TETON COUNTY

BOARD OF COUNTY COMMISSIONERS

MINUTES ● OCTOBER 13, 2020

Regular Meeting | **1st Floor Meeting Room** | **9:00 AM**

150 Courthouse Dr, Driggs, ID 83422

1. MEETING CALL TO ORDER - PLEDGE OF ALLEGIANCE

Commissioners Present:
Cindy Riegel
Harley Wilcox
Bob Heneage

Other Elected Officials and Department Heads Present:
Amber Pence, Asst to Commisioners

2. MOTION: *Approve Agenda*

RESULT:	ADOPTED [Unanimous]
MOVER:	Bob Heneage **SECONDER:** Harley Wilcox
AYES:	Cindy Riegel, Harley Wilcox, Bob Heneage

2. ACTION ITEMS: CONSENT AGENDA

RESULT:	ADOPTED [Unanimous]
MOVER:	Bob Heneage **SECONDER:** Harley Wilcox
AYES:	Cindy Riegel, Harley Wilcox, Bob Heneage

1. **Board of County Commissioners - Special Meeting - Sep 10, 2020 9:00 AM**
2. **Board of County Commissioners - Regular Meeting - Sep 28, 2020 2:00 PM**
3. **Board of County Commissioners - Special Meeting - Sep 30, 2020 10:00 AM**
4. **ACTION ITEM: FY21 10/13/2020 Claims Approval Report**
5. **ACTION ITEM: 10/13/2020 FY20 Claims Approval Report**

3. OPEN MIC ZOOM CALL IN #1-253-215-8782 MEETING #857 7121 7957

Maggie Shaw (zoom) - spoke opposed to the insignificant plat amendment for Teton Creek Resort.
Ed Smith (zoom) - spoke opposed to the insignificant plat amendment for Teton Creek Resort.
EW Nelson (zoom) - spoke opposed to the insignificant plat amendment for Teton Creek Resort.
Jenna Thompson (zoom) - spoke opposed to the insignificant plat amendment for Teton Creek Resort.
Steve Singer - spoke opposed to the Teton Creek Resort insignificant plat amendment.
Anne Callison - spoke opposed to the Grand Targhee expansion proposal.

Shawn Hill - Executive Director of VARD, spoke opposed to the insignificant plat amendment for Teton Creek Resort. Mr. Hill requested that the County issue a cease and desist order at the site.

4. PLANNING AND ZONING

1. ACTION ITEM: 10:00 AM - Stears Farm Subdivision Preliminary Hearing

The agenda item was mistakenly labeled a Preliminary Plat Approval Hearing, instead of a Final Plat Approval. The item will be placed on the next regular meeting.

RESULT:	TABLED [Unanimous]
MOVER:	Cindy Riegel **SECONDER:** Bob Heneage
AYES:	Cindy Riegel, Harley Wilcox, Bob Heneage

2. ACTION ITEM: 10:15 AM Educational Institution Conditional Use Permit

Senior Planner Joshua Chase presented the staff report. The County received numerous letters in support of the CUP, and only one that mentioned concern over noise. The Health District recommended a maximum of 70 student hours/week without additional upgrades to the septic system. The planning staff from the City of Victor voiced no concerns over the CUP.
The applicant , K'Lea Andreas was present and gave a brief overview of the proposed use. Ms. Andreas is a long time resident and is very interested in preserving the rural character of the area.
Environmental Health Specialist Kathleen Price from Eastern Idaho Public Health was present to answer questions regarding the septic system. Ms. Price had concerns with the initial letter written by EIPH and needs to consult with the applicant directly regarding septic capacity.

Public comment was opened at 10:50 AM.
No one present wished to speak.
Public comment was closed at 10:51 AM.

The Board expressed frustration that the septic system capacity was not handled by the P & Z Board. The Conditions of Approval need to be specified by the P & Z Board before presenting the CUP to the Board of Commissioners.

Remand the Educational Institution CUP to the Planning and Zoning Commission for the septic capacity and the number of students associated with that capacity, as well as the conditions of approval for the Certificate of Occupancy.

