

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

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

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

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

CHAIRMAN/VICE CHAIRMAN ELECTION:

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

VOTE: The motion was unanimously approved.

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

VOTE: The motion was unanimously approved.

APPROVAL OF MINUTES:

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

VOTE: The motion was unanimously approved.

CHAIRMAN BUSINESS:

There was no Chairman business.

ADMINISTRATIVE BUSINESS:

There was no administrative business.

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

VOTE: The motion was unanimously approved.

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

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

VOTE: The motion was unanimously approved.

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

STAFF PRESENTATION:

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

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

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

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

PUBLIC COMMENT:

There was no public comment.

COMMISSION DELIBERATION:

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

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

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

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

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

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

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

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

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

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

Mr. Haddox seconded the motion.

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

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

STAFF PRESENTATION:

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

PUBLIC COMMENT:

There was no public comment.

COMMISSION DELIBERATION:

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

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

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

MOTION: Ms. Johnston moved that having found that the proposed development for Amber Winegar is consistent with the Teton County development ordinances, specifically Title 8-5-2-D, and Idaho State Statute, I move to approve the scenic corridor permit with the following conditions of approval:

1. Must comply with all federal, state, and local regulations.
2. All structures require a Teton County Building Permit and must comply with the Teton County Building Code.
3. If outdoor lighting is desired, it must comply with Teton County Code lighting requirements.
4. Building materials shall not be highly reflective materials.
5. If a satellite dish is installed, it must be located to minimize visibility from Highway 32, as per Title 8-5-2-D-4.

Mr. Larson seconded the motion.

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

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

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

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

The Work Session ended at 8:00 pm.

Respectfully submitted,
Sharon Fox, Scribe

Cleve Booker, Chairman

Sharon Fox, Scribe

Attachments:

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