

TETON COUNTY

PUBLIC HEARING
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: #1

Date: May 17, 2016

PLEASE PRINT LEGIBLY

Name: Shawn Hill

City of Residence (Physical Address- not post office box):
Dodge

Choose one:

Support the application Neutral Oppose the application

Do you wish to testify? Yes No

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written signature (only if not testifying)

TETON COUNTY

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Date: May 17, 2016

PLEASE PRINT LEGIBLY

Name: Joanne LaBelle

City of Residence (Physical Address- not post office box):
VICTOR - 579 Candy Home Way

Choose one:

Support the application Neutral Oppose the application

Do you wish to testify? Yes No

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING
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Agenda Item Number: 1

Date: 5/17/16, 20

PLEASE PRINT LEGIBLY

Name: BILLIE SIDOWAY

City of Residence (Physical Address- not post office box):
VICTOR

Choose one:

Support the application Neutral Oppose the ordinance application

Do you wish to testify? Yes No

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written signature (only if not testifying)

TETON COUNTY

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Agenda Item Number: 1

Date: May 17, 2016

PLEASE PRINT LEGIBLY

Name: ROGER BRINK

City of Residence (Physical Address- not post office box):
2711 E SUGON TETONIA

Choose one:

Support the application Neutral Oppose the application

Do you wish to testify? Yes No

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING
SIGN-UP SHEET

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Agenda Item Number: 1

Date: 5/17, 2016

PLEASE PRINT LEGIBLY

Name: Harvey Wilcox

City of Residence (Physical Address- not post office box):

Victor ID (HID)

Choose one:

Support the application Neutral Oppose the application

Do you wish to testify? Yes No

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written signature (only if not testifying)



AGENDA
 PLANNING AND ZONING COMMISSION
 PUBLIC HEARING
 May 17, 2016
 STARTING AT 5:00 PM

Amended
 5-16-2016

DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION
 Meeting Minutes from May 10, 2016
 County Commissioners Meeting Room, Driggs, ID

LOCATION: 150 Courthouse Dr., Driggs, ID
 Main Courtroom – Third Floor (use lower level, SW Entrance)

1. Approve Available Minutes
 - May 10, 2016
2. Chairman Business
3. Administrator Business

5:00 PM – Item #1 - PUBLIC HEARING: Amendment to Title 9, Teton County Subdivision Ordinance – Proposing amendments to Title 9 to add CHAPTER 11 - BUILDING PERMIT ELIGIBILITY OF PREVIOUSLY CREATED PARCELS. This amendment is intended to establish procedures for placing purchasers of illegally split parcels on notice that such parcel split occurred in violation of the LLUPA (Idaho State Code 67-65) and the requirements of Teton County Code-Title 9, and to provide a means for certifying that the real property does comply with the provisions of LLUPA and Teton County Code-Title 9.

5:30 PM – Item #2 - WORK SESSION: Draft Code. Discussion of the Draft Land Use Development Code. No public comment will be taken on the Draft Code.

ADJOURN

- Written comments received by 5:00 pm, May 6, 2016 will be incorporated into the packet of materials provided to the Planning & Zoning Commission prior to the 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. To view these items, select the Planning & Zoning Commission department page, then select the Public Hearing of May 17, 2016 item in the Additional Information Side Bar.
- Comments may be emailed to pz@co.teton.id.us. Written comments may be mailed or dropped off at: Teton County Planning & Building Department, 150 Courthouse Drive, Room 107, Driggs, Idaho 83422. Faxed comments may be sent to (208) 354-8410.
- Public comments at this 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.

COMMISSIONERS PRESENT: Mr. Dave Hensel, 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.

ELECTED OFFICIALS PRESENT: Mr. Bill Leake, Mr. Kelly Park, Ms. Cindy Riegel, and Ms. Kathy Spitzer.

COUNTY STAFF PRESENT: Mr. Jason Boal, Planning Administrator, and Ms. Kristin Rader, Planner.

The meeting was called to order at 5:06 PM.

Approval of Minutes:

MOTION: Mr. Arnold moved to approve the minutes of April 12, 2016. Ms. Johnston seconded the motion.

VOTE: The motion was unanimously approved.

Chairman Business:

There was no Chairman business.

Administrative Business:

Mr. Boal announced that he would be resigning from the County, with his last day being May 20th. Mr. Hensel wished him the best of luck and said he would be missed. Mr. Park explained that the Board of County Commissioners have made Ms. Rader the Interim Planning Administrator.

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

Mr. Hensel introduced the Draft Code that the Planning and Zoning Commission has been working on. He thanked the rest of the Commission for the time and work they have put into the Code. Mr. Hensel asked the Board how they felt about the process and moving forward with the Draft Code, specifically how they wanted to handle public outreach.

Ms. Riegel said she would like to hear from the members of the Commission first on what they were proud or excited about with the Draft Code and what they felt were major improvements from the existing code.

Each member of the Commission commented on the Draft Code. The following comments were made:

- The Commission is proud of the Draft Code, and they feel it is a good document.

