

TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from February 9, 2016
County Commissioners Meeting Room, Driggs, ID

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Cleve Booker, Mr. Chris Larson, Ms. Marlene Robson, Mr. Jack Haddox, Ms. Sarah Johnston, 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. Larson moved to approve the minutes from January 12, 2016. Mr. Booker seconded the motion.

VOTE: All in favor.

MOTION: Mr. Booker moved to approve the written decisions for the Cowboy Church CUP and the Walipini Concept Approval. Ms. Robson seconded the motion.

VOTE: All in favor. Mr. Moyer abstained from voting because he was not present at the meeting.

Chairman Business:

Mr. Hensel asked if there has been an update from Idaho Fish and Game. Mr. Boal explained that he spoke with them a couple weeks ago, and they said to expect comments soon. He also explained that Ms. Williams has met with the local NRCS office.

Administrative Business:

Mr. Boal informed the PZC that the BoCC has proposed to have a joint meeting on April 12 instead of the last Tuesday in March due to scheduling conflicts. Because of this, PZC will only meet twice in March.

WORK SESSION: Draft Code Discussion, Article 3: Rural Districts

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

Ms. Johnston had to leave the meeting early, but she left comments with Mr. Hensel.

Density Options for Rural Agriculture, Lowland Agriculture, and Foothills

Mr. Larson mentioned that he was not at the previous meeting when the scenario tool was discussed, but he thought the tool was very helpful. Mr. Hensel explained that the Commission decided the rural zones (RA, LA, and FH) would have the same density. Mr. Larson commented he felt that was a great idea.

Mr. Hensel read Ms. Johnston's comments (attachment 2).

The PZC discussed utilizing similar density in each of the zones and all agreed it was a defensible, justifiable approach. It was discussed how a more complex approach could be devised, but it becomes harder to defend, and this approach is a step in the right direction.

Mr. Hensel explained that the PZC would take a vote on the density options to be used for the rural zones. PZC discussed the different options using land splitting scenarios before voting.

VOTE

Density Options (1 lot /# acres)	Vote
Option 1: OTO: 1/10 LD: 1/20 SP/FP Max: 1/10 SP/FP Mid: 1/20 SP/FP Min: 1/30	Mr. Arnold (via email) Mr. Breckenridge Mr. Moyer Ms. Robson
Option 2: OTO: 1/20 LD: 1/30 SP/FP Max: 1/20 SP/FP Mid: 1/30 SP/FP Min: 1/40	Mr. Hensel (or Option 5)
Option 3: OTO: 1/15 LD: 1/22 SP/FP Max: 1/15 SP/FP Mid: 1/22 SP/FP Min: 1/30	None
Option 4: OTO: 1/10 LD: 1/20 SP/FP Max: 1/10 SP/FP Mid: 1/25 SP/FP Min: 1/40	Mr. Larson, Mr. Booker, and Mr. Haddox
Option 5: OTO: 1/15 LD: 1/22 SP/FP Max: 1/15 SP/FP Mid: 1/25 SP/FP Min: 1/40	Mr. Hensel (or Option 2)

Ms. Johnston did not vote on the density option.

It was decided that Option 1 (OTO: 1/10; LD: 1/20; SP/FP Max: 1/10; SP/FP Mid: 1/20; SP/FP Min: 1/30) would be used for the density in the RA, LA, and FH zones. The PZC also discussed the density option proposed for the Agricultural Rural Neighborhood (ARN) zone. It was agreed that the proposed density (OTO: 1/10; LD: 1/3.75; SP/FP Max: 1/2.5; SP/FP Mid: 1/3.75; SP/FP Min: 1/5) would be used for the ARN zone.

Open Space

The different types of ownership of open space were discussed. The majority agreed that having open space in one ownership versus spread across multiple, private parcels would be a better approach for management and enforcement. Staff will clarify Div. 3.7.3.A.1 to provide examples of a single landowner (i.e. a legal entity, HOA, or individual).

