**AGENDA**
**PLANNING AND ZONING COMMISSION**
**WORK SESSION (with Board) & PUBLIC HEARINGS**
**July 12, 2016**
**STARTING AT 4:00 PM**

**Amended on 6-29-2016 to add Item #3**

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

1. Approve Minutes
   - June 14, 2016
2. Chairman Business
3. Administrator Business

**4:00 PM – Item #1 – WORK SESSION: Draft Code:** Discussion of Draft Land Use Development Code with the Board of County Commissioners.
**No public comment will be taken regarding the Draft Land Use Development Code.**

**6:00 PM - Item #2 – PUBLIC HEARING: Concept Approval for Mountain Legends Ranch Subdivision.** Peacock Property LLC is proposing a subdivision on two parcels of land (approximately 197 acres) north of Driggs. The lots will be 2.5 acres, with approximately 100 acres in open space easements. These parcels are zoned A-2.5.
**Legal Description:** RP05N46E084500 - TAX #6485 SEC 8 T5N R46E FKA Mountain Legends Ranch; RP05N46E078250 - TAX #6484 SEC 7 T5N R46E FKA Mountain Legends Ranch

**7:00 PM – Item #3 - SCENIC CORRIDOR DESIGN REVIEW: Halsey Hewson.** Building a storage shed on his property south of Victor, in the Victor Area of Impact, located at the corner of Highway 33 and E 9500 S. The property is completely within the Scenic Corridor Overlay.
**Legal Description:** RP03N45E134210; TAX #6795 SEC 13 T3N R45E

**The River Rim Public Hearing has been canceled. The applicant withdrew this application on June 24, 2016.**
~~**7:30 PM – Item #3 – Continuation of 5/10/2016 PUBLIC HEARING: Application for River Rim Ranch PUD Division II to amend the Phase I Plat and Development Agreement.** GBCI Other Real Estate, LLC & 211 West Rim, LLC, is proposing an amendment to the River Rim Ranch PUD Division II, Phase I, Final Plat that would return the golf course portion of the PUD and the "incidental uses" associated with the golf course. The proposed amendment includes the following changes to the West Rim Village (entrance) Area: office, conference space, and spa uses in the existing headquarters building; A commercial support center with a gift shop, coffee shop, and convenience store uses; A recreation center; 12 work force housing units; and storage facility. The proposed amendment also includes the following changes to the Golf Village Area: Modifying Tract D from 45 Cluster Chalets to 48 two room "Hospitality Suites"; Modifying Tract E from 12 residential lots to 48 two room "Hospitality Suites" and Pro Shop, dining and spa uses; eliminating the 3 residential lots on Tract G for the O&M facilities; removing the 6 lots from Tract J for the driving range. The Development Agreement would be modified to: allow the golf course and associated incidental uses, identify the uses of each lot/tract in Phase I, and update the cost estimate and timelines.~~
~~**Legal Description:** River Rim Ranch Division II PUD, Phase I. Further described as: Parts of Sections 8, 9, 16, 17, 20, 21, 22, 29 Township 6N Range 45E B.M., Teton County.~~

**ADJOURN**

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- **Written comments received by 5:00 pm, July 5, 2016 will be incorporated into the packet of materials provided to the Planning & Zoning Commission prior to the hearing.**
- Information on the above application(s) is available for public viewing in the Teton County Planning and Zoning Office at the Courthouse between the hours of 9am and 5pm Monday through Friday.
- The application(s) and related documents are posted, at www.tetoncountyidaho.gov. To view these items, select the Planning & Zoning Commission department page, then select the 7-12-2016 Meeting Docs item in the Additional Information Side Bar.
- Comments may be emailed to pz@co.teton.id.us. Written comments may be mailed or dropped off at: Teton County Planning & Building Department, 150 Courthouse Drive, Room 107, Driggs, Idaho 83422. Faxed comments may be sent to (208) 354-8410.
- Public comments at the public hearing are welcome.

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

**DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION**
**Meeting Minutes from June 14, 2016**
**County Commissioners Meeting Room, Driggs, ID**

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

**COUNTY STAFF PRESENT**: Ms. Kristin Rader, Interim Planning Administrator, Kathy Spitzer, County Attorney

**ELECTED OFFICIALS**: Bill Leake, Cindy Riegel, and Kelly Park.

The meeting was called to order at 4:03 pm.

**APPROVAL OF MINUTES**:

**MOTION**: Mr. Arnold moved to approve the Minutes from May 17th as amended. Mr. Booker seconded the motion.

**VOTE**: The motion was unanimously approved. Mr. Hensel abstained from voting because he did not attend the May meeting.

**CHAIRMAN BUSINESS**: Mr. Hensel commented he did not have any specific business other than recommending going back to a once a month meeting schedule, if possible.

**ADMINISTRATIVE BUSINESS**: Ms. Rader asked the Commission if the 13th of July at 5:30 PM would work for a joint Teton County-Driggs Planning Commission meeting for an application in the Driggs Area of Impact. The County has to provide two Commissioners for this meeting. Mr. Larson & Ms. Johnston volunteered to attend the meeting.

The Work Session started at 4:07 PM. Mr. Marlene Robson was not in attendance for the meeting. Mr. Moyer and Mr. Breckenridge arrived after the work session started.

**4:00 PM – Item #1 – WORK SESSION: Draft Code:** Discussion of Draft Land Use Development Code with the Board of County Commissioners.

Ms. Rader presented two different schedules for adoption of the new Code by the end of the year. The first timeline showed the final adoption of the Code in October and the 2nd timeline presented showed final adoption in December. Both timelines showed a joint work session on June 21st to discuss Frequently Asked Questions and community outreach schedules. Notice dates for the P&Z public hearings and BoCC public hearings for public comment on the Code were also discussed.

Different approaches were discussed for public outreach including newsletters, flyers around town, the local newspaper, the County website and Facebook. Mr. Rader also commented she would work with the local farmers to try and accommodate their harvest schedules in the Fall. Mr. Arnold suggested reaching out to the farming community before the harvest season and ask them about the timing before deciding on the public comment meeting dates. Stakeholder meeting options were also discussed as far as scheduling and suggested participants, along with informal open house meetings throughout the valley.

Ms. Johnston asked Ms. Rader about the process for collecting the public comments at the outreach sessions and stakeholder meetings and presenting them collectively to the Commission. Ms. Rader commented she would organize the comments and include her responses as well. Mr. Larson was concerned with the amount of time required to accomplish that considering the staff shortage. Ms.

Rader commented she was committed to the process and did understand the time constraints. Mr. Booker commented he felt the December adoption schedule was more appropriate in order to accomplish the outreach required and to give the staff time to incorporate the comments. It was the consensus of the Commission that the December adoption timeline would be the appropriate one to use, as long as the adoption does not get pushed into the January 2017.

The Commission next discussed the public meetings and the need to present any changes to the public more than once. Ms. Rader walked through the process and possible scenarios for presenting revisions and noticing the public about the changes. The Commission felt the majority of changes based on the public comment would happen before the final version of the proposed Code gets to the BoCC. The input from the first and second BoCC public comment hearings will be addressed and available to the public before the final BoCC public hearings in November and December.

The Commission also discussed presenting the proposed Code as it compares to the existing Code versus emphasizing how the proposed Code accomplishes the goals of the approved Comp Plan. Mr. Hensel commented that he thought the Executive Summary was more geared toward that type of comparison.

Ms. Rader asked for specific guidance regarding the timeline agreed upon. The Commission was concerned that the public outreach timeframe was in the middle of the harvesting season, but felt it was important to move the Code forward to the BoCC as soon as possible to get the second public outreach session started. It was decided that the public notice for the first P&Z hearing on September 13th would go out on August 19th and that would be the beginning of the public outreach sessions. The first P&Z meeting on September 13th would be completely open to public comment. The second meeting on September 20th would be continued public comment if necessary and Commission discussion. The third meeting on September 27th would be continued Commission discussion, revisions, decisions on the recommended Code. It was also decided that the first joint work session proposed for June 21st would be moved to June 23rd because Mr. Leake will be unable to attend on the 21st. Neither the Commission or the BoCC had a problem with the other dates prior to beginning the stakeholder meetings.

The work session was closed at 5:49pm. The Commission took a short break.

The Public Hearing was called to order at 6:00 PM.

**Continuation of 5/17/2016 PUBLIC HEARING: <u>Amendment to Title 9, Teton County Subdivision Ordinance</u>** – Proposing amendments to Title 9 to add CHAPTER 11 - BUILDING PERMIT ELIGIBILITY OF PREVIOUSLY CREATED PARCELS. This amendment is intended to establish procedures for placing purchasers of illegally split parcels on notice that such parcel split occurred in violation of the LLUPA (Idaho State Code 67-65) and the requirements of Teton County Code-Title 9, and to provide a means for certifying that the real property does comply with the provisions of LLUPA and Teton County Code-Title 9.

Mr. Hensel asked the Commission for their input on the changes incorporated into the new draft from the previous meeting since he was not present at that time. Ms. Johnston asked if they were going to open the hearing up to the public or moving on to deliberation. Mr. Hensel commented the public comment section of the hearing was closed before at the previous hearing. Mr. Arnold commented that was his understanding and Mr. Booker, who chaired the last meeting, commented that the public comment was closed before the Commission deliberation.