Planning & Zoning Commission Hearing 5/10/2016

1 of 13

- There are more division options available now, different minimum lot sizes, and different density options.
- The proposed zoning map is more equitable than the current zoning map because the boundaries can be justified.
- The draft code included a lot of compromise, and the Commission felt the different views of the community were represented well.
- The Scenario Tool that staff created was very helpful in explaining the code, and it will be useful for public outreach and education.
- The draft code is not perfect, but it includes a lot of expertise, and the rough patches can be worked out through public comment and when it is put into practice.
- Not all of the Commission members agree that the same densities should be used in the rural zones. Some Commissioners felt that even though the density options are the same, it is not an "across the board" approach because each zoning district has specific requirements that developments have to comply with.

Different types of public comment were discussed – emotional based comments, like a feeling towards the code, and comments that are directed at specific parts of the code with justification of why it does or does not work. The Commission agreed that both types of comments should be considered, and reviewing comments and making revisions to the code will be a compromise.

Ms. Riegel asked the Commission if they would like comments from the Board before public outreach is started, during the public comment period, or have the Board address their own comments during the Board's review and public hearings. The Commission agreed they would like to know of any key issues the Board has before going to the public.

Mr. Leake asked the Commission if they felt the philosophical concerns had been addressed with the Draft Code and Comprehensive Plan. Mr. Hensel stated he felt that was the question the Commission was asking the Board. Mr. Leake said he felt that staff had gone through the Draft Code and Comprehensive Plan to address those concerns, and he felt they had been addressed.

Mr. Leake commented that he felt there should be some form of executive summary of the Draft Code to explain the major points to the public. He felt that getting the word out to the public would be difficult, and keeping it simple would be key. Ms. Riegel agreed, and added that if we are asking for public input, we need to make sure there is sufficient opportunity provided for the public to understand the changes to the code and then give comment.

Mr. Park told the Commission that he was proud of the work they have done and the compromises that they have made with the Draft Code. He mentioned that the Commission has worked a long time on this Draft Code, so the Board could do public outreach to help with some of that workload. Mr. Hensel explained that the Commission has to take the Draft Code to a public hearing, and they would feel more comfortable having some form of public outreach versus going straight to a public hearing.

The Commission asked the Board to provide them with a list of Key Concerns, and they will have another joint work session on June 14, 2016 to review those concerns and discuss how to handle public outreach.

Motion: Mr. Arnold moved to close the Work Session. Ms. Robson seconded the motion.

Vote: The motion was unanimously approved.

The Work Session was closed at 6:15pm.

PUBLIC HEARING: Zoning Map Amendment AND PUBLIC HEARING: Conditional Use Permit Application.

Michael and Rachel Fortier, owners of the Fin and Feather Bed & Breakfast, are applying for a zoning map amendment and a conditional use permit. The Fin and Feather was permitted as a Residential Bed & Breakfast in 2014, which allows up to 3 rooms. The Fortiers would like to increase the number of rooms to 5 to accommodate their growth, allow for an operational buffer, and allow for business insurance. A bed & breakfast with 5 rooms is considered a Bed & Breakfast Inn, which is not permitted in the A-2.5 zone. This proposal includes rezoning the Fortier parcel, located at 9444 S HWY 31, Victor, ID 83455, from A-2.5 to R-1, followed by a Conditional Use Permit application for a Bed & Breakfast Inn. This increase in rooms does not require any additional construction.

Staff Presentation:

Ms. Rader explained the rezoning application going from A-2.5 to R-1 along the scenic corridor, so they can apply for a CUP as a Bed & Breakfast Inn, which allows 4 or more rooms. She commented the applicant, Rachael Fortier, had a power point presentation which was the same information contained in the Commission meeting packet, and she would speak first.

Applicant Presentation:

Ms. Rachael Fortier explained that she and her parents are the owners of Fin & Feather Inn, and explained that the original permit was for a residential B&B, which allows up to three rooms. She discussed the initial purchase by her parents in 2014, her subsequent purchase from her parents, and the major remodel that took place so they could open for business in the summer of 2015. Ms. Fortier commented they had a successful summer season with all three rooms rented the majority of the time. She briefly discussed their marketing efforts and feel that the business is steadily increasing and could easily fill the additional two rooms. She went through the major renovations and emphasized the safety features and improvements, and the ability for the improved infrastructure to accommodate even more guests. There would be no impact to the building with the increase to 5 rooms or the parking, and felt it would not have any additional impact on county services. She explained the difficulty with obtaining business insurance with less than 4 rooms and the need for more tenants to meet expenses. Ms. Fortier also commented on the positive economic impact on the community from the guests going out and spending money on recreation and entertainment.

Mr. Hensel commented he was concerned with the zone change. He asked if the applicant was familiar with the new zoning and subdivision regulations being developed to implement the Comprehensive Plan and the impact that would have on the rezoning, and if she was OK with the restrictions requested by the staff. Ms. Fortier commented she is aware of the upcoming changes and had no problem with the staff conditions for approval.

Staff Presentation:

Ms. Rader commented that the B&B is an existing operation and the request is for utilizing two existing rooms for short term rentals. The applicant is not proposing anything else and is willing to give consent in writing that the property could be rezoned with the new zoning map and draft code. The Idaho state code states that the county cannot do that within four years of approval without the written consent from the applicant, and they have agreed to that condition. Normally, the four-year time frame would start with the final BOCC approval, but the written consent allows the county to make the change before the four years are up. Ms. Rader next reviewed the zone change considerations and the CUP considerations outlined in the staff report.