MOTION: *Remand the Educational Institution CUP to the Planning and Zoning Board for the septic capacity and the number of students associated with that capacity, as well as the conditions of approval for the Certificate of Occupancy.*

RESULT:	APPROVED [Unanimous]
MOVER:	Cindy Riegel **SECONDER:** Bob Heneage
AYES:	Cindy Riegel, Harley Wilcox, Bob Heneage

3. ACTION ITEM: Teton Creek Resort - Lot 12B - Insignificant Plat Amendment

Commissioner Riegel gave an update on the status of the Insignificant Plat Amendment for Teton Creek Resort. The Board has consulted with the County's attorney over the weekend. Commissioner Riegel

believes that the developer needs to submit a Master Condominium Site Development Plan with the configuration of units, architectural design, and landscaping. She believes that the cumulative impact of the three insignificant plat amendments over the last three years is substantial. Commissioners Wilcox and Heneage had no comment at this point.

Attorney Herb Heimerl, representing the applicant, reiterated that Idaho state law vests development rights to the owner when conditions are met and he believes those conditions have been met.

Kathy Spitzer, co counsel for the applicant, stated that the Board's only option is to deny or approve the application.

Planning Administrator Gary Armstrong believes that the application cannot be remanded to P & Z as a Substantial Plat Amendment, but needs to be denied as an Insignificant Plat Amendment. Mr. Armstrong would recommend the applicant would resubmit the Plat Amendment, and then the Board of County Commissioners would provide to Mr. Armstrong a written explanation with the specifics of the Code to show exactly why it would be something other than an Insignificant Plat Amendment.

MOTION: *Deny the proposed plat amendment for Lot 12B of the Teton Creek Resort PUD as filed pursuant to Teton County Code 9-7-1, as represented in the application submitted on September 21, 2020. Upon evaluation of the staff report, I further move that we deny it for the following reasons:*

1. Substantial changes have been made to the extent of roads, as well as the implied number of driveways and other impervious surfaces that are identified in the original Site Development Plan. The original plan identified compact parking areas at each of two multi-unit buildings. The proposed plat amendment has changed this configuration to sixteen implied individual driveways connecting to a semicircular road twice the length of the road depicted in the original Site Development Plan. The proposed amendment to the design for roads, parking and other impervious surfaces is not an insignificant change under Subsection vii of the definition of "Insignificant Changes" under Teton County Code Title 9 Chapter 7. The proposed plat amendment, as written, must be submitted as a "substantial change."

2. Substantial changes have been made to the amount of building footprint by square feet than that identified in the original Site Development Plan. The original Site Development Plan considered two, multi-unit buildings with compact parking areas. The plat amendment has changed the two multi-unit buildings into sixteen standalone modular homes, each with private garages and implied driveways. The proposed amendment to the number and configuration of buildings approximately doubles the footprint size by square feet and does not constitute an insignificant change under Subsection viii of the definition of "Insignificant Changes" under Teton County Code Title 9 Chapter 7. The proposed plat amendment, as written, must be submitted as a "substantial change."

Per Teton County Code 9-7-1, the Board of County Commissioners directs the Planning Administrator to schedule the application for review by the Planning and Zoning Commission pursuant to the procedures established for preliminary and final plat 9-7-1(B-3-b) and 9-7-1(B-4-b).

The Planning and Zoning Commission should also examine the buildings' proposed Use, which appears to be unlisted. The 1993 PUD did not approve the proposed Use, and no prior amendment approving the proposed Use has subsequently been approved. Per the existing building's permit application received on September 5, 2018, the structure's proposed Use is listed as "Single Family Dwelling with Attached Single Car Garage - Modular," and it was proposed to be placed by itself on a 2.7 acre lot. The current proposed plat amendment, however, proposes fifteen more of these "units"

on the same (now 2.95 acre) lot. This Use does not appear to comply with Teton County Code 8-4-1, Table 1 or conform to the definitions in Teton County Code 8-4-2.

RESULT:	APPROVED [2 to 1]
MOVER:	Bob Heneage **SECONDER:** Cindy Riegel
AYES:	Cindy Riegel, Bob Heneage
NAYS:	Harley Wilcox

4. Planning Department Update

Mr. Armstrong highlighted the need for applicants for P & Z Commission. Also, the LIDAR flight was successful, and the next step is getting the contract approved for the mapping. Mr. Armstrong requested a special meeting on Oct. 19 or 20 to approve the contract.