Staff will work on definitions for Passive Recreation and Active Recreation.

Staff will look into the possibility of including stormwater management (i.e. retention/detention ponds, bioswales, etc.) as an allowed open space use.

Language for signage of open space will be added to Div. 3.7.8: Access (i.e. notice of boundaries for restricted use or access).

The formatting and content of this Div. 3.7.5 Open Space Priorities may change slightly. Open space priorities will be included with each zone. Information on wildlife areas will be updated after IDFG's comments have been received.

Moving Forward

Mr. Boal gave a brief overview of Articles 9, 10, 11, and 12, which will be discussed at the February 16th meeting.

Mr. Hensel asked for a draft Public Outreach Plan so the PZC could review and comment on it before the final draft of the code is completed for the joint BoCC/PZC meeting. Mr. Boal will provide a copy of the draft plan for the next meeting.

Mr. Boal explained that the joint BoCC/PZC meeting was originally planned for March 22. The BoCC has asked to reschedule this meeting to April 12 because of scheduling conflicts. PZC will only meet twice in March now.

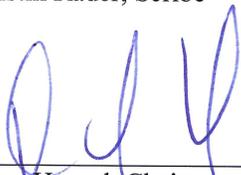
The next version of the code that PZC will see is the Red Line version. After this meeting, the Red Line version of Article 3 will be completed. The Article 13 Red Line version is partially complete. Staff is still waiting for comments from IDFG. When those are received, the Red Line version will be completed and sent to the PZC.

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

VOTE: The motion was unanimously approved.

The meeting was adjourned at 7:30 pm.

Respectfully submitted,
Kristin Rader, Scribe



Dave Hensel, Chairman

Kristin Rader, Scribe

Attachments:

1. PZC February 9, 2016 Meeting Packet
2. Ms. Sarah Johnston's comments



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

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

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

Any person needing special accommodations to participate in the above noticed meeting should contact the Board of County Commissioners' office 2 business days prior to the meeting at 208-354-8775.

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

COUNTY STAFF PRESENT: Mr. Jason Boal, Planning Administrator, Ms. Kristin Rader, Planner, Ms. Amanda Williams, Weed Superintendent/Natural Resources Specialist

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.

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.

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 ft². 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 if 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.

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.

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/casement 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~~ were 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 concerned 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.

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 no 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

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).

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.

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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 concerned 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.

- 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.

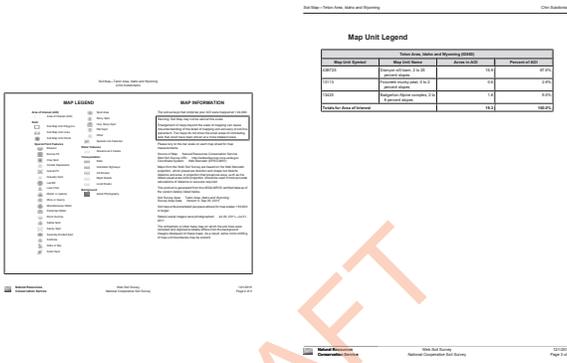
WORK SESSION: Draft Code Discussion, Article 13: Property Development Plan

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 19th 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 if 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



ATTACHMENT 11

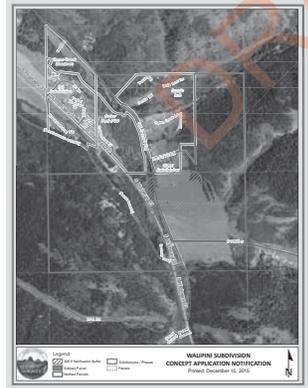
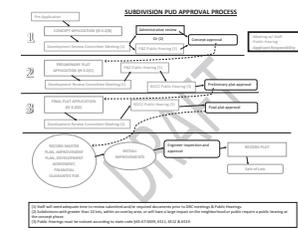
Teton County Planning & Zoning Commission
100 Courthouse Drive, Room 101 | Teton, ID 83422
Phone: (208) 338-1141 | Fax: (208) 338-8843
www.tetoncountynv.gov