Mr. Hensel asked about proposed changes in the ordinances and draft code in six months and what would happen to the rezone and CUP if it was approved. Ms. Rader commented the CUP approval would stay intact along with the uses and conditions of approval, but the underlying zone would change as outlined in the proposed zoning map and draft code.

Public Comment:

In Favor:

No public comment.

Neutral:

Mr. Sandy Mason, a Teton resident, felt it would make sense to change the underlying zoning ordinance to allow five rooms rather than a zone change which he felt was spot zoning. He believed it was cleaner and easier to do it that way.

Opposed:

Mr. Shawn Hill, representing VARD, commented he supported the use in principal but felt the appropriate process was to change the underlying ordinance. He felt approving spot zoning was problematic, and it was not clear when the new ordinances would be adopted. He also felt that the issues encountered by Fin & Feather will be encountered by other B&Bs as well, and the problem should be dealt with across the board, not spot rezoned to fix the issue.

There was no further public comment so Mr. Hensel closed the public comment portion.

Commission Deliberation:

Mr. Breckenridge asked how long it would take to change the underlying zoning. Mr. Hensel commented it would require a public hearing with the P&Z and the BOCC, so it would take roughly three months. Ms. Fortier commented in reviewing the Comp Plan she felt there may be other places that would better support the use, but it is an existing use and she felt that should be considered in allowing it to continue. Ms. Rader commented it was not necessarily in conflict with R-1 uses and since it was an existing use, she felt it supports the underlying concept.

Mr. Hensel commented he was opposed to spot zoning as a general rule, but had no problem with the conditional use and would be fine with granting the zone changes with the restriction to specifically operate as a B&B. Mr. Arnold agreed with Mr. Hensel as long as it is a restricted use.

Ms. Johnston commented the proposed use and CUP was consistent with Comp Plan, but other R-1 uses like multi-family and the R-1 density was not consistent with the Comp Plan for that area. She was not comfortable approving it unless there is a mechanism for limiting the approval to the current CUP. Mr. Boal commented that as a condition of approval they could request that the applicant enter into a development agreement to formalize the terms. Ms. Johnston commented she did not like the idea of spot zoning, but with specific conditions and limitations she felt that would answer the problems with the R-1 zoning.

Motion: Zoning Map Amendment: Mr. Arnold moved that having concluded that the Criteria for Approval of a Zoning Map Amendment found in Title 8-11 and Idaho State Statute 67-6511 can be satisfied with the inclusion of the following conditions of approval:

1. The applicant will provide written consent stating Teton County may rezone the property with the adoption of the new Land Use Development Code and associated Zoning Map.
 2. The applicant will not pursue a zoning map amendment for their adjacent property, also known as Lot 2 of Brown Acres Subdivision.
 3. The applicant will enter into a Development Agreement with Teton County, pursuant to Idaho State Statute 67-6511(a), restricting the R-1 uses to only allow Bed & Breakfast Inn.
- and having found that the considerations for granting the Zoning Map Amendment 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 not in conflict with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
 - I move to RECOMMEND APPROVAL to the Teton County Board of County Commissioners for the Zoning Map Amendment for Rachel Fortier as described in the application materials submitted on March 28, 2016 and as supplemented with additional applicant information attached to this staff report. There will also be a development agreement entered into specifying allowable uses.

Mr. Breckenridge seconded the motion.

Vote: After a roll call vote, the motion was unanimously approved for the Zone Change.

Motion: Conditional Use Permit: Mr. Larson moved that having concluded that the Criteria for Approval of a Conditional Use Permit found in Title 8-6-1 can be satisfied with the inclusion of the following conditions of approval:

1. The Bed & Breakfast Inn is limited to using 5 guest rooms. If more rooms are desired, the Conditional Use Permit must be modified through the required process at that time.
2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
3. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
4. The CUP is conditional on the Development Agreement for the Zoning Map Amendment.

- and having found that the considerations for granting the Conditional Use Permit 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 RECOMMEND APPROVAL to the Teton County Board of County Commissioners for the Conditional Use Permit for the Fin and Feather Inn as described in the application materials submitted on March 28, 2016 and as supplemented with additional applicant information attached to this staff report.

Mr. Breckenridge seconded the motion.

Vote: After a roll call vote, the motion for the CUP was unanimously approved.

The Commission took a short break at 6:50pm. The meeting was resumed at 7:05 pm.

PUBLIC HEARING: Application for River Rim Ranch PUD Division II to amend the Phase I Plat and Development Agreement. GBCI Other Real Estate, LLC & 211 West Rim, LLC, is proposing an amendment to the River Rim Ranch PUD Division II, Phase I, Final Plat that would return the golf course portion of the PUD and the "incidental uses" associated with the golf course. The proposed amendment includes the following changes to the West Rim Village (entrance) Area: office, conference space, and spa uses in the existing headquarters building; A commercial support center with a gift shop, coffee shop, and convenience store uses; A recreation center; 12 work force housing units; and storage facility. The proposed amendment also includes the following changes to the Golf Village Area: Modifying Tract D from 45-Cluster Chalets to 48- two room "Hospitality Suites"; Modifying Tract E from 12 residential lots to 48- two room "Hospitality Suites" and Pro Shop, dining and spa uses; eliminating the 3 residential lots on Tract G for the O&M facilities; removing the 6 lots from Tract J for the driving range. The Development Agreement would be modified to: allow the golf course and associated incidental uses, identify the uses of each lot/tract in Phase I, and update the cost estimate and timelines.