Ms. Johnston commented that there were three outstanding items in the ordinance, in her opinion. The first point she discussed involved definitions. She was concerned that the ordinance contained too many different terms that were confusing on their meaning. She felt there was a need to clarify

with definitions for things like “lot of record”, “legal”, and “buildable”. Mr. Breckenridge asked about a “lot of record” definition. Ms. Johnston commented that a “lot of record” is buildable, but there are other legally created parcels that are not necessarily a lot of record. She wanted a consistent term to talk about lots. The next item Ms. Johnson discussed was her opinion that if a building right has been issued for a parcel, it should be deemed a buildable parcel. She felt that if a permit for physical development was issued by the County since the parcel was created, it should be a part of the determination to deem the parcel a lot of record. Mr. Hensel asked if a building permit constitutes a lot of record in her opinion. He was wondering about the lot that was split off and it’s rights. Ms. Johnston felt it should, and felt that there were numerous other jurisdictions and counties that have ordinances regarding that problem and they could learn from researching existing ordinances. The third item she discussed was regarding the parcel rectification process. She was concerned with the complication of the process and the time involved to rectify it. She stated she doesn’t see the process outlined in 9.11.7 C as necessary and felt that it just muddies the water and should be eliminated. There were already plenty of options outlined that would be appropriate. She was also concerned with 9.11.8 titled Denial of Application and wondered if that should go away as well.

Mr. Hensel asked Ms. Spitzer about her objection to the lot of record definition. Ms. Spitzer explained the need for both sides of a parcel lot split to cooperate to rectify the situation. If someone had used the one time only lot split signed off by the Planning & Zoning Administrator, that would create a lot of record. However, if someone just deeded off two pieces of land and did not go through any process, and one of the new lot owners got a building permit, the other owner would have a lot without any building rights because the entire parcel has to go through the process and requires the cooperation of both owners. Mr. Hensel asked Ms. Rader’s opinion on that part of the ordinance. Ms. Rader explained that section 9.11.7 C. was there because in the original draft the option of making all one time only surveys buildable wasn’t there, and since that option is now there she has not been able to come up with an actual example from the inquires that she has done that would meet the requirements of the parcel rectification process. She stated that she was not sure that section would be necessary with the other options that are available with this ordinance.

Mr. Booker asked if all of the parcels that were found to be illegal were issued parcel numbers and have been paying taxes? Ms. Rader commented that some people have split parcels that do not have a legal parcel number attached to their lot and some have parcel numbers that were never legally split, and paying taxes on a lot has nothing to do with building rights. Ms. Spitzer commented the lots still have value, and that assessed value is up to the Assessor.

Ms. Johnston asked if everyone was OK with getting rid of 9.11.7 C and the Commission agreed. Mr. Larson commented when he read that section he was confused as to what it applies to. Mr. Booker agreed. Ms. Johnston asked about adding on or making improvements or building a garage on a non-conforming lot. Mr. Larson commented that some of them were done by the county as one time only lot splits and they thought were creating buildable lots, so he felt the county should you let them go.

Mr. Breckenridge felt if the county deeded it off and issued a building permit, they can’t take back rights or refuse to allow an improvement on the lot. Ms. Johnston agreed that it was difficult to address each individual case with one ordinance. Ms. Spitzer commented that the lot split process can be agreed upon within the family without giving the other split any rights, and need the cooperation of all owners to accomplish the short plat process giving the new lot building rights.

She felt this was a way to accommodate a person who has only one other person involved in the lot creation.

Ms. Johnston agreed with Ms. Spitzer on the inequities of the situation. She was also concerned with the lack of good records, and a lot of building permits are not on record in the county. That makes enforcement much more complicated.

Mr. Booker asked what the harm to the county is if they admit they made a mistake and moved forward. He didn't want people to have to go through process if they didn't make a mistake or do anything wrong in the first place. Ms. Spitzer commented you would be violating a state law allowing illegal lots to have building rights. Ordinances that are adopted have to be enforced. She said what was not OK is if they did not go through the appropriate planning process, even if it was wrong or the code was misinterpreted. Mr. Hensel asked if he bought a 20 acre parcel in a subdivision and another 20 acre parcel was split into 3 parcels, could he sue the county for allowing the split? Ms. Spitzer commented he probably could do that.

Mr. Moyer said during the public comment at the last meeting people had lot splits that went through the process. They thought they did the right thing and ended up with a non-buildable lot. Ms. Spitzer commented they ended up with lots that were still Ag designated, that is why they are non-buildable. Ms. Rader commented the Ag split process is an exemption from the subdivision process with no notice to the public. It has been clearly defined since 1969 that is for Ag purposes only and does not involve residential rights.

Mr. Hensel asked about addressing non-conforming lot problems on an individual basis. Ms. Johnston agreed putting the non-conforming issue somewhere in the new code would be better.

Mr. Booker asked about the few lots that had no options. He asked if there are still lots out there like that. Ms. Rader commented she felt there were only a few lots that have a survey that she has seen with the problem, and most of them were fixable. He wanted to know that those small problems were fixed and that the proposed ordinance wouldn't change that.

Mr. Larson commented on Page 2 E, and wanted to add one word. He wanted to add verifying the "final" approval just to make it more clear.

**MOTION**: Ms. Johnston moved that as the Planning & Zoning Commission we recommend approval of Ordinance No. 2016-9-11 more or less as drafted with the inclusion of a lot of record definition that is used consistently throughout the Ordinance and defined clearly, and with the removal of 9.11.7 C. in its entirety, and with the removal of 9.11.8, and with the removal of 9.11.2 Part F. which also references the other part deleted. Also, on line 66 adding the word "final" prior to the word "approval". Mr. Larson seconded the motion.

**VOTE**: The motion was unanimously approved after a roll call vote.

**7:00 PM – Item #3 – Continuation of 5/10/2016 PUBLIC HEARING: <u>Application for River Rim Ranch PUD Division II to amend the Phase I Plat and Development Agreement.</u>** GBCI Other Real Estate, LLC & 211 West Rim, LLC, is proposing an amendment to the River Rim Ranch PUD Division II, Phase I, Final Plat that would return the golf course portion of the PUD and the "incidental uses" associated with the golf course. The proposed amendment includes the following changes to the West Rim Village (entrance) Area: office, conference space, and spa uses

in the existing headquarters building; A commercial support center with a gift shop, coffee shop, and convenience store uses; A recreation center; 12 work force housing units; and storage facility. The proposed amendment also includes the following changes to the Golf Village Area: Modifying Tract D from 45-Cluster Chalets to 48- two room "Hospitality Suites"; Modifying Tract E from 12 residential lots to 48- two room "Hospitality Suites" and Pro Shop, dining and spa uses; eliminating the 3 residential lots on Tract G for the O&M facilities; removing the 6 lots from Tract J for the driving range. The Development Agreement would be modified to: allow the golf course and associated incidental uses, identify the uses of each lot/tract in Phase I, and update the cost estimate and timelines.

**MOTION**: Ms. Johnston moved to continue Item #3 to July 12th based on insufficiency of the materials the applicant turned in. The applicant will have until the end of the day on June 27th to resubmit information. Ms. Rader commented that there was already a two hour work session with the BOCC beginning at 4 pm scheduled for that date and a subdivision application to hear starting at 6 pm. River Rim application will begin at 7:30 pm. Mr. Larson seconded the motion.

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

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

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

The meeting was adjourned at 7:10 pm. The public had some questions about what exactly was being requested that was not presented and the applicant wanted some specific guidance from the Commission.

**MOTION**: Mr. Booker moved to cancel the previous motion to adjourn the meeting in order to explain to the applicant what information is being requested. Mr. Breckenridge seconded the motion.

**VOTE**: The motion was unanimously approved to reopen the meeting.

Mr. Hensel apologized for the lack of discussion before adjourning the meeting. The Planning Commission, staff and the applicant discussed what specific information they would like to see for the next meeting. The motion from the previous hearing was displayed on screen and the Commission members went through the requested information and provided their input.

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

**VOTE**: The motion was unanimously passed. The meeting ended at 8:00 pm.

Respectfully submitted,
Sharon Fox, Scribe

_____ _____

Dave Hensel, Chairman Sharon Fox, Scribe

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**TETON COUNTY PLANNING AND ZONING COMMISSION**
**JOINT MEETING WITH THE BOARD OF COUNTY COMMISSIOENRS**
**Meeting Primer – July 12, 2016**
**Commissioners' Chambers - Driggs, ID**

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**Documents to Review**

- Draft Summary of Code Update for public outreach
    - This is a 2-page flyer that could be used for different outreach events that helps the public understand the process and the code changes.
        - The intent of this document is to provide enough information to spark someone's interest to look into the code or ask question without providing so much detail that it is confusing or too much for anyone to continue reading.
        - We have discussed doing a 5-10 page summary of the code process and how it complies with the comp plan. This is still something we can do, but it may not be the best option for public outreach.
    - The first page focuses on why we are updating the code, the process, and some of the major changes.
    - The second page focuses on how the code complies with the Comp Plan. This page isn't finished in this draft.
        - The proposed idea for this page is to list the goals from the comp plan and include a few sentences each to summary how the code is meeting those goals.
        - Another option would be to provide a summary of the goals and how the code is meeting them.
    - The formatting and general look of this document can change to be more "eye-catching" or remain simple.
- Frequently Asked Questions
    - This FAQs sheet is intended to relate to the draft code, not to planning topics in general.
- Code Changes
    - This is a list of code changes I have identified so far. I plan to continue going through the code in more detail to identify more. There are also some areas that need to be clarified/added and discussed with the PZC/BoCC before changing but need some more information that available at this time – i.e. short term rental regulations, restrictions to sleeping units/recreational residences, etc.

# WHAT YOU NEED TO KNOW
## about the Teton County, Idaho Land Use Development Code Update

### Why is the Code being Updated?

From 2010-2012, Teton County went through an extensive rewrite of the County's Comprehensive Plan. The rewrite presented a clearer understanding of the goals, desired policies, and the character of Teton County after the development boom in the mid-2000s.

This new Comprehensive Plan created a need to update the County's Land Use Codes (Subdivision and Zoning) because Idaho's Local Land Use Planning Law (§67-65) specifies that county zoning ordinances, subdivision regulations, and official zoning map must not be "in conflict with the policies of the adopted comprehensive plan" (§67-6511-c).

### How does the Code Update get Approved?

First, the Planning & Zoning Commission must hold a public hearing on the Draft Code, get public input, then make a recommendation to the Board of County Commissioners.

