TETON COUNTY

PLANNING & ZONING COMMISSION

PUBLIC HEARING

December 10, 2024
5:00 p.m.
First Floor Commissioners' Meeting Room
150 Courthouse Dr, Driggs, ID 83422

Members Present:	James Weber Tyler Wertenbruch Wyatt Penfold Wade Kaufman Rebeca A Baker Carl Kohut Tom Braun
Staff Present:	Sharon Fox Jade Krueger Torin Bjorklund

A. Approval of Minutes

Rebeca A Baker joined the meeting at 5:18 pm.

Carl Kohut joined the meeting at 5:29 pm.

MOVER: Tyler Wertenbruch
SECONDER: James Weber

Motion to approve.

Adopted

B. Chairman Business

1. ACTION ITEM: Swearing In of New Planning Commissioners

Mr. Heneage swore in the two new Commissioners, Rebeca Baker and Tom Braun.

MOVER: Wade Kaufman
SECONDER: Rebeca A Baker

I move to nominate Mr. Penfold as Chairman

Adopted

MOVER: Wyatt Penfold
SECONDER: Wade Kaufman

I move to nominate Mr. Tyler as Vice Chairman.

Adopted

C. Administrator Business

Mr. Krueger reminded the Commission she is now working part time only for the County. She next reviewed the upcoming projects in the upcoming year.

D. Action Items

1. 5:00 PM PUBLIC HEARING: Spud - Conditional Use Permit - Modification Hearing

Ms. Krueger reviewed the application for a CUP modification for the Spud Drive-In. The original CUP was approved in 2017 for 10 rental units and they were to be connected to the Driggs water and sewer. She reviewed the conditions of approval from the original CUP and the proposed changes to make all 10 units airstream trailers and to hook up to the City services. She reviewed the criteria for minor and major modifications to a CUP and felt the requested modifications were minor modifications. She also discussed the proposed conditions of approval for the modification.

Ms. Jen Zung with Harmony Design, representing the applicant, commented they are only requesting two changes to the existing CUP to change all units to airstream trailers and hook up the units to sewer service only. She stated they are designing a private on-site water system which is being reviewd and permitted at this time through DEQ. She also commented they are aware they will need to apply for a Scenic Corridor permit and provide screening and landscaping to screen the location of the trailers in the Scenic Corridor.

Mr. Tom Hedges, part owner of the Spud, commented on the reason for changing to the airstream units and commented they plan on having the Spud screen and movie projection system installed by next summer. Ms. Baker asked what use the parcel has had since it changed hands. Mr. Hedges commented they have not done anything to the parcel since they cleaned up the broken screen but there are some MD employees living in the employee house.

Public Comment:

There was no public comment.

Commission Deliberation:

Mr. Penfold commented he likes the look of the proposed changes for the site. Ms. Baker commented she was concerned with the employee housing use of the building on-site without knowing how many employees it is serving. She was concerned with combining nightly rentals, movies and employee housing on a residential lot. Mr. Kaufman felt that they are not expanding the approved uses, just modifying them. Mr. Kohut asked if the CUP had been reviewed in 2022 when it hit the 5 year mark. Ms. Krueger commented she did a review and found that they were in compliance at that time.

Ms. Baker wanted to see a condition to add an on-site water source and that the rental units could not be used until the drive-in is restored and operating. She asked Mr. Hedges about the proposed stage with the new screen and he said they would like to have local bands play before the movies and possibly a couple of live concerts during the summer. Mr. Hedges also stated they did not have a problem with not renting the units until the screen is restored. Mr. Kaufman asked Mr. Hedges what the intended use was for the airstream units. He said they would be short term rentals for the movie theater during the summer and potentially available in the winter. Mr. Kaufman asked if there was any communications with MD about using them for employee housing. Mr. Hedges said there were not any conversations about using them for employee housing.

MOVER: Rebeca A Baker
SECONDER: Tyler Wertenbruch

Having reviewed the application materials for the minor modification to the SPUD Campground Conditional Use Permit, and finding that the application meets the criteria in 4-14-E, I hereby move to APPROVE the Minor Modification to the existing 2017 Conditional Use Permit approval, which would allow the SPUD campground to change all 10 approved camp-site units to airstream units and connect them to the City of Driggs sewer system with the conditions listed in the staff report and including the following conditions:

1) Develop their own well;

2) Airstream units are not rented until the Spud is up and fully operational;

3) Scenic Corridor permit be reviewed by the Planning Commission when applied for.