Mr. Hensel explained the process starting with staff presentation and how the public comment portion would be handled.

Staff Presentation:

Mr. Boal gave a brief introduction and stated that the proposed application is to amend the plat to Division I, which is a recorded plat. He discussed the previous Master Plan amendment which affected all the phases, and emphasized that the current application is only for amendment to Phase I. Because it is a substantial change it requires review and approval by the P&Z and BOCC.

Applicant Presentation:

Mr. Brett Potter, founder of Focus Architects based out of Bozeman, MT, commented he is the architect that designed all the community buildings in River Rim and has been involved with the project since 2005. He stated he is representing David Chu, who is currently under contract to purchase River Rim development with Glacier Bank and is in the due diligence period. He is here to determine if it is feasible under the current development agreement to execute the allowable golf course component. He introduced the other members of the team in attendance who he stated

were available to answer questions. Mr. Potter then used a power point presentation to show the vision of the applicant to turn River Rim into a vibrant outdoor community. He reviewed the key components starting with restoring a family oriented golf course designed to be pedestrian in nature with reduced impact on the environment. The second component would be adding a small community commercial center geared to the residents at the entrance of the subdivision intended for residents to get a cup of coffee or some milk, pick up a newspaper, etc. without having to go outside the community. The third element would be the central section which would be the golf club village. They are proposing to take existing residential entitlements and reconfigure them into new residential entitlements that will reduce the total impact on the project.

Mr. Sean Craycraft, Senior Vice President for OB Sports Golf Management based in Scottsdale, AZ who manage golf courses all over the country. He discussed a new type of golf course designed by David Kidd who designed the Huntsman Spring course. His links style golf course design involves using less water and more natural landscaping with limited irrigation. The Gamble Sands course outside Seattle was used as an example. He commented golf courses are going more environmentally friendly and less water use to reduce impact to the environment. Mr. Craycraft stated they are interested in broadening the appeal to include good players, but also families and average players.

Mr. Potter commented that the proposed design is to encourage pedestrian activity throughout River Rim. He discussed design excellence and awards won for original design in Division I and the intent to carry on that excellence into Division II. The idea is to create compact housing and walking friendly open areas and circulation. Mr. Potter stated he believes the changes they are proposing will substantially raise the tax base, provide more full time on site jobs and construction jobs for the valley, and the proposed links type design will require less water for maintenance and have less impact on the environment. He pointed out that River Rim has its own water and sewer system, maintains all it's own internal streets, has a dedicated parcel of land to the fire district, and the majority of owners who build in this type of district have children that are of college age or older.

Mr. Potter next discussed the entrance and commercial buildings proposed. There is an existing admin building and the new design proposes adding a small community commercial building with a post office, a small grocery, dry cleaner, small convenience store, events component pavilion and small meeting rooms. They are also proposing employee housing and on site community storage for drift boats, snowmobiles, etc.

Mr. Potter discussed the current components of existing residential approval and the proposed concept of a hospitality village. It is proposed as a mix of two-bedroom & four-bedroom hospitality units. A dense central village is proposed that promotes pedestrian activity. The current approval allows for 66 four bedroom residential entitlements. The applicant is proposing 96, two-bedroom condos instead of previous approved residential units. The condo buildings will be two story and blend into the natural environment. The four-bedroom units will be on the 62, approved residential chalet sites. They are proposing four-bedroom hospitality units broken down into two-bedroom suites that can be entered into the hospitality rental program for potential income on their investment.

Mr. Potter summarized by saying they have three components to the process: the technical and county review, the finance and design phase, and the construction and operations phase. They are

in the first stage of county review and are working with all departments to ensure compliance and public safety.

Staff Presentation:

Mr. Boal commented the application being presented has been through numerous revisions and is being revised again based on existing codes today. The amendment proposes the re-introduction of the golf course amenity into the River Rim Ranch PUD Division II, similar to what was originally master planned. Associated or "incidental uses" associated with the golf course are also being proposed to be re-introduced in two areas- 1) Golf Village area - a club house/pro-shop, restaurant, spa and other resort services; 2) West Rim Village- limited commercial uses such as a coffee shop, café, small grocery store, fly fishing shop. These uses were eliminated in Amendment #5, which was recorded in 2014.

He then highlighted the changes in the ordinances since the original approval, the approval criteria in the original PUD, and specifics like open space calculations, density calculations, and the fact that the PUD as a whole meets the requirements of the current code but the individual phases do not necessarily comply. He discussed the question of the hospitality units versus the approved residential units regarding density and whether or not they would decrease the impact on the overall PUD. He expressed concerns with the current design of the incidental uses being proposed along the highway, specifically the storage proposed which according to current code should be on the interior of the PUD. Last key issue he identified was regarding operation and maintenance records which he believed is being resolved through continuing dialogue with Eastern Idaho Public Health and DEQ.

Public Comment:

In Favor:

Ms. Patti Saylor, owner of a cabin built in Division I and president of two out of three HOA boards that run Division I. She felt that the lack of building is due to people waiting to see if the development will continue to go forward. Ms. Saylor stated she is not speaking for the boards, but feel most owners she has spoken with are in favor of the proposed changes. She stated she was in favor of the proposed purchaser who has a background with the project and the valley and felt that was a positive factor in supporting the change. She believed the hospitality units were a big enhancement and would increase rental income potential for second home owners.

