



**A REQUEST FOR A CONDITIONAL USE PERMIT BY:  
National Outdoor Leadership School (NOLS),  
FOR: The expansion of their existing education facility,  
WHERE: Darby Townsite (1830 S 1750 E)  
Prepared for the Planning & Zoning Commission  
Public Hearing of February 10, 2014**

**APPLICANT:** National Outdoor Leadership School (NOLS)

**LANDOWNER:** same

**APPLICABLE COUNTY CODE:** Conditional Use Permit pursuant to Title 8, Chapter 6 Teton County Zoning Ordinance, (revised 5-12-2011); Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

**REQUEST:** NOLS is proposing to expand their existing outdoor education facility from its present location onto an additional, adjacent lot that was recently purchased to the north of the school. The proposal would use the existing buildings on the new lot for the storage of outdoor equipment and vehicles, and calls for the placement of several yurts with sleeping quarters only onto the new property to be used for staff sleeping quarters.

**LEGAL DESCRIPTION:** RPF0013002001A

Section 7, Township 4N, Range 46E; all of blocks 2 and 3 of the Darby Townsite.

**LOCATION:** 1830 S 1750 E

**ZONING DISTRICT:** A-20, but within the historic Darby Townsite

**PROPERTY SIZE:** 10 acres

**VICINITY MAP:** The NOLS property is on 2000 S between 1500 E and 1750 E in the Darby Townsite. The property in question is the north 8 parcels.



**PROJECT DESCRIPTION:** Since 1996, the National Outdoor Leadership School (NOLS) has operated under an “existing non-conforming” use on RPF0013004001A, a five-acre lot adjacent to the subject property. They have recently bought 10 acres to the north and northeast of the school property that was formerly operated as a junkyard/salvage yard. The CUP proposal is to clean up the existing evidence of junk, use existing buildings for storage, remove two mobile homes and eventually upgrade an existing home, and to add some yurts that could be used as sleeping quarters.

As the site was previously used for storage and salvage of junk materials, the cleanup of these materials is beneficial to the natural environment as well as the scenic values of the property and neighborhood. Likewise, existing fences and buildings will be repaired and maintained for active use. A landscape buffer is proposed between the new property and the neighbor adjacent to the south (Larry & Sharon Booth).

The existing buildings to be used for storage will house outdoor equipment and vehicles that are currently being stored on the existing school site. “Hiding” these items in buildings will improve the character of the neighborhood and allow the school site to be tidier.

The main connection to the existing school site would be via an internal driveway. Access to the County Road, 1750 E, would be via an existing driveway and NOLS-related traffic would be minimal.

### **PROJECT BACKGROUND:**

National Outdoor Leadership School (NOLS) submitted a completed application to the Teton County Planning Department on July 26th, 2013. Due to the resignation of the Planning Administrator, the application has not proceeded. NOLS is now wishing to move forward with the application in order to have the necessary approvals by spring.

### **KEY ISSUES:**

#### Planning Staff comments:

**Traffic Circulation:** The proposed site plan shows an entry/exit on to 1750 South. The distance between this access point and the intersection of 1750 South and 1750 East is roughly 125’. This distance shorter than the 330’ that is the adopted standard in the LTHAC Manual for Use of Public Right-of-Way Standard Approach Policy Section IV C).

**Compliance with Dark Sky Lighting Ordinance:** All exterior lighting must conform to TC Ordinance 9.4.12.

### **INTER-AGENCY AND DEPARTMENTAL REVIEW COMMENTS**

Teton County Engineer: SEE INCLUDED LETTER

Eastern Idaho Public Health: Michael Dronen from EIPHD wanted the applicant to be aware that any new construction, demolition or alteration of sanitation facilities may require permitting. Also, if there will be food preparation for the public it may need permitting as well. (Please see his letter dated 12/31/13)

Teton County Fire & Rescue: No concerns at this time. Will require a commercial hood for stove due to nature of use. Will be reducing fire risk by removing existing structures and replacing them with yurts.

**SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE:** Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512, and Title 8, Section 8-6-1 of the Teton County Zoning Ordinance. The public hearing for the Planning & Zoning Commission was duly noticed in the Teton Valley News. A notification was sent via mail to surrounding property owners within a 300-foot buffer area and the mailing also went to many more people because anyone within a subdivision that has a lot within 300 feet of a project also gets a notification. A notice was also posted on the property providing information about the public hearing.

