



STATEMENT OF DECISION
November 22, 2016

CONCERNING: Wildlife Rehabilitation Facility

HEARING DATES: 11-16-16 (P&Z Commission)

APPROVAL DATE: 11-16-16

APPLICANT: Teton Wildlife Rehabilitation Center (TWRC) c/o Renee Seidler & Lindsay Jones

LOCATION: 595 Bates Rd (South of Bates Rd and east of the substation)

RP#: RPA0000352867A

CONDITIONAL USE PERMIT: Title 9 Chapter 8 requires a “kennel, animal hospital or veterinary clinic” to obtain a Conditional Use Permit. A wildlife rehabilitation facility was considered to be similar in nature to this land use and eligible to apply.

APPLICABLE PLANS AND ORDINANCES: The Plan and Ordinances applicable at the time of application are: Driggs Comprehensive Plan adopted by Driggs Resolution 300-15 and Driggs City Code Title 9, last amended by Ordinance 352-15.

CRITERIA AND STANDARDS: The proposal was processed in accordance with Title 9 Chapter 2B. P&Z may permit conditional uses where they are found to not be in conflict with the Comprehensive Plan and the Zoning Ordinance. P&Z may attach conditions to the permit that:

1. minimize adverse impact on other development;
2. control the sequence and timing of development;
3. control the duration of the development;
4. assure the development is maintained properly;
5. designate the exact location and nature of development;
6. require the provision for on site or off site facilities or services; and
7. require more restrictive standards than those generally required in this title.

PROPOSAL: The proposal is to construct a facility on a 3 acre site with outdoor pens and one building used as an office, animal intake, and treatment. The narrative, supplemental information, and a site plan further explain and depict the scope of the use.

FINDINGS: The Staff Report identifies the full analysis and suggestions for site improvements and features to help minimize adverse impact on other development and assure the property is maintained properly. The P&Z Commission voted to approve the CUP based on the following findings:

1. The structure and parking lot comply with required setbacks for the A-0.5 zone.
2. The facility complies with the Comprehensive Plan’s future land use map, which identifies this area for low density development considering that it will not be open to the public and contain one 2,000sf office on 3 acres.
3. The facility complies with the Comprehensive Plan’s call for action to support a more diverse local economy because this business would bring in jobs.
4. The facility is considered a service industry and is in line with the Comprehensive Plan’s request that “those services that require more land or are noise intensive (auto garage, veterinary, self-

storage, etc.) should be located in pockets of commercial land that are well-buffered from residential uses” because it is on a larger piece of land and surrounded by the substation and currently vacant property that is zoned for low-density residential.

5. The conditions of approval are necessary to assure protection and compatibility with the surrounding properties, uses and neighborhood.

CONDITIONS:

The Conditional Use Permit is approved for wildlife rehabilitation facility as depicted on the attached site plan and described in the application and Staff Report with the following conditions:

1. The CUP shall be valid for 2 years from date of approval. If a Business Registration is not applied for and the site is not improved per the site plan or a building permit is not applied for and pursued in good faith within 2 years then the CUP shall become null and void.
2. Proof of Liability Insurance must be submitted at time of Business Registration and at time of renewal each year.
3. The operator must obtain all the legally required licenses and permits from federal and state agencies prior to the animal arriving on site. Copies of permits must be available upon request by the city.
4. The setbacks for cages from the east and west property lines shall be increased to 15’ to accommodate for a landscape buffer with trees.
5. All manure piles are subject to the following standards:
 - a. Shall be removed from the premises as needed to avoid odor from escaping beyond the premises and/or applied to an agricultural field meeting all local, State, and Federal requirements for land application;
 - b. Shall be stored no closer than 20 feet to any parcel boundary.
6. The parking lot may consist of a compact gravel surface.
7. Outdoor storage of equipment is not permitted, except for vehicles and trailers that may be parked in the parking lot or improved driveways.
8. One year after the business registration is issued the P&Z Commission shall review the Conditional Use Permit to assess the adequacy of the conditions’ ability to mitigate impacts to the surrounding properties. The fence type, landscaping, and setbacks of the manure pile and cages will be evaluated and changes or improvements may be requested.
9. The site shall not be open to the general public in order to limit traffic.

PUBLIC RECORD:

- Application 9/28/16
 - Narrative
 - Site plan
 - Property owner’s consent
- Revised Site Plan 11/1/16
- Concept Plan views (visual renderings) 11/1/16
- Applicant’s Supplemental Information 11/1/16
- Public Hearing Notice
 - Published 10/27/16, 11/3/16
- Staff Report, P&Z – 11/14/16
- Meeting Minutes
 - P&Z Commission- 11/16/16

CONCLUSION: P&Z approved the Conditional Use Permit based on the findings above. The approval is valid for 2 years from the date of approval (11/15/2018).

An affected person aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code. An appeal shall be from the final decision and not limited to issues raised in the request for reconsideration.