



**AGENDA  
PLANNING AND ZONING COMMISSION  
WORK SESSION  
February 9, 2016  
STARTING AT 5:00 PM**

**LOCATION: 150 Courthouse Dr., Driggs, ID  
Commissioners' Chamber – First Floor (lower level, SW Entrance)**

1. Approve Available Minutes
2. Chairman Business
3. Administrator Business

**5:00 PM - WORK SESSION: Draft Code:** Discussion of Article 3: Rural Districts.

No public comment will be taken regarding the Draft Land Use Code.

**ADJOURN**

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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.

**DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION**  
**Meeting Minutes from January 12, 2016**  
**County Commissioners Meeting Room, Driggs, ID**

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

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

The meeting was called to order at 5:03 PM.

**Approval of Minutes:**

**MOTION:** Mr. Arnold moved to approve the minutes from December 8, 2015, as amended to change “Mr. Robson” to “Ms. Robson” in the first paragraph, second line under Administrative Business. Mr. Booker seconded the motion.

**VOTE:** All in favor. Mr. Larson and Ms. Johnston abstained from voting because they were absent from the December 8, 2015 meeting.

**Chairman Business:**

Mr. Hensel mentioned the letter he had said he would write to the Board of County Commissioners expressing the concerns of the Planning & Zoning Commission discussed at the December 8, 2015 meeting. He did not write the letter, but he did have a conversation with Commissioner Riegel.

Mr. Hensel brought up the Guiding Principles Exercise that Mr. Boal gave the PZC in December. He explained that after his conversation with Commissioner Riegel, he felt the Board was interested in the strategies that the PZC used to get from Point A to Point B to Point C. Mr. Haddox mentioned that he also spoke to Commissioner Leake, who said he was interested in something short, 1-2 paragraphs.

Mr. Hensel asked Mr. Boal how the answers provided to the Guiding Principles Exercise would be used. He explained that as we prepare a public review draft of the code and start public outreach, he anticipates staff working with the PZC to create summaries explaining the process that was used, and the answers to the Guiding Principles Exercise will help with that.

Mr. Hensel asked that any commissioners that have not submitted their Guiding Principles Exercise to please do so. Mr. Boal said he would email copies to everyone again.

*Election of New Officers*

Mr. Hensel explained that because it was the first meeting of the new year, the Commission needed to vote on officers for the positions of Chairman and Vice Chairman.

**Motion:** Mr. Arnold moved to nominate Mr. Hensel to continue as Chairman and Mr. Booker to continue as Vice Chairman. Mr. Breckenridge seconded the motion.

Mr. Larson expressed that since several members have stayed on for the code process, they should continue the same leadership. Ms. Johnston agreed.

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

**Administrative Business:**

Mr. Boal introduced the new Weeds Superintendent/Natural Resources Specialist, Amanda Williams.

**PUBLIC HEARING: Conditional Use Permit Application for the Cowboy Church.**

Mr. Hensel asked if any commissioners had been to the site, had any ex parte conversations about this application, or felt conflicted in any way. They had not.

Ms. Rader introduced the applicant.

**Applicant Presentation:**

Mr. David Kite, pastor of the Teton Valley Cowboy Church (TVCC), explained that their intention was to use the building for church services one night a week (Monday nights). There may be special activities that would require using the building at a different time than Monday evenings.

The TVCC hosted a rodeo program for kids during the Summer of 2015. They also provided help to local families at Thanksgiving and Christmas, as well as working with the Suicide Prevention and Awareness Network (SPAN). Mr. Kite explained that TVCC is trying to be involved in the county and provide a positive impact to the community. Mr. Hensel asked about the rodeo location. Mr. Kite explained that the TVCC rented the fairgrounds for that event.

Ms. Robson asked about the potluck dinners at the church and if there was a kitchen. Mr. Kite explained that members of the church bring food, that was prepared off site, so the fellowship can eat dinner together before service begins.

**Staff Presentation:**

Ms. Rader explained the application. Larger activities hosted by the TVCC offsite, such as the rodeo, could be handled in the future through a Temporary Use Permit or something similar. Activities on site would include the dinners, discipleship classes, services, and Vacation Bible School (summers).

The building accesses directly off of Highway 33. The application was provided to ITD, and they did not recommend a traffic study for this application. The building does have a sprinkler system installed, which has not been inspected. The building code would require a sprinkler system based on the occupant load. Without exact measurements of the building, it is unclear whether or not the sprinkler system would be required. A possible condition of approval was included for the applicant to provide the Building Official with the necessary measurements to determine this. Staff recommends that the sprinkler system be inspected and used, even if it is not required.

A sign permit application was submitted by the applicant, but it has not been approved at this time.

Mr. Hensel asked if the membership and traffic increased and became an issue, could this be limited through the CUP or would it come up in review. Ms. Rader explained that it could be conditioned and/or monitored by staff. ITD looked at the square footage of the building when they determined it would not require a traffic study. Eastern Idaho Public Health said the number of current attendees (25-30) could double or triple with the existing septic system.

Mr. Larson asked for clarification on the sprinkler system requirements. There are two standards in the building code that would trigger the requirement. We know the building size does not meet one of the standards, but the other standard looks at the net square footage of the assembly area, which needs to be measured. Mr. Hensel opened Public Comment.

**Public Comment:**

*In Favor:*

Mr. Boal read the following written testimonies.

Ms. Rhoda Simper (Tetonia) wrote “I support the application for Teton Valley Cowboy Church to be approved. It is a wonderful church that is helping many in the community.”

Ms. Barbara Butler (Driggs) wrote “Wish to see this church grow – we love it. The town can use it.”

Ms. Rebecca Koch (Victor) wrote” I believe this county would benefit from the church. The area is a perfect place. I am very much in favor of this church and the location.”

Mr. Robert A. Vostrejs (Tetonia), Ms. Denise Vostrejs (Tetonia), and Ms. Bonnie Reece (Tetonia), submitted sign-up sheets in support of the application, but they did not testify.

*Neutral:*

There were no neutral comments.

*Opposed:*

There were no comments opposed to the application.

Applicant rebuttal was not necessary, as there was no opposition. Mr. Hensel closed Public Comment.

**COMMISSION DELIBERATION:**

Mr. Arnold thinks this could be a positive addition to the county, and it looks like a lot of effort was put into the applicant. He is in favor.

Mr. Booker agreed. He lives in the neighborhood, and the building has been vacant for a while, so it is nice for the building to be used. Mr. Booker asked how CUPs are monitored. Mr. Boal explained that staff is responsible for monitoring the conditions. If there is a violation of conditions, the applicant is notified. If the use grows to exceed conditions, the applicant would be notified that they need to find a new location or amend the CUP to accommodate the growth.

Mr. Arnold asked the applicant what he is looking for in terms of the number of attendees the church would provide services to in the existing building. Mr. Kite explained the layout of the building. If attendance increased, worship services and discipleship classes could be held concurrently, twice a night instead of once per night at separate times. Mr. Kite explained that the layout of the room used for services would probably allow for a maximum of 60 people.

Mr. Arnold commented that he wants to make sure that traffic does not become an issue. He asked the applicant if 75 would be a fair number of attendees before reviewing the CUP again? Mr. Kite asked that the CUP be reviewed after 100 rather than 75 because alternating rooms for the service and classes would maximize the use of the building. He also stated that parking should not be an issue, and the adjacent property is owned by the same property owner and could be used for additional parking.

Mr. Larson commented that it would be interesting to know what ITD's standard is to trigger a traffic impact study because traffic is more of an issue than parking.

Mr. Breckenridge mentioned that occupancy loads set by the Fire Department and Building Official would limit the number of people that could be in the building.

Mr. Hensel suggested that a condition of approval would be that when the size meets a trigger, like for the traffic impact study, then the CUP would have to be reviewed. Ms. Johnston commented that she felt there were several threshold concerns including water, sewer, access, and building safety. The application states 35 attendees. She would be comfortable with doubling the size, like 60 attendees, before needing to review the CUP again. She also mentioned that each agency could be asked for their thresholds and base the review on that.

Mr. Larson commented that they should be conservative with the numbers or go back to each agency to get their specific threshold. Mr. Boal explained the options for moving forward, including recommending conditions based on specific thresholds which can be determined before the BoCC hearing occurs or the application could be tabled until the thresholds are determined, then PZC could make a recommendation to the BoCC.

Mr. Kite asked for clarification on the expiration of the CUP. Mr. Hensel explained that the approval would expire if the activity has not started within 12 months of the approval. Mr. Larson clarified that if there are conditions of approval that need to be completed, like a sign permit, that would need to be completed within 12 months.

Mr. Hensel asked if there was any additional public comment since new information may have come up. There was no public comment.

## **MOTION:**

Ms. Johnston 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 applicant will provide Teton County Planning & Building with the net square footage to calculate the occupancy load to determine if a sprinkler system is required. If the system is not required, it is highly recommended that the system be inspected and utilized for the safety of the occupants.
  2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
  3. All outdoor lights must comply with the Teton County Code, if applicable.
  4. A sign permit is required for the existing Cowboy Church sign.
  5. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
  6. Access, parking, septic system, water, and building safety thresholds will be established and included in such a way that the CUP will be reviewed when those thresholds are met.
- 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 Cowboy Church as described in the application materials submitted December 4, 2015 and as supplemented with additional applicant information attached to this staff report.

Mr. Arnold seconded the motion.

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

## **PUBLIC HEARING: Concept Approval for Walipini Subdivision.**

Ms. Rader explained that Grace and Jimmy Hartman are working with Harmony Design & Engineering to propose a 3 lot subdivision south of Victor.

### **Applicant Presentation:**

Ms. Jen Zung, Harmony Design & Engineering, represented the applicant. Ms. Zung introduced the property. This proposal will split an 8-acre parcel into two, 2.5 acre lots and one, 3-acre lot. There is an existing driveway that is shared between this property and the property to the north. The grades are steep. This proposal will regrade the access from Old Jackson Highway and reduce the slopes. The road would be constructed to meet County standards and Fire standards. The project does require fire protection, and this proposal includes a fire pond with a dry hydrant. There is also an option to develop a shared agreement with a pond in Grant Subdivision, but the pond would need to be improved to meet current Fire standards.

The property is located in the Big Game Migration Corridor overlay, which requires a Natural Resources Analysis at the preliminary process. The applicant is having that study conducted. The concept proposal shows building envelopes that are clustered to minimize impacts on whole property. The western boundary of the property falls within the scenic corridor overlay, but development is not being proposed in that area. This property is identified as part of the Foothills area in the Comp Plan Framework Map. The building envelopes are clustered to help meet low density residential nature of the Foothills area.

Ms. Zung explained that the parcel is owned by Ms. Hartman's brother. They would like to sell two of the parcels and live on the third. A Walipini is an underground greenhouse. The applicant intends to have a Walipini as the first built structure. They also intend to put tiny homes on the properties. The applicant currently lives in a tiny home of about 300 ft<sup>2</sup>. The building envelopes are larger than that to allow for flexibility on the location of the tiny homes.

Ms. Grace Chin Hartman lived on the property for a short time before moving to Wilson. They love the land and enjoy picnicking there with their children. Her brother told her if he sold the land, he would split off a portion for her and her family, which is why they are now applying for the subdivision process.

Mr. Hensel asked for clarification on the turquoise square that is on the soil map in attachment 9. Ms. Zung explained that the square shows the area that the soil map was created for, but it is not the property boundaries. Mr. Hensel also asked about the current vegetation. Ms. Hartman explained that there are some aspens, sage brush, and grasses.

Ms. Robson asked is anyone lives in the main house. Ms. Hartman explained her brother lives in the house, but he has a buyer lined up to purchase the home.

Ms. Robson asked about the ditch on the property. Ms. Zung explained that the ditch is not currently running because the diversion has been shut off. The proposal would allow the ditch to be used. Ms. Zung believes the surrounding property owners have shares to the property rights, but they have not fully investigated that at this time.

Mr. Larson asked if access needed to be provided to the surrounding property owners for the ditch if they have rights to it. Ms. Zung explained that there is an easement for the ditch, which then lines up with the road.

Mr. Haddox asked if the property owner to the north that uses the shared driveway was agreeable to move the driveway. The property owner was in the audience and waiting to testify. Ms. Zung explained that the realignment of the driveway is needed for the regrading of that area for safer slopes. She said it will greatly improve the access.

Mr. Booker asked if the building envelopes include all structures, including infrastructure like water and septic. Ms. Zung explained that they had not completely decided on whether water and septic systems would be inside the envelopes. Ms. Johnston commented that building envelopes typically only include buildings. Mr. Booker asked if the natural vegetation would remain intact outside of the building envelopes. Ms. Zung said it would remain.

## **Staff Presentation:**

Ms. Rader explained that the application is in the Big Game overlay, so the Natural Resources Analysis will be required. That study will provide more detail on the existing vegetation. The property is also in the Hillside overlay, but development is not located on any steep slopes, so the studies associated with that overlay will not be required. The property is partially in the Scenic Corridor overlay, but no development in is planned there.

A DRC meeting was held in December. There was concern with the slopes of the existing road access, but Public Works was satisfied with the proposed changes. Fire protection is required, and the applicant has been in contact with the Fire Department. There may be some limitations to septic locations because of the fire pond location and slopes, which can be identified at the preliminary stage.

Mr. Breckenridge asked if there was a previous split on this property. Mr. Boal explained that there was a One Time Only done previously on this lot.

Mr. Booker asked if there were any concerns with the ditch and access for the fire pond. Ms. Rader explained that the Fire District did not have comments, but they will review it again at preliminary. There is also the possibility of using a nearby pond, which would remove the fire pond that is proposed on site. Mr. Breckenridge asked if the nearby pond met the fire standards. Ms. Rader explained that it does not at this time, but the Fire District mentioned that it could be improved to meet their standards. Specific fire protection options and their advantages were not discussed, but the Fire District will be able to review the application at Preliminary.

Mr. Hensel asked if there were any problems with subdividing a parcel that was created through the One Time Only process. Ms. Rader explained that parcels created through the One Time Only process could be subdivided as long as they can meet the underlying zoning requirements and the subdivision process, which this application does. Ms. Johnston asked how large the original parcel was. Ms. Rader explained that the parcel proposing the subdivision is about 8 acres, and the original piece that was split was 10 acres. The subdivision process created building rights for the new lots.

Mr. Hensel opened Public Comment.

## **Public Comment:**

### *In Favor:*

There were no comments in favor of the application.

### *Neutral:*

There were no neutral comments.

### *Opposed:*

Mr. Meredith Hare (Victor - adjacent property owner) stated he was opposed to the application because it is in violation of a Declaration of Restrictive Covenants placed on this land by the

owners in 1976 (submitted to the record - see attachment 3). The Covenants were placed on the original 10-acre parcel. The Covenants state that no more than two lots, of no less than 5 acres each could be created from the original 10-acre parcel. This parcel has already been split into an 8-acre parcel and a 2-acre parcel. Now, the 8-acre parcel is being proposed to be split into 3 lots, which goes against the covenants and should not be approved by the Planning and Zoning Commission.

Mr. Michael Harrison (Victor – adjacent property owner) stated he had several issues and feels that a lot of wishful thinking has been proposed. He said the pond that was mentioned as an option for a fire pond is an ornamental pond and was not designed for fire protection. He also stated that to access the pond, the applicant would need to cross his property and Mr. Hare's property, which he says is not an option. Mr. Harrison felt that the three homes on 8 acres were not clustered. He said he positioned his home as far as possible from the existing Chin home to allow for privacy. There is also a wildlife refuge to the northeast of the property that is closed off to human traffic through winter. Mr. Harrison stated that Mr. Chin approached him a few years ago to keep the ditch on the Chin property. When Moose Creek Road was widened last year, the ditch was filled in by the road crew, which has not been dug back out. When the water does flow, animals come down to the property to access the ditch water instead of Trail Creek. Mr. Harrison said the Chins have always said they would help with labor of maintaining the ditch, which they have not provided. Because of this, Mr. Harrison said he is planning on digging his ditch this year so that it is no longer on the Chin property, and they will not have access to it. Mr. Harrison stated that he shares the driveway, and he does not accept that it will be shared with two more homes. He proposed that too much earth would need to be moved to get the proposed 4% grade on the driveway. He also stated that the Old Jackson Highway is too narrow for lines to be drawn on it, and he believes the road would have to be widened for the subdivision to be approved. For these reasons, Mr. Harrison stated he opposed the application. He also stated that he expected his view to disappear at some point, but he does not feel it deserves to for this application.

#### **Applicant Rebuttal:**

Ms. Zung stated that the applicant does not have a copy of the Covenants that Mr. Hare mentioned. She said the application would obtain a copy and work with the county to determine if they are applicable to the property. In terms of the fire pond, discussions have just begun. The nearby pond is on private property, and it may not even be an option, and there is a pond proposed on site. Ms. Zung explained that keeping building locations away from wildlife areas would be desired, and the applicant could work with the neighbors for shielding for views to minimize the impact of nearby homes. It sounds like the ditch will not be an issue. Ms. Zung stated that the road would meet county standards and she believes Old Jackson Highway also meets county standards. There is room to construct the proposed road.

Mr. Hensel asked if there was an easement for the existing driveway. Ms. Zung explained that there is an easement shown on a Record of Survey, but there is not recorded document for that easement. She stated that from what she understands, the easement does not technically exist because there is no recorded document backing up the record of survey. The plat from this subdivision would create an easement for that driveway.

Mr. Booker asked for clarification of the previous splits and the easement. He thought it might be a prescriptive easement since it has been used. Mr. Booker asked for Ms. Zung to confirm that the applicant nor she have reviewed the CC&Rs. Ms. Hartman said she was told they were not in

standing, but she has not looked at them. Mr. Hare asked who would enforce the CC&Rs. Mr. Booker explained that CC&Rs are a civil matter between the property owners involved. The county does not enforce CC&Rs. Mr. Hensel recommended that the applicant research the CC&Rs before they spend more money on the subdivision process.

Mr. Haddox asked if the easement was described on the original survey or just shown. Ms. Zung explained that the record of survey showed the easement, but it is not a plat, so it does not create an easement.

Mr. Breckenridge asked about the previous splits. Mr. Boal explained that there was some questions around the process used to create the 2 acre and 8 acre parcels, but the 10 acre parcel was created legally. Mr. Hare explained that his parents bought the 10 acre piece in 1976. The subdivision process would provide building rights to the three lots proposed.

Mr. Booker asked Ms. Zung about the proposed road, which dead ends. He asked if it would be a cul-de-sac or some kind of access for Lot 3 because the concept plat does not connect to the boundary of Lot 3. Ms. Zung explained that the road would extend to the Lot 3 boundary, which would then become the driveway. Mr. Booker asked about Lot 1, and if it was considered out of the subdivision because it is existing. Ms. Zung explained that it is part of the subdivision, but there is existing infrastructure on that lot.

Due to the disorder, Mr. Hensel asked if there was any additional public comment.

**Public Comment:**

*In Favor*

Ms. Karie Josten (Victor – nearby neighbor) stated that development will be in that area, and she thinks the applicants would be good stewards of the land and take care of it. She thinks they have good intentions, and she is all for the proposal.

*Neutral*

There were no neutral comments.

*Opposed*

There were no additional comments opposed to the application.

Mr. Hensel closed Public Comment.

**COMMISSION DELIBERATION:**

Mr. Booker stated that there are issues that need to be remedied, like the CC&Rs. Is the PZC concerned about this. Mr. Hensel explained that the PZC recommends the applicant get the CC&Rs figured out, but it is not something they can decide. Mr. Larson commented that it is up to the property owners. Mr. Arnold stated that it is the PZC's responsibility to determine if the application meets the code. He is concerns with the building envelope locations being close to Mr. Harrison's home, which may be able to be moved to give consideration to the neighbor.

Mr. Haddox commented that he was having a hard time separating the various questions they have had, but this is a concept proposal. Mr. Hensel said he would be in favor of approving the concept application, but he would like clarification of the parcel history, and other issues would need to be addressed, like the driveway easement, fire pond, and ditch.

Ms. Johnston asked staff to clarify if the county enforces CC&Rs or deed restrictions. Ms. Rader explained that the county does not enforce CC&Rs, and the county only enforces deed restrictions that were required by the county. Ms. Johnston asked if building envelopes that are shown on a plat would be enforced by county. Ms. Rader said yes.

Ms. Johnston asked if the Old Jackson Highway meets road standards. Mr. Boal stated that question would be better suited for the Public Works Director. Ms. Johnston asked if a public road that a subdivision is access from does not meet standards, are there provisions available to require that road to be improved. Mr. Boal explained that off-site improvements are not generally required. Ms. Johnston stated she felt there was a lot of new information brought up during the meeting that was not in the application, which makes it hard to consider the application.

Mr. Larson explained that he is okay with the concept plan, but there are issues that need to be addressed. He would encourage the applicant to look at different building envelopes that would help preserve Mr. Harrison's views. Mr. Hensel also mentioned that the envelopes were probably chosen to help protect wildlife habitat, so that will become a factor in the future. Mr. Larson agreed and said it would be a balancing act.

Ms. Johnston felt a lot of her concerns would be addressed later in the process, like the specifics of how the driveway will be improved.

Mr. Breckenridge and Mr. Larson stated they do not believe this is technically a clustered development. Mr. Breckenridge also commented that some form of agreement is needed for the shared access.

Mr. Booker explained that he has a lot of concerns, so he does not want concept to be misconstrued at the preliminary approval. Mr. Hensel stated that concept approval implies that there is future work that needs to be done.

#### **MOTION:**

Mr. Arnold moved that having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) can be satisfied with the inclusion of the following conditions of approval:

1. Compliance with all local, state, and federal regulations.
2. Begin working with EIPH for septic approval.
3. Begin working with Teton County Fire District for fire suppression approval.
4. Conduct required studies/plans for Preliminary Review: Landscape Plan, Natural Resources Analysis.
5. Consider the importance of viewsheds.
6. Adequately address the shared driveway/roadway with the 2-acre parcel to the north (Mr. Harrison's property).