The Board of County Commissioners can hold public meetings to review the recommended code. After material changes are made, the Board has to hold a public hearing, get public input, then approve the code. The Board has to pass a Resolution to officially adopt the code.

### What parts of the code are being updated?

**Zoning Districts**
Currently, most of Teton County is zoned A-2.5 or A-20. One of the biggest differences between the current code and the updated code is the change in Zoning Districts. The new residential districts include Rural Agriculture, Lowland Agriculture, Foothills, and Agricultural Rural Neighborhood. These new zoning districts are based on the character of the land, identify priority open space areas unique to each district, and identify ways that development should be designed to reflect the character of each zoning district.

**Land Split Options**
The updated code is providing new options to split your land. The One Time Only land split is still available. There is also a Land Division option, which allows you to create up to 4 lots, total. The subdivision process has been split into two process: a Short Plat option, which allows you to create up to 5 lots, total, and a Full Plat option, which allows you to create larger subdivisions. The Land Division option does not require the dedication of a public right-of-way or the extension of utilities.

**Density & Minimum Lot Size**
In the updated code, density and minimum lot size are different. Density is the number of lots allowed per acre, and minimum lot size is the minimum acreage allowed for a lot. If your density is 1 lot per 20 acres and you have 100 acres, you would be eligible for 5 lots. Those 5 lots could range in size as long as they are not smaller than 1 acre. This means you could have 5, 1 acre lots with 95 acres of open space or 5, 20 acre lots, or a variety of lot sizes. This code also provides three different density options for the Short Plat and Full Plat processes. This means you can choose how many lots you're eligible for and how much open space you will have to provide. For example, if you provide 75% open space, your density may be 1 lot per 10 acres, but if you only provide 25% open space, your density may only be 1 lot per 30 acres.

**Open Space**
The updated code requires open space with the Short Plat and Full Plat processes. Your zoning district will determine what your open space will be (i.e. agricultural land, steep slopes, wildlife habitat, wetlands and floodplain, etc.). You can also choose how much open space you want to provide (25%, 50%, 75% in Rural Districts or 20%, 40%, 60% in Ag Rural Neighborhood). As more open space is provided, the density allowed is increased.

### How You Can Be Involved

- Stop by the planning office to ask questions
- Check out www.tetonvalleycode.org/teton-county/ and www.tetoncountyidaho.gov
- Watch for public outreach events around town and meeting notices in the newspaper, online, or at the Courthouse
- Attend meetings, provide written public comment and/or oral public comment. You can even comment directly from the Teton Valley Code website!

# Compliance with the Comprehensive Plan Goals & Policies

## natural resources + outdoor recreation

- Conserve our public lands, trail systems, and natural resources (air, water, wildlife, fisheries, wetlands, dark skies, viewsheds, soundscape, soils, open space, native vegetation).
- Enhance and preserve access to public lands and recognize the need to accommodate different user groups in a way that minimizes user conflict and damage to natural resources.
- Provide and promote exceptional recreational opportunities for all types of users (including but not limited to biking, skiing, fishing, off-highway vehicle use, target practice, hunting, trail users, equestrians, boating, non-motorized flight) as a means for economic development and enhanced quality of life.
- Balance private property rights and protection of our natural resources.
- Recognize, respect and/or mitigate natural hazards, including but not limited to flooding, earthquakes, landslides, radon and fires.
- Promote natural resource protection by a variety of means including financial compensation for willing buyer/willing seller agreements that promote open space acquisition and land and water easements.
- On public lands and accesses, balance recreation with protection of natural resources.
- Respect sensitive habitat and migration areas for wildlife.

## economic development

- Encourage, promote and support locally-owned businesses and create a hospitable and attractive environment for businesses and tourists.

  *This code allows for a variety of uses in the county in Article 10. This code also allows for a hospitable and attractive environment by protecting agricultural lands and natural resources, skyline views, allowing recreational uses, and lodging.*
- Preserve our rural character and heritage and promote local agricultural industries.

  *This code has rural zoning districts with a reduced density and open space requirements that identify agricultural lands as a priority. Agricultural uses are permitted in all zoning districts. There are also agricultural building types and agricultural specific design standards, such as the scenic corridor.*
- Recognize that tourism and lifestyle are fundamental components of our economy and are dependent on healthy natural resources.

  *The updated code allows for a variety of recreational uses throughout the county. It also requires open space to protect natural resources and agricultural lands.*
- Accommodate additional population by supporting development that is economically responsible to the County and the community.

  *The updated code addressed this in different ways. One way is through Article 13, by requiring a Property Development Plan that includes appropriate studies for each development type (public services & fiscal impact, traffic impact), density is reduced throughout the county, open space is required for subdivisions, Transferred Development Rights is an option, and commercial/ retail is limited.*
- Support the development of a communications Master Plan

  *A land use code would not include a communications Master Plan, but the code does allow for wireless telecom facilities and utilities.*

## agriculture + rural heritage

- Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.
- Balance property rights and rural character.
- Support and enhance agriculture and ranching.
- Respect cultural heritage sites.
- Reduce infestation/introduction of invasive species.

## transportation

- Provide well-maintained transportation infrastructure including roads, paved pathways and sidewalks.
- Create convenient, safe, timely, financially sustainable and efficient options for multi-modal* transportation that satisfies a multitude of needs.
- Provide a well-connected transportation network within Teton Valley and within the region.
- Develop transportation appropriate for a rural community, respectful of the unique character of Teton Valley.
- Support continued improvements to the Driggs Memorial Airport to support Teton County's aviation needs.

## community events + facilities

- Provide high-quality public and private services and facilities in a coordinated manner for the health, safety, and enjoyment of the community.
- Encourage the development and support of high-quality education facilities (primary, secondary and post-secondary) and diverse and affordable activities for all ages.
- Encourage an environment that fosters community involvement.
- Adequately fund existing and future public services and facilities.

# Land Use Development Code Update

# FREQUENTLY ASKED QUESTIONS

**Will there be an A-2.5 or A-20 zone?**

No. The new code identifies new residential/agricultural zoning districts. These include Rural Agriculture (RA), Lowland Agriculture (LA), and Foothills (FH), collectively known as Rural Districts. There is also an Agricultural Rural Neighborhood (ARN) zoning district. Article 3 of the new code provides information for each zoning district.

**Can I subdivision my land?**

Yes, the new code provides 4 options to split your land. Article 3 identifies the density and open space requirements for each of these options.

*One Time Only* – The One Time Only may be used to create 2 lots, total. In all zoning districts, the One Time Only requires a density of 1 lot per 10 acres. This means you need 20 acres to be eligible for the One Time Only.

*Land Division* - Land Divisions can be utilized to create more than one (1) parcel but fewer than 3 new parcels (4 total parcels) on any existing parcel that has not been previously platted. These divisions may be utilized all at one time or spread out through time. The purpose of the Land Division is to provide for a division of large, rural, unplatted land parcels in the County, into four (4) or fewer parcels through a simplified process, meeting specific criteria, in exchange for decreased density and minimized impacts to the County.

*Short Plat* - A short plat procedure can be utilized to create one (1) to four (4) lots (5 lots total) in a small scale subdivision. The required information/dedication would be less than is required for a full plat subdivision.

*Full Plat* - A subdivision not considered a Short Plat is considered a Full Plat. This process is a three step process similar to the current subdivision process. It requires Concept, Preliminary, and Final approvals.

**What is the different between density and lot size?**

Density is the number of lots allowed per acre. If the density of your zoning district is 1 lot per 20 acres and you have 100 acres, you would be eligible for 5 lots.

Lot size is the size of a lot. In the new code, the minimum lot size is identified as 1 acre, not including sensitive lands (i.e. wetlands, floodplain, steep slopes, etc.)

In the current code, density and lot size are the same number – the A-20 zone has a density of 1 lot per 20 acres and the minimum lot size is also 20 acres. In this situation, if you have 100 acres, you would be eligible for 5, 20 acre lots. In the new code, you could create 5 lots, each as small as 1 acre and provide the remaining acreage as open space.

**Is open space required?**

Yes, open space is required through the Short Plat and Full Plat processes. Each process has a sliding scale system for density and open space requirements, so you can choose to provide more open space for a higher density or less open space for a lower density. However, a minimum of 25% open space (Rural Districts) or 20% open space (Ag Rural Neighborhood) is required.

**I have a Conditional Use Permit. What happens when my zoning district changes?**

If you have a Conditional Use Permit, it will continue to be valid even if that use is no longer permitted in your new zoning district. As long as you continue to meet the conditions of approval and do not stop use for at least 1 year, your Conditional Use Permit will remain active. If you sell your property, the approved Conditional Use Permit can continue to be used by the new owner.

**Are home businesses allowed?**

Yes, home businesses are allowed. In the current code, this was done through a home occupation permit. The new code identifies three different options for home businesses.

*Home Business* - A home business provides a service or product that is conducted wholly within a dwelling that requires employees, customers, clients, or patrons to visit the dwelling, such as services where the customer is present or employees assist in the business.

*Home Occupation* - A home occupation provides a service or product that is conducted wholly within a dwelling unit, such as telecommunication work, online business, or where the business owner travels off site for the work. Customers and employees coming to the dwelling to conduct business are not allowed.

*Home Industry* – A home industry is an industrial use conducted within a residential district that must be clearly incidental and subordinate to the primary, residential use.

**Did the scenic corridor regulations change?**

Yes, the Scenic Corridor requirements have changed. This overlay area includes all lands lying both sides of the rights-of-way for Idaho State Highways 31, 32, and 33 and Ski Hill Road from the Driggs City limits to the Wyoming state line. In the current code, the overlay includes land within 330 feet from the edge of those right of ways. In the new code, the overlay includes land within 500 feet from the centerline of the road. There are also standards identified for development depending on the distance you build from the road, included an option for agricultural buildings. In the current code, the Scenic Corridor Design Review has to be approved by the Planning & Zoning Commission. The new code allows the Planning Administrator to approve this review.

