

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