- and having found that the considerations for granting the Concept Plan Approval to Grace Hartman can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
- and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
- I move to APPROVE the Concept Plan for Walipini Subdivision as described in the application materials submitted December 7, 2015 and as supplemented with additional applicant information attached to this staff report.

Mr. Breckenridge seconding the motion.

Mr. Larson commented that this application is right on his threshold of wanting to see the application moved forward and wanting to table it to get more information. He hopes everyone understands there are questions that need to be addressed. Mr. Haddox agreed that he has a lot of concerns with this application, but it is a concept application. Ms. Johnston agreed. She commented that she sympathized with the neighbors' concerns, but those are outside of the jurisdiction of the Planning and Zoning Commission, and the application meets the required conditions of approval.

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

**MOTION:** Ms. Johnston moved to adjourn the public hearing. Ms. Robson seconded the motion.

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

The public hearing was adjourned at 6:53 pm, and the Planning and Zoning Commission took a break until 7:05 pm.

**WORK SESSION: Draft Code Discussion, Article 13: Property Development Plan**

The Commission reviewed and discussed the proposed draft code presented by Mr. Boal.

Article 13.1 and 13.2 were generally discussed, but more discussion of these sections will take place at the January 19<sup>th</sup> meeting.

Mr. Hensel asked for clarification on easements listed under 13.1.3.b.x, like what type of easements need to be included. Mr. Haddox asked for clarification of a preliminary title report. Ms. Johnston asked if the county requires an official title report from a title company and if that is something that should be considered. Mr. Boal explained that there are costs associated with title reports, and there are some concerns with requiring an official title report. The Planning Department provides a lot of the same information, and the county can relate it to the regulations being enforced. Ms. Johnston commented that it would be helpful to require easements to be shown and also include who the easement is from and to. Mr. Boal explained that is covered in another section of the code.

Mr. Larson asked if there were specific approval and appeal processes, such as study requirements that may be determined by the Planning Administrator. Mr. Boal stated those processes are

outlined in Article 14. The intent of the sections for each study is that the standards are clear about when they are required.

Article 13.3.1 was reviewed in more depth. Text edits were identified to staff, including standardizing the language used throughout and clarifying definitions.

Mr. Breckenridge mentioned that irrigation ditches and canals have the same setback requirement, which may not be necessary. Mr. Hensel asked if there was a standard that would differentiate between ditches and canals. Irrigation ditches and canals were discussed more. Staff will clearly define each and utilize different setbacks for each.

The question of which standards to use was discussed, including whether NRCS standards are appropriate and if there are other options available. Mr. Booker stated that the standards are very technical. Mr. Boal explained that worksheets or handouts would be developed to help applicants understand the standards used in the code. Ms. Johnston expressed that she felt the language was vague and unclear on specific requirements, in terms of what the trigger points are, what exactly is required, and what do the requirements apply to. Mr. Boal explained that there are sections outlined of specific allowed uses and prohibited uses, but staff can try to clarify those sections more.

Ms. Johnston commented on the language in the 13.3.1 chart about wetland delineations. The language will be adjusted to clarify that delineations are approved by the US Army Corps of Engineers instead of created by them.

Ms. Johnston also mentioned that she does not think the NRCS standards are the best option, and she believes the intent of those standards are different from what we want. Mr. Larson asked how the standards do not do what we want them to do. Mr. Booker commented that The Nature Conservancy has standardized worksheets for different topics, which may be similar to what Mr. Boal explained would be created. Mr. Booker said the standards would be similar to the Building Code, but the worksheet would be created to give to the applicant that explains what needs to be done. More discussion occurred on standards. Staff will look into other standard options besides NRCS. Ms. Johnston mentioned having standards created specific to Teton County. Mr. Hensel stated that would be a long and expensive process, which may not be an option. He agrees that it would be better, but adopting a standard that has already be created could still work well. Mr. Booker mentioned that an adopted standard could be amended in the future if it needs to. Mr. Arnold commented that he has used the NRCS standards, and he thinks they are a good standard. There may be times when they are not always applicable, but the only way to get around that is to create a unique standard for Teton County. Mr. Haddox explained that he felt comfortable with the NRCS standards with a worksheet that goes along with it, realizing that it may not be perfect, but they could be amended in the future if needed. He feels that if something is created specific to Teton County, there may be too many loopholes or it may be too burdensome for anyone to use. Mr. Larson agreed. Staff will also work to develop a worksheet/handout for a specific section in Article 13 that uses the NRCS standards as an example to see how the standards work when applied.

Mr. Boal gave a brief summary of what was planned for the next meeting. Mr. Booker suggested that if any commissioner will miss a meeting, they should email comments on that meeting's topic to the Chair so their comments will be included in the discussion.

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

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

The meeting was adjourned at 8:17 pm.

Respectfully submitted,  
Kristin Rader, Scribe

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Dave Hensel, Chairman

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Kristin Rader, Scribe

**Attachments:**

1. PZC January 12, 2016 Meeting Packet
2. Public Comment Sign-up Sheets
3. Covenants & Restrictions provided by Mr. Hare (Walipini Sub. App.)
4. Written Decision for Cowboy Church CUP Recommendation of Approval
5. Written Decision for Walipini Subdivision Concept Approval



AGENDA  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING  
January 12, 2016  
STARTING AT 5:00 PM

LOCATION: 150 Courthouse Dr., Driggs, ID  
Commissioners' Chamber – First Floor (lower level, SW Entrance)

1. Approve minutes
  - December 8, 2015
2. Chairman Business
3. Administrator Business

**5:00 PM – PUBLIC HEARING: Conditional Use Permit Application for the Cowboy Church.** David Kite has applied for a Conditional Use Permit for a "Church or Place of Worship" on a property owned by Valley Group Holdings, LLC. This project is located north of Driggs, at 4369 N. Hwy 33. The applicant is not proposing any new structures or changes to the existing building, so a scenic corridor design review is not required. This parcel is zoned A-2.5.

**Legal Description:** RP05N45E028100; TAX #5625 SEC 2 TSN R45E

**5:30 PM – PUBLIC HEARING: Concept Approval for Walipini Subdivision.** Grace Hartman is proposing a 3 lot subdivision on an 8-acre parcel owned by the James Chin Revocable Trust. Two lots will be 2.5 acres, and the third lot will be 3 acres. This project is located south of Victor, at 10645 Old Jackson Highway. This parcel is zoned A-2.5.

**Legal Description:** RP03N46E198100; TAX #6313 SEC 19 T3N R46E

**6:00 PM - WORK SESSION: Draft Code:** Discussion of Article 13: Property Development Plan.

No public comment will be taken regarding the Draft Land Use Code.

**ADJOURN**

- Written comments received by 5:00 pm, January 1, 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](http://www.tetoncountyidaho.gov). To view these items, select the Planning & Zoning Commission department page, then select the Public Hearing of January 12, 2016 item in the Additional Information Side Bar.
- Comments may be emailed to [pz@co.teton.id.us](mailto:pz@co.teton.id.us). Written comments may be mailed or dropped off at: Teton County Planning & 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.

DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION  
Meeting Minutes from December 8, 2015  
County Commissioners' Meeting Room, Driggs, ID

**COMMISSIONERS PRESENT:** Mr. Dave Hensel, Mr. Cleve Booker, Mr. Bruce Arnold, Ms. Marlene Robson, Mr. Jack Haddox, Mr. Pete Moyer, and Mr. David Breckenridge.

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

The meeting was called to order at 5:04 PM.

**Approval of Minutes:**

**Motion:** Mr. Arnold moved to approve the minutes from November 10, 2015. Mr. Moyer seconded the motion.

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

**Chairman Business**

Mr. Hensel reminded the commissioner there would not be a second meeting in December.

**Administrative Business**

Mr. Boal asked if there were any comments on the Meeting Notes for the November 17<sup>th</sup> meeting. Mr. Robson mentioned that Commissioner Leake and Commissioner Riegel were at the meeting but were not listed as present at the top of the page. Staff will add that they were present to the meeting notes.

Ms. Rader asked if Mr. Haddox had ranked the Action Items that were discussed at the November 17<sup>th</sup> meeting, and he had not.

**SCENIC CORRIDOR DESIGN REVIEW: Zahé Elabed (On Time Financial LLC):** Building a single-family home and guest cabin in Fox Creek Village, located at 395 W. 4500 S. The building site is completely within the Scenic Corridor Overlay.

Ms. Rader commented the application is on the corner of Fox Creek Village at Hwy 33 and 4500 S. The lot is a reserve lot that has not been given a use designation, so the staff determined that the lot should be treated as a regular residential lot under the current zoning of A-2.5. The majority of the property is within the scenic corridor, with the eastern 75 feet out. There is currently nothing on the property that would screen it from view from Highway 33. The applicant has agreed to provide some screening. Fox Creek Village does have a landscape easement along the Highway on this property, but it does not appear that landscaping has been planted there.

Planning & Zoning Commission Meeting 12/8/2015

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Mr. Haddox commented he is a neighbor and is also on the board of the Cherry Grove Canal Co. and wanted that to be known in the public record.

**Public Comment:**

There was no public comment.

**Commission Deliberation:**

Mr. Hensel commented he did not have a problem with the application and encouraged the owner to be generous with planting landscaping.

Mr. Arnold agreed that the application was well thought out and he did not have a problem with the structures.

Mr. Breckenridge asked if screening was required for outdoor storage. Mr. Boal commented outdoor storage is required to be screened and the applicant has shown landscaping to screen the building.

**Motion:** Mr. Arnold moved that having found that the proposed development for Zahé Elabed 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. Building materials shall not be highly reflective materials.
4. All utilities shall be placed underground.
5. Any satellite dishes shall be located to minimize visibility from Highway 33 and shall use earth tone colors and/or screening to minimize their visual impact.
6. The landscaping and revegetation shall be done prior to the final Certificate of Occupancy
7. The Fox Creek Canal Company may have a pipeline that crosses this property. The applicant shall identify the location of this pipe and meet required setbacks.

Mr. Breckenridge seconded the motion.

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

**Motion:** Mr. Breckenridge moved to adjourn the Public Meeting portion of the meeting and continue with the Work Session. Ms. Robson seconded the motion.

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

The Public Meeting portion of the meeting was adjourned at 5:25 PM.

Planning & Zoning Commission Meeting 12/8/2015

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**WORK SESSION: Draft Code:** Discussion of the Draft Zoning Map

*Summary of the 12/7 BoCC work meeting & the Plan Forward*

Mr. Boal reviewed the work meeting he had with the Board of County Commissioners on December 7<sup>th</sup>. The BoCC has asked staff to start gathering PZC's perspective of the "strategies" that have been utilized through the writing and revision process, as well as start explaining how certain goals/policies of the Comprehensive Plan are being met in the new code. To start the process, staff asked PZC members to complete the "Guiding Principle" exercise by the first meeting in January. Staff suggested looking at the action items and goals/policies of the Comprehensive Plan, explaining them in their own words, and explaining how they perceive they have been inserted in to the code or in the process. This exercise will be anonymous. Mr. Hensel will write a letter to the BoCC on behalf of the PZC to express concerns they currently have.

Staff and PZC reviewed and agreed on the plan and timeline for moving forward with the draft code on the work meeting primer. It was also decided that the PZC chair will call for a roll call vote, using a majority rules approach, if there are topics/changes to the code that are talked about and complete consensus cannot be reached.

*Review of the Draft Zoning Map, Renaming of the AW Zone, Review of Densities*

PZC reviewed the draft zoning map boundaries. It was agreed that the Agricultural Wetlands zone would be renamed to Lowland Agriculture. The importance of the zoning boundaries was discussed, and the idea of utilizing the same density in the three rural zones (Rural Agriculture, Lowland Agriculture, and Foothills) and expounding on the approval criteria for each zone was discussed. The majority of the PZC supported this approach, acknowledging that Commissioner Johnston has expressed concern about it in the past. It was agreed that the current boundaries on the draft map are sufficient, and if property owners wish to change the zoning of their property (in the three rural zones discussed, not Agricultural Rural Neighborhood), those changes are easy to accommodate during the public outreach portion of the adoption process if the same density for each of the three zones is used.

The discussion of using the same density for the three zones started a discussion on density options and required studies. The purpose of the "studies" in Article 13 were discussed. The studies are being required to ensure that as the intensity of a development increases (i.e. increased density, type of development, or location of development), there is additional review and justification for the location of the development and that resources of great concern are being addressed at a higher level of scrutiny due to the greater potential for impact. It is not to place additional requirements on an application in hopes of discouraging development.

Staff is going to review different density scenarios for Article 3, utilizing the same density in the three zones (Lowland Ag., Foothills, and Rural Ag.). PZC suggested starting with densities of a minimum of 1/40 and a maximum of 1/10. Staff did express concerns with 1/10 but agreed to include it in the scenarios and analysis that will be done.

Planning & Zoning Commission Meeting 12/8/2015

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TETON COUNTY PLANNING AND ZONING COMMISSION

Meeting Notes, Summary from December 8, 2015  
County Commissioners' Meeting Room, Driggs, ID

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Cleve Booker, Mr. Pete Moyer, Ms. Marlene Robson, Mr. David Breckenridge, Bruce Arnold, and Mr. Jack Haddock

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

General Action Items:

- Staff will email out the time for the January 5<sup>th</sup> gathering
- Adding the tetonvalleycode.org link to the Teton County webpage

Summary of the 12/7 BoCC work meeting and plan forward:

- Staff summarized the work meeting held on 12/7 with the BoCC. Mr. Booker was present and offered his insight on the discussion.
- The BoCC has asked staff to start gathering PZC perspective of the "strategies" that have been utilized through the writing and revision process, as well as start explaining how certain goals/policies of the Comprehensive Plan are being met in the new code. To start the process, staff asked PZC members to complete the "Guiding Principle" exercise by the 1<sup>st</sup> meeting in January. Staff suggested looking at the action items and goals/policies of the comprehensive plan, explaining them in their own words, and explaining how they perceive they have been inserted in to the code or in the process. This exercise will be anonymous.
- The Plan forward as shown on the meeting primer was discussed and agreed upon
- PZC wanted to make sure staff would be utilizing a redline approach to any changes made to the code from here on out.
- If there are topics/changes that are talked about and complete consensus cannot be reached, the PZC chair will call for a roll call vote, using a majority rules approach.
- The PZC asked the Chairman to write a letter to the BoCC expressing concerns they currently have.

Renaming of Agricultural Wetlands-

- PZC agreed on Lowland Agriculture as the new name for Ag/Wetland

Second Review of the DRAFT Teton County Land Use Map-

- PZC discussed the boundaries of the Lowland/Ag portion on the map. It was discussed whether it was appropriate to zone the uplands or other areas that are not necessarily "wet" into this zone.
- The Suitability map was discussed, in regards to deciding where the boundaries lie.
- The importance of the zoning boundaries was talked about. They really matter in our current zoning scheme, which allows different densities in the rural zones (Lowland/Ag, Foothills and Rural Ag)
  - o The idea of utilizing the same density in these three zones and expounding on the approval criteria for each zone was discussed. This would accomplish several things:
    1. The relevance of the line would decrease (no longer has an effect on density)
    2. Places the focus on the design and ensuring what is important in that zone can be addressed in any application.
- The one acre minimum lot size was discussed. The majority of the PZC supported this approach, acknowledging that Commissioner Johnston has expressed concern about it in the past.
- It was agreed that the current boundaries are sufficient, and if property owners wish to change the zoning of their property (in the 3 rural zones...not Rural Neighborhood), those changes are easy to accommodate during the public outreach portion of the adoption process (assuming the same density for each of the 3 zones is included in the code)



Planning & Zoning Commission Meeting 12/8/2015

Meeting Minutes

- The purpose of the "studies" in Article 13 were discussed- It is NOT to place additional requirements on an application in hopes of discouraging development. The studies are being required to ensure that as the intensity of a development increases (i.e. increased density, type of development, or location of development) there is additional review and justification for the location of the development and that resources of great concern are being addressed at a higher level of scrutiny due to the greater potential for impact.
- Staff is going to review and present different density scenarios for Article 3, utilizing the same density in the 3 zones (Lowland/Ag, Foothills and Rural Ag). PZC suggested starting with densities of a minimum of 1/40 and a maximum of 1/10 (Staff did express concerns with 1/10 but agreed to include it in the scenarios and analysis that will be done.).



A REQUEST FOR A CONDITIONAL USE PERMIT

By: David Kite  
For: Cowboy Church  
Where: 4369 N Highway 33 (Tetonia)  
Prepared For: Planning & Zoning Commission Public Hearing of January 12, 2016

APPLICANT: David Kite/Cowboy Church  
LANDOWNER: Valley Group Holdings, LLC

APPLICABLE COUNTY CODE: Conditional Use Permit pursuant to Title 8, Chapter 6 Teton County Zoning Ordinance, (amended 9/9/2013); Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

REQUEST: David Kite has applied for a Conditional Use Permit for a "Church or Place of Worship" with approximately 25-35 attendees. This project is located north of Driggs, at 4369 N. Highway 33. The applicant is not proposing any new structures or changes to the existing building, so a scenic corridor design review is not required.

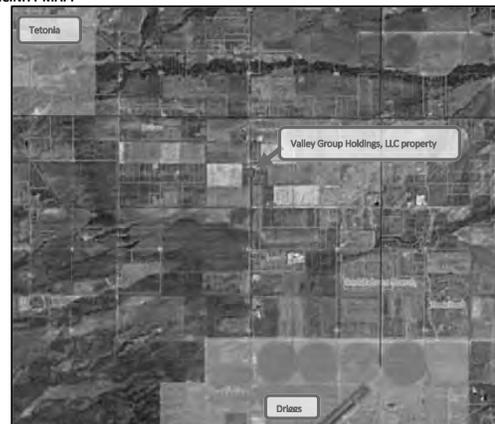
LEGAL DESCRIPTION: RP05N45E028100; TAX #5625 S2 T5N R45E

LOCATION: 4369 N Highway 33, Tetonia, ID 83452

ZONING DISTRICT: A-2.5

PROPERTY SIZE: 1 acre

VICINITY MAP:



Cowboy Church CLUP

**AERIAL IMAGE OF PROPERTY**



**PROJECT BACKGROUND**

David Kite submitted an application for a Conditional Use Permit on November 23, 2015, which was completed on December 4, 2015 (attachments 1-4). A Development Review Committee (DRC) Meeting was held on December 14, 2015 with the applicant, Planning, other Teton County Departments, and outside agencies to discuss the application materials.

This property is zoned A-2.5, which currently requires a Conditional Use Permit for a "Church or Place of Worship". This property is located in the Scenic Corridor Overlay. However, the applicant is not proposing any new structures or changes to the existing structure, so a Scenic Corridor Design Review was not required.

**PROJECT DESCRIPTION:**

David Kite is proposing to use the existing building at 4369 N Highway 33 for the Cowboy Church. The Church has already started using this building for its services. The Church meet once a week on Monday evenings. Service is scheduled from 7:00pm - 8:00pm, with church members in the building usually between 6:30pm and 9:00pm. Currently, there are approximately 25-35 members attending this service each week.

In addition to the weekly service, the following programs are desired:

1. Church-wide Fellowship Meal: This program will take place on the third Monday of every month before the regularly scheduled service. The Fellowship meal would begin at 6:00pm, so attendees would arrive around 5:00pm or 5:30pm.
2. Discipleship Classes: This program will take place on the first, second, and fourth Mondays of every month before the regularly scheduled service. This program will begin at 6:00pm. Attendees would arrive around 5:30pm for this class.
3. Vacation Bible School: This program will be a 5-day long event during summers. This program will be scheduled 9:00am to 12:00pm for children ages 5 and up. This event may not always occur due to availability of workers and summer schedules, but the applicant

would like the ability for the Church to have this program each summer when it is possible for the workers involved to do so.

4. Offsite Programs: The Church will also be involved in offsite programs in the community, such as providing food boxes to needy families, working with the Salvation Army as Bell Ringers, and other volunteer activities.

The building was constructed in the 1990s, and it received a final Commercial Certificate of Occupancy in 1994 (attachment 5). There is already a well and septic system in place for the building. The septic permit was issued in 1994 by Eastern Idaho Public Health (attachment 6). There is also a sprinkler system installed in the building. The sprinkler system has not been inspected recently, as the building has been vacant for several years. This building accesses directly from Highway 33. Idaho Transportation Department issued an access permit for this property in 1993 (attachment 7). There is also an existing parking lot on this property, which will be used by the Church members (attachment 8)

**KEY ISSUES:**

On December 14, 2015, we had a DRC meeting with David Kite, Eastern Idaho Public Health (Mike Dronen), Teton County Building Official (Tom Davis), Teton County Planning Administrator (Jason Boal), and Teton County Planner (Kristin Rader). From this meeting, some key issues were identified.

- ACCESS FROM HIGHWAY 33: Idaho Transportation Department has stated this application does not trigger an impact study.
- PARKING: Churches require a minimum of one (1) space for each five (5) seats in the principle assembly area (Teton County Code 8-4-5).
- SEPTIC SYSTEM & WATER QUALITY: Based on the application materials, Eastern Idaho Public Health stated the capacity of the system in place is sufficient. EIPH has water quality sample kits available. Mike suggested doing this if the water in the building has not been used in a while.
- BUILDING SAFETY: The building does have a sprinkler system, but it is unclear when it was last inspected. Tom has looked into the Building Code, and there are different factors that could require a sprinkler system.
- SIGN PERMIT: A sign permit is required for the Cowboy Church's sign. An application was provided to the applicant.

**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. 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 at the time of this report.