Neutral:

No Comment.

Opposition:

Mr. Shawn Hill, representing VARD, commented he agreed with Ms. Saylor in wanting River Rim to be successful. He wanted to see the current proposal comply with the approved Comp Plan and with the existing code, and he felt the proposal as it currently stands does not comply. He felt the incidental uses were highway oriented and requirements are for interior orientation, and he wanted to see a wildlife habitat assessment conducted. He was also concerned with the plat amendment provision of the code being adhered to. He pointed out the proposal is a PUD amendment and the

county has no obligation to approve the amendment to the development. Mr. Hill commented on the importance of minimizing the impact of development on the south canyon area and felt that should be used as a potential compromise when looking at the proposed changes to the PUD. He stated he believed the change from chalet units to hospitality units was not a reduction in impact or intensity and was not in favor of converting the use.

Mr. Sandy Mason, resident of Teton, commented he supported the comments of Mr. Hill and also pointed out the PUD process involves a negotiated agreement between the county and the developer for higher densities and required showing a real, tangible public benefit. He believed there should be more negotiations involved with the new proposal. He wanted to bring in new data about wildlife preservation and the affect of development on Teton River corridor to reduce density on the south canyon area in exchange for the proposed changes. He felt there should be more serious discussions with the applicant regarding tradeoffs for approving the proposed changes and that more information was needed to consider making any more changes to the River Rim PUD.

Applicant Rebuttal:

Mr. Potter commented he is a smart growth advocate and felt the inclusion of small community commercial uses in the project were essential for success. Regarding hospitality units he felt the single family detached homes use the most amount of community resources during the highest peak of the day. He believed that hospitality units are more compact and use less community resources because they are general seasonally occupied as opposed to year round residences. He stated he was open minded about moving the commercial away from highway and will look at moving the storage units as well.

Commission Questions:

Mr. Arnold asked Mr. Boal to repeat the existing items not resolved. Mr. Boal commented the staff's key issues they felt should be considered are the open space calculations, which is now 70% not 50% based on the whole PUD. He discussed the 2013 Master Plan amendments regarding the open space and units approved in future phases. He stated this proposal is not meant to amend or address any future phases and as each future phase comes in they will have to go through the subdivision process. He commented this amendment was for Division II only and would not affect future phases, which would be judged by laws in place at that time. Mr. Boal commented he was also concerned with the location of the commercial uses in relation to the highway and wanted to see a development agreement that clarifies the specific acreage and use of each identified parcel on the plat for Phase I so that is was clear what each parcel was being used for. He wanted to see one stand alone development agreement rather than several different ones associated with different phases.

Ms. Johnston asked if they were borrowing from future phases that would have to be amended if this application is approved. Mr. Boal commented what was agreed to in previous amendments was sufficient to justify the proposed density calculations. Mr. Hensel commented the numbers previously agreed to were in return for other negotiations, so essentially the proposed increased density still meets the open space requirements.

Mr. Arnold asked if there was a 70% reduction in bedrooms. Mr. Boal commented utilizing the two-bedroom hospitality suites versus a four-bedroom single family residence represented 70 fewer bedrooms, not a 70% reduction in density.

Mr. Moyer asked if they must meet 70% open space and how that calculation works with what is presented. Mr. Boal discussed the way the total acreage of open space was calculated and pointed out the definition of open space was different when the project was originally approved.

Mr. Larson asked if the different phases must be combined to determine open space criteria. Mr. Boal commented there is no way to distinguish open space per each phase independently.

Ms. Johnston asked how much open space is required for Phase 2. Mr. Boal commented the open space for the whole PUD for all of Division II was at 70% and requires just over 3,100 acres of open space, and the last master plan approved provides just over 3,200 acres of open space. He pointed out that the application was just for Phase I and doesn't meet the 70% open space required for Division II. She asked if this phase has a set amount of open space through a previous approval. Mr. Boal commented it did not. The ordinance requires 70% open space and it does not specify each phase has to meet that, only the PUD as a whole must and the master plan approved in 2013 meets the 70% as a whole for all the phases in Division II. Mr. Hensel commented the current open space requirements will have to meet the 70% overall PUD open space requirements. The applicant is requesting to build the densest phase first.

Ms. Robson asked if the south canyon is in this phase. Mr. Boal commented it is in Phase 5 or 6 across the street, northeast of the highway.

Mr. Larson asked if the wildlife habitat assessment comes into play. Mr. Boal commented that a wildlife habitat assessment was not required on the original approval. In 2013 Fish and Game provided comments that were considered in the approval process. Since the design has not been heavily modified since 2013, he did not feel it was a concern.

Mr. Arnold asked Mr. Potter if the applicant was willing to move incidental uses away from highway. He also asked about existing developments rights on the south canyon rim edge and the potential for moving them back. He wanted to see, as a trade, moving the building envelopes on the canyon edge back to benefit the community and the scenic Teton River corridor. Mr. Potter commented that he was not prepared to discuss the south canyon at this time. If the Commission wants to move forward with negotiations to Division II, Phase I he felt that rim area development can be discussed in the future when new phases are ready to move forward.

Mr. Booker asked Mr. Potter about the storage facility design. Mr. Potter commented they would have natural siding and relate to the vernacular architecture styling of Idaho. He also stated he was willing to move them away from the highway. Mr. Booker wanted everything enclosed, and Mr. Potter had no problem with that. Mr. Booker also asked about fencing and lighting. Mr. Potter commented that lighting would comply with night sky lighting restrictions and security fences would be consistent with the subdivision design.