Public Hearing Notice

On the agenda for the meeting of the Teton County Planning & Zoning Commission on **January 12, 2016 at 5:00 PM**, the following items will be discussed:

- Item 1: Public Hearing on the Application for a Subdivision Plat for the proposed subdivision of the 100-acre parcel located in the 100 Courthouse Drive, Room 101, Teton, ID 83422.**

The public hearing will be held at the Teton County Courthouse, 100 Courthouse Drive, Teton, ID 83422, on January 12, 2016, at 5:00 PM. The public hearing will be held in the Teton County Courthouse, 100 Courthouse Drive, Teton, ID 83422, on January 12, 2016, at 5:00 PM. The public hearing will be held in the Teton County Courthouse, 100 Courthouse Drive, Teton, ID 83422, on January 12, 2016, at 5:00 PM.



Public Hearing Notice

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13.3.26. Fire Protection Plan

A. Area Applicability

The fire protection plan shall be required for all new construction in the City of Teton.

B. Standards of Compliance

The fire protection plan shall be required for all new construction in the City of Teton.

C. Review Process

The fire protection plan shall be reviewed by the City of Teton.

D. Approval

The fire protection plan shall be approved by the City of Teton.

E. Enforcement

The fire protection plan shall be enforced by the City of Teton.

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: BOBBI POON

City of Residence (Physical Address not post office box): 33 E. GARDNER AVENUE

Choose one: Support the application Oppose the application

Do you wish to testify? Yes No

If you are unable to testify in person, your comments on this sheet will be read into the record – as long as they are written legibly, dated before and do not exceed the space allowed.

I declare the above is true and correct to the best of my knowledge and belief.

Witness signature (only if not writing): _____

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

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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: Julia Simpson
City of Residence (Physical Address not post office box):
1000 S. Chippewa 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 – as long as they are written legibly, signed below and do not exceed the space allowed.

support the application for the cowboy church to be approved in its second church that is helping today in the community

Witness 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: Julia Simpson
City of Residence (Physical Address not post office box):
1000 S. Chippewa 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 – as long as they are written legibly, signed below and do not exceed the space allowed.

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Witness 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: Mike Dittmar
City of Residence (Physical Address not post office box):
1000 S. Chippewa 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 – as long as they are written legibly, signed below and do not exceed the space allowed.

Witness signature (only if not testifying)

TC Box 428
Moose, WY 83013
Phone: 318-284-1111
Fax: 318-284-1111

Tet. Teton County Planning & Zoning, Driggs, ID

Subject: Notice of public hearing and solicitation for comments from property owners within 100 feet of the 2012 Subdivision average review, to discuss feasibility and possibility of building the proposed subdivision.

10465 Old Jackson Highway, 8 acres. Owner: James Chin (retractable tract). Applicant: Grace Johnson, "Multiple Subdivision"

Tuesday, 12 January 2016

My name is Michelle Hale.
I own the property adjacent to and surrounding most of the proposed subdivision. I had already my wish and I had on the property for 20 years.

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

I have a copy of the documents for the record.

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

From the 10 acres, the 8 acre parcel was sold to Mr. Chin by my father's widow, Terry Fry. The original 2 acres to the west of the parcel had been there.

Over 8-2-2015 formed the original 10 acres subject to the restrictive covenants.

The covenants stipulate no more than 2 subdivisions of an 8-acre tract.

In the 10 acres this have the covenants have already been divided into 8 and 2 acres.

And over 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,
Michelle Hale
Michelle Hale

Witness: Declaration of Restrictive Covenants

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: Karin Webster
City of Residence (Physical Address not post office box):
1605 Retreat Hill Rd Victor, ID 83088

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 – as long as they are written legibly, signed below and do not exceed the space allowed.

Witness 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: Abel Harrison
City of Residence (Physical Address not post office box):
10475 Caldwell St Victor, ID 83088

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 – as long as they are written legibly, signed below and do not exceed the space allowed.