Mr. Wertenbruch seconded the motion with the addition that the condition #3 from the staff report strike the word "water". Ms. Baker accepted the addition.

AYES (7): James Weber, Tyler Wertenbruch, Wyatt Penfold, Wade Kaufman, Rebeca A Baker, Carl Kohut, and Tom Braun

Adopted (7 to 0)

2. 5:30 PM PUBLIC HEARING: Artistic Stone - Special Use Permit - Employee Housing Hearing

Mr. Bjorklund reviewed the SUP for employee housing in the Driggs Centre business park to allow employee housing along with his industrial building for sign manufacturing. He reviewed the project background and proposed conditions of approval.

Mr. Jonathan Gallop with Resin Architecture, commented the first phase would be the industrial building for Artistic Stone operations and Phase 2 would be to bring in the employee housing unit.

Public Comment:

There was no public comment.

Commission Deliberation:

The Commission had no issues with the application.

MOVER: Tyler Wertenbruch
SECONDER: James Weber

Having reviewed the application materials for the Artistic Stone Special Use Permit for Employee Housing as well as the additional materials provided by staff and other agencies, and having found that the application meets the criteria found Teton County Land Development Code Section 4-8, Section 3-2, and Section 3-9-5, I hereby move to recommend approval of the SUP application with the conditions listed in the staff report.

AYES (7): James Weber, Tyler Wertenbruch, Wyatt Penfold, Wade Kaufman, Rebeca A Baker, Carl Kohut, and Tom Braun

Adopted (7 to 0)

3. 5:50 PM PUBLIC HEARING: Settlers Place Subdivision - Zone Change - Hearing

Ms. Krueger reviewed the process for approving a Zone Change application request to change the 9 lots in the Settlers Place Subdivision to IR zoning from the current residential zoning. The subdivision is adjacent to the Rocky Road Industrial Park on Hwy 33 that is zoned IR. She talked about the proposed site plan and the designated uses for

several local businesses, discussed some of the conditions of approval applied to the residential subdivision, and discussed some potential concern about ground water levels. She also pointed out that the zone change to IR would allow further subdivision of the lots based on the minimum lot size in the IR zone. She commented the proposed zone change does fit with the Comp Plan and would reinforce the character of the IR site adjacent to the property. She discussed additional screening along the highway and noted that all buildings proposed should have a Scenic Corridor review if they fall within the 500 ft. setback. Ms. Krueger also noted that during the subdivision approval process a TIS and NP study were not required and the industrial uses listed on the site plan may not be uses allowed in the current LDC so amendments might be required to allow those uses. Special Use Permits may be an option for those requests.

Mr. Wertenbruch asked what it would take for an IR zoned subdivision to trigger additional studies. Ms. Krueger commented the new code is less specific about the additional studies for IR zones than the previous code. Ms. Baker asked if the IR zone allowed taller buildings. Ms. Krueger commented that the IR zone allows a 45' building height.

Mr. Brent Crowther with Civilized Engineering, represent the applicant, commented he did not have any additional information to provide but offered to answer questions.

Mr. Jason Letham with Stillwater Design, representing the applicant, explained the response from potential purchasers was directed toward industrial uses so that was the reason for requesting the change in zoning.

Mr. Steven O'Brien, lot owner in Settlers Place, commented he is building a garage/shop on his property and that is why he supports the change to light industrial. He commented he would build a residential home if the IR zone change is not approved. Ms. Krueger noted that the IR zone does not allow for residential uses unless it is attached employee housing.

Mr. Crowther commented the subdivision developer put in a special water system after considering the change to IR zoning and wanted to provide water to each lot using the community water system well that would cover the fire suppression requirements.

Public Comment:

Mr. Richard Winters spoke in support of the change because he is under contract to purchase one of the lots if the zone change is approved.

Commission Deliberation:

Ms. Baker commented that the IR zone suggested low visibility from the highway and the 45' height would not comply. She did not believe it was appropriate in that location. Mr. Kohut felt the Comp Plan suggested

designation of Light Manufacturing zoning rather than IR zoning and did not want to expand the unattractive buildings to the north. Mr. Penfold commented the Planning Commission encouraged the IR zoning when the residential subdivision was approved based on the location adjacent to the Rocky Road subdivision that is fully developed. He felt it would allow businesses that are operating in residential subdivisions to move to a business location with existing commercial. Mr. Wertenbruch pointed out that the lots along the highway would be required to go through the Scenic Corridor review and they could require significant landscaping to screen the buildings. He felt they had an opportunity to make the businesses look better than the adjacent IR businesses. Mr. Braun suggested that the scenic corridor requirements should be discussed at this level rather than individually to ensure appropriate screening. He was also concerned with the future lot splits and the potential need for a community water system to support the uses. Ms. Baker was concerned with someone building a retail use on their lot. She was also concerned with the potential increase in traffic congestion. Mr. Braun pointed out that IR zone allows Light Industrial uses which could include a brewery, and something like that would significantly increase traffic. Mr. Baker asked if it was possible to restrict retail or service based industry uses in this subdivision. Mr. Kaufman pointed out the request is for industrial uses, not residential uses. Ms. Krueger noted that MD is zoned Commercial and they were allowed to apply for a Conditional Use Permit to allow the retail they have in place. Mr. Kaufman wanted to see more businesses opened to give local children an opportunity to stay and make a living after graduating and more residential uses does not help with local residents trying to keep their children in the valley. They need a place to work in local businesses and this zoning allows more small businesses to have a chance to flourish. He felt that preventing further subdivision of the lots would help keep the traffic to a minimum. Mr. Kohut commented the applicant decided to do a residential subdivision and he could of asked for IR zoning, but did not. He was against more industrial uses in the scenic corridor. Ms. Baker felt commented under the current zoning a lot owner could ask for a SUP to allow a business on their lot. Mr. Weber was concerned that there will be other property owners wanting to make the same change if this is approved. Mr. Penfold commented the discussion should focus on if the request meets the requirements of the IR zone designation rather than discussing the locations for proposing future IR zoning. Mr. Wertenbruch commented they can come in individually and apply for a SUP for their intended business proposals without changing the zone to IR. He did not feel this was an appropriate location for IR zoning. Mr. Kohut reiterated that they still have the option under the current zoning to apply for an SUP for a business on their lot. Mr. Wertenbruch commented that the Commission should consider the restriction of further lot split options on these lots to eliminate potential traffic impacts from multiple business uses versus residential uses.

Mr. Braun had to leave to attend another meeting but commented the applicant should come back with a better design to address the scenic corridor issues. He wanted to see a TIS done based on the full range of uses that could occur in this IR zone, and wanted to see NP study done to ensure this change would not be detrimental to the water table with the zone change. He also wanted the applicant to volunteer to restrict further subdivision of the lots so it does not have to be restricted by the County. He felt a further discussion was needed before moving the project forward with a positive recommendation.

MOVER: Tom Braun
SECONDER: Rebeca A Baker

I move to continue the public hearing for the Settlers Place Subdivision Zoning Map Amendment until February 11, 2024 in order to obtain the following additional information from the applicant : 1) Return with a completed NP investigation; 2) A complete traffic impact study be performed based on 9 lots and all uses allowed within the Light Industrial and IR zones; 3) The applicant come back with agreement to restrict further subdivision of lots; and 4) Provide a design for significant improvements for scenic corridor overlay requirements rather than having individual lot owners apply.

AYES (5): James Weber, Tyler Wertenbruch, Rebeca A Baker, Carl Kohut, and Tom Braun

NAYS: (2): Wyatt Penfold, and Wade Kaufman

Adopted (5 to 2)

4. 6:15 PM PUBLIC HEARING: Fishwater Ranch Subdivision Short Plat Hearing

Mr. Bjorklund reviewed the request for a 2 lot subdivision on 20 acres located in the AOI for Victor. He discussed the LDC compliance, agency comments and suggested conditions of approval.

Mr. Taylor Cook with Nelson Engineering, representing the applicant, commented they have corrected some of the issues in the conditions of approval already and have no issues with meeting the remaining conditions. He also commented on the CC&Rs that cover this parcel that are being adhered to as well.

Public Comment:

There was no public comment.

Commission Deliberation:

The Commission had no concerns with the application.

MOVER: Tyler Wertenbruch
SECONDER: Rebeca A Baker

Having concluded that the Criteria for Approval of a Subdivision Short Plat found in the LDC (4-12) have been satisfied, I move to approve the Short Plat for Fishwater Ranch Subdivision as described in the application materials submitted August 28, 2024 and additional information attached to the staff report with the conditions of approval listed in the staff report and the additional condition: A letter of approval from the irrigation company.