5. PUBLIC WORKS

1. Public Works Report

Road Construction Update:
4000 W road construction is proceeding on schedule. The Packsaddle Bridge reconstruction is slightly behind schedule.
A request has been made to include 700 feet of Lupine lane that lies outside the Victor City limits to the County Road map. Mr. Johnson would like guidance on if the Board would like to pursue adding this section of road to the County map.
Gate request at E250N:
Joselin Matkins, Executive Director of the Teton Regional Land Trust, was present to discuss installing a gate on Creek Bottom Trail, to prevent people from accessing the new Teton Creek pathway from this location. The official trailhead is the more appropriate place for the public to park.
Engineering:
The Multi Agency Facility CUP is scheduled to be heard at 6:30 PM on 10/14 at the Driggs P & Z meeting.
The BLM is moving forward again with their Travel Plan Update.
A meeting has been scheduled for October 15th for the BUILD Grant. Mr. Johnson will attend as well as Commissioner Riegel.

6. PUBLIC APPEARANCES

1. ACTION ITEM: Office Space for University of Idaho Extension Office

MOTION: *Approve the University of Idaho Extension Office to remain in its current location as provided by the current lease with the City of Driggs until Sept. 30th, 2021.*

RESULT:	APPROVED [Unanimous]
MOVER:	Bob Heneage **SECONDER:** Harley Wilcox
AYES:	Cindy Riegel, Harley Wilcox, Bob Heneage

7. ELECTED OFFICIAL AND DEPARTMENT HEAD MEETING

8. IT/EMERGENCY MANAGEMENT

1. IT/EM Monthly Report

Emergency Manager Greg Adams gave his report. Mr. Adams asked for direction on COVID mitigation strategies given that the EIPH removed all mitigation actions except the mask mandate. The EIPH Board stated in their last meeting that mandates and mitigation efforts are the responsibility of cities and county governments. The Board discussed putting together an advisory committee to help guide policy. Mr. Adams also brought up the COVID in the Courthouse and asked if the Board wants any further restrictions at the Courthouse. The Board did not think the situation warranted increased restrictions, but reminded County staff to keeps masks on and socially distance.

2. ACTION ITEM: Storage Increase for Datacenter Project

MOTION: *Approve the purchase of additional storage space for the datacenter project for $2,805.88 out of fund 1-14-804.*

RESULT:	APPROVED [Unanimous]
MOVER:	Cindy Riegel **SECONDER:** Bob Heneage
AYES:	Cindy Riegel, Harley Wilcox, Bob Heneage

9. BUILDING

1. Building Department Update

Building Dept. Manager Wendy Danielson gave the update.

10. CLERK

1. ACTION ITEM: Resolution 2020-1013 Transferring Funds prior to closing FY 2020

MOTION: *Approve Resolution 2020-1013 transferring funds prior to closing Fiscal Year 2020 as presented.*

RESULT:	APPROVED [Unanimous]
MOVER:	Bob Heneage **SECONDER:** Harley Wilcox
AYES:	Cindy Riegel, Harley Wilcox, Bob Heneage

11. COMMISSIONERS

1. Committee Reports

Commissioner Heneage had no reports.

Commissioner Riegel attended the EIPH Board meeting. Her takeaway was EIPH wants to be more hands off when it comes to COVID mitigation policy.
Council of governments meeting that covered Housing Authority Board appointments. The Council of Governments filled two vacant seats and also discussed increasing the number of Board members from five to seven due to an abundance of interest. The resolution will come before the Board at the next regular meeting. The Housing Authority has several affordable housing projects underway.

Commissioner Wilcox had no reports.

2. Board of County Commissioners - Regular Meeting - Sep 28, 2020 9:00 AM

12. ADJOURNMENT

MOTION: *Motion to Adjourn at 1:10 PM*

1:10 PM

RESULT:	ADOPTED [Unanimous]
MOVER:	Bob Heneage **SECONDER:** Cindy Riegel
AYES:	Cindy Riegel, Harley Wilcox, Bob Heneage

BY: _____ ATTEST: _____

Cindy Riegel Clerk or Deputy Clerk