Witness signature (only if not testifying)

PZC Hearing 1/12/2016

Meeting Minutes

PZC Hearing 1/12/2016

Meeting Minutes

DECLARATION OF RESTRICTIVE COVENANTS

THE UNDERSIGNED, James Chin, do hereby certify that the following is a true and correct copy of the Declaration of Restrictive Covenants as recorded in the public records of Teton County, Wyoming, on the 12th day of January, 2016.

1. PURPOSE AND SCOPE: The purpose of this Declaration of Restrictive Covenants is to restrict the use of the land described in the Declaration of Restrictive Covenants to the use of a residential subdivision.

2. RESTRICTIONS: The restrictions contained in this Declaration of Restrictive Covenants shall apply to all lots within the subdivision described in the Declaration of Restrictive Covenants.

3. EXCEPTIONS: No exceptions shall be made to the restrictions contained in this Declaration of Restrictive Covenants.

4. ASSIGNMENT: This Declaration of Restrictive Covenants shall run with the land and shall be binding on all successors in title to the land.

5. RECORDATION: This Declaration of Restrictive Covenants shall be recorded in the public records of Teton County, Wyoming.

6. ENTIRE AGREEMENT: This Declaration of Restrictive Covenants shall constitute the entire agreement between the parties hereto.

7. SIGNATURE: The undersigned hereby certifies that the above is a true and correct copy of the Declaration of Restrictive Covenants as recorded in the public records of Teton County, Wyoming, on the 12th day of January, 2016.

8. WITNESSES: The undersigned hereby certifies that the above is a true and correct copy of the Declaration of Restrictive Covenants as recorded in the public records of Teton County, Wyoming, on the 12th day of January, 2016.

9. DATE: This Declaration of Restrictive Covenants was signed and recorded on the 12th day of January, 2016.

10. SIGNATURE: The undersigned hereby certifies that the above is a true and correct copy of the Declaration of Restrictive Covenants as recorded in the public records of Teton County, Wyoming, on the 12th day of January, 2016.

PZC Hearing 1/12/2016

Meeting Minutes



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 Haddock, 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:

- 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.
 - Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
 - All outdoor lights must comply with the Teton County Code, if applicable.
 - A sign permit is required for the existing Cowboy Church sign.
 - Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
 - 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.

PZC Hearing 1/12/2016

Meeting Minutes



February 9, 2016

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

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:

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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

- 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.
- Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
- All outdoor lights must comply with the Teton County Code, if applicable.
- A sign permit is required for the existing Cowboy Church sign.
- Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
- 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.

Dave Hensel
Chair of Teton County Planning & Zoning Commission

Date

Cowboy Church CUP | PZC Written Decision of Recommendation

2 of 2

PZC Hearing 1/12/2016

Meeting Minutes

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:

- Compliance with all local, state, and federal regulations.
 - Begin working with EIPH for septic approval.
 - Begin working with Teton County Fire District for fire suppression approval.
 - Conduct required studies/plans for Preliminary Review: Landscape Plan, Natural Resources Analysis.
 - Consider the importance of viewsheds.
 - 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.

Walipini Subdivision (Concept) | PZC Written Decision
PZC Hearing 1/12/2016

1 of 2
Meeting Minutes

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:

- 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.
- 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.
- Applicable impact fees will be required for all lots within the proposed subdivision, as adopted by Teton County.
- The fiscal impact of the proposed development will be minimal due to its size.
- The proposed development will not negatively impact the health, safety, or general welfare of the County.
- 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.
- 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.
- 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

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

Dave Hensel
Chair of Teton County Planning & Zoning Commission

Date

Walipini Subdivision (Concept) | PZC Written Decision

2 of 2

PZC Hearing 1/12/2016

Meeting Minutes

TETON COUNTY PLANNING AND ZONING COMMISSION

Meeting Notes, January 19, 2016

County Commissioners' Meeting Room, Driggs, ID

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 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

Article 3 Review:

In the January 19th 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 16th 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.