**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.

Criterion	Staff Comments
1. Location is compatible to other uses in the general neighborhood.	The existing structure was built as a commercial building, so its uses are limited in the A-2.5 zone. This property is currently surrounded by residential uses, agricultural uses, and vacant lots.
2. Use will not place undue burden on existing public services and facilities in the vicinity.	This use will utilize an existing structure that is accessible directly from Highway 33. No new structures are being proposed. This building was constructed in 1994, and it would have been included in the calculations for the currently adopted Capital Improvement Plan. The use will have a fairly low impact with the assembly only meeting one evening per week. ITD has confirmed the use would not require a Traffic Impact Study.
3. Site is large enough to accommodate the proposed use and other features of this ordinance	-Based on the aerial image, the building is approximately 5,000 ft <sup>2</sup> total, and the existing parking lot is approximately 9,000 ft <sup>2</sup> . The building is large enough for the expected number of attendees, currently 25-35 people. -Eastern Idaho Public Health has confirmed that the septic system is sufficient for 35 people, with the ability to increase that number (possibly double) before the system would need to be addressed. -The Teton County Code requires a minimum of 1 parking space per 5 seats in a church assembly area. With 35 attendees, this would require a minimum of 7 parking spots, each at least 200 ft <sup>2</sup> . The parking area is large enough to accommodate more than the required number of spots, including drive aisles. -There is a sprinkler system in the building. After speaking with the Teton County Building Official, the use of a church in this building would change the occupancy type to A-3 Occupancy (places of religious worship). As such, it would only need to be sprinkled if 1.) the area exceeds 12,000 ft <sup>2</sup> or 2.) the occupant load exceeds 300. The occupant load for Assembly Occupancies is computed in different ways based on the net square footage. Because the net square footage for this building is unknown, it is unclear whether or not sprinklers would be required, but if the net square footage exceed 2,100ft <sup>2</sup> , the system would be required. -The Building Official has looked into possible costs of inspecting/recertifying a sprinkler system, and he has found that an inspection to determine if the system is intact (not a pressurization test to check its function) could range between \$200-\$300 depending on the type of system (wet or dry). A transportation fee could also be applied (about \$180) if the company does not have other work in the area. -Because the sprinklers are already installed and offer a significant safety factor for any assembly building, it is highly recommended that the system be inspected and recertified even if it is not required through the building code.
4. Proposed use is in compliance with and supports the goals, policies and objectives of the Comprehensive Plan.	The Community Events & Facilities goals of the Comp Plan are most related to this use as it will provide a new service for the community, which could include cultural and recreational experiences. The volunteer activities associated with this use could also encourage community involvement. This use is utilizing an existing building, which will help minimize costs. This also complies with other goals of the Comp Plan by not adding new infrastructure that could decrease open space, impact agricultural lands and natural resources, or increase the burden on public services. This also accesses directly from Highway 33, which is transit and bicycle friendly.

**POSSIBLE CONDITIONS OF APPROVAL**

1. The applicant will provide Teton County Planning & Building with the net square footage to calculate the occupancy load to determine if a sprinkler system is required. If the system is not required, it is highly recommended that the system be inspected and utilized for the safety of the occupants.
2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
3. All outdoor lights must comply with the Teton County Code, if applicable.
4. A sign permit is required for the existing Cowboy Church sign.
5. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.

**POSSIBLE PLANNING & ZONING COMMISSION ACTIONS**

- A. Recommend approval of the CUP, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Recommend approval of 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. Recommend denial of the CUP application request and provide the reasons and justifications for the denial.
- D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

POSSIBLE MOTIONS

The following motions could provide a reasoned statement if a Commissioner wanted to recommend approval or denial of the application:

APPROVAL

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 applicant will provide Teton County Planning & Building with the net square footage to calculate the occupancy load to determine if a sprinkler system is required. If the system is not required, it is highly recommended that the system be inspected and utilized for the safety of the occupants.
2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
3. All outdoor lights must comply with the Teton County Code, if applicable.
4. A sign permit is required for the existing Cowboy Church sign.
5. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
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 Cowboy Church as described in the application materials submitted December 4, 2015 and as supplemented with additional applicant information attached to this staff report.

DENIAL

Having concluded that the Criteria for Approval of a Conditional Use Permit found in Title 8-6-1 have not been satisfied, I move to RECOMMEND DENIAL to the Teton County Board of County Commissioners for the Conditional Use Permit for the Cowboy Church as described in the application materials submitted December 4, 2015 and as supplemented with additional applicant information attached to this staff report. The following could be done to obtain approval:

- 1. ...

Prepared by Kristin Rader on 12-30-2015

ATTACHMENTS:

- 1. Application (4 pages)
2. Letter of Authorization (1 page)
3. Warranty Deed #170106 (2 pages)
4. Narrative (2 pages)
5. 1994 Building Permit (5 pages)
6. 1994 Septic Permit (5 pages)
7. 1993 ITD Access Permit (7 pages)
8. Site Plan (1 page)
9. DRC Meeting Notes (3 pages)
10. Adjacent Landowner Notification (2 pages)

End of Staff Report



CONDITIONAL USE PERMIT APPLICATION

Teton County, Idaho

The planning staff is available to discuss this application and answer questions. Once a complete application is received, it will be reviewed by the planning administrator or his designee and then scheduled for a public hearing with the Planning and Zoning Commission, who will make a recommendation to the Board of County Commissioners. A second public hearing will be scheduled with the Board of County Commissioners who will make the final decision. It is recommended that the applicant review Title 8 of the Teton County Code and 67-6512 of the Idaho Code. Application materials may be viewed on the Teton County Idaho website at www.tetoncountyidaho.gov.

To expedite the review of your application, please be sure to address each of the following items.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Valley Group Holdings
Applicant: Teton Valley Cowboy Church E-mail: dskite2@gmail.com
Phone: (208) 844-1576 Mailing Address: 124 W 500 N, Blackfoot, ID, 83221
City: State: Zip Code:
Engineering Firm: Contact Person: David Kite Phone: (208) 844-1576
Address: 124 W 500 N, Blackfoot, ID, 83221 E-mail: dskite2@gmail.com

Location and Zoning District:
Address: 443 N. Hwy 33, Driggs, Id. Parcel Number: RF05N49E 02R10
Section: 2 Township: 5 North Range: 45 East Total Acreage: 1
Zoning District: A-2-S Requested Land Use: Existing Bldg for Church services

I, the undersigned, have reviewed the attached information and found it to be correct. I also understand that the items listed below are required for my application to be considered complete and for it to be scheduled on the agenda for the Board of County Commissioners public hearing.

Applicant Signature: David Kite Date: 11-16-2015

Fees are non-refundable.

I, the undersigned, am the owner of the referenced property and do hereby give my permission to to my agent and represent me in the matters of this application. I have read the attached information regarding the application and property and find it to be correct.

Owner Signature: Date:

SECTION I: REQUIRED ITEMS

- 1. Latest Recorded Deed to the Property
2. Affidavit of Legal Interest
3. Application fee paid in full in accordance with current fee schedule
4. Twelve (12) copies of information and data (pictures, diagrams, etc.) necessary to assure the fullest presentation of the facts for evaluation of the request.
5. Twelve (12) copies of a site plan drawn to scale.
6. Narrative explaining the following:
- Location is compatible to other uses in the general neighborhood.
- Use will not place undue burden on existing public services and facilities in the vicinity.
- Site is large enough to accommodate that proposed use and other features of this ordinance.
- Proposed use is in compliance with and supports the goals, policies, and objectives of the Comprehensive Plan.

SECTION III: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

- 1. Upon the granting of a conditional use permit, conditions may be attached to a conditional use permit including, but not limited to, those:
- Minimizing adverse impact on other development;
- Controlling the sequence and timing of development;
- Controlling the duration of development;
- Assuring that development is maintained properly;
- Designating the exact location and nature of development;
- Requiring the provision for on-site or off-site public facilities or services;
- Requiring more restrictive standards than those generally required in this Title;
- Designating the number of non-family employees in the home occupation and home business based on the type of business and the location;
- Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.
2. Prior to granting a conditional use permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed conditional use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one (1) parcel of land to another.
3. Commercial Development Agreement for all land uses in the C-1, C-2, C-3, and M zoning designations are required to include the following, as applicable:
- A site plan and/or survey prepared by a professional surveyor to include current and proposed plan;
- A professionally prepared landscaping plan;
- Financial guarantee for public improvements which may include but not be limited to: roads, phone, electric, water, sewer, fire protection, and lighting;
- Professionally prepared final construction drawings.

SECTION IV: SPECIFIC REQUIREMENTS FOR PUBLIC HEARING AND NOTICE

Notification is required for both hearings in accordance with Title 67, Chapter 65, Section 6509 of the Idaho Code. Notice shall be provided by mail to property owners within the local being considered, and within three hundred (300) feet of the external boundaries of the local being considered, and any additional area that may be impacted by the proposed change. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. At least fifteen (15) days prior to the hearing, notice of the time, date and place and a summary of the plan to be discussed shall be published in the newspaper of general circulation within the jurisdiction. This procedure will be completed by the planning staff.

SECTION V: STAFF SUMMARY ANALYSIS, REASONING AND FACT FINDING

SECTION VI: PLANNING AND ZONING COMMISSION ACTION

SECTION VII: BOARD OF COUNTY COMMISSIONERS ACTION



CONDITIONAL USE PERMIT APPLICATION

Teton County, Idaho

The planning staff is available to discuss this application and answer questions. Once a complete application is received, it will be reviewed by the planning administrator or his designee and then scheduled for a public hearing with the Planning and Zoning Commission...

To expedite the review of your application, please be sure to address each of the following items.

SECTION I PERSONAL AND PROPERTY RELATED DATA

Owner: Valley Group Holding
Applicant: Teton Valley Cowboy Church
Phone: (208) 844-1576
Address: 124W 500N, Blackfoot, ID 83221

Location and Zoning District
Address: 443 N Hwy 33, Driggs, ID Parcel Number: RPO5N45E 02R100
Section: 2 Township: 5 North Range: 45 East Total Acreage: 1
Zoning District: A2 S Requested Land Use: Existing Bldg for Church services

TETON VALLEY COWBOY CHURCH INC
243 N HIGHWAY 33
TETON, ID 83422

11-30-15

1005
- 2015

City of the State of Teton County
One thousand two hundred sixty and 00/100
USbank
Use Permit



PLANNING AND BUILDING DEPARTMENT
AFFIDAVIT OF LEGAL INTEREST and
LETTER OF AUTHORIZATION

Robert H. Testa
12124 Castle Ridge Rd
Ch. Raleigh State NC 27614
443 N. HWY 33
Tetonia ID 83452

HEREBY AUTHORIZES David Kite - Cowboy Church
I, the undersigned, do hereby certify that the above information is true and correct to the best of my knowledge and belief.

OWNER:
Signature of Owner: Robert H. Testa
Title: Manager

Signature of Co-Owner:
Title:
Secretary or Corporate Officer:
Title:
Notary:
State of: North Carolina
County of: Wake
Zip: 27614

Subscribed and sworn to before me by
this 5th day of November, 2015

Notary Public
Signature:
Expiration Date: 12-28-2019

Teton County, Idaho
Planning and Building Department
150 Courthouse Drive Suite 107 Driggs, ID 83423
208-354-2553 Fax 208-354-8410



170106

Instrument # 170106
DRIGGS, TETON, IDAHO
2006-09-18 03:37:25 No. of Pages: 2
Recorded by: JAW ENGINEERING
NOLAN D. BOYLE
E-Office Recorder
File # 030

WARRANTY DEED

Warranty deed made this 27th day of July, 2005, between VALLEY GROUP HOLDINGS LLC of Driggs, Idaho 83422 referred to as Grantor, and VALLEY GROUP HOLDINGS LLC of Driggs, Idaho 83422 referred to as Grantee.

Grantor in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and do hereby grant, bargain and convey, and confirm unto Grantee and its heirs and assigns forever, all the following described real estate situated in Teton County, Idaho:

A PART OF THE NORTHWEST QUARTER SOUTHEAST QUARTER SECTION 2, TOWNSHIP 5 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO, BEING FURTHER DESCRIBED AS:
FROM THE SOUTH QUARTER CORNER OF SAID SECTION 2, THENCE N 89°54'38"E, 39.24 FEET ALONG THE SOUTHERN SECTION LINE TO THE EASTERN RIGHT-OF-WAY LINE OF STATE HIGHWAY 33 AND THENCE N 00°44'14"W, 1817.72 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING; THENCE N 00°44'14"W, 217.82 FEET FURTHER ALONG SAID RIGHT-OF-WAY TO A POINT; THENCE N 89°59'46"E, 200.00 FEET TO A POINT; THENCE S 00°44'14"E, 217.82 FEET TO A POINT; THENCE S 89°59'46"W, 200.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 1.00 ACRE, MORE OR LESS.

SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAY OF RECORD AND AS DESCRIBED AND SHOWN ON INSTRUMENT #116045, AS RECORDED IN THE OFFICE OF THE CLERK OF TETON COUNTY, IDAHO.

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and its heirs and assigns forever.

170106

And Grantor and its heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, its heirs, and assigns against Grantor and its heirs and against all and every person and persons whomsoever, lawfully claiming the same.

Restriction: The above parcel cannot be further split under the provisions of the Teton County Subdivision Ordinance, Article VII, Section 1-7-16: One Time Only Split of One Parcel of Land Parcel of Land, June 14, 1999.

Grantor has hereunto set his hands on the day and year first above written.

Signature: Travis Thompson
TRAVIS THOMPSON - Representative for VALLEY GROUP HOLDINGS LLC

STATE OF Idaho
County of Teton

On this 27th day of July, in the year of 2005, before me, a Notary Public in and for said State, personally appeared TRAVIS THOMPSON known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Signature: Steven M. Wood
Notary Public for Idaho
Residing at: Victor, Idaho
My commission expires: 10/15/2008



170106

ATTACHMENT 4

Teton Valley Cowboy Church, Driggs, ID  
David Kite, Pastor 208-844-1576

TO: Teton County Planning and Building Department

FROM: Teton Valley Cowboy Church, David Kite, Pastor

DATE: December 3, 2015

My name is David Kite and I am the pastor of the Teton Valley Cowboy Church (TVCC). My wife, Sue, and I came here to Driggs at the request of the Simper family who manage the H. D. Dunn Ranch. Rhoda Simper, Sue, and I worked together at our annual Rodeo Bible Camp in Downey, ID, and it was there that Rhoda made the request that we consider Driggs for a new Cowboy Church plant.

After several trips here to the Valley and much prayer and thought, TVCC was birthed in September 2014 and we began holding services at the Fairgrounds in the exhibit building adjacent to the indoor arena. While the fairgrounds was a good location and served us well for the first 11 months, not being able to put out any signage at the fairgrounds limited us in letting the Community know where we were and when we met.

In our search for a location with good highway exposure, the building at 443 N. Hwy. 33 was a perfect fit. We had called about the building when we first came to Driggs, but it was under a lease/purchase agreement at the time. My initial contact on the building was with the owner's local representative, Laurie Farmer. It was only after we began searching again after the 11 months at the fairgrounds that the 443 N. Hwy. 33 property was again available. This time I called Mr. George Wilson whose number was on the sign to ask about renting the building. As the Lord would have it, Mr. Wilson has been a friend of my family for over 50 years back in North Carolina. He believes in our ministry here and has made it very affordable for TVCC to rent his building. As a result, we are able to invest in the ongoing services of Teton County as well as ministries of our own.

Just this past summer, we sponsored a Junior Rodeo in which we did a 100% payback to the kids. Not wanting any kid to not be able to compete for financial reasons, we scholarshiped any child who needed it. The rodeo was a great success with over 65 contestants and an immediate request to repeat next year. Admission to the rodeo was a volunteer-donation of canned goods for the local Food Bank.

At Thanksgiving we put together eight (8) food boxes for needy families here in the Valley. We are planning to do food boxes for needy families at Christmas and participate in Subs for Santa. We also will be meeting with Salvation Army representatives to see how we might assist them as bell ringers during this Christmas season. We contribute regularly to the Food Bank; and as pastor, either I, or a member of TVCC, have met with Willie Warner of Driggs Crisis Control, SPAN, and the local School Board (at the request of Nan Pugh) to bring information back to our congregation for future involvement.

Currently, we are having 25-35 each week in attendance; and our purpose as a congregation is to make a lasting and positive impact here in Teton Valley. Thank you for giving TVCC an opportunity to serve and grow with everyone here who desires only the best for Teton County.

Respectfully submitted,  
David Kite, Pastor

From: David Kite  
To: Krista Baker  
Cc: Rhoda Simper - Holidays in United States  
Subject: Addendum to Narrative for Teton Valley Cowboy Church  
Date: Friday, December 04, 2015 11:48:44 PM

ADDENDUM TO NARRATIVE FOR TETON VALLEY COWBOY CHURCH

CURRENT SCHEDULED USE OF BUILDING:

- Each Monday night the church service is from 7:00 - 8:00 pm. Members and guests usually begin arriving by 6:30 and by 9:00 we have locked the doors and vacated the building.
- The 3rd Monday night of each month we have a church-wide fellowship meal at 6:00 pm (before the 7:00 pm service.)
- Beginning in January 2016 we have plans to start a discipleship class that will be the 1st, 2nd and 4th Mondays each week starting at 6:00 pm.
- We plan to conduct a Vacation Bible School (VBS) this coming summer for children ages 5 and up. This would be a 5 day event conducted in the mornings from 9 - noon. This event may or may not take place, depending on availability of workers and summer schedules.

As I'm sure you are aware, this building has its own well and septic system.

Respectfully submitted,  
David Kite, Pastor

ATTACHMENT 5

TETON COUNTY, IDAHO  
PLANNING AND BUILDING  
DEPARTMENT  
COMMERCIAL  
CERTIFICATE OF OCCUPANCY  
INDICATES COMPLIANCE WITH THE 1991 UNIFORM BUILDING CODE

Date Issued 6-22-1994 Building Permit Number 032194-1  
Section 2 Township SN Range 4SE  
Name On Permit NOR-CON LEASING  
Address 443 NORTH HWY 33  
City DRIGGS State ID Zip Code 83422  
Subdivision N/A Lot \_\_\_\_\_ Blk \_\_\_\_\_  
Name Of Owner Same  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Phone (208) 322-3929  
Zoning District A-2.5 Type Of Construction V  
Occupancy Group B Div. 2 Use OFFICE  
Occupancy Load \_\_\_\_\_ Shall Be Posted Yes \_\_\_\_\_ No \_\_\_\_\_  
 Final Certificate Of Occupancy  
 Temporary Certificate Of Occupancy  
Expiration Of Temporary Certificate Date \_\_\_\_\_

The Certificate Of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

Issuance of the Certificate Of Occupancy shall not be construed as an approval of a violation of the provisions of these code or other ordinances of this jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of this jurisdiction shall not be valid.

R. Bruce Nye  
R. Bruce Nye  
Teton County Building Official

Needs C.O.

TETON COUNTY BUILDING PERMIT APPLICATION  
TETON COUNTY BUILDING DEPARTMENT  
P.O. BOX 736 - DRIGGS, ID 83422  
(208) 354-2593

OWNER: NOR-CON LEASING PHONE: 208-322-3929  
\*\*\*\*\* Copy of Warranty Deed must accompany this application. \*\*\*\*\*  
MAILING ADDRESS: P.O. Box 736 Driggs Idaho 83422  
APPLICANT (if other than owner) \_\_\_\_\_ PHONE \_\_\_\_\_  
MAILING ADDRESS \_\_\_\_\_  
\*\*If applicant is other than owner, a statement authorizing applicant to act as agent for owner must accompany this application.  
LOCATION: Section SN Township SN Range 4SE Map \_\_\_\_\_  
General Location: 275 1400th St Driggs  
Street Address \_\_\_\_\_  
Subdivision Name \_\_\_\_\_ Lot # \_\_\_\_\_  
ZONING DISTRICT: \_\_\_\_\_  
PROPOSED USE: Please describe the precise nature of the proposed use (e.g. barn, single family dwelling, garage, shed, etc.)  
Office building

NOR-CON LEASING 2157  
D. BOX 736 DRIGGS ID 83422  
3-24-1994  
TETON PLANNING \$1,107.25  
One thousand one hundred and seven dollars and 25/100 DOLLARS  
First Security Bank  
MO02157M 0124100084167 00035 48M  
PROPERTY VALUE \_\_\_\_\_ FEET \_\_\_\_\_  
Is this for residential \_\_\_\_\_ or commercial X  
OFFICE USE ONLY: Building Permit Number 032194-1  
Building Permit Fee \_\_\_\_\_  
Plan Review Fee \_\_\_\_\_  
Value = 475,703.64