Mr. Moyer asked how large the commercial structure would be. Mr. Potter commented he was proposing an 8,000 sq. ft. structure and would be happy to define how much square footage will be allocated to each different use.

Mr. Booker asked about the hospitality rental units. Mr. Potter explained each individual owner has the choice to enter it into the program or use it exclusively. The hospitality program is flexible and voluntary, and the intent is to allow more choices for purchasers.

Mr. Breckenridge asked if instead of having a separate convenience store it could be part of the golf course clubhouse. Mr. Potter commented he would be willing to consider that because his main concern was that all Division II owners could bike to milk.

Mr. Booker asked if the golf course would be public or private. Mr. Potter commented it would be public.

Commission Deliberation:

Mr. Hensel commented that, since it is 8:30pm, it would be a good idea to continue the public hearing to a future date in order to digest the information presented and suggested providing input to the applicant for things they would like to see at the next meeting. He commented it is a big change in direction and asked about the commitment and feasibility to put back the golf course at this time. He wanted to see the changes in regards to the whole project and may want to ask for some give and take in order to approve the proposed changes. He also wanted to see the commercial moved away from the highway.

Mr. Booker commented there is a large amount of information to digest and felt there should be more time for approval consideration. He was concerned with making changes to the PUD that may not lead to a potential buyer obtaining financing, and that things could be changing again with the next potential buyer. He wanted more time line information relating to financing. Mr. Booker commented he was not sure about the wildlife habitat study being required at this time because it is more specific to the south canyon phase than this particular phase. Mr. Boal commented that as each phase comes forward they would be required to do a wildlife habitat assessment in order to meet the ordinances and criteria adopted by the county at that time.

Mr. Arnold asked if this specific application involved enough changes that it would require wildlife habitat studies. Mr. Boal commented the Commission could require it, but did not feel the proposed changes for this phase would sufficiently change the impact on wildlife. Mr. Arnold didn't feel the subject should be brought up again for this phase.

Ms. Johnston commented that the density on the landscape is changing and should be considered in wildlife habitat impact. She asked how the comparison is made between hospitality units versus single family units. Mr. Boal commented there is nothing in the ordinance that talks about the difference between a hotel unit and a single family unit. Staff did not feel it was a significant change as far as the sewer and water system was concerned or the parking situation. At this time there is no formula to equate residential units with hospitality units. Mr. Boal suggested asking the applicant to provide some clarity regarding the different impacts of the hospitality units regarding traffic, number of users, etc. to quantify the difference. Ms. Johnston wanted to see what was given up in the past to obtain changes to the master plan and then what would they give up to get them back.

Mr. Larson commented it would help if staff would provide a summary of the rational and changes agreed to in previous hearings. He felt the past information from the previous hearings would help make decisions on the current application.

Mr. Moyer asked to see an alternative site for incidental uses away from highway. Mr. Breckenridge wanted to see the commercial attached to the golf course facilities.

Mr. Larson commented that the new proposal has to comply with the new Comp Plan and development code. He wanted to see the non residential commercial reduced based on the Comp Plan, was concerned with open space calculations, and was struggling with hospitality units not equating to full time residential. He felt it is an increase in use and density based on the increase in the number of keys. Mr. Larson also wanted to see south canyon pulled back into the decision if possible and would like to see a summary of changes from the last hearing.

Mr. Breckenridge commented he wanted to see more ideas presented for the south canyon area besides just a density reduction.

Mr. Booker asked for a preliminary development agreement before the next hearing so they had plenty of time to review it.

Mr. Sean Moulton, with Moulton Law Office representing the applicant, commented on the development agreement as being a moving target and did not want to see the applicant committed to drafting a new development agreement when the negotiations are still ongoing. He did not want to waste time on details that will be changed based on future negotiations. He agreed there should be one complete development agreement rather than being a continuation on previous agreements.

Mr. Haddox commented he needed more information on previous approvals on River Rim, specifically previous PUD changes for this phase. Ms. Johnston also wanted more background information on the existing plan and previous approvals.

Mr. Boal asked the Commission to state the things they are looking for specifically when making a motion. He outlined the things he believed they were looking for which included a response based on the Comp Plan changes, a fiscal feasibility explanation, the nature of the PUD changes regarding the incidental uses and a proposal to combine the commercial uses with the clubhouse, as well as a detailed timeline of the development with regards to financing, and some unit conversions to justify the conversion from single family units to hospitality units. From staff he agreed to provide a summary of past changes and clarification of changes to the existing master plan and specifically this phase, and staff will also look into the south rim question. Regarding the development agreement, he commented they submitted a preliminary agreement in the application.

Ms. Johnston wanted to see a draft development agreement that did not refer back to previous agreements. Mr. Booker wanted to see more design information on the storage units.