- 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@aquapeng.com 801-683-3729.*

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."

Kristin Rader

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

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

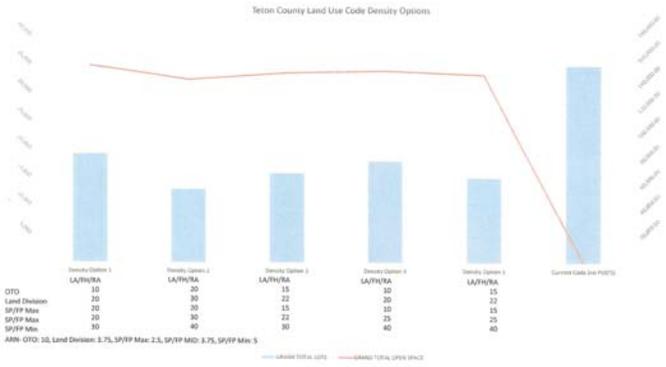
Hi Jason,
 For the next meeting on the Scenario Tools page with the 5 scenarios, my choice is Scenario #1. (OTO is 10; Land Division is 20; 75% open space is 10; 50% open space is 20 and 75% open space is 30)
 I think the numbers make more sense for the 50% (20) and 25% (30) open space than on scenario 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

From: Jason Boal [mailto:jboal@tetonvalleycode.org]
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 9th.
 I wanted to make sure you have adequate time to review Articles 9-12, which is scheduled for February 16th.
 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](tel:208-354-2593) x204

Scenario Summary - All Zones - Includes Area of Impact Parcels						
Density Options	OTD	10	20	15	10	15
	LAND DIVISION	30	30	22	20	22
	SP/FP MAX	10	20	15	10	15
	SP/FP MID	20	30	22	25	25
	SP/FP MIN	30	40	30	40	40
		Additional Lots				
Rural Agriculture (RA)	Total OTD	838.00	172.00	600.00	498.00	600.00
	Total LD	1,427.00	1,032.00	1,375.00	1,427.00	1,235.00
	Total SP	1,838.67	1,821.00	1,598.33	1,653.67	1,480.33
	Total FP	4,221.00	2,111.00	3,033.33	3,728.67	2,712.67
	Total Lots	8,324.67	5,076.00	6,516.67	7,647.33	6,078.00
	Total Open Space	83,004.40	75,274.11	78,908.74	75,982.84	78,002.60
Lowland Agriculture (LA)	Total OTD	393.00	308.00	342.00	393.00	342.00
	Total LD	699.00	588.00	528.00	699.00	528.00
	Total SP	832.67	521.00	673.00	720.67	621.67
	Total FP	1,449.33	669.67	975.67	1,370.33	883.33
	Total Lots	3,374.00	1,881.67	2,518.67	3,089.00	2,375.00
	Total Open Space	29,883.26	27,084.18	28,347.91	28,479.77	27,939.88
Footfalls (FH)	Total OTD	370.00	368.00	303.00	370.00	303.00
	Total LD	633.00	447.00	546.00	633.00	546.00
	Total SP	615.33	370.33	703.00	750.00	623.33
	Total FP	1,901.33	947.33	1,369.00	1,681.00	1,229.67
	Total Lots	3,729.67	2,232.67	2,921.00	3,414.00	2,729.00
	Total Open Space	37,443.82	34,351.72	35,784.32	36,072.74	35,289.62
Agriculture Rural Neighborhood (ARN)	Total OTD	118.00	118.00	118.00	118.00	118.00
	Total LD	551.00	551.00	551.00	551.00	551.00
	Total SP	741.33	741.33	741.33	741.33	741.33
	Total FP	2,493.67	2,493.67	2,493.67	2,493.67	2,493.67
	Total Lots	3,904.00	3,904.00	3,904.00	3,904.00	3,904.00
	Total Open Space	7,955.60	7,955.60	7,955.60	7,955.60	7,955.60
		ARN Density Option				
		OTD 10				
		LAND DIVISION 20				
		SP/FP MAX 2.5				
		SP/FP MID 3.75				
		SP/FP MIN 5				
		ARN: OTD: 10, Land Division: 2.75, SP/FP Max: 2.5, SP/FP Mid: 3.75, SP/FP Min: 5				
		Current Build-out (PUD)				
	GRAND TOTAL LOTS	18,322.33	13,094.33	15,880.33	18,052.33	15,083.00
	GRAND TOTAL OPEN SPACE	157,506.18	145,466.62	156,996.37	152,475.92	149,177.00
	Percent of current buildout possibility	55%	37%	49%	52%	43%