**May I rent out my property?**

This is something we need to determine if we want to regulate… currently we do not regulate rentals.

**May I use an RV as a residence? Tiny home?**

These may be considered Temporary Structures, which are permitted on a property for no more than 180 days. These may also qualify as a Recreational Residence building type, as defined in Article 8.

**What is the Right to Farm Act?**

The right to farm is a natural right and is recognized as a permitted use throughout the state of Idaho. The new code allows agricultural uses in all zoning districts. Agricultural buildings are also identified as a building type, which are eligible for Agricultural Exempt building permits. The new code also identifies agricultural lands as a priority for open space to preserve the prime agricultural lands in Teton County. Reduced lot sizes also allow for land to be divided without having to lose large portions of agricultural lands for development.

**Can I have two residences on my property?**

Yes, you may be eligible for an accessory apartment (attached) or a backyard cottage.

*Accessory Apartment* - A second dwelling unit within or attached to an existing detached house, for use as a complete, independent living facility, with provisions for cooking, sanitation, and sleeping. This use is not considered a duplex. The maximum size for an accessory apartment is 900 square feet in the Rural Districts.

*Backyard Cottage* - A small, self-contained accessory dwelling unit located on the same lot as a detached house but physically separated for use as a complete, independent living facility, with provisions for cooking, sanitation, and sleeping. The maximum size for a backyard cottage is 1,500 square feet in the rural districts. On lots 5 acres or larger, this size restriction does not apply.

| Page | Section | Comment (C), Question (?), Suggestion (S), Edit (E) | |
|---|---|---|---|
| All | All | Verify terms match throughout - Land Use Development Code, Planning Administrator, Planning Department, etc. | E |
| 1-1 | TOC | Add 1.4 Adopted/Official Zoning Map | E |
| 1-2 | 1.1.2 B | Add "use" to Land Development Code | E |
| 1-1 | 1.1.2 D.6 | Delete "and" | E |
| 1-3 | 1.1.3 C | Change "eligible parcel" to "lot of record" | ? |
| 1-3 | 1.1.6 | Change to "Planning Administrator", add "Development" to Land Use Code, add streets to Article 12 Title | E |
| 1-4 | | Add "use" to Land Development Code | E |
| 1-4 | 1.2.6 | Name these special overlay districts | ? |
| 1-5 | 1.3.1 A | Include reference to overlay maps | E |
| 1-6 | 1.4 | Add page & section to include copy of official zoning map | E |
| 2-3 | 2.2.1 | Add reference to 2.4 | E |
| 2-3 | 2.2.3 D | Add wetland before delineation | E |
| 2-3 | 2.2.3 E | Spell out FIRM | E |
| 2.6 | 2.4 | Clarify if any structures or buildings can encroach into the sensitive land setbacks. Do we want to include land features (like driveways, landscaping, etc.) as exceptions to setbacks or not | ? |
| 3-3 | 3.1.1 | Clarify the intent and description so the character of the zoning district is clearly defined - One way to do this is to rearrange key assets, development designs, and primary open space | E, S |
| 3-5 | 3.2.1 | Clarify the intent and description so the character of the zoning district is clearly defined - One way to do this is to rearrange key assets, development designs, and primary open space | E, S |
| 3-7 | 3.3.1 | Clarify the intent and description so the character of the zoning district is clearly defined - One way to do this is to rearrange key assets, development designs, and primary open space | E, S |
| 3-9 | 3.4.1 | Clarify the intent and description so the character of the zoning district is clearly defined - One way to do this is to rearrange key assets, development designs, and primary open space | E, S |
| 3-11 | 3.5.1 | Clarify the intent and description so the character of the zoning district is clearly defined - One way to do this is to rearrange key assets, development designs, and primary open space | E, S |
| 3-14 | 3.7.4 A | Clarify this exception is granted through the subdivision approval process. Reference Article 14 | E |

| Page | Section | Comment (C), Question (?), Suggestion (S), Edit (E) | |
|---|---|---|---|
| Article 6 | | This section doesn't really have density restrictions. There is a lot coverage provision and 20' setbacks. Do we want to make this more restrictive (i.e. limit building numbers)? | ? |
| 8-26 | 8.11.3 | Change ground story height to 10' as per Cities' recommendation. | E |
| 8-30 | 8.13.3 | Change ground story height to 10' as per Cities' recommendation. | E |
| 8-32 | 8.14.3 | Change ground story height to 10' as per Cities' recommendation. | E |
| 8-34 | 8.15.3 | Change transparency for upper story to 15% as per Cities' recommendation. | E |
| 8-35 | 8.16.1 | Add minimum income required to count as farm income. Possibly $1,000 per year or whatever the USDA uses. | E |
| Article 9 | | Change name to Special Overlay Districts | ? |
| 9-2 thru 9-6 | 9.1 | Update with new Driggs Airport Overlay info | E |
| 9-34 | 9.4 | Add TDR map to show sending & receiving areas. Clarify scope throughout section by referencing map and sending & receiving areas instead of zoning districts. | E |
| 9-38 | 9.5 | Reserve a section for map. Clarify this is intended for area of impact unless we want it outside of area of impacts. | E ? |
| 9-39 | 9.5.3.1 | Reference 9.5.5 for Land Use Plan | E |
| 9-42 | 9.6 | Reserve 9.6.7 thru 9.6.9 for Driggs, Tetonia & Victor area of impact agreements | E |
| 10-6 | 10.2 | Add special event facility to REC zone with a CUP | E |
| 10-22 | 10.6.7 A | Clarify definition of medium scale based on large scale definition | E |
| 10-24 | 10.6.7 B | update large scale definition and size numbers to meet Idaho requirements | E |
| 10-28 | 10.6.9 | Clarify storage units - how many units are allowed? Do we want size restrictions? | S ? |
| 10-49 | 10.9.14 | Do we want to create standards | ? |
| 10-51 | 10.10.4 | Do we want to limit this to 180 days on the property or just for use? These do not require a temporary use permit but I would recommend requiring a registration form/process to keep record of and help with enforcement. This registration would include some form of tag attached to the structure that would be visible from the outside to clearly identify registered structures. | S ? |
| 11-22 | 11.3 | Reference Article 14 for sign permit approval process | E |

| Page | Section | Comment (C), Question (?), Suggestion (S), Edit (E) | |
|---|---|---|---|
| Article 13 | | Add deadlines/time limits that plans and studies are valid | E |
| 13-3 | 13.1.3 A.2viii | Clarify source of funding | E |
| 13-4 | 13.1.3. C.2 j | Define historical significance | E |
| 13-14 | 13.3.3 A | Update map so slopes in legend match slopes in text | E |
| 13-36 | 13.3.11 D.2 | Reference where LOS A and LOS B are located | E |
| 13-44 | 13.3.16 | Clarify survey does not guarantee building rights? Reference process in Article 14 that does. | ? |
| 13-45 | 13.3.17 B | Clarify that pre-recorded deeds are not previously-recorded. They are draft/prior to recording. | E |
| 14-14 | 14.5.8 | Remove OTO option because we have the Land Division | ? |
| 14-19 | 14.5.11 | Provide provision for concept approval to be administrative with option to hold public hearing similar to current code | E |
| 14-26 | 14.6.1.A | add 3. Temporary Use | E |
| 14-27 | 14.6.9 | Add applicability section - "Prior to the issuance of a permit for improvements to a site, including but not limited to building, grading, and sign permits, a site plan review is required." | E |
| 14.55 | 14.10.6 | Update with adopted building permit eligibility ordinance language | E |
| Article 15 | | Add acronym section | E |

**A REQUEST FOR A CONCEPT PLAN REVIEW APPROVAL**

**BY:** Peacock Properties LLC
**FOR:** Mountain Legends Ranch Subdivision
**WHERE:** NE of Driggs, along N. Stateline Rd.
**PREPARED FOR:** Planning & Zoning Commission
Public Hearing of July 12, 2016

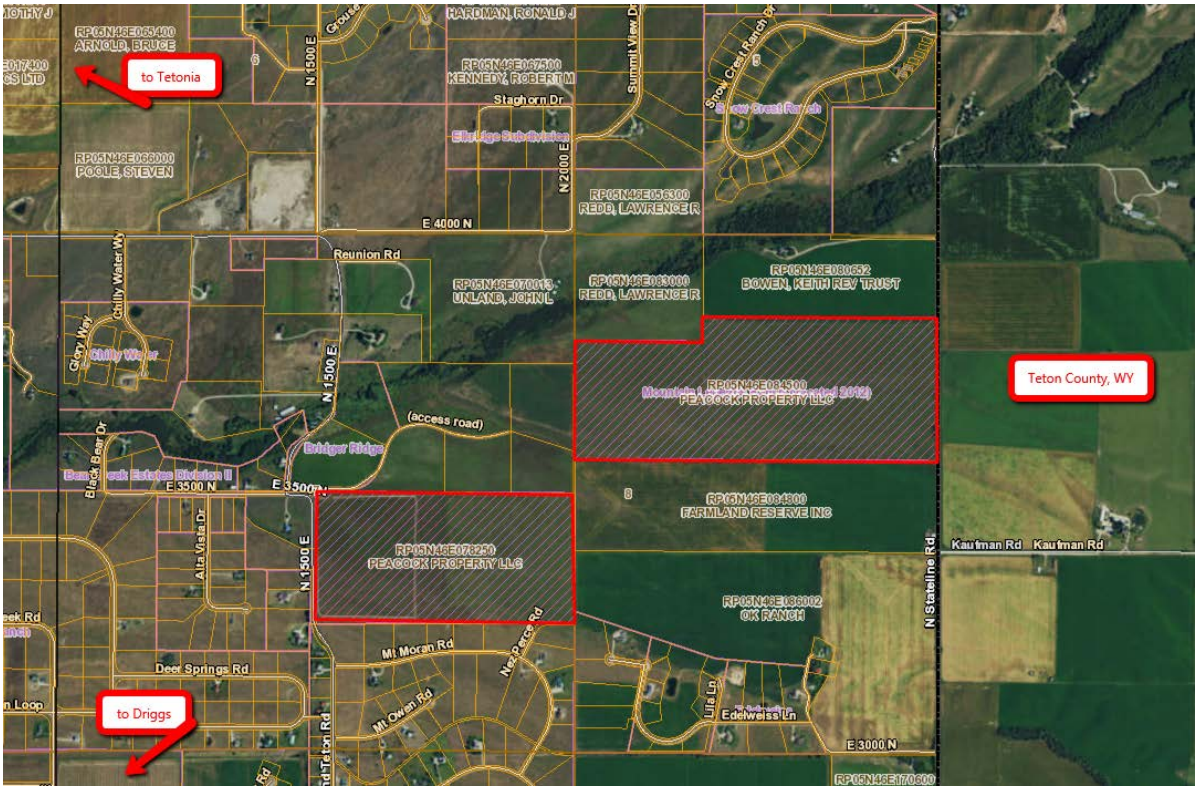
*Staff Report updated on 7-1-2016 (Key Issues, Considerations of Approval, Public Comments attached) & 7-5-2016 (Inter-Agency Comments, Public Comments attached)*