AYES (6): James Weber, Tyler Wertenbruch, Wyatt Penfold, Wade Kaufman, Rebeca A Baker, and Carl Kohut

Absent (1): Tom Braun

Adopted (6 to 0)

5. 6:35 PM PUBLIC HEARING: Setback Variance Request Hearing

Mr. Bjorklund reviewed the request for a variance for a 40' setback on the driveway location. He reviewed the history of the application and the changes that were made that were not approved by the County during the building permit review process. He commented on the original site plan and the new site plan had moved the building 70' higher onto the parcel than the approved site plan. He discussed the review criteria for a Variance application. Mr. Bjorklund read into the record a public commented submitted by Van King submitted after the Commission packet was distributed and a letter was received from the HOA after the deadline as well.

Mr. Rob Hueseveldt with Sunrise Engineering, representing the applicant, commented the size of the house is not changing but the original site plan showed only the footprint of the house but did not show the decks and porches on the outside of the house that stick out. He stated they agree with staff that this Variance request was the appropriate way to deal with the issue. He stated the property owner went around and visited with neighbors and discussed what he wanted to build on his lot and did not encounter objections. He commented they placed the house in the current location because it would require the least amount of grading and disturbance to the site. He also noted that the CC&Rs designate a building site for the parcel and that is where the home is being built.

Mr. Wertenbruch asked why the applicant didn't discuss the changes with the Building Department when changes were being made after submitting the building permit. Mr. Hueseveldt commented the owner would need to address that.

Mr. Mark Canfield, applicant, commented the house was always intended to be in the flat spot it is now located in because of the slope and the potential for flooding every spring based on the lot topography. He said he was not aware he needed to make any changes to the building permit He stated he was concerned with relocating the electric lines and that is part of the reason for the house location as it is being built. He also stated he had no issues with adding additional landscape features to help mitigate the views from adjacent properties.

Public Comment:

Mr. Van King, resident in Luck E Leven subdivision, provided some images of the site and was concerned that the house is being built in his view corridor for the house he is currently building and did not get contacted by the applicant regarding the location of his home. He was proposing the Commission add a condition of screening to the area in front of the home and he would not be as concerned.

Applicant Rebuttal:

Mr. Cody Lund with Elk Ridge Builders, contractor for the home, commented the square footage of the home is 2975 sq. ft. living space and the garage is 1020 sq. ft. so the total of the structure is around 4000 sq. ft. and the height is 21.4 high which is below the allowed 30'. Mr. Kohut asked why they did not go back to the County when changes were made. He stated the original engineer that designed the first home provided a site plan that had a home shown in a place that was on the hillside. When they changed engineers Sunrise pointed out the challenge of the slope and so they redid the site plan and did not believe they needed to ask for a change of the house location as long as it was within the setbacks. They believed when the original design was done that the west side was the back of the lot but the County has decided that was not the back of the lot. The setbacks were met if the back of the lot was on the west side of the parcel and they didn't realize the south side was the back of the lot.

Mr. Bjorklund commented on the original site plan the building location was shown 42' from the rear of the property based on the applicant showing the west side was the rear of the parcel. The applicant showed a 30' setback on the original site plan and the revised site plan had designated that setback as 40'. Mr. Kohut asked what triggers a revised site plan. Ms. Krueger commented the County is accountable for the building location based on our regulations and the neighbor's rights if an error was made in approving the permit application. Whenever any building locations are changed a revised site plan is required.

Commission Deliberation:

Mr. Weber was in favor of the application because of the cost and site disruption moving the foundation would require and the willingness of the

owner to mitigate the impact with landscaping. The Commission agreed that this was the best solution for the issues encountered on this home construction.

MOVER: James Weber
SECONDER: Wade Kaufman

Having concluded that the Review Criteria of a Variance found in Chapter 4-9 of the Land Development Code can be satisfied with the inclusion of the conditions of approval listed in the staff report, I move to approve the Variance for Mark & Robin Canfield as requested in the application materials submitted November 8th, 2024.

AYES (5): James Weber, Tyler Wertenbruch, Wyatt Penfold, Wade Kaufman, and Rebeca A Baker

NAYS: (1): Carl Kohut

Absent (1): Tom Braun

Adopted (5 to 1)

E. Adjourn

MOVER: Tyler Wertenbruch
SECONDER: James Weber

MOTION: *Adjourn at 8:10 PM*

AYES (7): James Weber, Tyler Wertenbruch, Wyatt Penfold, Wade Kaufman, Rebeca A Baker, Carl Kohut, and Tom Braun

Adopted (7 to 0)

Cindy Riegel, Chairperson

County Clerk or Deputy