on a windy day.

Ms. Diana Flint, adjacent property owner, commented she was concerned with the access on 5000 N. and the residential traffic congestion. She was worried about well contamination because of the potential for the water to seep into the ground. She was also concerned with the screening operation being allowed to operate on weekends.

Mr. Frank Peterson, resident at 5233 Fox Creek Drive, commented he cannot sell his adjacent lots he owns because of the commercial operations in the neighborhood. He felt the operation was bad for the neighborhood and for property values.

Ms. Alice Stevenson, adjacent property owner, commented she believed the grandfathered use has been long since passed and believed he does need a CUP to continue to operate. She did not like the attitude of the applicant when he stated he would continue to operate in a limited capacity if denied. She wanted to see the county stick to the regulations and was concerned with the ability of the county to enforce the conditions.

Mr. Doug Starks, Fox Creek Subdivision owner, commented he was concerned with the noise and dust impact on the residents in Fox Creek. He was also concerned with the hours of operation allowing weekend operation. He stated he appreciated the landscaping improvements on the borders, but did not want to see that type of business on the corner.

Mr. Richard Grundler, adjacent property owner, was concerned with home values being reduced because of the commercial operation adjacent to the subdivision. He didn't like the idea of solid landscaping along the highway hiding something unsightly because it forms a corridor that blocks the view of the mountains behind the landscaped berms.

Mr. Bob Spoelhof, Country Club Estates resident, was concerned that his property values are deteriorating because of the commercial operation on the corner of the road used to access his subdivision. He stated there was no activity on the subject property for many years so he did not believe it should have a grandfather clause. He considered the property to be a neighborhood nuisance and felt it should be eliminated. He wanted to see the application denied.

#### **APPLICANT REBUTTAL:**

Mr. Herb Heimerl, representing the applicant, commented Mr. Powers has an existing approved use due to a grandfather clause and will continue to screen and store dirt either way along with using the existing shop. He felt the use was compatible based on nearby zoning for commercial and light industrial uses in the neighborhood. He commented on the use being more appropriate in the city limits and felt that wasn't accurate because of the need for a large tract of land.

Mr. Powers thanked the public for their comments and concerns. He commented he wasn't trying to threaten anyone and stated he has first hand knowledge of the grandfathered use due to his father's friendship with the Stone family over the years, who are the previous owners. He said he wanted to continue to improve the site while expanding the acreage of operation. He felt he had done major improvements for dust reduction by adding the pea stone to cover the property. Regarding high impact screening, he suggested a site visit to come up with some type of landscape screening that would work rather than a 6' fence surrounding the property. He explained his contract with RAD to store their trucks in a steel building that is heated for the winter and will need to expand to the adjacent property in order construct that building in front of the existing shop. The storage of trucks in a new building would require him to have other materials relocated to the adjacent property to accommodate the new building. He also acknowledged that he allowed MD Nursery to store some materials on the adjacent 9 acres last summer when Fox Creek Road was being reconstructed, and he admitted it was a bad idea for the community. Mr. Powers also stated he is in compliance with all safety and weight restrictions on all his vehicles and has successfully hauled several thousand trucks of topsoil over Teton Pass in the last few months.

Mr. Powers last point was that he will, if necessary, pull back all storage on the adjacent nine acres and continuing with the existing non-conforming use. He would not be motivated to spend money on additional landscaping at that point, and will begin crushing gravel at the Fox Creek quarry and back hauling the materials to his site for staging and sales. Running trucks up and down Fox Creek Road would not be good for the road or the neighbors even though he stated he will be careful to adhere to weight limits.

#### **COMMISSION DELIBERATION:**

Mr. Arnold asked Mr. Powers why he was referring to bringing in rock crushing at the quarry if he is not doing that now at the existing site. He stated he would contract with a crushing outfit in the quarry to make gravel products because he wanted to run trucks full both ways so he could cover his cost. Mr. Arnold suggested he have screening done inside a building with filtered air in order to protect the neighbors from the dust and noise they are currently experiencing. He felt the extra nine acres wasn't the issue, it was the dust and noise from the current operation that was the problem. Mr. Powers commented he would have to have a very tall building to operate screening indoors and he did not believe he could get that approved in the scenic corridor or afford a building large enough to accomplish the job.