**APPLICANT & LANDOWNER:** Peacock Property LLC, represented by Arrowleaf Engineering

**REQUEST:** Peacock Property LLC is proposing a 76 lot subdivision on two parcels of land (approximately 197 acres) north of Driggs. The lots will be 2.5 acres, with approximately 100 acres in open space easements. These parcels are zoned A-2.5.

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

**LEGAL DESCRIPTION:** RP05N46E084500 - TAX #6485 SEC 8 T5N R46E FKA Mountain Legends Ranch; RP05N46E078250 - TAX #6484 SEC 7 T5N R46E FKA Mountain Legends Ranch
**LOCATION:** Northeast of Driggs, Southeast of Tetonia, along N. Stateline Road
**ZONING DISTRICT:** A-2.5
**PROPERTY SIZE:** 197.05 acres
**VICINITY MAP:**



**PROJECT DESCRIPTION:**

Peacock Property LLC is proposing a 76-lot subdivision on 197.05 acres. This property does not include any overlay areas. This proposal only includes residential lots, which will be 2.5 acres. This proposal includes building envelopes on each lot, with open space easements throughout the subdivision (Attachment 4). The open space easements will be reserved for agriculture, wildlife habitat, and pedestrian use (Attachment 2). This subdivision will have two access points – N. Stateline Road and N 1500 E. The two parcels are connected through an access easement. The subdivision road is proposed as a private road. This development proposes that each lot owner would be responsible for an individual well and septic system. This development is also proposing an onsite fire pond for its fire suppression system.

**PROJECT BACKGROUND:**

These parcels were platted as the Mountain Legends Ranch Planned Unit Development in 2008 (Inst. #196611, 198374, 198375). This was a 99 lot PUD with 99.75 acres of open space. The PUD was vacated in 2012 (Inst. #223993).

**OVERVIEW OF CONCEPT APPROVAL:**

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

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

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

**KEY ISSUES:**

*Lot Area & Number of Lots*

As part of Title 9, Lot Area is defined as the "area of any lots shall be determined exclusive of street, highway, road or other rights of way." This application was originally submitted to include 78 lots. However, the road rights of ways were included in the lot areas. As part of the Development Review Committee meeting, the applicant was told that the road rights of way had to be taken out of the lot areas. This includes the two public roads that border the subdivision (N. Stateline Rd. and N 1500 E). The subdivision road will be considered private; however, the applicant was told that the road surface (22 feet wide) of the subdivision road could not be counted as part of the lot areas. The rest of the right of way could be designated as a snow storage and utility easement (19 feet on each side of the road surface), which could be included in the lot areas.

A new plan was submitted on June 21, 2016 to adjust the lot areas with the road right of ways removed. On the updated plan, the subdivision road surface was removed from the lot areas, which reduced the proposed number of lots from 78 to 76. The N. Stateline Road and N 1500 E right of ways are not shown on the plan as being removed from the lot area. N. Stateline Road is shown as an existing easement, but it is included in the lot areas. This right of way must be removed from the lot areas. The right of way for N 1500 E is not shown on the plan. Looking at the aerial images, it appears that some of the N 1500 E right of way may not be located on the property. The applicant should show this right of way in its entirety, so it is clear how much, if any, of this right of way is included on the property so it is removed from the lot areas.

*Roads & Addressing*

In the concept drawings provided by the applicant, there is one main subdivision road that runs through the development from N. Stateline Rd. to N 1500 E. With this design, several lots share a driveway. There is also a portion of the development near N 1500 E that has several lots accessed by the same driveway.

The Teton County Highway and Street Guidelines require that a driveway that accesses three or more parcels has to meet local road standards. Because of this requirement, the road must be extended, with the road surface area being removed from the lot areas. The parcels shown in Figure 1 below have the potential to access from different locations, so both should be designed as a local road, or a restriction should be added stating where the parcels are accessed from. However, at least one of the easements identified in Figure 1 has to meet local road standards because 3+ lots are being accessed.

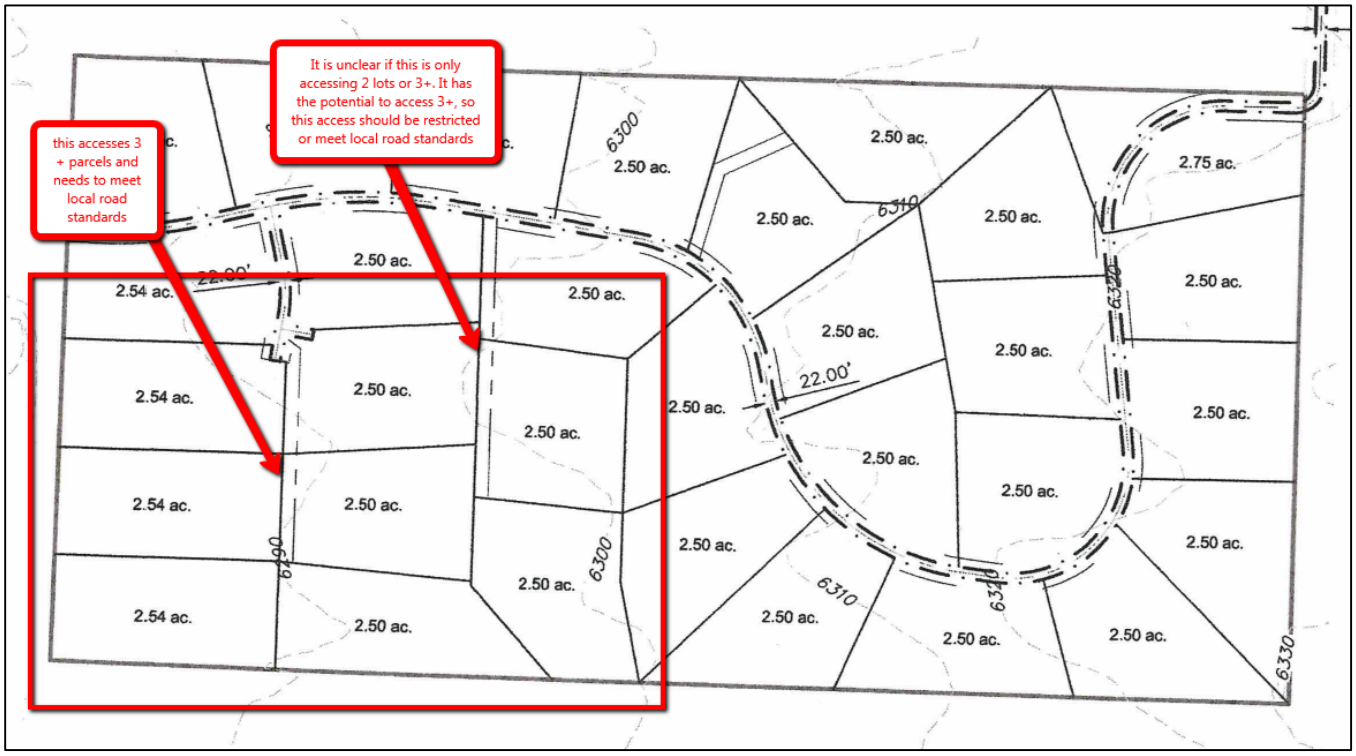



*Figure 1: South parcel - Driveways that must meet local road standards or could be required to meet local road standards*

Another concern with this design is the impact it will have on addresses. Title 13: Street Naming and Addressing Ordinance requires that "every existing, proposed, or constructed public road, private road or drive that provides, or will provide access to two (2) or more build-able lots shall have a street name assigned regardless of the length." Because there are several shared driveways in this design and access is not clearly defined for each lot, there is potential that this development could be required to have several different street names for addressing purposes.

Assuming that every lot in the development that fronts the main subdivision road would access directly from the main road, there are 4 shared driveways that would require a unique street name for addressing purposes. One of these could be required to meet local road standards. There are two additional driveways that could provide access to two parcels, which would require a street name. Restrictions could be identified to only access one parcel, but because they are not, it is assumed they have can access two lots. This means there are 6 additional street names that would be required for this development. There is a seventh driveway easement that would access more than two parcels, but I did not include it, as I identified it above as needing to be a local road.

In Figures 2 and 3, the red arrows indicate parcels accessed by a driveway easement that would access at least two parcels. These would require a street name. The green arrows indicate a potential second parcel that could be accessed from the shown easement, which would then require a street name. The parcels with green arrows have another access option, so a restriction on the access location could clarify this and reduce the number of street names required. If the parcels that front the main subdivision road are not required to access from that road, the potential for more street names would increase significantly.