Motion: Ms. Johnston moved to continue agenda item #3 to the June 14, 2016 Planning & Zoning Commission public hearing, at which time there will be continued public comment at the hearing and written comments will be accepted between now and then in accordance with the public comment and public hearing due process as far as dates. The reasons for continuation and the additional information requested from the applicant is as follows:

1. We are asking the applicant to respond to the Comprehensive Plan items brought up in the staff report;

2. We are asking for a fiscal feasibility analysis;
3. We are asking to see an alternate site plan with the commercial, storage, and incidental uses moved to a more central location more in keeping with the Comprehensive Plan;
4. We are asking for a detailed timeline of the development that would correspond with the fiscal feasibility analysis;
5. We are asking for justification of the unit density conversions, both how those densities are calculated and converted and justification for why the increase in density should be allowed;
6. We are asking for a development agreement draft that stands alone and does not refer back to previous iterations;
7. We are asking that all material for that meeting be submitted seven days prior to the meeting, so all materials need to be received by June 7, 2016;
8. We are asking the applicant if they are willing to make any concession involving the South Rim portion of the overall development.

Information requested from staff is as follows:

1. We are asking for more background information about the current state of the entire PUD approval, both how we got there and what is currently approved and required, and more information on the South Rim portion specifically.
2. We are asking for specific guidance as to whether we have any leverage to bring the South Rim portion of the development back to the table.

Mr. Breckenridge seconded the motion.

Vote: The motion was unanimously approved.

Motion: Mr. Booker moved to adjourn the meeting. Mr. Larson seconded the motion.

Vote: Unanimously approved. The meeting adjourned at 9:00 pm.

Respectfully submitted,
Sharon Fox, Scribe

Cleve Booker, Vice-Chairman

Sharon Fox, Scribe

Attachments:

1. May 10, 2016 Public Comment
2. PZC May 10, 2016 Meeting Packet



May 17, 2016

Teton County Planning & Zoning Commission Written Decision for a Zoning Map Amendment Recommendation of Approval and a Conditional Use Permit Recommendation of Approval for the Fin and Feather Bed & Breakfast

Overview

On May 10, 2016, Rachel Fortier came before the Teton County Planning & Zoning Commission to request a recommendation of approval for a Zoning Map Amendment from A/RR-2.5 to R-1 and a Conditional Use Permit for a bed & breakfast inn on property located west of Victor, at 9444 S HWY 31.

This written decision includes the motion, conditions of approval, and conclusions associated with the Zoning Map Amendment recommendation and the Conditional Use Permit recommendation.

Planning & Zoning Commissioners Present: Mr. Dave Hensel, 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.

Applicant(s)/Representative(s) Present: Rachel Fortier

Motion | Zoning Map Amendment

Mr. Arnold moved that having concluded that the Criteria for Approval of a Zoning Map Amendment found in Title 8-11 and Idaho State Statute 67-6511 can be satisfied with the inclusion of the following conditions of approval:

1. The applicant will provide written consent stating Teton County may rezone the property with the adoption of the new Land Use Development Code and associated Zoning Map.
 2. The applicant will not pursue a zoning map amendment for their adjacent property, also known as Lot 2 of Brown Acres Subdivision.
 3. The applicant will enter into a Development Agreement with Teton County, pursuant to Idaho State Statute 67-6511(a), restricting the R-1 uses to only allow Bed & Breakfast Inn.
- and having found that the considerations for granting the Zoning Map Amendment 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 not in conflict with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
 - I move to RECOMMEND APPROVAL to the Teton County Board of County Commissioners for the Zoning Map Amendment for Rachel Fortier as described in the application materials submitted on March 28, 2016 and as supplemented with additional applicant information attached to this staff report. There will also be a development agreement entered into specifying allowable uses.

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

Conclusions | Zoning Map Amendment

Having given due consideration to the application and evidence presented, and to the criteria of approval defined in Teton County Code, Title 8-11 and Idaho State Statute 67-6511, the Teton County Planning & Zoning Commission hereby makes the following conclusions:

1. The permitted uses in the R-1 zone will be restricted to the Bed & Breakfast Inn. With this restriction, the proposed Zoning Map Amendment is not in conflict with the goals outlined in the 2012-2030 Teton County Comprehensive Plan.
 - a. In general, the proposed Zoning Map Amendment supports the following goals outlined in the Comprehensive Plan:
 - i. ED 1.3 Encourage and support local commerce
 - ii. ED 1.6 Encourage and pursue economic diversity, innovation, and creativity to keep our economy stable
 - iii. ED 1.7 Support the expansion of recreational, cultural, and entertainment options that would improve the visitor experience and boost economic development
 - iv. ED 4.7 Encourage creative economic solutions such as live-work opportunities and appropriate home businesses.
 - b. This property is located near a Gateway on the Framework Map, which is an area identified as areas that emphasize the sense of arrival, which could include rest areas, visitor information, etc. The Fin and Feather Inn provides lodging to visitors, as well as visitor information about local and regional activities.
 - c. This property is identified as Rural Agriculture on the Framework Map, which calls for low density residential uses. With the R-1 uses restricted, no high density residential development will be permitted.
2. This proposal is not negatively impacting the public health, safety, or general welfare. The impact of this use will be the same as the existing use on the property. No new construction is being required, and no new services are being required. This application will also provide additional short term lodging options available in the County.
3. 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 April 21, 2016 and April 28, 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. Notice was also mailed to political subdivisions providing services in the planning jurisdiction, including the school district and airport board. A notice was also posted on the property providing information about the public hearing.
4. Other persons in attendance expressed neutral and opposing comments of the proposed Zoning Map Amendment and Conditional Use Permit. All public comments are on file with the minutes of May 10, 2016.
5. This proposal is not in conflict with the provisions of any adopted ordinance or intent of any county policy or use within the proposed zone classification.