**COMMENTS FROM NOTIFIED PROPERTY OWNERS & PUBLIC AT LARGE**

Staff has not received any written comments from the public. A neighboring property owner called to better understand the nature of the application, but did not offer any support or opposition to the proposal.

**CONSISTENCY WITH THE APPLICABLE GOALS & OBJECTIVES OF THE TETON COUNTY COMPREHENSIVE PLAN 2012-2030**

Goal ED 1: Develop a coordinated and collaborative economic development strategy that encourages, promotes and supports locally-owned businesses and creates a hospitable and attractive environment for businesses and tourists.

Goal ED 2: Preserve our rural character and heritage and promote local agricultural industries.

Goal ED 4: Accommodate additional population by supporting development that is economically responsible to the County and the community.

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

Goal CEF 1: Provide high-quality public and private services and facilities in a coordinated manner for the health, safety, and enjoyment of the community.

Goal CEF 2: Encourage the development and support of high-quality education facilities (primary, secondary and post-secondary) and diverse and affordable activities for all ages.

Goal ARH 1: Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.

**SECTION 8-6-1-B-7 CRITERIA FOR APPROVAL OF A CONDITIONAL USE**

The following findings of fact shall be made if the Conditional Use is being recommended for approval. If the application is being recommended for denial, the Commission should likewise specify the reasons for denial based on the items listed below.

- 1. Location is compatible to other uses in the general neighborhood.***
- 2. Use will not place undue burden on existing public services and facilities in the vicinity.***

*3. Site is large enough to accommodate the proposed use and other features of this ordinance.*

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

**PLANNING COMMISSION'S RECOMMENDED CONDITIONS OF APPROVAL**

- Compliance with Dark Sky Lighting Ordinance: All exterior lighting must conform to Teton County Ordinance 9.4.12.
  - Applicant obtains all necessary permits/approvals from Teton County as well as other regulating agencies as they expand their facilities.
  - The approach on 1750 South (the access on the north boundary of the property) is abandoned and not utilized.
  - Provide a clear description of the proposed uses for S1750E access including anticipated average daily trips;
  - Construct the interior driveway between parcels to meet the Teton County minimum driveway requirements and restrict access from S1750E
- OR**
- Improve County Road S1750E and the access from S1750E to meet county standards
  - The wind turbine should be removed from the site plan (not part of this approval)
  - Staff housing be located in the general area of the existing house

**BOARD OF COUNTY COMMISSIONERS ACTION:**

A. Approve the CUP, with the recommended conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.

B. Approve the CUP with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.

C. Deny the CUP application request and provide the reasons and justifications for the denial.

D. Continue to a future BoCC Public Hearing with reasons given as to the continuation or need for additional information.

**PLANNING STAFF RECOMMENDATIONS: The Planning Staff recommends:**

ACTION A, APPROVE the expanded NOLS campus as described in the Conditional Use application materials submitted July 26, 2013 and as supplemented with additional applicant information attached to this staff report.

Staff suggests the following motion:

The following motion could state a finding of fact and conclusion of law if a Commissioner wanted to make a motion to approve:

*Having concluded that all the Criteria for Approval of a Conditional Use found in Title 8-6-1-B (7) can be satisfied with the inclusion of the recommended conditions of approval,*

- *and having found that the considerations for granting the Conditional Use Permit to NOLS can be justified and have been presented in the application materials, staff report, presentations to the Planning & Zoning Commission, and to the Teton County Board of County Commissioners,*
- *and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,*
- *I hereby APPROVE the Conditional Use Application of the National Outdoor Leadership School for the expansion of their education facilities onto the recently purchased parcel to the north of their existing operation as described in the application materials submitted July 26, 2013 and as supplemented with additional applicant information attached to this staff report.*

**List of Issued Permits:** *a list and/or files of conditional use permits will be maintained in the planning and zoning office by date of approval by the commission. Conditional use permits will be reviewed at least once every five (5) years after approval, unless conditions otherwise outlined in this title require review more often. The planning and zoning commission and/or the board of county commissioners may review conditional use permits at any time after approval if the conditions or use changes.*

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Prepared by Jason Boal

Attachments:

- Application
  - Executive Summary
  - Narrative
  - Site Plan Narrative
  - Deed
  - Map of noticed properties
  - Aerial of the site
  - Proposed site plan
- Letters of Agency review:
  - Eastern Idaho Public Health District- Mike Dronen
  - Teton County Engineer- Jay Mazalewski
- Draft Minutes of Planning Commission meeting 1/14/2014

End of Staff Report