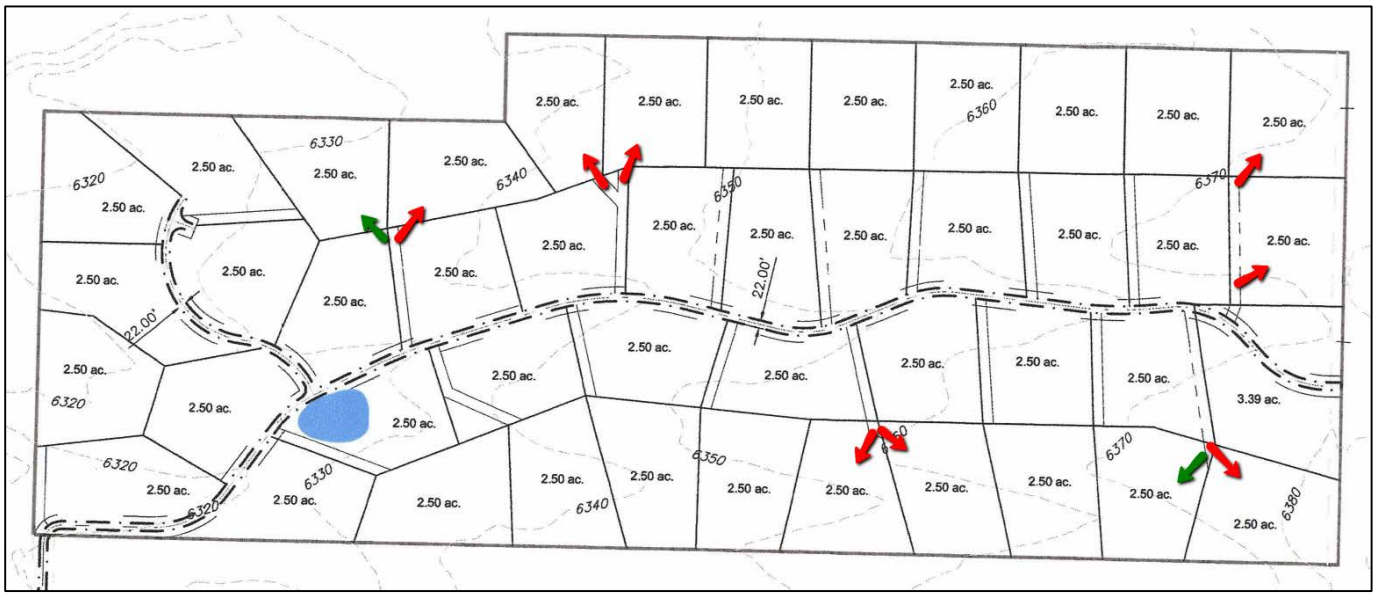



*Figure 2: North parcel - shared driveways*

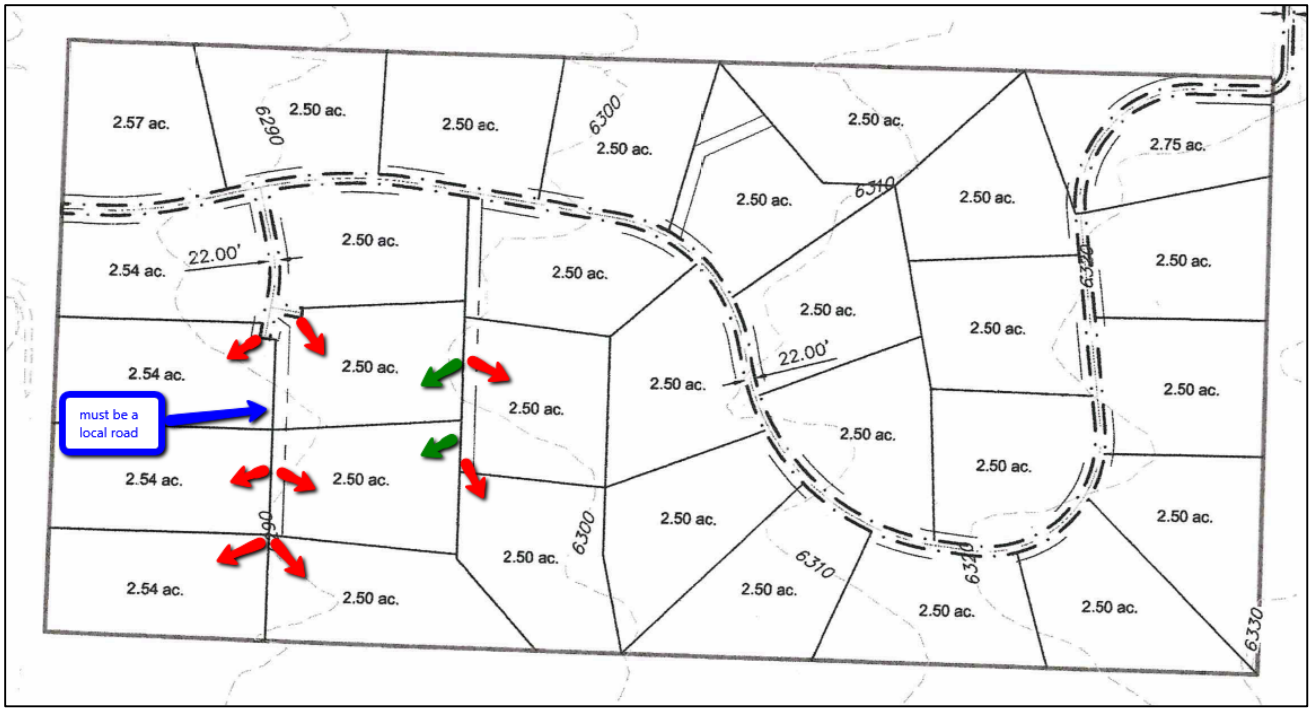



*Figure 3: South parcel - shared driveways*

*Phasing*

In the applicant's narrative, phasing is mentioned when identifying when the fire pond will be constructed. This is the only reference to phasing that I noticed. It is unclear whether the development will actually be phased, and if so, how are the phases being identified? This should be clarified by the applicant.

*Studies/Plans Required to Preliminary Plat Application*

After Concept Review Approval, the applicant may begin the Preliminary Plat application process. As part of this process, Teton County may require several different studies to better understand the impacts of a development. The following studies have been identified as being required for Preliminary Plat based on the concept application information.

- Landscape Plan
  - A Landscaping Plan is required for all subdivisions. This shall include a vegetation/revegetation plan identifying locations where vegetation will be installed in order to replace existing vegetation or revegetate disturbed areas, a plan for weed management, a stabilization plan to cover any disturbed slopes, and a plan to provide screening from neighboring properties or from State Highways 31, 32, 33 or Ski Hill Road 9-3-2-C-3-a).
- Public Service/Fiscal Analysis
  - Due to the impact that a larger subdivision may have on public facilities, utilities, services and finances, the applicant for a proposed subdivision containing more than twenty (20) lots shall submit a public service/fiscal analysis.

- Traffic Impact Study
    - Due to the impact that a subdivision may have on traffic levels, congestion levels, and levels of service on roads, the applicant for a proposed subdivision containing more than ten (10) lots shall have a traffic impact study prepared by a professional engineer.

The following studies have been identified as possibly being required for Preliminary Plat based on the concept application information.

- Nutrient Pathogen Evaluation
    - There are 5 conditions that would trigger the NP Evaluation.
        1. The proposed development that lies wholly or partially within the WW Wetland and Waterways Overlay Area (Section 8-5-1-D of Title 8); or
        2. There is evidence that ground water, at some time of the year, comes within ten feet of the ground's surface at any location on the proposed development parcel; or
        3. There is evidence that soil depth to fractured bedrock is ten feet or less anywhere on the proposed development; or
        4. The development application includes a food service, a commercial facility, or an industrial facility generating 600 gallons or more of wastewater per day; or
        5. The proposed development is within an area where the concentration of nitrate-nitrogen in ground water is five (5) mg/L or higher.
    - Based on the aerial images, it appears that a corner of the property does lie within the Wetland and Waterways Overlay Area. Field measurements may be different than those based on the aerial image, but at this time, staff would consider this part of the WW Overlay. When staff met with the applicant for the Development Review Committee Meeting, it was initially thought that the property was outside of the overlay, but Dry Creek is in fact identified as part of the overlay area. Title 8 & 9 define the Wetlands and Waterways Overlay as:

        (WW) Wetlands and Waterways Overlay: Includes all lands defined and regulated as wetlands through the federal clean water act as administered by the U.S. Army Corps of Engineers and the streams listed below. Because the existing WW Overlay as mapped does not accurately identify all such areas, the WW will be applied to: (1) all wetland areas identified on the U.S. Fish and National Wetland Inventory Maps, unless a jurisdictional determination is secured from the U.S. Army Corps of Engineers (USACE) indicating the area as uplands; (2) all areas delineated as wetlands and verified as such by the USACE; and (3) **those areas lying within 300 feet of the high water mark of the following waterways:**

| | | |
|---|---|---|
| Badger Creek | **Dry Creek** | Darby Creek |
| Mahogany Creek | South Leigh Creek | Packsaddle Creek |
| Bear Creek | Fox Creek | Drake Creek |
| Milk Creek | Spring Creek | Patterson Creek |
| Bitch Creek | Game Creek | Warm Creek |
| Moose Creek | Teton Creek | Little Pine Creek |

| | | |
|---|---|---|
| Bull Elk Creek | Grouse Creek | Henderson Creek |
| North Leigh Creek | Teton River | Twin Creek |
| Trail Creek | Grove Creek | Horseshoe Creek |

*Figure 4: 300' from bank of Dry Creek - extends to Peacock Property LLC parcel*

- Natural Resource Analysis
  - If the proposed subdivision contains any lands included in any of the Overlay Areas defined in Title 9 or in any of the overlay areas defined in Title 8, except the AV Airport Overlay Area, the applicant shall have a qualified professional approved by the Planning Administrator prepare a Natural Resources Analysis for the entire application parcel. This includes the Wetlands and Waterways Overlay. Unless determined otherwise, staff would consider this property to include the WW Overlay Area, which would trigger the Natural Resource Analysis. However, there are not Wildlife Habitat Overlays on this property, so the Wildlife Habitat Assessment would not be required.
- Phasing Plan
  - A phasing plan is only required if the development will be phased. It is still unclear if the development will be phased or not.