11/20/14

11/20/14

010001	010002	010003	010004	010005	010006	010007	010008	010009	010010	010011	010012	010013	010014	010015	010016	010017	010018	010019	010020	010021	010022	010023	010024	010025	010026	010027	010028	010029	010030	010031	010032	010033	010034	010035	010036	010037	010038	010039	010040	010041	010042	010043	010044	010045	010046	010047	010048	010049	010050	010051	010052	010053	010054	010055	010056	010057	010058	010059	010060	010061	010062	010063	010064	010065	010066	010067	010068	010069	010070	010071	010072	010073	010074	010075	010076	010077	010078	010079	010080	010081	010082	010083	010084	010085	010086	010087	010088	010089	010090	010091	010092	010093	010094	010095	010096	010097	010098	010099	010100	010101	010102	010103	010104	010105	010106	010107	010108	010109	010110	010111	010112	010113	010114	010115	010116	010117	010118	010119	010120	010121	010122	010123	010124	010125	010126	010127	010128	010129	010130	010131	010132	010133	010134	010135	010136	010137	010138	010139	010140	010141	010142	010143	010144	010145	010146	010147	010148	010149	010150	010151	010152	010153	010154	010155	010156	010157	010158	010159	010160	010161	010162	010163	010164	010165	010166	010167	010168	010169	010170	010171	010172	010173	010174	010175	010176	010177	010178	010179	010180	010181	010182	010183	010184	010185	010186	010187	010188	010189	010190	010191	010192	010193	010194	010195	010196	010197	010198	010199	010200	010201	010202	010203	010204	010205	010206	010207	010208	010209	010210	010211	010212	010213	010214	010215	010216	010217	010218	010219	010220	010221	010222	010223	010224	010225	010226	010227	010228	010229	010230	010231	010232	010233	010234	010235	010236	010237	010238	010239	010240	010241	010242	010243	010244	010245	010246	010247	010248	010249	010250	010251	010252	010253	010254	010255	010256	010257	010258	010259	010260	010261	010262	010263	010264	010265	010266	010267	010268	010269	010270	010271	010272	010273	010274	010275	010276	010277	010278	010279	010280	010281	010282	010283	010284	010285	010286	010287	010288	010289	010290	010291	010292	010293	010294	010295	010296	010297	010298	010299	010300	010301	010302	010303	010304	010305	010306	010307	010308	010309	010310	010311	010312	010313	010314	010315	010316	010317	010318	010319	010320	010321	010322	010323	010324	010325	010326	010327	010328	010329	010330	010331	010332	010333	010334	010335	010336	010337	010338	010339	010340	010341	010342	010343	010344	010345	010346	010347	010348	010349	010350	010351	010352	010353	010354	010355	010356	010357	010358	010359	010360	010361	010362	010363	010364	010365	010366	010367	010368	010369	010370	010371	010372	010373	010374	010375	010376	010377	010378	010379	010380	010381	010382	010383	010384	010385	010386	010387	010388	010389	010390	010391	010392	010393	010394	010395	010396	010397	010398	010399	010400	010401	010402	010403	010404	010405	010406	010407	010408	010409	010410	010411	010412	010413	010414	010415	010416	010417	010418	010419	010420	010421	010422	010423	010424	010425	010426	010427	010428	010429	010430	010431	010432	010433	010434	010435	010436	010437	010438	010439	010440	010441	010442	010443	010444	010445	010446	010447	010448	010449	010450	010451	010452	010453	010454	010455	010456	010457	010458	010459	010460	010461	010462	010463	010464	010465	010466	010467	010468	010469	010470	010471	010472	010473	010474	010475	010476	010477	010478	010479	010480	010481	010482	010483	010484	010485	010486	010487	010488	010489	010490	010491	010492	010493	010494	010495	010496	010497	010498	010499	010500	010501	010502	010503	010504	010505	010506	010507	010508	010509	010510	010511	010512	010513	010514	010515	010516	010517	010518	010519	010520	010521	010522	010523	010524	010525	010526	010527	010528	010529	010530	010531	010532	010533	010534	010535	010536	010537	010538	010539	010540	010541	010542	010543	010544	010545	010546	010547	010548	010549	010550	010551	010552	010553	010554	010555	010556	010557	010558	010559	010560	010561	010562	010563	010564	010565	010566	010567	010568	010569	010570	010571	010572	010573	010574	010575	010576	010577	010578	010579	010580	010581	010582	010583	010584	010585	010586	010587	010588	010589	010590	010591	010592	010593	010594	010595	010596	010597	010598	010599	010600	010601	010602	010603	010604	010605	010606	010607	010608	010609	010610	010611	010612	010613	010614	010615	010616	010617	010618	010619	010620	010621	010622	010623	010624	010625	010626	010627	010628	010629	010630	010631	010632	010633	010634	010635	010636	010637	010638	010639	010640	010641	010642	010643	010644	010645	010646	010647	010648	010649	010650	010651	010652	010653	010654	010655	010656	010657	010658	010659	010660	010661	010662	010663	010664	010665	010666	010667	010668	010669	010670	010671	010672	010673	010674	010675	010676	010677	010678	010679	010680	010681	010682	010683	010684	010685	010686	010687	010688	010689	010690	010691	010692	010693	010694	010695	010696	010697	010698	010699	010700	010701	010702	010703	010704	010705	010706	010707	010708	010709	010710	010711	010712	010713	010714	01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94  
 5-24-94 - Planning  
 5-24-94 - Planning  
 6-27-94 - Final OK.  
 Water meter w/ meter house  
 Building completed  
 Leak good.

01/13/04 TUE 11:55 FAX 12083548496 TETON COUNTY 001

TRANSMISSION OK

TX/RX NO 1262 CONNECTION TEL 13077

APPLICATION AND PERMIT TO USE RIGHT OF WAY ATTACHMENT 7

SEE: S & P MANUAL 2-615 APPROACHES AND OTHER TRAFFIC MANUAL 12-450

PROJECT NO. W.P.H. 149-F ROUTE NO. SH-33

683+917 4 miles north of driggs

STATION TO STATION DISTANCE FROM NEAREST TOWN OR JUNCTION

SIGHT DISTANCE 1000 ft. POSTED SPEED 55

TYPE ACCESS CONTROL Standard BOARD MINUTE ENTRY DATE

SEC. NO. 002460  
M.P. TO M.P. 136.83  
PERMIT NO. 06-94-093  
REC. NO. 7278  
FEE \$ 40.00

QUANTITY one WIDTH 30ft. EST. VOLUME (VEHICLE COUNT)

APPROACH Business GSA - Office  
RESIDENCE, BUSINESS, FIELD ETC. TYPE OF BUSINESS

OTHER EXPLAIN:

ATTACH SKETCH OF PROPOSED WORK AND TRAFFIC CONTROL PLANS  
SPECIAL PROVISIONS:

- NOTE:
- All Attached Provisions Must Be Followed.
  - A Drain Pipe Of 12 inch Or Larger Must Be Installed.
  - IN The Event Of Increased Traffic Or Related Traffic Problems A Traffic Impact Study May Be Required At The Developers Expense.

I CERTIFY THAT I AM THE OWNER OR AUTHORIZED REPRESENTATIVE OF THE PROPOSED PROPERTY TO BE SERVED AND AGREE TO DO THE WORK REQUESTED HEREIN IN ACCORDANCE WITH THE GENERAL REQUIREMENTS PRINTED ON THE REVERSE SIDE, THE SPECIAL PROVISIONS AND THE PLANS A PART OF THIS PERMIT.

ADDRESS OF PERMITTEE  
THE NORCHAMP CO. Donald Norchamp  
PO Box 738 APPLICANT-PLEASE TYPE OR PRINT  
IDAHO 83413 Donald Norchamp 10-1-93  
CITY STATE ZIP SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE DATE

DATE: \_\_\_\_\_ TITLE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

SUBJECT TO ALL TERMS, CONDITIONS AND PROVISIONS SHOWN ON THIS FORM OR ATTACHMENTS, PERMISSION IS HEREBY GRANTED TO THE ABOVE NAMED APPLICANT TO PERFORM THE WORK DESCRIBED ABOVE.

DATE: 11/8/93 BY: [Signature] DISTRICT ENGINEER

... IF FEE ASSESSED, PERMIT IS NOT VALID UNLESS ACCOMPANIED BY RECEIPT (DH-1958) 150

- ### GENERAL REQUIREMENTS
- APPROACHES SHALL BE FOR THE BONA FIDE PURPOSE OF SECURING ACCESS AND NOT FOR THE PURPOSE OF PARKING, CONDUCTING BUSINESS, OR SERVICING VEHICLES ON THE HIGHWAY RIGHT OF WAY.
  - NO REVISIONS OR ADDITIONS SHALL BE MADE TO AN APPROACH OR ITS APPURTENANCES ON THE RIGHT OF WAY WITHOUT THE WRITTEN PERMISSION OF THE DEPARTMENT.
  - THE PERMITTEE SHALL FURNISH ALL MATERIAL, LABOR AND EQUIPMENT INVOLVED IN THE CONSTRUCTION OF THE APPROACH AND ITS APPURTENANCES. THIS SHALL INCLUDE FURNISHING DRAINAGE PIPE OF A SIZE SPECIFIED ON PERMIT (12 INCH MINIMUM) CURB AND GUTTER, CONCRETE SIDEWALK, ETC WHERE REQUIRED. MATERIALS AND WORKMANSHIP SHALL BE GOOD QUALITY AND ARE SUBJECT TO INSPECTION BY THE DEPARTMENT.
  - THE DEPARTMENT RESERVES THE RIGHT TO MAKE AT ANY TIME, SUCH CHANGES, ADDITIONS, REPAIRS AND RELOCATIONS TO ANY APPROACH OR ITS APPURTENANCES WITHIN THE HIGHWAY RIGHT OF WAY AS MAY BE NECESSARY TO PERMIT THE RELOCATION, RECONSTRUCTION, WIDENING AND MAINTENANCE OF THE HIGHWAY AND/OR TO PROVIDE PROPER PROTECTION TO LIFE AND PROPERTY ON OR ADJACENT TO THE HIGHWAY.
  - DRIVEWAYS AND RURAL APPROACHES SHALL CONFORM TO THE PLANS MADE A PART OF THIS PERMIT. REGULATE DRAININGS OR SKETCHES SHALL BE INCLUDED SHOWING THE DESIGN, CONSTRUCTION REQUIREMENTS AND PROPOSED LOCATION OF THE APPROACH BY ROUTE, STATION AND MILEPOST.
  - THE DEPARTMENT MAY CHANGE, AMEND OR TERMINATE THIS PERMIT OR ANY OF THE CONDITIONS HEREIN ENUMERATED IF PERMITTEE FAILS TO COMPLY WITH ITS PROVISIONS OR REQUIREMENTS AS SET FORTH HEREON.
  - DURING THE CONSTRUCTION OF THE APPROACHES, SUCH BARRICADES, SIGNS AND OTHER TRAFFIC CONTROL DEVICES SHALL BE ERECTED AND MAINTAINED BY THE PERMITTEE, AS MAY BE DEEMED NECESSARY BY THE DEPARTMENT. SAID DEVICES SHALL CONFORM TO THE CURRENT ISSUE OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS. PARKED EQUIPMENT AND STORED MATERIALS SHALL BE AS FAR FROM THE TRAVELWAY AS FEASIBLE. ITEMS STORED WITHIN 20 FT. OF THE TRAVELWAY SHALL BE MARKED AND PROTECTED.
  - IN ACCEPTING THIS PERMIT, THE PERMITTEE, ITS SUCCESSORS AND ASSIGNS, AGREES TO HOLD THE DEPARTMENT HARMLESS FROM ANY LIABILITY CAUSED BY THE INSTALLATION, CONSTRUCTION, MAINTENANCE OR OPERATION OF THE APPROACHES.
  - IF THE WORK DONE UNDER THIS PERMIT INTERFERES IN ANY WAY WITH THE ORIGINATE OF THE STATE HIGHWAY, THE PERMITTEE SHALL WHOLLY AND AT HIS OWN EXPENSE MAKE SUCH PROVISION AS THE DISTRICT ENGINEER MAY DIRECT TO TAKE CARE OF SAID DEROGATION.
  - ON COMPLETION OF SAID WORK HEREIN CONTEMPLATED ALL RUBBISH AND DEBRIS SHALL BE IMMEDIATELY REMOVED AND THE ROADWAY AND ROADSIDE SHALL BE LEFT NEAT AND PRESENTABLE AND TO THE SATISFACTION OF THE DISTRICT ENGINEER.
  - THE PERMITTEE SHALL MAINTAIN AT HIS OR THEIR SOLE EXPENSE THE STRUCTURE OR OBJECT FOR WHICH THIS PERMIT IS GRANTED IN A CONDITION SATISFACTORY TO THE DISTRICT ENGINEER.
  - NEITHER THE ACCEPTANCE OF THIS PERMIT NOR ANYTHING HEREIN CONTAINED SHALL BE CONSTRUED AS A WAIVER BY THE PERMITTEE OF ANY RIGHTS GIVEN IF BY THE CONSTITUTION OR LAWS OF THE STATE OF IDAHO OR OF THE UNITED STATES.
  - NO WORK SHALL BE STARTED UNTIL AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT HAS GIVEN NOTICE TO THE PERMITTEE TO PROCEED.
  - A BOND IN THE AMOUNT OF \$ \_\_\_\_\_ IS REQUIRED FOR THE PROTECTION OF THE STATE AS SET FORTH IN THE TERMS OF THE BOND.
  - THIS PERMIT SHALL BE VOID UNLESS THE WORK HEREIN CONTEMPLATED SHALL HAVE BEEN COMPLETED BEFORE 06-01-94 DATE
  - THE DEPARTMENT HEREBY RESERVES THE RIGHT TO ORDER THE CHANGE OF LOCATION OR THE REMOVAL OF ANY STRUCTURES OR FACILITIES AUTHORIZED BY THIS PERMIT. SAID CHANGE OR REMOVAL TO BE MADE AT THE SOLE EXPENSE OF THE PERMITTEE OR ITS SUCCESSORS OR ASSIGNS, UNLESS SUCH STRUCTURE(S) OR FACILITIES(H) HAVE BEEN LOCATED PURSUANT TO THE SPECIAL PROVISIONS OF FORM DH-2111.
- A PERMITTEE WHO HAS A PERMIT DENIED AT THE DISTRICT LEVEL MAY APPEAL THE DENIAL TO THE STATE HIGHWAY ADMINISTRATOR AND FINALLY TO THE IDAHO TRANSPORTATION BOARD.

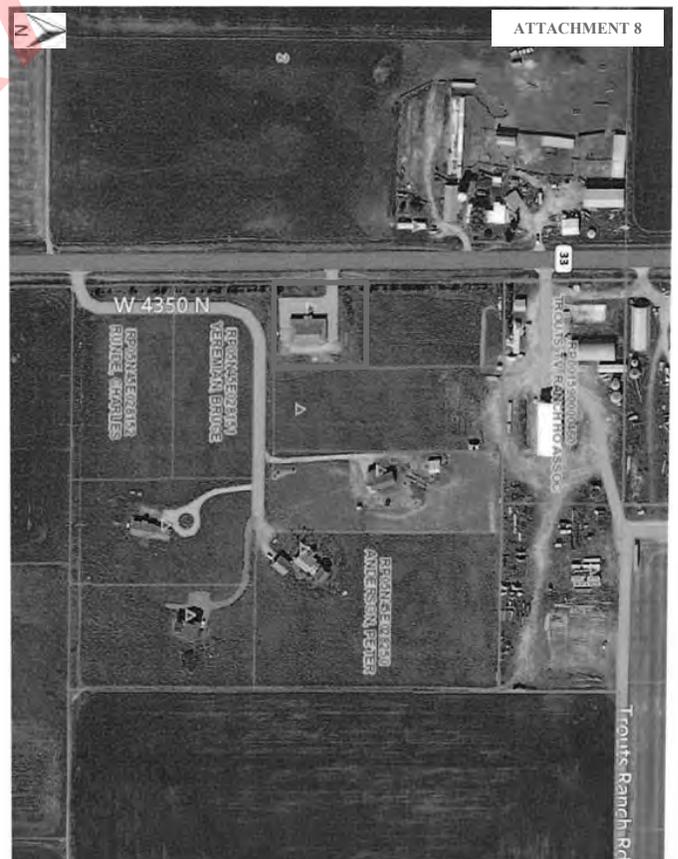
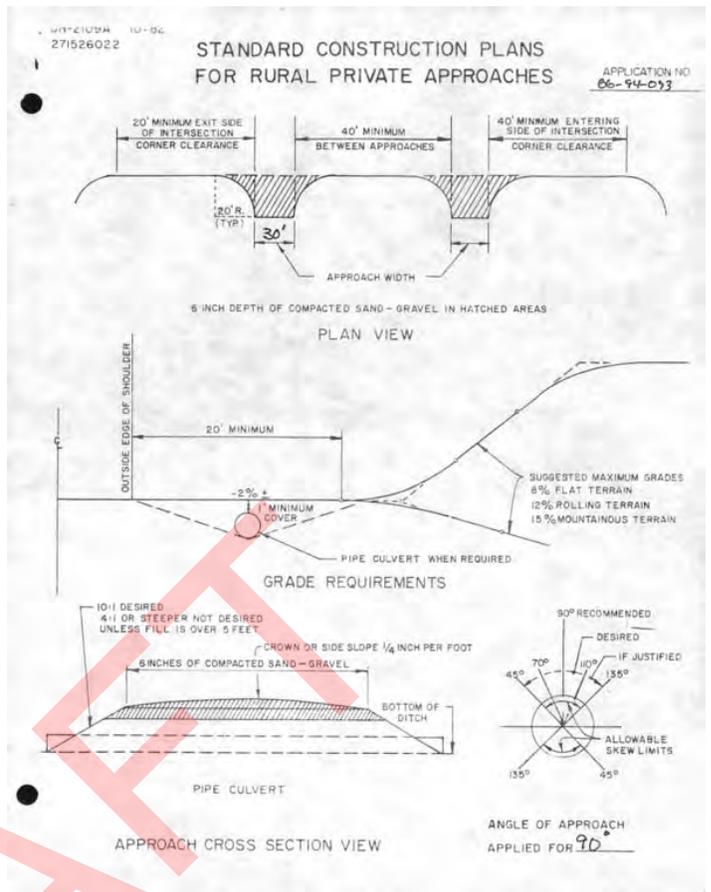
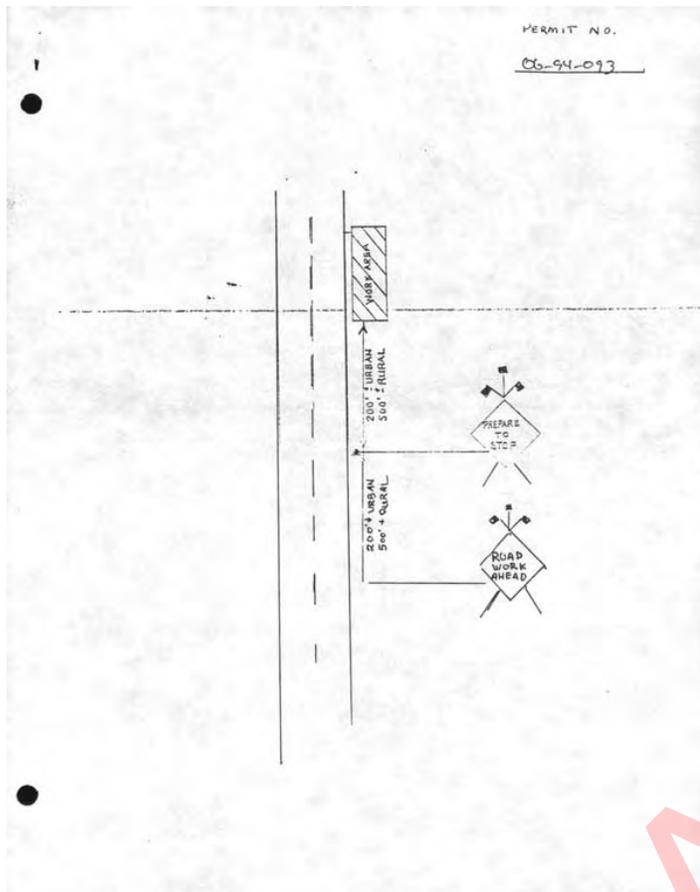
DISTRICT STAFF REVIEW		
REVIEW	REVIEWER INITIAL	RECOMMENDATION
		YES * NO
TRAFFIC	✓	✓
MAINTENANCE	✓	✓
DESIGN	✓	✓
RIGHT OF WAY	✓	✓
PERMIT ISSUED BY RAY WOLF		

BOISE STAFF REVIEW		
REVIEW	REVIEWER INITIAL	RECOMMENDATION
		YES * NO
TRAFFIC		
MAINTENANCE		
DESIGN		
RIGHT OF WAY		
*ATTACH REASON FOR RECOMMENDATION		



SPECIAL PROVISIONS FOR RIGHT OF WAY PERMITS NO. 06-94-093

- The approach shall be constructed of suitable granular material. Surfacing may be asphalt, or granular material. In curb and gutter section, surface may be concrete.
- The approach shall slope slightly away from the highway pavement for proper surface drainage, and have the same or flatter side slopes as adjoining roadway.
- A suitable concrete or corrugated metal pipe shall be placed under the approach to facilitate side ditch drainage.



ATTACHMENT 9



Teton County Planning & Building Department  
 150 Courthouse Drive, Room 107 | Driggs, ID 83422  
 Phone (208) 354-2593 | Fax: (208) 354-8410  
 www.tetoncountyidaho.gov

FROM: Kristin Rader, Planner  
 TO: David Kite, Cowboy Church  
 CC: Jason Boal, Teton County Planning Administrator; Tom Davis, Teton County Building Official; Earle Giles, Teton County Fire District; Mike Dronen, EIPH; Mark Layton, ITD  
 RE: Cowboy Church CUP – DRC Meeting Notes  
 DATE: December 18, 2015

David, the purpose of this letter is to summarize the meeting we had on Monday, December 14, 2015.

**Access from Highway 33**

- Idaho Transportation Department has stated this application does not trigger an impact study.
- An access permit through ITD for this property was approved in 1994.

**Parking**

- Churches require one (1) space for each five (5) seats in the principle assembly area (Teton County Code 8-4-5)

**Septic System & Water Quality**

- Eastern Idaho Public Health issued a septic permit for this building in 1994.
- Based on the application materials, the capacity of the system in place is sufficient.
- EIPH has water quality sample kits available. Mike suggested doing this if the water in the building has not been used in a while.

**Building Safety**

- A building permit for this building, with a Final Commercial Certificate Occupancy issued in 1994.
- The building does have a sprinkler system, but it is unclear when it was last inspected. Tom has looked into the Building Code, and there are different factors that could require a sprinkler system. We will continue to look into this to verify if it is required; however, if it is not required, we highly recommend that the system be certified and useable as it provides a significant safety feature to the assembly area.
- Tom will contact Earle to check on occupancy and fire protection requirements – this will also help clarify if the sprinkler system is required.