Mr. Haddox asked if all Mr. Powers' trucks and equipment are limited to the site and not at the quarry. Mr. Powers stated he has no equipment at the quarry. Mr. Haddox asked Ms. Owen what weight restriction standards were adhered to when Fox Creek Road was reconstructed. Ms. Owen commented that information would need to come from the Road & Bridge Dept., but it was constructed to current standards. She stated there are currently no weight limits on that road, and pointed out the county can impose weight limits on 5000 S. or other county roads to reduce the impact of uses on a road.

Mr. Moyer asked about the grandfathered use. Ms. Owen commented that the grandfathered use does not matter to the proposed CUP application, it should be judged based on the four criteria stated in the staff report. If the CUP was not approved, the applicant could still operate as is based on the grandfather use and expand to storing materials on the adjacent property, but code

enforcement would proceed to try and prevent any other additional uses such as sales that may be attempted.

Mr. Breckenridge asked if there were any restrictions on the grandfathered use. Ms. Owen commented the grandfathered use is for storing materials and equipment, and he could expand to the adjacent nine acres if that is his only use on it. Anything else being done at the site would be in violation of current codes. She once again emphasized that the CUP must be decided based on the four criteria of approval listed in the code and not the grandfathered use currently allowed.

Mr. Arnold commented he did not want to increase the noise and dust impact on the residential neighbors. He was not against expanding the existing use to the adjacent property and wanted to see a landscape plan. He felt that the additional acres would let the applicant move back from the highway and increase screening.

Mr. Moyer commented he liked the idea of a building around the screening operation and pointed out they could always dig down and lower the height of the building if necessary. He also wanted to see the hours of operation limited, as well as limited use on Saturday and none on Sunday.

Mr. Larson commented he lives nearby and that he appreciated the effort with the berms and farm equipment to lessen the visual impacts, but he felt it was still an eyesore and a nuisance to the public. He felt the dust and noise impacts were hard to mitigate, especially with the wind that blows almost continuously in this valley. Mr. Larson also wanted to see the hours of operation limited and weekend use eliminated. He did not want to see this going forward without solving the dust and noise problem, period. He also did not want to see truck traffic increase on 5000 N. if the screener was moved to the quarry because of the adverse impact of the truck traffic on the neighborhood.

Mr. Hensel commented he did not see how the use could be mitigated for noise & dust from the screener and was not sure if it was an appropriate place to store a fleet of trucks in a large warehouse building.

Mr. Breckenridge commented he does not like berms unless they are located back off the road because they create a tunnel along the highway and make it difficult to see oncoming traffic at the intersection. He was in favor of having berms to screen the operations but wanted to see them back away from the highway. He also wanted to see the hours of operation restricted.

Mr. Larson commented he wanted to see the applicant come back with a better dust and noise mitigation, landscape improvements, and just more information.

**MOTION:** Mr. Arnold moved to continue the hearing for the applicant to provide more information on a dust and noise control plan, a landscaping and screening plan, a site analysis and hours of operation. These plans need to be more than a narrative to include how this will be demonstrated and how mitigation will be accomplished. The public hearing can be scheduled over the next available date after the applicant submits all of the information. Based on the discussion the site analysis should include things like an entrance/exit plan, if there are two entrances explain why that is needed, referencing the scenic corridor on the site plan, parking areas, what type of parking surface, height of piles for visibility and location onsite, and possible options for relocation of the screening operation indoors.

Mr. Larson seconded the motion.

Mr. Powers commented he felt he has successfully mitigated the dust and would be happy to do a demonstration on a video or have a site visit by the Commissioners. Mr. Arnold commented Mr. Powers would have to prove the mitigation efforts are working to the public, not just the Commission.

**VOTE:** After a roll call vote the motion passed 6-1 with Mr. Breckenridge opposed.

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

**VOTE:** The motion was unanimously approved.

The meeting was adjourned at 7:50 pm.

Respectfully submitted,  
Sharon Fox, Scribe

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Dave Hensel, Chairman

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Sharon Fox, Scribe

Attachments:

1. PZC August 16 2016 Meeting Packet
2. August 16, 2016 Public Comment