**<u>INTER-AGENCY AND DEVELOPMENT REVIEW COMMITTEE COMMENTS</u>**

*DRC Meeting:* On June 16, 2016, we had a DRC meeting with Arrowleaf Engineering (Sarah Johnston), Peacock Property LLC (Harry Statter), Herb Heimerl, Teton County Public Works Director (Darryl Johnson), Teton County Prosecutor (Kathy Spitzer), and Teton County Planning Administrator (Kristin Rader). Eastern Idaho Public Health (Mike Dronen) and the Teton County Fire District (Earle Giles) emailed comments instead of attending the meeting. From this meeting, the following items were identified (more information can be found in Attachment 6).

- <u>Roads & Utilities:</u> Roads need to meet the County's Adopted Road Standards; The road rights of ways cannot be factored into the acreage of the lots – this includes the two public roads that

border the subdivision and the road surface area of the private subdivision road; Include in the Development Agreement and/or plat and the CC&Rs that the County may make the subdivision roads public in the future.

- Fire Protection: This project does require Fire Protection.
- Sewer/Septic: This proposal requires an EIPH subdivision assessment application and review.
- Plans & Studies: The following plans and studies were identified as being required/possibly required during the preliminary phase: Landscaping Plan, Traffic Study, Public Service/Fiscal Analysis, and Nutrient Pathogen Evaluation.

*Teton County, WY:* On July 5, 2016, I spoke to the Teton County, WY Engineer (Sean O'Malley). Teton County, WY is responsible for maintain this portion of Stateline Rd. He said he was interested in the impacts this subdivision would cause to Stateline Rd., so he would like to see a Traffic Impact Study. This application will require a Traffic Impact Study as part of the Preliminary Plat application.

**SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE:**

Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Zoning Ordinance. The public hearing for the Planning & Zoning Commission was duly noticed in the Teton Valley News. A notification was sent via mail to surrounding property owners within a 300-foot buffer area, as well as all property owners in subdivisions that intersect with the 300-foot buffer. A notice was also posted on the property at both access points (Stateline and N 1500 E) providing information about the public hearing.

**COMMENTS FROM NOTIFIED PROPERTY OWNERS & PUBLIC AT LARGE:**

At the July 5 deadline for public comment to be included in the Planning Commission packet, staff received 29 written public comments (Attachment 8).

**CONSIDERATION OF APPROVAL:**

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

| 1. The conformance of the subdivision with the comprehensive plan. | |
|---|---|
| Applicant Comments | The property is within the Rural Neighborhood area on the Framework Map. See Attachment 2 for the list of Comprehensive Plan goals that applicant felt applied to this development. |
| Staff Comments | ▪ This property is identified as a Rural Neighborhood area, which includes medium density, single family neighborhoods, clustered development, amenity based neighborhoods, large open space, safe and convenient street and pathway connections, and a clear distinction between residential development and open space/agricultural areas.<br>▪ This proposal does not really cluster development, but it has created building envelopes to limit buildable space and added open space easements to allow for open space and agriculture. The open space easements do not include all of the space outside of the roads and building envelopes though, so it does not necessarily create corridors of open space.<br>▪ There is not currently a distinction between which open space is designated for agriculture, wildlife habitat, or pedestrian use, so it is unclear how much of each space is being preserved. The applicant also states there is no critical wildlife habitat on the property, so it is unclear what wildlife habitat would be protected. It is also unclear how this is an amenity based neighborhood. The applicant references nearby towns and Grand Targhee Resort, but the open space easements have the potential to create on site amenities. The open space is identified as being for pedestrian use, but it is not identified if this means trails or park areas, or if it will just be an open field or grassy lawn. The narrative states the development provides pedestrian recreation opportunities through the open space, but it does not say how.<br>▪ I think this proposal has the potential to be a rural neighborhood as described in the Comprehensive Plan if the open space was clearly defined for uses. Clustering could be somewhat accomplished with the minimum lot sizes and building envelopes, but the number of lots would need to be reduced to do this. |
| **2. The availability of public services to accommodate the proposed development.** | |
| Applicant Comments | This subdivision will utilize private well and onsite septic systems. There are entities in the area to provide public services to this development. A Fiscal Impact Analysis will be prepared with the Preliminary Plat application. |
| Staff Comments | The subdivision will access from public roads N. Stateline Road and N 1500 E. The applicant is proposing an onsite fire suppression system for this development. A Public Service/Fiscal Impact Analysis is required with the Preliminary Application, which will provide more information on the impacts to the service providers. |
| **3. The conformity of the proposed development with the capital improvements plan (CIP).** | |
| Applicant Comments | The Capital Improvements Plan assumes an average density of 50-80 units per 100 acres for the area of the proposed subdivision.<br>The density of this development is 38.6 units per 100 acres. All required impact fees will be paid in accordance with the CIP in effect at the time of building permit issuance |
| Staff Comments | This development is proposing a lower density than was assumed in the Capital Improvements Plan. If this development is phased, the demand on the County will be spread out over time. Impact fees will be paid during the building permit process to offset the impact of this development. The subdivision road will be private, so the County will not be responsible for maintaining that road. |

| 4. The public financial capability of supporting services for the proposed development. | |
|---|---|
| Applicant Comments | A detailed Fiscal Impact Analysis will be prepared and submitted with the Preliminary Plat Application. |
| Staff Comments | The capability to support this development will be better understood once a Fiscal Impact Analysis has been completed. |
| **5. Other health, safety, or general welfare concerns that may be brought to the County's attention.** | |
| Applicant Comments | There are no FEMA Special Flood Hazard Areas mapped on the site. There is no surface water on the site. It is not in a Natural Resource Overlay, and no critical wildlife habitat areas. The site is mapped as "Class 1: Low Liquefaction Susceptibility", the lowers risk of three categories relating to earthquake hazard. |
| Staff Comments | A portion of this property is located in the Wetlands and Waterways Overlay Area. This would trigger the Nutrient Pathogen Evaluation. It would also trigger the Natural Resource Analysis (not the Wildlife Habitat Assessment). |

**POSSIBLE CONDITIONS OF APPROVAL**

1. Provide an updated plan with the public road right of ways of N. Stateline Road and N 1500 E removed from the lot areas, the addition to the subdivision road with the road surface removed from the lot area, and include an updated number of lots proposed for this subdivision.
2. Provide an open space management plan as part of the preliminary plat application stating how much open space will be dedicated to agriculture, wildlife habitat, and pedestrian use. Also include a map of where these uses will be located and elaborate on what pedestrian use means. Include in this plan how the open space easements will be managed.
3. Obtain access approval from Teton County, ID Road & Bridge for N 1500 E and N. Stateline Road.
4. Begin working with EIPH for septic approval.
5. Begin working with Teton County Fire District for fire suppression approval.
6. Conduct/update required studies/plans for Preliminary Review: Traffic Impact Study, Public Service/Fiscal Analysis, Landscape Plan, Stormwater and Infrastructure Plans, Phasing Plan (if required), Natural Resource Analysis, and Nutrient Pathogen Study.

**PLANNING & ZONING COMMISSION ACTION:**

A. Approve the Concept Plan, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.

B. Approve the Concept Plan, with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.

C. Deny the Concept Plan application request and provide the reasons and justifications for the denial.

D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

## POSSIBLE MOTIONS

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

### APPROVAL

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

1. *Provide an updated plan with the public road right of ways of N. Stateline Road and N 1500 E shown and removed from the lot areas, show the addition to the subdivision road with the road surface removed from the lot area, and include an updated number of lots proposed for this subdivision.*
2. *Provide an open space management plan as part of the preliminary plat application stating how much open space will be dedicated to agriculture, wildlife habitat, and pedestrian use. Also include a map of where these uses will be located and elaborate on what pedestrian use means. Include in this plan how the open space easements will be managed.*
3. *Obtain access approval from Teton County, ID Road & Bridge for N 1500 E and N. Stateline Road.*
4. *Begin working with EIPH for septic approval.*
5. *Begin working with Teton County Fire District for fire suppression approval.*
6. *Conduct/update required studies/plans for Preliminary Review: Traffic Impact Study, Public Service/Fiscal Analysis, Landscape Plan, Stormwater and Infrastructure Plans, Phasing Plan (if required), Natural Resource Analysis, and Nutrient Pathogen Study.*

- *and having found that the considerations for granting the Concept Plan Approval to Peacock Property LLC 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 Mountain Legends Ranch Subdivision as described in the application materials submitted June 7, 2016 and June 21, 2016 and as supplemented with additional applicant information attached to this staff report.*

### DENIAL

*Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) have not been satisfied, I move to DENY the Concept Plan for Mountain Legends Ranch Subdivision as described in the application materials submitted June 7, 2016 and June 21, 2016 and as supplemented with additional applicant information attached to this staff report. The following could be done to obtain approval:*

1. *…*

Prepared by Kristin Rader

**Attachments:**

1. Application (4 pages)
2. Narrative (10 pages)
3. Warranty Deeds (9 pages)
4. Concept Drawings (4 pages)
5. Soil Resource Report (3 pages)
6. DRC Meeting Notes (2 pages)
7. Adjacent Landowner Notification (3 pages)
8. Public Comment (85 pages)