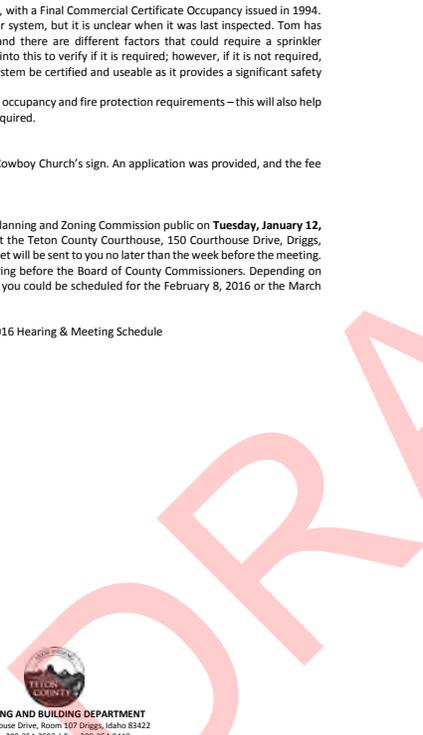
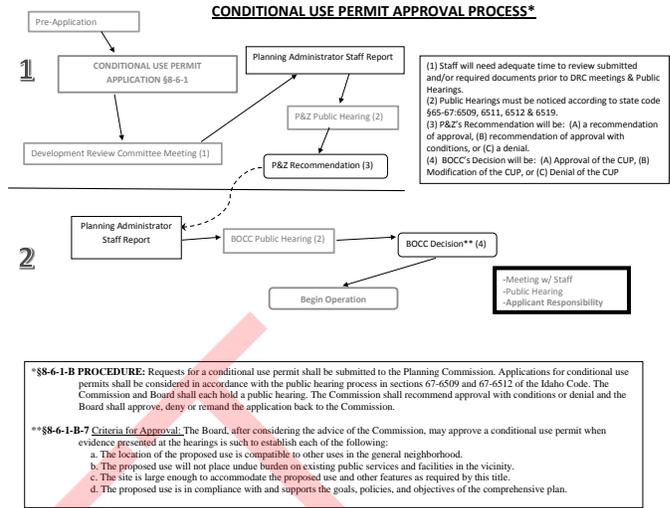
**Sign Permit**

- A sign permit is required for the Cowboy Church's sign. An application was provided, and the fee is \$75.00.

**Public Hearing Information:**

You are scheduled for the Teton County Planning and Zoning Commission public on **Tuesday, January 12, 2016 at 5:00 PM**. This public hearing is at the Teton County Courthouse, 150 Courthouse Drive, Driggs, Idaho. A notice, agenda, and meeting packet will be sent to you no later than the week before the meeting. This application will require a public hearing before the Board of County Commissioners. Depending on the decision from the PZC public hearing, you could be scheduled for the February 8, 2016 or the March 14, 2016 BoCC public hearing.

Attachments: 1. Process Flow Chart; 2. 2016 Hearing & Meeting Schedule



**2016 Hearing Schedule and Deadlines (BoCC & PZC)**

Submittal Deadline	DRC	Notice Due	Staff Report Due	Public Comment Due	Hearing Date PZC	Hearing Date BoCC
12/8/2015	12/15/2015	12/18/2015	12/30/2015	1/1/2016	1/12/2016	1/11/2016
1/5/2016	1/12/2016	1/15/2016	1/27/2016	1/29/2016	2/9/2016	2/8/2016
2/2/2016	2/9/2016	2/12/2016 (2/19/2016)	2/24/2016	2/26/2016 (3/4/2016)	3/8/2016	3/14/2016
3/6/2016	3/15/2016	3/18/2016	3/30/2016	4/1/2016	4/12/2016	4/11/2016
4/5/2016	4/12/2016	4/15/2016	4/27/2016	4/29/2016	5/10/2016	5/9/2016
5/10/2016	5/17/2016	5/20/2016	6/1/2016	6/3/2016	6/14/2016	6/13/2016
6/7/2016	6/14/2016	6/17/2016	6/29/2016	7/1/2016	7/12/2016	7/11/2016
7/5/2016	7/12/2016	7/15/2016	7/27/2016	7/29/2016	8/9/2016	8/8/2016
8/9/2016	8/16/2016	8/19/2016	8/31/2016	9/2/2016	9/13/2016	9/12/2016
9/6/2016	9/13/2016	9/16/2016	9/28/2016	9/30/2016	10/11/2016	10/11/2016*
10/4/2016	10/11/2016	10/14/2016 (10/21/2016)	10/26/2016	10/28/2016 (11/4/2016)	11/8/2016	11/14/2016
11/8/2016	11/15/2016	11/18/2016	11/30/2016	12/2/2016	12/13/2016	12/12/2016

\*Holiday conflict-date may change

Teton County Planning & Building Department  
 150 Courthouse Drive, Room 107 | Driggs, Idaho 83422  
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 www.tetoncountyidaho.gov

December 17, 2015

**Re:** Notice of Public Hearing and Solicitation for Comments from property owners within 300 feet of a property that has an application for a conditional use permit.

**Dear Property Owners:**  
 This letter is to notify you that an application for a Conditional Use Permit (CUP) for a church has been submitted to the Teton County Planning Department by a nearby landowner. CUPs are an allowed approval process in Idaho State Code and the Teton County Zoning Ordinance for uses that require an additional level of review, special conditions placed upon them prior to approval, or specific limits placed upon them due to the nature and/or location of the proposed use.

The planning staff is soliciting comments from people in the vicinity of the applicant's property so that we can be aware of neighborhood issues and then include your comments in the packet of information provided to the Teton County Planning & Zoning Commission for their consideration prior to the hearing. Please provide comments related to this application and the CUP criteria of approval: (1) The location of the proposed use is compatible to other uses in the general neighborhood; (2) The proposed use will not place undue burden on existing public services and facilities in the vicinity; (3) The site is large enough to accommodate the proposed use and other features as required by Teton County Code; (4) The proposed use is in compliance with and supports the goals, policies, and objectives of the Comprehensive Plan.

**Applicant:** David Kite (Cowboy Church) **Landowner:** Valley Group Holdings, LLC  
**Legal Description:** RP05N45E028100; TAX #5625 SEC 2 T5N R45E  
**Parcel Size:** 1 acre **Physical Address:** 4369 North Highway 33, Teton, ID 83452  
**Zoning District:** A-2.5; located in the Scenic Corridor

**Description of the Request:** The applicant proposes to utilize the existing building, parking lot, and access from Highway 33 for the Cowboy Church. The applicant is not proposing any new structures or changes to the existing structure, so a Scenic Corridor Design Review is not required. The assembly will meet on Monday evenings (6pm-9pm), with approximately 25-35 attendees.

**PUBLIC HEARING**  
 The Teton County Planning & Zoning Commission will hold a public hearing in the Commissioners' Chamber located on the First Floor (lower level, southwest entrance) at 150 Courthouse Drive, Driggs, Idaho on **January 12, 2016** on this matter. This application is scheduled to be heard at **5:05 pm**.

Information on the above application is available for public viewing in the Teton County Planning and Building Department at the Teton County Courthouse in Driggs, Idaho. The development application and various related documents are also posted, as they become available, at [www.tetoncountyidaho.gov](http://www.tetoncountyidaho.gov). To view these items, go to the Planning & Zoning Commission department page, then select the Public Hearing of January 12, 2015 item in the Additional Information Side Bar. **Written comments will be included in the packet of information provided to the Commission for consideration prior to the hearing if they are received in the Planning and Building Department no later than 5:00pm on Friday, January 1, 2016.** Written comments may be e-mailed to [pz@co.teton.id.us](mailto:pz@co.teton.id.us), mailed to the address above, or faxed. You may also present your comments in person at the hearing.

**The public shall not contact members of Planning & Zoning Commission concerning this application, as their decision must, by law, be confined to the record produced at the public hearing.**

If you have any further questions, please do not hesitate to call the Teton County Planning and Building Department at 208-354-2593.



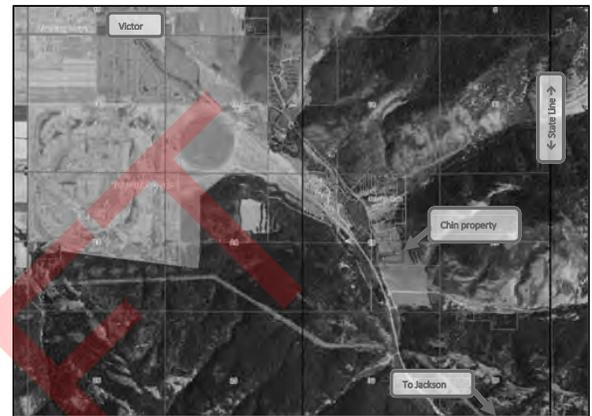
**A REQUEST FOR SUBDIVISION CONCEPT PLAN REVIEW APPROVAL**  
 By: Grace Hartman  
 For: Walipini Subdivision  
 WHERE: 10645 Old Jackson Highway (Victor)  
 PREPARED FOR: Planning & Zoning Commission Public Hearing of January 12, 2016

**APPLICANT:** Grace Hartman  
**LANDOWNER:** James Chin Revocable Trust

**REQUEST:** Grace Hartman is proposing a three lot subdivision on an 8-acre parcel owned by the James Chin Revocable Trust. Two lots will be 2.5 acres, and the third lot will be 3 acres. This project is located southeast of Victor, at 10645 Old Jackson Highway.

**APPLICABLE COUNTY CODE:** Subdivision Concept Plan Review pursuant to Title 9, Chapter 3 Teton County Subdivision Ordinance, (revised 5/16/2013); Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

**LEGAL DESCRIPTION:** RP03N46E198100; TAX #6313 SEC 19 T3N R46E  
**LOCATION:** 10645 Old Jackson Highway, Victor, ID 83455  
**ZONING DISTRICT:** A-2.5  
**PROPERTY SIZE:** 8 acres  
**VICINITY MAP:**



**AERIAL IMAGE OF PROPERTY**



**PROJECT BACKGROUND**

Harmony Design & Engineering submitted a completed application for Grace Hartman to the Teton County Planning Department on December 7, 2015 for the proposed 3-lot subdivision. A Development Review Committee (DRC) Meeting was held on December 14, 2015 with the applicant, Planning, other Teton County Departments, and outside agencies to discuss the application materials.

The first step in the subdivision process is a Concept Plan Review (9-3-2B). Because the proposed subdivision is located in a Natural Resource Overlay, a public hearing before the Teton County Planning and Zoning Commission is required. The western edge of this property is located in the Scenic Corridor Overlay; however, no development is proposed in that area, so a Scenic Corridor Design Review is not required. This property is located within the Hillside Overlay, but it was determined that the Hillside Studies are not required for this project as development is not occurring on slopes over 20% nor are the access roads to the building sites on slopes over 20%.

**PROJECT DESCRIPTION**

Grace Hartman is proposing a three lot subdivision on an 8-acre parcel, with two, 2.5 acre lots and one, 3-acre lot. The property is currently owned by the James Chin Revocable Trust. Ms. Hartman is currently living on the property. This split would allow the property owner to sell the property while allowing Ms. Hartman to have her own lot and continue living on the property.

There is an existing home and outbuildings on the west side of the property, which is accessed from Old Jackson Highway. A neighbor also uses this access. This access point will be reconstructed to meet road standards, which will change the slopes of the neighbor's driveway. The applicant is also proposing to move the neighbor's driveway slightly to the east after the road has been constructed so it remains safe and useable. A fire pond has been proposed on lot 2, but the applicant will contact the Fire District to determine if there is an approved water source that could be used nearby without constructing a fire pond. Each lot will use an individual well and septic system that will be the responsibility of the landowner.

**OVERVIEW OF CONCEPT APPROVAL**

A concept review with the Planning Administrator or Planning and Zoning Commission is the required first step in the development process. The purpose of this review is to:

1. Acquaint the applicant with the procedural requirements of Title 9
2. Provide for an exchange of information regarding applicant's proposed development ideas and the regulations and requirements of Title 9, the Master Plan, and other subdivision requirements
3. Advise the applicant of any public sources of information that may aid the applicant or the application, and identify policies and regulations that create opportunities or pose significant restraints for the proposed development
4. Review the sketch plans, if any, and provide the applicant with opportunities to improve the proposed plan in order to mitigate any undesirable project consequences
5. Review the compatibility with nearby land uses, either proposed or existing
6. Provide general assistance by County staff on the overall design of the proposed development

It is not to determine the exactness of each item required in the checklists of the preliminary and final plat processes.

**KEY ISSUES**

On December 14, 2015, we had a DRC meeting with Harmony Design & Engineering (Jen Zung), Grace and Jimmy Hartman, Silver Star Communications (Michelle Motzkus), Eastern Idaho Public Health (Mike Dronen), Teton County Public Works Director (Darryl Johnson), Teton County Building Official (Tom Davis), Teton County Planning Administrator (Jason Boal), and Teton County Planner (Kristin Rader). From this meeting, several key issues were identified, most of which concerned requirements for the Preliminary Plat review phase.

- **ROADS & UTILITIES:** Reconstructing the access point from Old Jackson Highway and relocating the existing driveway that is used to access the parcel to the north were discussed. Public Works does not have concerns with the proposed access road, as the slopes are within 8%. Silver Star did not have concerns. Fall River was not present to discuss potential concerns.
- **FIRE PROTECTION:** This project does require Fire Protection. A fire pond has been located on the Concept Plan. The applicant will contact the Fire District directly to discuss the options for fire protection.
- **WASTEWATER TREATMENT:** Fire pond designs to determine setback requirements for septic systems. The slopes on Lot 3 may limit septic system options for that lot. EIPH needs their subdivision application submitted for the Preliminary Review stage.
- **PLANS & STUDIES:** A Landscaping Plan and Natural Resource Analysis will be required at the Preliminary Review stage.

**SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE**

Idaho Code, Title 67, Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Idaho Code. The public hearing for the Planning & Zoning Commission was duly notified in the Teton Valley News. A notification was sent via mail to surrounding property owners within a 300-foot buffer area, as well as all property owners in subdivisions that intersect with the 300-foot buffer. A notice was also posted on the property providing information about the public hearing.

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

Staff has not received any written comments from the public at the time of this report.

**CRITERIA FOR APPROVAL**

For approval of Concept Review of a proposed subdivision (9-3-2(B-4)), the County shall consider the objectives of Teton County Title 9, application materials, and in a general way, at least the following:

Objective	Applicant Comments	Staff Comments
1. The conformance of the subdivision with the comprehensive plan.	Property is within the "Foothills" area, and the subdivision is designed in a way to align with the desired characteristics of that area, including low density and clustered building envelopes to preserve open space and viewsheds. A Natural Resource Analysis will be conducted in the preliminary stage.	This subdivision is designed in such a way to preserve the characteristics of the Foothills area. It is protecting the natural resources and habitat in the area by designating building envelopes that are clustered, which allows for open space on each lot and steeper slopes are protected. The Natural Resource Analysis will provide more information on the natural resources and wildlife habitat that can be protected on the property, but the applicant intends to implement recommendations from that Mitigation Plan.
2. The availability of public services to accommodate the proposed development.	There are entities accessible for all public services (power, telephone, solid waste, law enforcement, emergency services, health care, and schools).	The subdivision will utilize private well and septic systems. The subdivision will access from a public road, Old Jackson Highway. The property is surrounded by residential lots that have been built on, and one of the three lots in the subdivision has already been built on. Because of this, there are really only two lots proposed that would increase the impact, so it is unlikely that there will be a significant burden placed on public services as they are already utilized in that area. The subdivision will have its own road, maintained by the subdivision. The applicant has proposed a fire pond on the property. There is an option to utilize a nearby fire protection source if available. Having the source on site would create less of a burden on the Emergency Services.
3. The conformity of the proposed development with the capital improvements plan (CIP).	The density is 26.7 units/100 acres. The density assumption was not identified in this area for the CIP because it was assumed it would be annexed into the City of Victor. All applicable impact fees based on the Impact Fee Program/CIP 2008 will be paid.	This development is only three lots, with one already built on. The impact will be from two new lots. Impact fees will be paid during the building permit process that would offset that demand.
4. The public financial capability of supporting services for the proposed development.	Due to the small scale of this subdivision and the absence of any new public infrastructure, it would have a negligible impact on public finances. The Fiscal Impact Calculator was used for this proposal, which shows a slight positive impact.	The size of this subdivision should not cause a significant financial burden on the County; The Fiscal Impact Calculator submitted by the applicant shows a \$27 annual cost for operations and maintenance and a capital improvements one-time cost of \$554. The property taxes will likely increase from the current amounts as the property values will increase when the new lots have been improved.
5. Other health, safety, or general welfare concerns that may be brought to the County's attention.	Wildlife habitat will be considered through the Natural Resource Analysis recommendations. The property is in the Hillside Overlay, but the slopes are mostly less than 10%. The development has also been designed to keep development out of the scenic corridor.	The slopes and the location of the fire pond could affect septic system options, but the applicant has been in contact with Eastern Idaho Public Health. The roads will be constructed to road standards, and the property slopes are lower than the Hillside Overlay requires studies for. At the building permit stage, erosion and steep slope factors would be considered.

**POSSIBLE CONDITIONS OF APPROVAL**

1. Compliance with all local, state, and federal regulations.
2. Begin working with EIPH for septic approval.
3. Begin working with Teton County Fire District for fire suppression approval.
4. Conduct required studies/plans for Preliminary Review: Landscape Plan, Natural Resources Analysis.

**POSSIBLE PLANNING & ZONING COMMISSION ACTIONS**

- A. Approve the Concept Plan, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approve the Concept Plan, 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 Concept Plan application request and provide the reasons and justifications for the denial.
- D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

**POSSIBLE MOTIONS**

The following motions could provide a reasoned statement if a Commissioner wanted to approve or deny the application:

**APPROVAL**

Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) can be satisfied with the inclusion of the following conditions of approval:

1. Compliance with all local, state, and federal regulations.
  2. Begin working with EIPH for septic approval.
  3. Begin working with Teton County Fire District for fire suppression approval.
  4. Conduct required studies/plans for Preliminary Review: Landscape Plan, Natural Resources Analysis.
- and having found that the considerations for granting the Concept Plan Approval to Grace Hartman can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
  - and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
  - I move to APPROVE the Concept Plan for Walpini Subdivision as described in the application materials submitted December 7, 2015 and as supplemented with additional applicant information attached to this staff report.

**DENIAL**

Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) have not been satisfied, I move to DENY the Concept Plan for Walpini Subdivision as described in the application materials submitted December 7, 2015 and as supplemented with additional applicant information attached to this staff report. The following could be done to obtain approval:

1. ...

Prepared by Kristin Rader on 12-30-2015

**ATTACHMENTS:**

- |   |   |
|---|---|
| 1. Application (5 pages)                  | 7. Concept Drawings (1 page)                  |
| 2. Letter of Authorization (1 page)       | 8. Fiscal Impact Calculator (1 page)          |
| 3. Quitclaim Deed #216355 (2 pages)       | 9. Soil Resource Report (3 pages)             |
| 4. Record of Survey #234885 (1 page)      | 10. DRC Meeting Notes (3 pages)               |
| 5. Subdivision/Road Name Request (1 page) | 11. Adjacent Landowner Notification (2 pages) |
| 6. Narrative (5 pages)                    |   |

**End of Staff Report**

ATTACHMENT 1



**WALPINI SUBDIVISION**  
NAME OF SUBDIVISION/PLANNED UNIT DEVELOPMENT  
**CONCEPT PLAN**  
SUBDIVISION/PLANNED UNIT DEVELOPMENT APPLICATION

The Concept Plan Review is the first of three steps in the development process. Upon receipt of the required materials the planning staff shall stamp the application received, review the application for completeness and then schedule a Concept Review Meeting between the Applicant and the Planning Administrator or his or her designee. The application is constituted accepted upon completion of the checklist items and the review meeting with the Administrator. The Administrator will prepare a staff report for the Applicant within sixty (60) days. It is recommended that the Applicant review Titles 6, 8 and 9 of the Teton County Code prior to submittal. These Titles along with application materials are located on the County website at [www.tetoncountyidaho.gov](http://www.tetoncountyidaho.gov). The planning staff is also available to discuss applications and answer questions prior to receiving an application.

To expedite the review of your application, please be sure to address each of the following items.

**SECTION I: PERSONAL AND PROPERTY RELATED DATA**

Owner: James Chin Revocable Trust (James Chin - Trustee)
Applicant: Grace Hartman E-mail: gracechinagain@gmail.com
Phone: (307) 699-3887 Mailing Address: P. O. Box 1407
City: Willbon State: WY Zip Code: 83014
Engineering Firm: Harmony Design & Engineering Contact Person: Jung Phone: (208) 394-1333
Address: 18 N. Main, Ste 305 PO Box 369 E-mail: jen.jung@harmonydesigninc.com

<b>Location and Zoning District:</b>	
Address: 10645 Old Jackson Highway	Parcel Number: RP03N46E19B100
Section: 19 Township: 3N Range: 46E	Total Acreage: 8.0
Proposed Units/Lots: 3	Proposed Open Space Acres: 0
Proposing a Subdivision <input checked="" type="checkbox"/>	Proposing a Planned Unit Development <input type="checkbox"/>
Zoning: A 2.5 B A 20 <input type="checkbox"/>	Planned Community <input type="checkbox"/> Rural Reserve <input type="checkbox"/>

<input checked="" type="checkbox"/> Latest recorded deed to the property	<input checked="" type="checkbox"/> Affidavit of Legal Interest
<input checked="" type="checkbox"/> Development name approved by GIS	<input checked="" type="checkbox"/> Pre-application conference completed
<input checked="" type="checkbox"/> 10% of total base fee (see current fee schedule)	

I, the undersigned, have reviewed the attached information and found it to be correct. I also understand that the items listed below are required for any application to be considered complete and for it to be scheduled on the agenda for the Planning and Zoning Commission public hearing.

Applicant Signature: Grace Hartman Date: 12/3/15

I, the undersigned, am the owner of the referenced property and do hereby give my permission to \_\_\_\_\_ to be my agent and represent me in the matters of this application. I have read the attached information regarding the application and property and find it to be correct.

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*fees are non-refundable.*

**SECTION II: CONSIDERATION FOR APPROVAL**

Please submit narrative referencing the following:

- The conformance of the subdivision/PUD with the comprehensive plan,
- The availability of public services to accommodate the proposed development,
- The conformity of the proposed development with the capital improvements plan,
- The public financial capability of supporting services for the proposed development,
- Other health, safety or general welfare concerns that may be brought to the County's attention.