Recommended Conditions of Approval | Zoning Map Amendment

1. The applicant will provide written consent stating Teton County may rezone the property with the adoption of the new Land Use Development Code and associated Zoning Map.
2. The applicant will not pursue a zoning map amendment for their adjacent property, also known as Lot 2 of Brown Acres Subdivision.
3. The applicant will enter into a Development Agreement with Teton County, pursuant to Idaho State Statute 67-6511(a), restricting the R-1 uses to only allow Bed & Breakfast Inn.

Attachment 4
Instrument # 23428
DEED OF TRUST
THIS DEED OF TRUST, made this 15th day of July, 2014, between Rachel L. Fortier...
WITNESSETH: That GRANTOR has freely, irrevocably, given, bargained, sold and conveyed to TRUSTEE...
FOR THE PURPOSE of securing payment of the indebtedness evidenced by a promissory note...
DEED OF TRUST
2014-07-15-10:31

Attachment 4
expressions shall be optional with the BENEFICIARY, and provided, further that it is the express intention of the parties to this DEED OF TRUST that it stand as continuing security until paid for all cash advances together with interest thereon.
A. TO PROTECT THE SECURITY OF THIS DEED OF TRUST, GRANTOR AGREES:
1. To keep said property in good condition and repair...
2. To provide, maintain and deliver to BENEFICIARY for insurance satisfactory to and with loss payable to BENEFICIARY...
3. To appear in and defend any action or proceeding...
4. To pay, at least ten days before delinquency all taxes and assessments...
DEED OF TRUST
2014-07-15-10:31

Attachment 4
number includes the plural.
8. TRUSTEE is not obligated to notify any party herein of pending suit under any other DEED OF TRUST...
9. In the event of dissolution or resignation of the TRUSTEE...
Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale be mailed to the person whose name is included in the list of the present and former owners of the real estate...
STATE OF IDAHO)
County of Teton)
On this 15th day of July, in the year 2014, before me, a Notary Public, personally appeared Rachel L. Fortier...
CHERYL HERBERT
NOTARY PUBLIC
STATE OF IDAHO
DEED OF TRUST
2014-07-15-10:31

Attachment 5
Application for Conditional Use Permit for conversion from Bed and Breakfast to Bed and Breakfast Inn
Owner: Rachel Fortier Address: 9444 South Highway 31, Victor, ID
In January 2014 the property at 9444 South Highway 31 known as the Old Fin and Feather Tavern and purchased and converted into a Bed and Breakfast named the Fin and Feather Inn...
Renovation of the main building (approx. 6000 total square footage...)
The Fin and Feather Inn opened September 2014 and has been operating for 2 1/2 years...
The Fin and Feather Inn currently rents 3 rooms as a nightly rental per regulations for Bed and Breakfast...
Financially the county's B&B limit of 3 rooms is a break-even proposition...
APPLICATION FOR CONDITIONAL USE PERMIT
THE FIN AND FEATHER INN

Attachment 4
5. To pay immediately and without demand all sums expensed by BENEFICIARY or TRUSTEE pursuant to the provisions hereof...
6. Should GRANTOR fail to make any payment or to do any act as herein provided...
7. Any award of damages in connection with any application for public use...
8. Upon written request of BENEFICIARY stating that all sums secured hereby have been paid...
9. As additional security, GRANTOR hereby gives and confers upon BENEFICIARY the right, power and authority...
DEED OF TRUST
2014-07-15-10:31

Attachment 4
TRUSTEE to collect the rents, issues and profits of said property...
6. Upon default by GRANTOR in payment of any indebtedness secured hereby...
Notice of sale having been given as here required by law...
7. This DEED applies to loans to the benefit of, and binds all parties herein...
DEED OF TRUST
2014-07-15-10:31

Attachment 5
Room Number Request
We would like to rent to 5 rooms
1 King bedroom with a bathroom
3 Queen bedrooms all with attached bathrooms
1 suite with 2 rooms with queen bed in each and 1 shared bathroom
APPLICATION FOR CONDITIONAL USE PERMIT
THE FIN AND FEATHER INN

Attachment 5
Purpose
Request a Conditional Use Permit to allow conversion from Bed and Breakfast to Bed and Breakfast Inn
Fin and Feather Inn
9444 South Highway 31, Victor, ID
TAKA A LOOK AT OUR COMFORTABLE ROOMS
WALKER ROOM, TWIN ROOM, WALKER DOUBLE ROOM
Pictures of Renovation

Attachment 5
History
Sits on 3.52 Acres
The old Fin and Feather Tavern
Owned by Keith and Claudia Davis
Bought by Michael and Anne Fortier and sold to Rachel Fortier
Complete Renovation January 2014 - August 2014
Land in back of the Fin and Feather bought by Michael and Anne Fortier
Website - FinandFeatherInn.com
Renovation Specifics
New septic served for 8 bedrooms
Complete wire and plumbing replacement
5/8" sheetrock for sound and fire resistance
Fire doors for sound and fire resistance
Fire extinguishers in each room
Fire exit diagrams on back of doors
Networked smoke detectors
Total Occupancy of 28
High End Rooms
Restored ranch entrance back to original
Awards
Have been cited by Trip Advisor and Booking.com
Have tremendous reviews

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