Existing Conditions All Zones - Includes Area of Impact Parcels						
Includes current ADU parcels						
Existing Zoning - Existing Conditions						
	A-20	A-2.5	A30-S	A20-S	R1A(R)	Total
OTD Density (requires a min. of 20 acres - min of 3 new lots - lots must meet minimum lot size)	1 lot/20 acres	1 lot/10 acres	1 lot/10 acres	1 lot/10 acres	1 lot/10 acres	
Subdivision Density	1 lot/20 acres	1 lot/2.5 acres	1 lot/3 acres	1 lot/10.5 acres	1 lot/1000 sq ft (0.25 acre)	
Total Lots	2,089	76,490	492	388	518	80,177
Total Acreage	106,413	18,202	470	144	110	125,889
Lots in Subdivisions	840	8,859	84	77	110	9,970
Acreage in subdivisions	5,943	16,003	103	135	82	22,266
Nonbuildable Space in Subdivisions (Acres)	3,305	7,195	276	0.24	15	10,891
Open Space	3,208	6,991	181	-	15	10,395
Other (well, utility, fire, parking)	43	13	-	0.24	-	56
Lots not in Subdivisions	1,249	77,631	388	381	408	79,707
Acreage not in Subdivisions	100,470	2,207	367	109	28	103,083
Total Lots 2-20 acres Not in Subdivisions	911	793	3	5	8	1,710
Existing Zoning - Potential Conditions						Total Additional Lots Possible
Additional OTD lots	700	793	1	5	8	1,507
Additional Subdivision lots	3,809	26,640	127	192	1,946	33,364
Includes open space, roads, and other... Open Space is not required						Total Additional Lots
						34,871

GENERAL CONCERNS

My concerns with this code are too numerous and fundamental to address in the context of our article-specific work meetings. I do not think it is effective or efficient for us (PZC) to be reviewing entire sections of code verbatim and suggest sentence level edits at this stage in the process, when various big-picture policy decisions remain unanswered and unaddressed. Furthermore, when we have discussed specific sentence-level changes, they have not been consistently or reliably incorporated into the code. Changes that have been made to the code are not trackable and the progression of discussion, decisions, and resulting changes to the code language has not been documented.

DEFINITIONS

As I review Article 3, there are many inclusions of subjective language that are not defined in the Article nor in the Definitions.

PUBLIC INPUT

During the time I have been a member of the PZC, we have not solicited or even allowed public input into the code drafting process or into the policies and priorities that the new code is seeking to implement. I believe the public should be involved.

DENSITY & OPEN SPACE

I disagree with the approach of using identical density across the various rural zones. Staff has indicated the goals of the comp plan will be met by using different development requirements and open space priorities in each zone, however, as these hypothetical changes are not available yet they are impossible to evaluate. The way I read the comp plan, there are different areas of the County where differing densities are appropriate. Using a one-size-fits-all approach of uniform densities seems to be in contradiction to the comp plan. My current position is that densities should be set independently for each zone in a way that protects the unique resources of that zone. We have not clearly identified or understood the specific resources we are trying to protect in each area; we do not know what particular steps are necessary to protect what we are trying to protect; and as such we do not have the necessary information to be setting densities and open space percentage requirements at this point. The density allowances and open space percentages that have been proposed to date seem arbitrary.