**SECTION III: CHECKLIST OF ITEMS REQUIRED ON THE PLAN/PLAT DOCUMENT**

1. Number of Plans:
  - Two (2) Plans (11" X 17" or 18" X 24") and digital copy prepared by a professional land Surveyor/Engineer
2. Items on Plan/Plat:
  - Plat is labeled "Concept Master Plan" in the lower right corner
  - Open space, as required
  - Neighboring property boundaries and owners within 100 feet
  - Date prepared and date of any revisions
  - Scale of drawings
  - North arrow
  - Vicinity map
  - Section(s), Township, Range
  - Specific phase, if any, has been labeled
3. Topographical information:
  - Contour lines
  - Flood hazard area, if any
  - Overlay areas

**4. Design Requirements:**

- Total acreage
- Number of lots and size
- Street layout including width and designation of county road access with notation of approaches, if applicable, no closer than 300 feet to one another
- Existing streets and names within 200 feet
- Easements for irrigation, water, sewer, power and telephone

**SECTION IV: CHECKLIST OF REQUIRED ITEMS**

Please submit narrative or renderings addressing each of the following categories:

- 1. Water Issues:**
  - Description of irrigation system
  - Description of culinary water system
  - Water rights
  - Description of waste system
  - Natural drainage channels
  - Storm and surface water drainage
- 2. Maps Required:**
  - Soil types
  - Geographical hazards
- 3. Availability and capability of public services:**  
 These topics are to be addressed in a general way. A Public Services Fiscal Analysis may be required at the Preliminary Plat stage, at which time these items will be addressed in detail.
  - Fire protection
  - Police protection
  - Public road construction and maintenance
  - Central water
  - Central sewer
  - Parks and open space
  - Recreation
  - Infrastructure/open space maintenance
  - Schools
  - Solid waste collection
  - Libraries
  - Hospital
  - Estimate of tax revenue
- 4. Zone Change, if any:**
  - Current Zoning District
  - Proposed Zoning District
  - Submit completed Zone Change Application
- 5. Other Land Use Applications, if any:**
  - Scenic Corridor
  - Conditional Use Permit
  - Variance
  - Other: \_\_\_\_\_

Application is considered complete and accepted on this the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_

Planning Administrator/Designee Signature: \_\_\_\_\_

**SECTION V: PLANNING ADMINISTRATOR/DESIGNEE REVIEW/ACTION**

Teton County, Idaho, Concept Application 3.8.2015

1 pt

Teton County, Idaho, Concept Application 3.8.2015

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WALIPINI SUBDIVISION

NAME OF SUBDIVISION/PLANNED UNIT DEVELOPMENT

**CONCEPT PLAN**

**SUBDIVISION/PLANNED UNIT DEVELOPMENT APPLICATION**

The Concept Plan Review is the first of three steps in the development process. Upon receipt of the required materials the planning staff shall stamp the application received, review the application for completeness and then schedule a Concept Review Meeting between the Applicant and the Planning Administrator or his or her designee. The application is constituted accepted upon completion of the checklist items and the review meeting with the Administrator. The Administrator will prepare a staff report for the Applicant within sixty (60) days. It is recommended that the Applicant review Titles 6, 8 and 9 of the Teton County Code prior to submittal. These Titles along with application materials are located on the County website at [www.tetoncountyothers.gov](http://www.tetoncountyothers.gov). The planning staff is also available to discuss applications and answer questions prior to receiving an application.

To expedite the review of your application, please be sure to address each of the following items.

**SECTION I: PERSONAL AND PROPERTY RELATED DATA**

**Owner:** James Chin Revocable Trust (James Chin - Trustee)

**Applicant:** Grace Hartman E-mail: [gracechinagain@gmail.com](mailto:gracechinagain@gmail.com)

**Phone:** (307) 699-3887 **Mailing Address:** P. O. Box 1407

**City:** Wilson **State:** WY **Zip Code:** 83014

**Engineering Firm:** Harmony Design & Engineering **Contact Person:** Zuna **Phone:** (208) 354-1331

**Address:** 18 N. Main, Ste 105 E-mail: [jeb.rung@harmonydesigninc.com](mailto:jeb.rung@harmonydesigninc.com)  
 PO Box 369

**Location and Zoning District:**

**Address:** 10645 Old Jackson Highway **Parcel Number:** RP03N46E198100

**Section:** 19 **Township:** 3N **Range:** 46E **Total Acreage:** 0.0

**Proposed Units/Lots:** 3 **Proposed Open Space Acres:** 0

**JAMES K. CHIN** 3324  
**ELIZABETH CHAI VASARHLYI**  
 P.O. BOX 1407  
 1225 ASTER LANE  
 WILSON, WY 83014

Pay to the order of **Teton County** \$ 214.00  
 Two hundred & fourteen

**FIRST INTERSTATE BANK**  
 900 7th Street  
 WWW.FIRSTWYBANK.COM



**PLANNING AND BUILDING DEPARTMENT  
 AFFIDAVIT OF LEGAL INTEREST AND  
 LETTER OF AUTHORIZATION**

James Chin, Trustee of the Owner's home address is P.O. Box 1407  
James Chin REVOCABLE TRUST CH: Wilson MAIL: Wilson, WY 83014

An owner of property (here specifically described as: 10645 Old Jackson Highway, Wilson, ID 83014  
Parcel # RP03N46E198100)

HEREBY AUTHORIZES Grace Chin as Agent to represent and act for the Owner in making application for and receiving and accepting on Owner's behalf, any permits or other action by the Teton County Commissioners, Teton County Planning and Zoning, Building, and in other County Departments relating to the modification, development, planning, siting, rezoning, improvement, use or occupancy of said in Teton County, Idaho. Owner agrees that Owner is or shall be deemed conclusively to be fully aware of and to have authorized and/or made any and all representations or promises contained in said application of any Owner information to support thereof, and shall be deemed to be aware of and to have authorized any subsequent revisions, restrictions or modifications to such materials. Owner acknowledges and agrees that Owner shall be bound and shall abide by the written terms or conditions of issuance of any such named representative, whether actually delivered to Owner or not. Owner agrees that no modification, development, platting or replatting, improvement, occupancy, or use of any structure or land involved in the application shall take place until approved by the appropriate official of Teton County, Idaho, in accordance with applicable codes and regulations.

Owner agrees to pay any fines and be liable for any other penalties arising out of failure to comply with the terms of any permit or abiding with any violation of applicable laws, codes, or regulations applicable to the action sought to be permitted by the application authorized herein. Under penalty of perjury, the undersigned swears that the foregoing is true and, if signing on the behalf of a corporation, partnership, limited liability company or other entity, the undersigned swears that this authorization is given with the appropriate approval of such entity, if required.

**OWNER:**  
 [Signature] James Chin (Print Name)  
 \_\_\_\_\_ (Print Name)

**Secretary or Corporate Officer:**  
 \_\_\_\_\_ (Print Name)

**NOTARY:**  
 STATE OF New York ss. New York  
 COUNTY OF New York Zip 10021  
 Subscribed and sworn to before me by James Chin  
 on the 3 day of December, 2015

WITNESSE my hand and official seal  
 [Signature] 5/15/14  
 Notary Public - State of New York  
 My Commission Expires May 5, 2018

Teton County, Idaho  
 Planning and Building Department  
 180 Courthouse Drive Suite 107, Teton, ID 83421  
 208-354-3993 Fax 208-354-8410

**ATTACHMENT 3**

First American Title Company  
 AFTER RECORDING MAIL TO:  
 James K. Chin  
 PO Box 1045  
 Victor, ID 83455

216355 NR29 11 3134PM

**Instrument # 216355**  
 TETON COUNTY, IDAHO  
 2-23-2011 93,34.00 No. of Pages: 2  
 Recorded for: FIRST AMERICAN TITLE  
 MARY LOU HANSEN Fee: 13.00  
 Ex-Officio Recorder Deputy  
 View to: 0522: Quit-Claim

**QUITCLAIM DEED**

File No.: 367408-T (tm) Date: March 16, 2011

For Value Received, James K. Chin, an unmarried man, (does) hereby convey, release, remise, and forever quit claim unto James Chin, Trustee of The James Chin Revocable Trust dated August 24, 2010, whose address is PO Box 1045, Victor, ID 83455, herein after called the Grantee, the following described premises situated in Teton County, Idaho, to-wit:

A part of the Northwest quarter Southeast quarter Section 19, Township 3N, Range 46 E, 6M, Teton County, Idaho, being further described as: From the South quarter corner of said Section 19, N00°04'44"W, 1904.48 feet along the center quarter section line of said Section 19, and East 250.68 feet to the POINT OF BEGINNING; thence N05°14'16"W, 325.19 feet along the property line that lies in the Old Jackson Highway county road way to a point; thence N89°00'00"E, 614.40 feet to a point; thence North, 136.69 feet to a point; thence N89°40'06"E, 339.31 feet to a point; thence S00°02'12"W, 453.51 feet to a point; thence S88°46'40"W, 923.85 feet to the TRUE POINT OF BEGINNING.

Also Together with a road and utility easement across a portion of the Western side of Parcel 1A to serve Parcel 1B as per the Survey recorded May 24, 2004 as Instrument No. 161310, records of Teton County, Idaho, Being further described as: From the S1/4 corner of Section 19, Township 3 North, Range 46 East, Boise Meridian, Teton County, Idaho, N00°04'44"W, 1904.48 feet along the West line of the SE1/4, thence East 250.68 feet and thence N05°14'16"W, 325.19 feet to the POINT OF BEGINNING; thence N89°00'00"E, 150.00 feet to a point; thence South 80 feet to a point; thence S89°00'00"W, 142.68 feet to the center of the Old Jackson Highway; thence N05°14'16"W, 80.21 feet to the POINT OF BEGINNING.

together with its appurtenances.

Dated: 3/16/11

*J. K. Chin*  
 James K. Chin

Page 1 of 2

**ATTACHMENT 3**

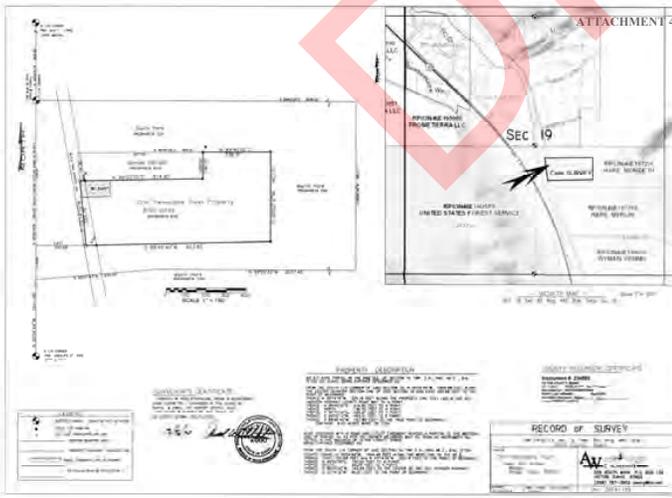
APR: RP000690020070A Quitclaim Deed - continued File No.: 367408-T (tm)  
 Date: 03/16/2011

STATE OF WY )  
 ) SS  
 COUNTY OF Teton )

On this 16th day of March, 2011, before me, a Notary Public in and for said State, personally appeared James K. Chin, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.

*Sharon Farnsworth*  
 Notary Public of  
 Residing at: Teton County  
 Commission Expires: Sep 26 2014

Page 2 of 2



**Subdivision and Road Name Request Form**

To be completed before submitting subdivision application, and/or when changing a name of an existing subdivision or road name.

Naming of subdivisions and roads must conform to address policies, and name requirements as adopted by the Teton County Board of Commissioners. Addressing Staff will review your request and notify you of the results.

Requested by: JAMES CHIN VIA HARMONY DESIGN Phone: 208-354-1331  
 Date: 12/3/2015 Fax:

**SUBDIVISION**  
 IS THIS A CITY OR COUNTY SUBDIVISION? CITY/COUNTY  
 IS THIS AN EXISTING SUBDIVISION APPLICATION? (Yes / No)  
 (EXISTING NAME: if applicable)

PROPOSED NAME(S) list in order of preference	FOR OFFICE USE ONLY		NOTES
	YES	NO	
1 WAPIPI SUBDIVISION	X		OK
2			

**ROADS**  
 IS THIS AN EXISTING NAME? Yes / No  
 EXISTING NAME: (if applicable)

PROPOSED NAME(S) list in order of preference	FOR OFFICE USE ONLY		NOTES
	YES	NO	
1 WAPITI RUN		X	2 ALREADY HAVE
2 WAPITI LANE		X	WAPITI DRIVE
3 WALIPIZI LANE	X		OK
4			
5			
6			
7			
8			
9			
10			

FOR OFFICE USE ONLY	Name	Date
Reviewed:	TSB HANSEN	12/4/2015
Database:	RB MARIN	12/4/2015
Return Notice:	" "	12/4/2015

# Walipini Subdivision

## Concept Plan Narrative

### I. INTRODUCTION AND PROJECT DESCRIPTION

Walipini Subdivision is a proposed single family residential subdivision in Teton County, Idaho. The site is located on the east side of Old Jackson Highway approximately 3 miles from the City of Victor.

**Existing Conditions:**

The existing site consists of 8 acres of land. One single family home and associated outbuildings exists on the west end of the site, and these are accessed from Old Jackson Highway at the northwest corner of the property. The site is bordered by residential properties on all sides.

**Proposed Development:**

The proposed development will consist of 3 lots with a minimum lot size of 2.5 acres and a maximum lot size of 3.0 acres. No zone change is proposed.

**Setbacks / Building Envelopes:**

In all cases, building setbacks will meet or exceed the minimum setbacks required by Teton County code for front yard, side yard, rear yard, stream, and ditch setbacks. Building envelopes are proposed to further restrict building locations to only a portion of the lot in order to preserve mountain views for all lots in the subdivision as well as the adjacent house to the north.

### II. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Walipini Subdivision property lies within the "Foothills" area as shown on the current Comprehensive Plan Framework Map. This Concept Plan for the Walipini Subdivision aligns with the vision of the Comprehensive Plan for this area. The following is a list of design elements incorporated into the proposed development plan, and a description of how these elements align with the definitive characteristics of the Comprehensive Plan Framework Map area.

Foothills Area	
Desired character and land use (from Comprehensive Plan)	Design elements of Walipini Subdivision Concept Plan
Low residential densities with the provision for clustering/conservation development.	Building envelopes are provided for lots 2 and 3 to cluster the homes in close proximity to existing structures and reserve the eastern portion of the development for open space and viewsheds.
Residential development clustered to respect topography.	Existing topography rises to the eastern portion of the site. Building envelopes are located on the western sides of lots 2 and 3.
Access points to public lands.	The site is surrounded by private property on all sides. No access to public lands is possible from this property.
Conservation and wildlife habitat enhancement.	A Natural Resource Analysis is being conducted due to the wildlife overlay. Any recommendations in the Mitigation Plan will be implemented.
Wildland urban interface.	The site is located near an existing roadway and in an area of existing residential development. The eastern edge of the property lies more than 300' from the existing woodland edge.
Development regulated by overlays and development guidelines to protect natural resources and improve public safety.	This site lies within the Hillside Overlay, Scenic Corridor Overlay and Big Game Overlay. Although the site lies within the Hillside Overlay, actual slopes on the property are moderate (generally less than 10%). Only a small portion of the property lies within the Scenic Corridor Overlay and no building is proposed in this area. Wildlife will be considered in the CCR's regarding fencing restrictions and domestic animals as recommended by the Mitigation Plan, which will be submitted with the Preliminary Plat.

### III. AVAILABILITY OF PUBLIC SERVICES TO ACCOMMODATE THE PROPOSED DEVELOPMENT

**Fire protection:**

The developer is investigating the possibility of entering into an agreement to share fire protection with a nearby (within 1 mile driving distance) development with an approved water source. If a nearby water source is not available an engineered fire pond located near the center of the development will provide fire protection. A dry hydrant will be provided and the pond will meet or exceed the requirements of the Teton County Fire District. The fire pond will be located within a proposed fire pond easement on lot 2.

**Police protection:**

Provided by Teton County Sheriff.

**Public road construction and maintenance:**

The development will be served by the existing access drive from Old Jackson Highway. Existing grades on the west end of the access drive currently exceed County standards. The existing access drive will be regraded and brought into compliance with County road standards for a local road and will be extended to the east to serve lots 2 and 3. A fire apparatus turnaround will be constructed at the end of the road to meet fire access requirements. Driveways for lots 2 and 3 will extend from the ends of the turnaround. Driveway access to lot 1 will be from the new access road in the approximate location of the existing access. Access to the adjacent lot to the north will be relocated where shown to accommodate new grading and alignment. The road will be located in a proposed 60' private access and utility easement. Maintenance of the roadways will be the responsibility of the developer until a Homeowners Association is formed. Once the Homeowners Association is formed, maintenance of the roadways including, repairs, snowplowing, and re-grading, will be the responsibility of the association.

**Water (Culinary Water / Drainage / Irrigation):**

The proposed lots will be served by individual domestic wells. Installation and maintenance of each well will be each individual lot owner's responsibility. Lot 1 is currently served by an existing well.

The natural drainage patterns of the site will be maintained wherever possible. Drainage swales along the roadway edges will convey runoff from the roadway where required. A drainage report and stormwater calculations will be provided with the Preliminary Plat submission. Erosion control measures will be implemented to comply with state and federal regulations. Typical measures that may be implemented include, vehicle tracking control, silt fence, hay bales, wattles, and dust control measures.

The site is located within the Fremont-Madison Irrigation District. An existing ditch runs from east to west along the north boundary and serves this development as well as the adjacent property to the north. This ditch will remain

in its current state and will be accommodated through culverts under proposed driveways where necessary. A 20' irrigation easement, centered on the existing ditch is proposed for access and maintenance of the ditch. This property has water rights available.

**Sewer:**

The proposed lots will be served by individual septic systems that will be designed and constructed in accordance with Eastern Idaho Public Health regulations. The installation and maintenance of each septic system will be each individual lot owner's responsibility. Lot 1 is currently served by an existing septic system.

**Parks and open space:**

None provided or required.

**Recreation:**

None provided or required.

**Infrastructure open space maintenance:**

None provided.

**Schools:**

Provided by Teton School District 401

**Solid waste collection:**

Provided by RAD Curbside Trash & Recycling.

**Libraries:**

Provided by Valley of the Tetons Library

**Hospital:**

Provided by Teton Valley Hospital, Teton Valley Healthcare

**Estimate of tax revenue:**

See attached.

### IV. CONFORMITY WITH THE CAPITAL IMPROVEMENTS PLAN

The density of Walipini Subdivision is 26.7 units per 100 acres. The density assumptions used in the Capital Improvement Plan are not identified for this area as it was assumed by that study that this area would eventually be annexed to the City of Victor.

This development is very small in scale. The only road proposed will be privately built and maintained. An existing single family home already exists on the

property (Lot 1) so the net gain for this 3 lot subdivision is effectively only two lots.

All required impact fees will be paid in accordance with the Teton county development Impact Fee Program / Capital Improvement Plan, 2008. The current fee is \$2,005.96 per dwelling unit to be paid at the time of building permit issuance.

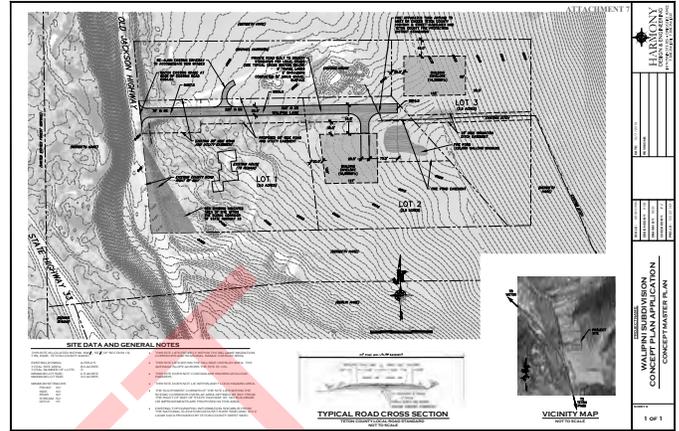
**V. THE PUBLIC FINANCIAL CAPABILITY OF SUPPORTING SERVICES FOR THE PROPOSED DEVELOPMENT**

Due to the small scale of this subdivision and the absence of any new public infrastructure (roads, etc.) that would need to be maintained by the County, it will have a negligible impact on public finances.

The fiscal impact calculator (see attached) shows a slight positive impact.

**VI. OTHER HEALTH, SAFETY OR GENERAL WELFARE CONCERNS**

A Natural Resource Analysis is being conducted due to the site being located within the wildlife overlay. Any recommendations in the Mitigation Plan that will be submitted with Preliminary Plat will be implemented. The site also lies within the Hillside Overlay. However, actual slopes on the property are moderate (generally less than 10%). Also a small portion of the property lies within the Scenic Corridor Overlay. However, no improvements are proposed in this area and Scenic Corridor provisions only apply at the time of building permit.



ATTACHMENT 8

Teton County, Idaho - Fiscal Impact Calculator

Project Profile		
Project Name	Walipini Subdivision	
Number of Dwelling Units	3	
Distance out County Roads	Less Than 1 Mile	
Daily Vehicle Miles Traveled	12	
Value of One Lot with a Dwelling Unit	\$325,000	
<b>Cost Per Dwelling Unit</b>		
Annual Operations and Maintenance for All County Services	\$1,295	Property Tax and Other Revenues Per Dwelling Unit
Capital Facilities County Total for All County Services	\$2,233	\$1,244
<b>Cost-Benefit Per Dwelling Unit</b>		
Annual Operations and Maintenance Cost-Benefit	\$9	\$2,418
Capital Facilities Cost-Benefit	\$185	
<b>Cost-Benefit of Walipini Subdivision</b>		
	<b>Operations and Maintenance Annual Cost-Benefit</b>	<b>Capital Improvements One-Time Cost-Benefit</b>
Road Fund	\$548	\$2,270
General Fund	-\$458	-\$1,064
Special Revenue Funds	-\$62	-\$652
<b>Total Cost-Benefit</b>	<b>\$27</b>	<b>\$554</b>

Generated Using the Fiscal Impact Planning System

ATTACHMENT 9



Map Unit Legend

Teton Area, Idaho and Wyoming (ID650)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
43B725	Drayton silt loam, 2 to 25 percent slopes	16.9	87.6%
13113	Foxcreek mucky peat, 0 to 2 percent slopes	0.6	2.9%
13425	Badgeron-Aljine complex, 2 to 8 percent slopes	1.8	9.5%
<b>Totals for Area of Interest</b>		<b>19.3</b>	<b>100.0%</b>

Soil Map—Teton Area, Idaho and Wyoming (Chin Subdivision)

### MAP LEGEND

**Area of Interest (AOI)**

- Area of Interest (AOI)
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

**Special Point Features**

- Bonus Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lake Flow
- Marsh or swamp
- Mine or Quarry
- Manufactured Water
- Phreatic Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Sewerly Enclosed Spot
- Siltstone
- Slip or Slip
- Sodic Spot

**Water Features**

- Streams and Canals
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

**Background**

- Aerial Photography

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Teton Area, Idaho and Wyoming  
 Survey Area Date: Version 5, Sep 25, 2015

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 20, 2011—Jul 21, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



Teton County Planning & Building Department  
 150 Courthouse Drive, Room 107 | Driggs, ID 83422  
 Phone (208) 354-2593 | Fax: (208) 354-8410  
[www.tetoncountyidaho.gov](http://www.tetoncountyidaho.gov)

ATTACHMENT 10

FROM: Kristin Rader, Planner  
 TO: Grace Hartman; Jen Zung, Harmony Design & Engineering  
 CC: Jason Boal, Teton County Planning Administrator; Tom Davis, Teton County Building Official; Darryl Johnson, Teton County Public Works Director; Earle Giles, Teton County Fire District; Mike Dronen, EIPH; Michelle Motzkus, Silver Star Communications  
 RE: Walipini Subdivision, Concept Approval – DRC Meeting Notes  
 DATE: December 18, 2015

Amended 12-21-2015

Grace and Jen, the purpose of this letter is to summarize the meeting we had on Monday, December 14, 2015.

**Roads & Utilities**

- The access point from Old Jackson Highway for this subdivision road will be reconstructed. Because of this, the driveway that is currently used to access the parcel to the north of this project will be moved further to the east to account for the change of slopes.
- Public Works does not have concerns with the proposed access road, as the slopes are within 8%.
- Silver Star Communications did not have concerns with the project, but the application has been submitted to their engineering department for review.
- Fall River Electric did not attend the meeting. I recommend that the applicant contact them to confirm there are no issues with this project.

**Fire Protection**

- This project does require Fire Protection. A fire pond has been located on the Concept Plan. However, there is an option available to connect to an approved water source within 1 mile of the project. Jen was going to contact Earle. Since the Fire District did not attend the meeting, the applicant will contact Earle directly to discuss the options for fire protection.

**Septic System & Water Quality**

- Eastern Idaho Public Health needs their subdivision application submitted at the Preliminary Review Stage.
- Lot 3 may have steep slopes. Mike can confirm what types of septic systems may work on this lot.
- If a fire pond is located on Lot 2, Mike said it should be lined, and he will need will need to see the designs to determine setback requirements for septic systems.

**Plans & Studies**

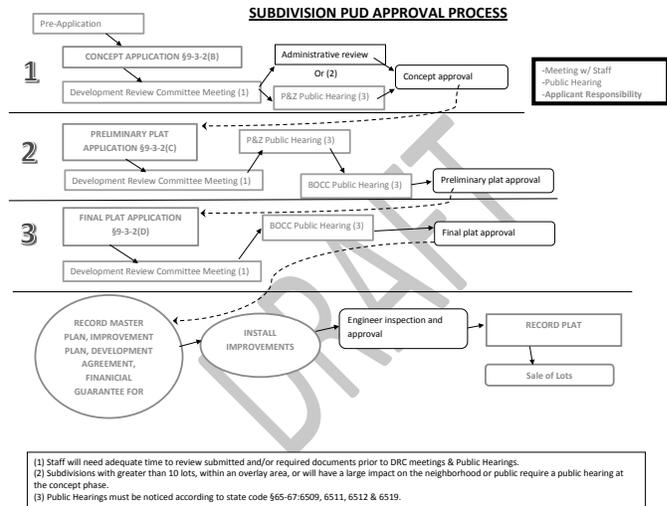
- Natural Resource Analysis:** This property is located in the Big Game Migration Corridors and Seasonal Range overlay area, so this study will be required for Preliminary Review.
- Landscaping Plan:** This plan will be required for Preliminary Review. This shall include a vegetation/ revegetation plan identifying locations where vegetation will be installed in order to replace existing vegetation or revegetate disturbed areas, a plan for weed management, a stabilization plan to cover any disturbed slopes, and a plan to provide screening from neighboring properties or from State Highways 31, 32, 33 or Ski Hill Road.
- Hillside Studies:** Although this property is located within the Hillside Overlay, it was determined that the Hillside Studies are not required for this project as development is not occurring on slopes over 20% nor are the access roads to the building sites on slopes over 20%.

More information on the required studies can be found in the [Teton County Code, Title 9](#).

**Public Hearing Information:**

You are scheduled for the Teton County Planning and Zoning Commission public on **Tuesday, January 12, 2016 at 5:30 PM**. This public hearing is at the Teton County Courthouse, 150 Courthouse Drive, Driggs, Idaho. A notice, agenda, and meeting packet will be sent to you no later than the week before the meeting. Public hearings are required for the Preliminary and Final stages of this process. The scheduling of those will depend on your application submittal dates.

**Attachments:** 1. Process Flow Chart; 2. 2016 Hearing & Meeting Schedule



December 17, 2015

**RE:** Notice of Public Hearing and Solicitation for Comments from property owners within 300 feet of a property that has an application for a proposed subdivision.

Dear Property Owners:

This letter is to notify you that an application for Subdivision Concept Review has been submitted to the Teton County Planning Department by a nearby landowner. According to the Teton County Code (9-3-2B), the purpose of the Concept Review is to discuss, in general, the feasibility and possibility of building the proposed subdivision, including its conformity with the Comprehensive Plan, its relationship to surrounding development, any site conditions that may require special consideration or treatment, and to discuss and review the requirements of the Teton County Code. It is not to determine the exactness of each item required in the checklists of the preliminary and final plat process.

Because the proposed subdivision is located in Natural Resource Overlay areas, a public hearing with the Teton County Planning & Zoning Commission (PZC) is required for Concept Review approval. For approval of Concept Review of a proposed subdivision, the County shall consider the objectives of Teton County Title 9, in addition to the applicant's narrative explaining the impact of the development, and in a general way, at least the following:

- a. The conformance of the subdivision with the comprehensive plan.
- b. The availability of public services to accommodate the proposed development.
- c. The conformity of the proposed development with the capital improvements plan.
- d. The public financial capability of supporting services for the proposed development.
- e. Other health, safety, or general welfare concerns that may be brought to the County's attention.

The planning staff is soliciting comments from people in the vicinity of the applicant's property, so we can be aware of neighborhood issues related to the application and incorporate your comments into the staff report to the PZC. Please provide comments related to this application and the criteria of approval listed above.

**Applicant:** Grace Hartman **Landowner:** James Chin Revocable Trust **Zoning District:** A 2.5; partially in Scenic Corridor  
**Legal Description:** RPD3N46E198100; TAX #6313 SEC 19 T3N R46E  
**Parcel Size:** 8 acres **Physical Address:** 10645 Old Jackson Highway, Victor, ID 83455

**Description of Application:** Grace Hartman is proposing a 3 lot subdivision on an 8-acre parcel owned by the James Chin Revocable Trust. Two lots will be 2.5 acres, and the third lot will be 3 acres. A small portion of this property is located in the Scenic Corridor; however, no development is proposed there, so a Scenic Corridor Design Review is not required.

**PUBLIC HEARING**

The Teton County Planning and Zoning Commission will hold a hearing in the Commissioners' Chamber located on the First Floor (lower level, southwest entrance) at 150 Courthouse Drive, Driggs, Idaho on **January 12, 2016** on this matter. This application is scheduled as the second item on the agenda, at **5:30pm**. The meeting will begin at 5:00 p.m.

Information on the above application is available for public viewing in the Teton County Planning Department at the Teton County Courthouse in Driggs, Idaho. The development application and various related documents are also posted, as they become available, at [www.tetoncountyidaho.gov](http://www.tetoncountyidaho.gov). To view these items, go to the PZC department page, then select the Public Hearing of January 12, 2016 item in the Additional Information Side Bar. Written comments will be included in the packet of information provided to the Commission for consideration prior to the hearing if they are received in the Planning Department no later than 5:00pm on Friday, January 1st. Written comments may be e-mailed to [pz@co.teton.id.us](mailto:pz@co.teton.id.us), mailed to the address above, or faxed. You may also present your comments in person at the hearing.

**The public shall not contact members of the Planning and Zoning Commission or Board of County Commissioners concerning this application, as their decision must, by law, be confined to the record produced at the public hearing.**

If you have any further questions, please do not hesitate to contact the Teton County Planning & Building Department.



**PLANNING AND BUILDING DEPARTMENT**  
 150 Courthouse Drive, Room 107 Driggs, Idaho 83422  
 Phone: 208-354-2593 | Fax: 208-354-8410

2016 Hearing Schedule and Deadlines (BoCC & PZC)						
Submittal Deadline	DRC	Notice Due	Staff Report Due	Public Comment Due	Hearing Date PZC	Hearing Date BoCC
12/8/2015	12/15/2015	12/18/2015	12/30/2015	1/1/2016	1/12/2016	1/11/2016
1/5/2016	1/12/2016	1/15/2016	1/27/2016	1/29/2016	2/9/2016	2/8/2016
2/2/2016	2/9/2016	2/12/2016 (2/19/2016)	2/24/2016	2/26/2016 (3/4/2016)	3/8/2016	3/14/2016
3/8/2016	3/15/2016	3/18/2016	3/30/2016	4/1/2016	4/12/2016	4/11/2016
4/5/2016	4/12/2016	4/15/2016	4/27/2016	4/29/2016	5/10/2016	5/9/2016
5/10/2016	5/17/2016	5/20/2016	6/1/2016	6/3/2016	6/14/2016	6/13/2016
6/7/2016	6/14/2016	6/17/2016	6/29/2016	7/1/2016	7/12/2016	7/11/2016
7/5/2016	7/12/2016	7/15/2016	7/27/2016	7/29/2016	8/9/2016	8/8/2016
8/9/2016	8/16/2016	8/19/2016	8/31/2016	9/2/2016	9/13/2016	9/12/2016
9/6/2016	9/13/2016	9/16/2016	9/28/2016	9/30/2016	10/11/2016	10/11/2016*
10/4/2016	10/11/2016	10/14/2016 (10/21/2016)	10/26/2016	10/28/2016 (11/4/2016)	11/8/2016	11/14/2016
11/8/2016	11/15/2016	11/18/2016	11/30/2016	12/2/2016	12/13/2016	12/12/2016

\*Holiday conflict-date may change



**TETON COUNTY PLANNING AND ZONING COMMISSION**  
 Meeting Primer, January 12, 2016  
 County Commissioners' Meeting Room, Driggs, ID

**Article 13 Review:**

Article 13 is intended to be the portion of the code that does 2 things: 1) explains what is required for the applicant to submit with their application, and 2) explains what criteria will be used to review the application (if the criteria is not found elsewhere).

13.1- Explains the Property Development Plan (PDP). The intent of this plan is to provide the decision makers (Staff, PZC, and/or BoCC) a complete package of what the intent is with the property. This PDP is in essence the application, site plan, documentation that will be kept to show what the original intent of the application was, explanation of the original conditions of the property, and the technical plans of what was applied for.

13.2- Is where the "Additional Requirements" can be found. Depending on the type, location, and scale of the development, additional information will be needed to evaluate the application. Article 13.2 lists the additional studies/plans that may be required and identifies which types of developments would trigger the additional section. Currently the chart utilizes an X or Blank as opposed to a P= Possible, X= Yes, or Blank= No. The reason for this is so that a property owner can turn to the specific section to determine whether or not it was going to be needed, as opposed to relying on the chart.

13.3- This section explains the specific additional studies that may be required. Some of the sections are required for all developments, while some are only required for certain types or locations of the development. Each individual section identifies where/when the section would be required, the intent of the section, the standards used to review the section, and the format the information needs to be submitted in.

\*Attached is a "Fire Protection Plan" section. Staff realized last week that these standards were not adequately covered elsewhere in the code and wanted to be sure to include them.

**Goals:**

- Make sure we are comfortable with Article 13 as a whole.
- Make sure the criteria in 13.2 is clear, not too burdensome and adequate for the decision makers.
- Review as many of the sections of 13.3 as we can.
  - Come to agreement about the standards used and the format of the section.
  - Come to agreement about the applicability of the requirements (Staff is working on a cost analysis based on the table in 13.2.2 which we hope will help clarify the cost of each section. We anticipate this being part of the conversation in the January 19<sup>th</sup> meeting. Please focus on the individual 13.3.XX sections and don't spend too much time on 13.2.2 for this meeting. We will talk about when and where the studies are required in the 19<sup>th</sup> meeting.



**13.3.26. Fire Protection Plan**

**A. Areas Applicability**

This Section applies to all land found in Teton County.

**B. Scale/Scope of Development Requiring Applicability**

This Division applies to all development in Teton County in Teton County.

**C. Intent**

The intent of this Division is to ensure that all development in Teton County meets the International Fire Code as well as other standards required by the Teton County Fire Protection District, Resolution for Subdivisions Number 3, adopted on 22 February 2005, as amended. (April 22, 2008).

**D. Standards**

Fire Protection standards can be found in the International Fire Code as adopted by the State of Idaho and the most recently adopted/amended Teton County Fire Protection District, Fire Protection Resolution for Subdivisions.

Per the Teton County Fire Protection District, Fire Protection Resolution for Subdivisions, any subdivision greater than 3 lots shall provide an approved water source or enter an agreement for a shared water access within 1 mile of driving distance. This provision applies to all Land Divisions, Short Plats and Full Plats

**E. Section Format for the Property Development Plan**

A fire protection plan shall be submitted that identifies the following:

1. Road layout (including grade, curve and turnout specifications)
2. Driveway layout (including grade, curve and turnout specifications)

3. Distance from structures to fire protection water supply
4. Fire pond/hydrant construction plans
5. Fire protection easements
6. Fire protection system maintenance provisions
7. Maintenance plan, fire protection covenants, and/or fire protection agreements
8. Letter of notification indicating the intent to be considered for reimbursement of a portion of the costs of the fire protection improvements required by this ordinance, that may be utilized by future development.

DRAFT

TETON COUNTY

PUBLIC HEARING  
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1

Date: JAN 12, 2016

PLEASE PRINT LEGIBLY

Name: Rebecca Koth

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

33 E 4000 S VICTOR

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.

I BELIEVE THIS LITANY WOULD BENEFIT FROM  
THE CHURCH. THE AREA IS A PERFECT PLACE  
I AM VERY MUCH IN FAVOR OF THIS CHURCH  
AND THE LOCATION

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING  
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1

Date: 1/12, 2016

PLEASE PRINT LEGIBLY

Name: Robert A Vostrejs

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

3102 Aspen Dr  
Tetonia, ID

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.

Robert A Vostrejs  
Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING  
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1

Date: 1/12, 2016

PLEASE PRINT LEGIBLY

Name: Bernie Reece

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

3122 Central Ave.  
Tetonia, ID, 83452

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.

Bernie Reece  
Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING  
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1

Date: 1/12, 2016

PLEASE PRINT LEGIBLY

Name: Donna Vostrejs

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

3102 Aspen Drive  
Tetonia, ID

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.

Donna Vostrejs  
Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING  
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1

Date: 1-12, 2016

PLEASE PRINT LEGIBLY

Name: Barbara Butler

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

7500 S Doggo Blvd

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.

wish to see this church grow - we love it the town can see it

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING  
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1

Date: 1-12, 2016

PLEASE PRINT LEGIBLY

Name: Rhoda Simper

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

2450N 4000 W Tetonik

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.

I support the application for Teton <sup>Lower</sup> Abbey Church to be approved. It is a wonderful church that is helping many in the community

Rhoda Simper  
Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING  
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 2

Date: 1-12, 2016

PLEASE PRINT LEGIBLY

Name: Karie Josten

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

1605 Kestrel Hill Rd. Victor, ID 83455

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

You must sign up to testify – or submit comments

Agenda Item Number: 2nd

Date: 1/12, 2016

PLEASE PRINT LEGIBLY

Name: Michael Harrison

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

10573 Old Jackson Hwy Victor, ID - 83455

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

You must sign up to testify – or submit comments

Agenda Item Number: 2nd G Hartman

Date: 1-12, 2016

PLEASE PRINT LEGIBLY

Name: MEREDITH HARE

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

MORAN, WY 83013  
25705 BUFFALO RUN

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)

PO Box 420  
Moran, WY 83013  
January 11, 2016  
509-543-0775

To: Teton County Planning & Zoning, Driggs, ID

**Subject:** Notice of public hearing and solicitation for comments from property owners within 300' 17 Dec 2015. Subdivision concept review, to discuss feasibility and possibility of building the proposed subdivision, 10645 Old Jackson Highway, 8 acres. Owner: James Chin revocable /Trust. Applicant; Grace Hartman, "Walipini Subdivision"

Testimony, 12 January 2016

My name is Meredith Hare. I own the property adjacent to and surrounding most of the proposed subdivision. Until recently my wife and I lived on this property for 20 years.

I am opposed to the proposed subdivision because it is in violation of the Declaration of Restrictive Covenants placed on this land by its owners in 1976.

I have a copy of those covenants for the record.

This restriction is on 10 acres that contain the proposed subdivision.

From these 10 acres, the 8 acre parcel was sold to Mr Chin by my father's widow, Terry Frey. She conveyed 2 acres to Mr Harrison, who built his home there.

These 8 + 2 acres formed the original 10 acres subject to the restrictive covenants.

The covenants stipulate no more than 2 subdivisions of no less than 5 acres each.

So the 10 acres that have the covenants have already been divided into 8 and 2 acres.

And now the 8 acres of the original 10 are proposed to be further subdivided into 3.

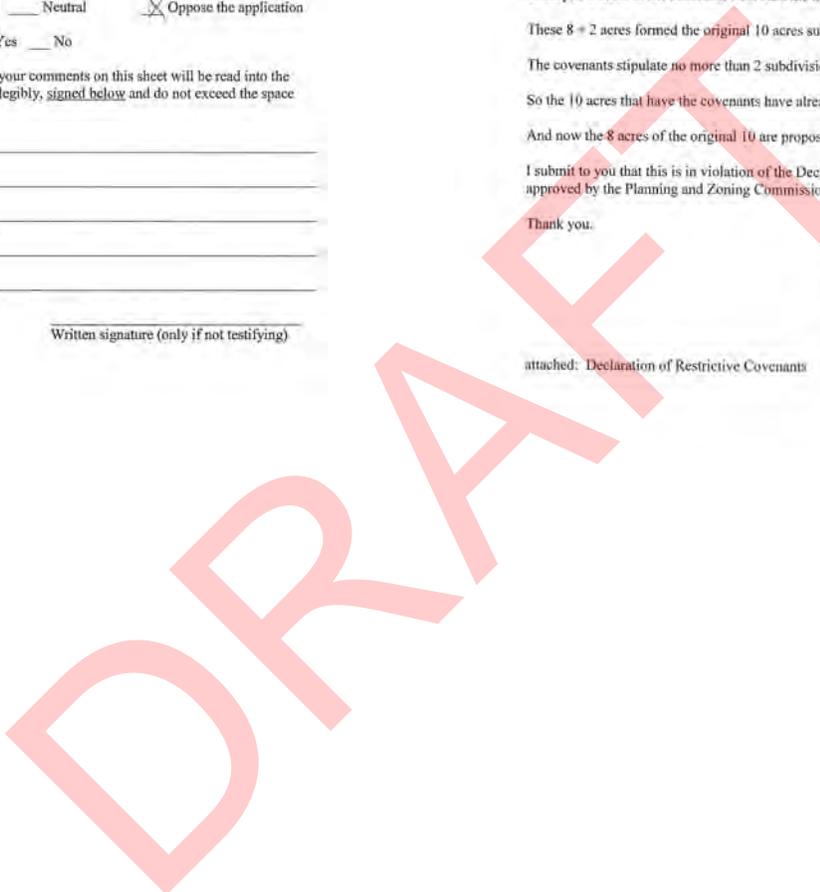
I submit to you that this is in violation of the Declaration of Restrictive Covenants and should not be approved by the Planning and Zoning Commission.

Thank you.

Sincerely,

M Hare  
Meredith Hare

attached: Declaration of Restrictive Covenants



DECLARATION OF RESTRICTIVE COVENANTS

Josef J. Stiegler, of Teton County, Wyoming, Frank Kenyon and Gisela Hippelstein-Kenyon, husband and wife, of Teton County, Idaho, Heinz Gottschall and Sidyle Gottschall, husband and wife, of Teton County, Idaho, and Frank Ludwig and Carolyn Ludwig, husband and wife, of Munich, Germany, be and all the owners in fee simple of the following described land, to-wit:

Beginning at a point N 00° 00' 51" W., 413.80 feet of the N.W. corner of the S.W. 1/4 of the S.E. 1/4 of Sec. 19 T. 34N., R. 45E., Teton County, Idaho, and running thence N. 00° 00' 51" W., 300.95 feet to the center of the Section; thence S. 00° 40' 08" E., 2037.81 feet to the E.L. COR. of said Section; thence S. 00° 06' 28" W., 850.50 feet along the Section line; thence N 89° 44' 22" W., 2037.42 feet; thence S. 89° 07' 11" W., 600.34 feet to the point of beginning, containing 51.81 acres more-or-less.

Also: Beginning at the Northwest corner of the S.W. 1/4 of the S.E. 1/4 of Section 19, T. 34N., R. 45E., 263.84 feet, and running thence, S 89° 41' 37" E. 131.41 feet to the West right-of-way of U.S. Highway No. 33, thence Southeasterly along said right-of-way 188.96 feet to a point that is S 89° 41' 37" E. 423.84 feet to the center of Canyon Lane, thence S 88° 08' 48" E. 1946.71 feet to the East Section line of said Section, thence N 00° 06' 28" E. 1019.69 feet along the Section line, thence S 00° 00' 51" E. 413.80 feet to the point of beginning, together with all ditches and water rights appurtenant to said lands thereto, containing 51.81 acres more-or-less.

STIEGLER LOT  
10.3000

Hereby make the following Declarations as to limitations, restrictions and uses to which that property may be put, hereby specifying that said Declarations shall constitute covenants to run with all of the land as provided by law and shall be binding upon all parties and all persons claiming under them and for the benefit of and limitation covenants being designated for the purpose of keeping and maintaining the use and development of the land desirable, uniform and suitable in architectural design as herein specified.

1. DESCRIPTIONS: The Ten (10) acres, more-or-less, owned by Josef J. Stiegler within the above described land shall hereinafter be referred to as the "Stiegler Lot". The Forty (40) acres, more-or-less, owned by Frank Kenyon and Gisela Hippelstein-Kenyon within the above described land shall hereinafter be referred to as the "Kenyon Lot". The Fifty (50) acres, more-or-less, owned by Karl Heinz Gottschall and Sidyle Gottschall, and Frank Ludwig and Carolyn Ludwig within the above described land shall hereinafter be referred to as the "Ludwig/Gottschall Lot".

2. SUBDIVISION: The Stiegler Lot is limited as to subdivision to no more than two (2) lots each to contain no less than five (5) acres each. The Kenyon Lot shall be limited as to subdivision to no more than four (4) lots each containing no less than ten (10) acres each. The size of said subdivided Kenyon and Stiegler lots may vary in proportion to any variance from the stated forty (40) acres and ten (10) acres each in the respective Kenyon and Stiegler lots. However, the number of lots may not vary.

- 10. EXCAVATION AND MINING: No excavation for stone, gravel or earth shall be made upon any property except for such excavation as may be necessary in connection with the erection of an approved improvement thereon, or in landscaping the property.
- 11. PROHIBITED ACTIVITIES: No commercial activities, except those of artists and craftsmen and except the breeding and/or raising of animals as hereinafter permitted shall be allowed.
- 12. ANIMALS: Except for dogs, not to exceed two (2) per lot, and cattle, sheep, goats or horses, not to exceed two of each type of animal per acre, and pigs, not to exceed one per acre, and cats and household pets, no animals shall be kept or raised on any lot except those which cannot be seen, heard or smelled from beyond the owner's lot lines.
- 13. AMENDMENT: The Covenants and conditions hereof may be amended, modified, or repealed at any time by the consent of the then record owners of two-thirds (2/3) or more of the lots in the event that there are three (3) lots, or by the consent of the then record owners of three-fourths (3/4) or more of the lots in the event that there are four (4) lots, or by the consent of the then record owners of eighty percent (80%) or more of the lots in the event that there are more than four (4) lots; provided, however, that in no event shall the Stiegler lot from being subdivided as provided in Paragraph 2 hereof.

IN WITNESS WHEREOF, this Declaration of Restrictive Covenants is executed this \_\_\_\_\_ day of \_\_\_\_\_, 1976.

Josef J. Stiegler  
Frank Kenyon  
Gisela Hippelstein-Kenyon  
Karl Heinz Gottschall  
Sidyle Gottschall  
Frank Ludwig  
Carolyn Ludwig

The Ludwig/Gottschall lot shall not, at any time, be limited as to subdivision. However, an Amendment to these Covenants as to subdivision to six (6) lots each containing no less than 8.33 acres each.

3. BUILDINGS: All buildings shall be built in compliance with all standard building and safety codes applicable in the State of Idaho. No structure, except as hereinafter provided, shall be erected, altered, placed or permitted to remain on any parcel other than any combination of the following: one single-family dwelling, one private garage, a suitable guest house, a utility building, and two (2) stories high. No building shall be greater than on any lot may be rented for single-family residential purposes, but not separately.

4. CONSTRUCTION: The exterior of all houses and other permitted structures must be completed within twelve months after the commencement of construction except where such completion is impossible or would result in undue hardship to the owner or builder due to strikes, fires, national emergency or natural calamities.

5. PROHIBITED MATERIALS: No reflective metal or other reflective materials shall be used for the roofs or sidings of any building constructed subsequent to the date of these Covenants.

6. PROHIBITED STRUCTURES: No trailer home, mobile home, tent, camper, basement, garage, outbuilding, or any other residence or habitation, either temporary or permanent. No house trailer, or insubstantial nature shall be erected, placed or be permitted to remain on any lot except as the same may be customarily employed by contractors or owners for and during the construction of improvements thereon or unless shielded from view by adjacent property owners either by fence or placement in a permitted building. The term "trailer home" or "mobile home" as used herein shall mean any building or structure with wheels and/or axles as used for the purpose of any time, or so constructed so as to permit its being used for the in a manner to permit occupancy thereof as a dwelling or sleeping place for one or more persons, and shall also mean any such building, structure or vehicle, whether or not wheels and/or axles have been removed, after such building, structure or vehicle has been placed either temporarily or permanently upon a foundation. Exceptions are campers or travel trailers used as children's playhouses and except tents of time not to exceed two weeks.

7. SET BACKS: Except for existing buildings or structures no building or structure, except for access roads, shall be erected or permitted to remain on any lot less than fifty (50) feet from any lot line.

8. UTILITIES: All utilities, including but not limited to electric, telephone, water and sewer lines, shall be placed beneath the ground. Fuel storage tanks of all kinds shall be placed beneath the ground if such storage is permissible for that type of fuel. Otherwise, all fuel storage tanks of all kinds shall be concealed from view by persons if the lot on which they are located.

9. WASTE AND TRASH: No trash, brush piles, rubbish, junk, inoperative vehicles, including trailers, and no other unsightly items of property or waste shall be collected or placed or permitted to remain on any property.

STATE OF WYOMING }  
COUNTY OF TETON } SS.  
The foregoing Declaration of Restrictive Covenants was acknowledged by Josef J. Stiegler before me this 22nd day of May, 1976.  
WITNESS my hand and official seal.  
Notary Public  
My Commission expires: November 16, 1977

STATE OF WYOMING }  
COUNTY OF TETON } SS.  
The foregoing Declaration of Restrictive Covenants was acknowledged by Frank Kenyon before me this 21st day of May, 1976.  
WITNESS my hand and official seal.  
Notary Public  
My Commission expires: My Commission Expires January 11, 1978

STATE OF WYOMING }  
COUNTY OF TETON } SS.  
The foregoing Declaration of Restrictive Covenants was acknowledged by Gisela Hippelstein-Kenyon, this 21st day of May, 1976.  
WITNESS my hand and official seal.  
Notary Public  
My Commission expires: My Commission Expires January 11, 1978



February 9, 2016

**Teton County Planning & Zoning Commission  
Written Decision for Conditional Use Permit Recommendation of  
Approval for the Cowboy Church**

**Overview**

On January 12, 2015, David Kite came before the Teton County Planning & Zoning Commission to request a recommendation of approval for a Conditional Use Permit for a church on property located north of Driggs, at 4369 N. Highway 33.

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

Applicant(s)/Representative(s) Present: David Kite

**Motion**

Ms. Johnston 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 applicant will provide Teton County Planning & Building with the net square footage to calculate the occupancy load to determine if a sprinkler system is required. If the system is not required, it is highly recommended that the system be inspected and utilized for the safety of the occupants.
  2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
  3. All outdoor lights must comply with the Teton County Code, if applicable.
  4. A sign permit is required for the existing Cowboy Church sign.
  5. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
  6. Access, parking, septic system, water, and building safety thresholds will be established and included in such a way that the CUP will be reviewed when those thresholds are met.
- 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 Cowboy Church as described in the application materials submitted December 4, 2015 and as supplemented with additional applicant information attached to this staff report.

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

## Conclusions

Having given due consideration to the application and evidence presented, and to the criteria of approval defined in Teton County Code, Title 8-6-1, the Teton County Planning & Zoning Commission hereby makes the following conclusions:

1. The location for the proposed use is compatible to other uses in the general neighborhood. The existing building was built as a commercial building, so its uses are limited in the A-2.5 zone.
2. The fiscal impact of the proposed use will be minimal as no new structures are being proposed, it accesses directly from Highway 33, and the church assembly will only meet once per week.
3. The location for the proposed use is large enough to accommodate the proposed use at its current size, with some room to grow. It was recommended to determine a threshold that would require the Conditional Use Permit to be reviewed to ensure the location is able to accommodate the use in the future.
4. In general, the proposed Conditional Use Permit conforms with the goals outlined in the 2012-2030 Teton County Comprehensive Plan, including new services for the community and community involvement.
5. 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 December 24, 2015 and December 31, 2015. A notification was sent via mail to surrounding property owners within a 300-foot buffer area, as well as all property owners in subdivisions that intersect with the 300-foot buffer. A notice was also posted on the property providing information about the public hearing.
6. Other persons in attendance expressed approving comments of the proposed Conditional Use Permit. All public comments are on file with the minutes of January 12, 2016.
7. 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

1. The applicant will provide Teton County Planning & Building with the net square footage to calculate the occupancy load to determine if a sprinkler system is required. If the system is not required, it is highly recommended that the system be inspected and utilized for the safety of the occupants.
2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
3. All outdoor lights must comply with the Teton County Code, if applicable.
4. A sign permit is required for the existing Cowboy Church sign.
5. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
6. Access, parking, septic system, water, and building safety thresholds will be established and included in such a way that the CUP will be reviewed when those thresholds are met.

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Dave Hensel  
Chair of Teton County Planning & Zoning Commission

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Date



February 9, 2016

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

**Overview**

On January 12, 2016, Grace Hartman came before the Teton County Planning & Zoning Commission to request Concept Plan approval of a proposed subdivision on property located southeast of Victor, at 10645 Old Jackson Highway, for a 3-lot subdivision.

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

Applicant(s)/Representative(s) Present: Grace Hartman; Jen Zung, Harmony Design & Engineering.

**Motion**

Mr. Arnold moved that having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) can be satisfied with the inclusion of the following conditions of approval:

1. Compliance with all local, state, and federal regulations.
  2. Begin working with EIPH for septic approval.
  3. Begin working with Teton County Fire District for fire suppression approval.
  4. Conduct required studies/plans for Preliminary Review: Landscape Plan, Natural Resources Analysis.
  5. Consider the importance of viewsheds.
  6. Adequately address the shared driveway/roadway with the 2-acre parcel to the north (Mr. Harrison's property).
- and having found that the considerations for granting the Concept Plan Approval to Grace Hartman can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
  - and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
  - I move to APPROVE the Concept Plan for Walipini Subdivision as described in the application materials submitted December 7, 2015 and as supplemented with additional applicant information attached to this staff report.

Mr. Breckenridge seconding the motion.

Mr. Larson commented that this application is right on his threshold of wanting to see the application moved forward and wanting to table it to get more information. He hopes everyone understands there are questions that need to be addressed. Mr. Haddox agreed that he has a lot of concerns with this application, but it is a concept application. Ms. Johnston agreed. She commented that she sympathized with the neighbors' concerns, but those are outside of the jurisdiction of the Planning and Zoning Commission, and the application meets the required conditions of approval

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

## Conclusions

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

1. In general, the proposed subdivision conforms with the goals outlined in the 2012-2030 Teton County Comprehensive Plan, including low to medium-density housing and building envelopes to protect wildlife habitat, sensitive areas, and natural resources.
2. Public services are being utilized by the surrounding property owners, so they are available in the area. The subdivision will utilize private well and septic systems. The development will be accessed from Old Jackson Highway.
3. Applicable impact fees will be required for all lots within the proposed subdivision, as adopted by Teton County.
4. The fiscal impact of the proposed development will be minimal due to its size.
5. The proposed development will not negatively impact the health, safety, or general welfare of the County.
6. The proper legal requirements for advertisement of the public hearing have been fulfilled as required by Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Zoning Ordinance. The public hearing was duly noticed in the Teton Valley News on December 24, 2015 and December 31, 2015. A notification was sent via mail to surrounding property owners within a 300-foot buffer area, as well as all property owners in subdivisions that intersect with the 300-foot buffer. A notice was also posted on the property providing information about the public hearing.
7. Other persons in attendance expressed approval and opposing comments of the proposed subdivision. All public comments are on file with the minutes of January 12, 2016.
8. 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.

## Conditions of Approval

1. Compliance with all local, state, and federal regulations.
2. Begin working with EIPH for septic approval.
3. Begin working with Teton County Fire District for fire suppression approval.
4. Conduct required studies/plans for Preliminary Review: Landscape Plan, Natural Resources Analysis.
5. Consider the importance of viewsheds.
6. Adequately address the shared driveway/roadway with the 2-acre parcel to the north (Mr. Harrison's property).

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Dave Hensel  
Chair of Teton County Planning & Zoning Commission

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Date

## TETON COUNTY PLANNING AND ZONING COMMISSION

Meeting Notes, January 19, 2016

County Commissioners' Meeting Room, Driggs, ID

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### **Article 13 Review:**

PZC discussed Article 13. Overall, the PZC is comfortable with Article 13, except for specific standards which are being worked on (i.e. NRCS standards, wildlife habitat section). Staff is to work with IDFG to see what their comments are. There are concerns about being open with the requirements and making the requirements applicable to the appropriate types/scope of development. There will be further discussion on the standards.

- Table 13.2.2
  - Include a copy of the row that shows the types of development that trigger the study in the specific section outlining the standards of each study.
  - Update the section numbers on this table.
- Language in Article 13 section needs to be reviewed and standardized (Section vs. Division)
- Section 13.3.9 Fencing will be removed.
  - At first it was discussed to remove everything after 13.3.9.C.1, so the fencing section would basically only regulate that there could not be rigid fencing in in wildlife or riparian areas.
  - It was decided that the Wildlife Habitat Protection Plan and the Riparian Buffer Plan sections would address fencing in those areas, so the fencing section wasn't needed at all.
- Section 13.3.15 Public Service/Fiscal Analysis – include standard formulas to be used, so the impact is looked at in the same way for every study.
- Section 13.3.16 Traffic Impact Study – include land uses (CUPs, Home Occupations, etc.) in the scale/scope of development because some could have a large impact on traffic, either by increasing traffic or having large vehicles that could damage roads/slow traffic. This should also be mentioned in Article 10 where those land uses are described.
- Section 13.3.22 Deed – clarify the requirement of deeds.
  - A deed is required to be submitted with an application to show ownership.
  - A preliminary deed is required to be created as part of some applications (i.e. OTO deed), which is recorded after approval.

### **Article 3 Review:**

- Include open space intents with each zone (i.e. 3.1 RA would include a list of open space priorities for the RA zone, like prime ag land, versus only having open space listed in 3.7.5.
  - 3.7.5 will still include the list of primary and secondary open space options.
- For each zone, there is currently a list that says "Subdivision must be designed to:" which will be changed to "Development must be design to:"
- Five density options were discussed, and the scenario tool was briefly looked at. Density Options 3 and 4 were mentioned most. PZC decided they would like more time to review the density options, then make a decision at the 2/9 meeting. Staff will create a scenario tool for each density option and send them to PZC.
  - The option of using the same density for the Rural Ag, Lowland Ag, and Foothills zones was discussed again. The majority of PZC agreed that was still something they were comfortable with doing.

## TETON COUNTY PLANNING AND ZONING COMMISSION

Meeting Primer, February 9, 2016

County Commissioners' Meeting Room, Driggs, ID

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### **Article 3 Review:**

In the January 19<sup>th</sup> meeting 5 different density options were provided for the Foothills, Lowland Ag, and Rural Ag. Districts. The goal of this meeting is to answer any question about those options and decide on an approach to present in the public review draft.

We will also need to review the Open Space section, Division 3.7. As part of the open space review we need to identify priority open space areas in each of the zones.

### **Goals:**

- Make sure we are comfortable with Article 3 as a whole.
- Decide on densities for the zones.
- Discuss and finalize the open space requirements found in 3.7.

### **Article 9,10,11,12 Review:**

To get a jump on the February 16<sup>th</sup> meeting, here is a brief summary of Articles 9-12. I am including portions of these Articles that the City of Driggs PZC recommended to the City Council.

### **Article 9- Special Districts**

Div. 9.1 Airport Vicinity Overlay- This district relies on the Driggs-Reed Memorial Airport Master Plan.

Div. 9.2 Flood Damage Prevention Overlay- This is a “partially” revised floodplain ordinance. In Article 13 we require setbacks from the floodplain, so this section is intended to only be utilized when a variance is obtained for development in the floodplain, or for projects such as bridges, culverts, bank stabilization, etc. The State of Idaho was working on a new floodplain ordinance, but the person who was working on it is no longer with the state. I am still waiting to see where that draft is in the development process.

Div. 9.3 Scenic Corridor Design Overlay- This section replaces our current scenic corridor regulations. This was drafted by code studio after a specific visit to the valley to address this issue.

Div. 9.4 Transfer Development Right Receiving Area Overlay- This section is intended to provide an additional incentive to vacate distressed subdivisions, as well as preserve unique areas in the Foothills, Lowland Ag, and Rural Ag. Districts.

Div. 9.5 Workforce Housing Overlay- This section is intended to provide density incentive for the construction of affordable/workforce housing. This section maybe one that we chose not to include until we renegotiate the AOI agreements with the cities. There will also be a reestablished Teton County Affordable Housing Commission, which may want to review/revise this section in the future.

Div. 9.6 Area of City Impact- This section recognizes the AOI. There should be a reference to the AOI Agreements that establish the boundaries, standards and review procedure more specifically.

### **Article 10- Use Provisions**

We previously spent quite a bit of time reviewing the definitions of each use. We have not spent any time working on 10.2, the Allowed Use Table and identifying which uses are allowed where. We should focus our time there, and then review any specific uses where there is a question or concern by PZC members.

## Article 11- Site Development

The City of Driggs did take the lead on revising the sign and outdoor lighting portions of the code.

Div. 11.1 Access and Parking- This is mainly intended for more “urban” development, but is important to have in place for those non-exempt uses.

Div. 11.2 Landscaping & Screening- This section is intended to provide standards for screening between less compatible uses, create parking lot standards, fencing standards (I would recommend removing the fencing plan in Article 13 (13.3.9), and utilize this portion of the code to establish the standard.)

Div. 11.3 Signs- A recent Supreme Court case has gutted the previously established basis for sign ordinances. At this time we are no longer supposed to use what the sign says, as a determination for regulation. It is even more convoluted than what it was before.

\*I recommend that we utilize the City of Driggs Div. 11.3 Signs as the basis for our public review draft, as they had public input on it and went through it to make sure it was in compliance with the Supreme Court case.

Driggs- <http://tetonvalleycode.org/wp-content/uploads/2015/04/Article-11.3-PZ-Recommended-Draft-11-4-15.pdf>

Div. 11.4 Outdoor lighting- The City of Driggs PZC has recommended a few things that are different from the current version of our code. They include: when/how existing fixtures have to come into compliance and what fixtures are exempt.

Driggs- <http://tetonvalleycode.org/wp-content/uploads/2015/04/Article-11.4-PZ-Recommended-Draft-11-4-15.pdf>

## Article 12- Streets and Public Improvements

The Public Works Director is the one that has the most authority for this Division. He is currently review Article 12 and his suggested edits will be forwarded to you as soon as he is done.

Div. 12.1 General Provisions-

Div. 12.2 Blocks, Lots, Access-

Div. 12.3 Existing Streets-

Div. 12.4 New Streets-

Div. 12.5 Utilities-

Div. 12.6 Parks-

Here are comments from the City of Driggs Public Works Director concerning Drictor:

Jason,

I met with Jared our Public Works Director on Friday and discussed Article 12 and specific questions about waste water service in Drictor here are his comments/responses:

- If the County were to permit development in Drictor should the development be REQUIRED to hook onto sewer? If it's within so many feet from the sewer line? *No- should be discretionary by the City at time of application. There is already a state requirement that if your septic tank fails and you are within so many feet of a sewer line, then you're required to connect. May want to follow up with Jared for the reference and # of feet.*
- Make sure County code requires that City of Driggs is the approving entity for sewer connections for all new developments. Public Works review and City Council issues a “will-serve.”

- Driggs staff is interested to look at Drictor/County zoning maps when they are drafted to comment on sewer service.
- County would like to know the current WWTP's capacity to see how much Drictor development could be serviced. *This has been calculated by Aqua Engineers when they were designing the Waste Water Treatment Plant. Contact Eric at [erics@aquaeng.com](mailto:erics@aquaeng.com) 801-683-3729.*

**Kristin Rader**

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**From:** Bruce Arnold  
**Sent:** Wednesday, February 03, 2016 7:41 PM  
**To:** Kristin Rader  
**Subject:** FW: 2-8-16 Mtg draft Primer.

Bruce's Comments

FYI

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**From:** Bruce Arnold [mailto:]  
**Sent:** Wednesday, February 03, 2016 12:27 PM  
**To:** 'Jason Boal'  
**Subject:** RE: 2-8-16 Mtg draft Primer.

Hi Jason,

For the next meeting on the Scenario Tools page with the 5 scenarios, **my choice is Scenario #1.** (OTO is 10; Land Division is 20; 75% open space is 10; 50% open space is 20 and 75% open space is 30)

I think the numbers make more sense for the 50% (20) and 25% (30) open space than on scenario number 4.

Can you please let my thoughts known for the discussion on this at the meeting?

Please let me know if you understand my choice.

Thank you for all you do,  
Bruce

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**From:** Jason Boal [mailto:]  
**Sent:** Friday, January 22, 2016 3:27 PM  
**To:** Bruce Arnold; Chris Larson; Cleve Booker; Dave Hensel; David Breckenridge; Jack Haddox; Marlene Robson; Pete Moyer; Sarah Johnston  
**Cc:** Kristin Rader  
**Subject:** 2-8-16 Mtg draft Primer.

Here is a draft primer for our meeting on the 9<sup>th</sup>.

I wanted to make sure you have adequate time to review Articles 9-12, which is scheduled for February 16<sup>th</sup>.

THIS IS A DRAFT, SO IF I NEED TO ADD SOMETHING PLEASE LET ME KNOW.

*Jason Boal – AICP, CFM*

Planning & Building Administrator

Teton County, Idaho

150 Courthouse Drive #107 Driggs, ID 83422

208-354-2593 x204