**End of Staff Report**

ATTACHMENT 1

RECEIVED
BY: K. Rader
DATE: 6-7-2016

# MOUNTAIN LEGENDS RANCH

NAME OF SUBDIVISION/PLANNED UNIT DEVELOPMENT

## CONCEPT PLAN

### SUBDIVISION/PLANNED UNIT DEVELOPMENT APPLICATION

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

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

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

**Owner:** Peacock Property LLC

**Applicant:** Peacock Property LLC E-mail: hstatter@firewise.net

Phone: (307) 732-3986 Mailing Address: PO Box 10586

City: Jackson State: WY Zip Code: 83002

**Engineering Firm:** Arrowleaf Engineering Contact Person: Sarah Johnston Phone: (307) 413-6373

Address: 55 S 5th E, Driggs ID 83422 E-mail: arrowleafengineering@gmail.com

**Location and Zoning District:**

Address: N Stateline Rd & N 1500 E Parcel Number: RP05N46E084500 RP05N46E078250

Section: 7 & 8 Township: 5 N Range: 46 E Total Acreage: 197.05 acres

Proposed Units/ Lots: ~~78~~ 76 Proposed Open Space Acres: ~100 acres

Proposing a Subdivision ☒ Proposing a Planned Unit Development ☐

Zoning: A 2.5 ☒ A 20 ☐ Planned Community ☐ Rural Reserve ☐

☒ Latest recorded deed to the property

☒ Development name approved by GIS

☒ 10% of total base fee (see current fee schedule)

total fee = $16322.00
10% = $1632.20

☐ Affidavit of Legal Interest

☒ Pre-application conference completed

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

- Applicant Signature: _____ Date: 6/7/16
  Member Stakeliffe Management LLC, Manager Peacock Property LLC

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

- Owner Signature: _____ Date: 6/7/16
  Member Stakeliffe Management LLC, Manager Peacock Property LLC

*Fees are non-refundable.*

## SECTION II: CONSIDERATION FOR APPROVAL

*Please submit narrative referencing the following:*

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

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

1. Number of Plan:
   - Two (2) Plans (11" X 17" or 18" X 24") and digital copy prepared by a professional land Surveyor/Engineer

2. Items on Plan/Plat:
   - Plat is labeled "Concept Master Plan" in the lower right corner
   - Open space, as required
   - Neighboring property boundaries and owners within 300 feet
   - Date prepared and date of any revisions
   - Scale of drawings
   - North arrow
   - Vicinity map
   - Section(s), Township, Range
   - Specific phase, if any, has been labeled

3. Topographical Information:
   - Contour lines
   - Flood hazard area, if any
   - Overlay areas

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

**SECTION IV: CHECKLIST OF REQUIRED ITEMS**
*Please submit narrative or renderings addressing each of the following categories:*

**1.** Water Issues:
- Description of irrigation system
- Description of culinary water system
- Water rights
- Description of waste system
- Natural drainage channels
- Storm and surface water drainage

**2.** Maps Required:
- Soil types
- Geographical hazards

**3.** Availability and capability of public services:
*These topics are to be addressed in a general way. A Public Service/ Fiscal Analysis may be required at the Preliminary Plat stage, at which time these items will be addressed in detail.*
- Fire protection
- Police protection
- Public road construction and maintenance
- Central water
- Central sewer
- Parks and open space
- Recreation
- Infrastructure/open space maintenance
- Schools
- Solid waste collection
- Libraries
- Hospital
- Estimate of tax revenue

**4.** Zone Change, if any:
- Current Zoning District
- Proposed Zoning District
  - Submit completed Zone Change Application

**5.** Other Land Use Applications, if any:
- Scenic Corridor
- Conditional Use Permit
- Variance
- Other: _____

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

☒ Application is considered complete and accepted on this the 7 day of June, ~~200~~ 2016.

Planning Administrator/Designee Signature: _____

ATTACHMENT 1

RECEIVED
BY: L. Eader
DATE: 6-7-2016

# MOUNTAIN LEGENDS RANCH

NAME OF SUBDIVISION/PLANNED UNIT DEVELOPMENT

# CONCEPT PLAN

## SUBDIVISION/PLANNED UNIT DEVELOPMENT APPLICATION

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

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**Applicant:** Peacock Property LLC E-mail: hstatter@firei

Phone: (307) 732-3986 Mailing Address: PO Box 10586

City: Jackson State: WY Zip (

**Engineering Firm:** Arrowleaf Engineering Contact Person: Sarah Johnston Phon

Address: 55 S 5th E, Driggs ID 83422 E-mail: arrowleafenginee

**Location and Zoning District:**

Address: N Stateline Rd & N 1500 E Parcel Number: RP( RP(

Section: 7 & 8 Township: 5 N Range: 46 E Total Acreage: 19

Proposed Units/ Lots: 78 Proposed Open Space Acres: ~10

Proposing a Subdivision ☒ Zoning: A 2.5 ☒ A 20 ☐

Proposing a Planned Unit Dev Planned Community ☐ Rural

☒ Latest recorded deed to the property

☒ Development name approved by GIS

☒ 10% of total base fee (see current fee schedule)

☐ Affidavit of L

☒ Pre-applicatio

total fee = $16322.00
10% = $1632.20

1542
92-41/1241
6/7/2016
ARROWLEAF ENGINEERING, PC
55 South 5th East
Driggs, ID 83422
307-413-6373
Pay to the Order of Teton County $1632 20/100 Dollars
One thousand six hundred thirty-two and 20/100
Bank of Commerce
Driggs Office
PO Box 787
Driggs, ID 83422

ATTACHMENT 2

# MOUNTAIN LEGENDS RANCH SUBDIVISION

# PROJECT NARRATIVE

Teton County, ID

June 21, 2016

**PREPARED FOR:**

Peacock Property LLC
PO Box 10586
Jackson, WY 83002

**PREPARED BY:**

Arrowleaf
ENGINEERING, PC
55 SOUTH 5TH EAST
DRIGGS, ID 83422

info@arrowleafengineering.com 307-413-6373 www.arrowleafengineering.com

## INTRODUCTION

The Mountain Legends Ranch Subdivision is a proposed residential subdivision in Teton County, Idaho. The site is approximately 197 acres and is comprised of two parcels of land connected by an access easement across the interlaying property. Access to the subdivision is from Stateline Road and County Road N1500E / Grand Teton Road. The site is zoned A/RR-2.5; the proposed development consists of 76 residential lots with a minimum lot size of 2.5 acres.

## PROJECT COMPONENTS

### *Access & Circulation*

The development will be accessed via North Stateline Road and County Road N1500E / Grand Teton Road. Lots within the subdivision will be served by an internal private roadway network. All roads within the subdivision will be constructed to Teton County street guidelines for local roads. Maintenance and plowing of the subdivision roads will be the responsibility of the Mountain Legends Ranch Subdivision Homeowner's Association.

### *Setbacks & Building Envelopes*

In all cases, building setbacks will comply with the minimum setbacks required by Teton County. Building envelopes, which often exceed the minimum setback requirements, are being implemented in the subdivision covenants, conditions, and restrictions (CCR) to further limit the location of future buildings.

### *Open Space and Density*

There is no requirement for open space in the A/RR-2.5 zoning district. Moreover, the proposed development will provide for an open space easement in the CCR. The open space will be reserved for agriculture, wildlife habitat, and pedestrian use. The following table shows density of Mountain Legends Ranch and surrounding development.

| *Subdivision* | *Total Acreage* | *Total Lots* | *Lots Per Acre* |
|---|---|---|---|
| *Alta Vista I* | *16.55* | *11* | *0.66* |
| *Alta Vista II* | *29.28* | *15* | *0.51* |
| **Total Alta Vista** | **45.83** | **26** | **0.57** |
| *Bear Creek* | *5.4* | *3* | *0.56* |
| *Bear Creek Estates Block 1* | *19.39* | *10* | *0.52* |
| **Total Bear Creek** | **24.79** | **13** | **0.52** |
| Saddlehorn Ranch | 250.31 | 122 | 0.49 |
| Mountain Legends Ranch | 197.05 | 76 | 0.39 |
| Teewinot | 246.72 | 85 | 0.34 |
| Bridger Ridge Mini Subdivision | 21.14 | 2 | 0.09 |

***Irrigation Water***

The proposed development property has three water rights:

1) Idaho Water Right 22-13684 – Priority Date 1894 for .56 cfs in the name of Peacock Property LLC
2) Idaho Water Right 22-13685 – Priority Date 1908 for 2.23 cfs in the name of Peacock Property LLC
3) Idaho Water Right 22-13327 – Priority Date 1892 for 17.23 cfs in the name of the Grand Teton Pipeline Association. Peacock Property LLC owns 80 shares in the association.

***Domestic Water***

Domestic water will be provided by individual wells on each lot. Installation, maintenance, and permitting of domestic wells will be the responsibility of individual lot owners.

***Stormwater***

During initial construction appropriate erosion control measures and best practices will be used to minimize erosion and pollution. The proposed development maintains the natural drainage patterns of the site to the maximum extent practicable. The predominant natural drainage channel on the site is a dry swale running from east to west. A detailed Stormwater Management Plan will be prepared and submitted with the Preliminary Plat Application.

***Wastewater***

Wastewater treatment will be accomplished using a small individual septic system on each lot. The septic systems must be designed, constructed, and maintained in accordance with Eastern Idaho Public Health standards. Permitting, construction, and maintenance of septic systems will be the responsibility of individual lot owners.

***Fire Protection***

A fire pond with a dry hydrant will be provided in a central location. The fire pond and dry hydrant will be constructed with the first phase of the development.

## CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Mountain Legends Ranch Subdivision is located in what the Comprehensive Plan determines to be a "neighborhood" area. The Comprehensive Plan identifies two main types of land uses, one type is "neighborhood" and the other is "rural". The neighborhood areas "are appropriate for varying degrees of residential, commercial, and light industrial development". The Comprehensive Plan identifies three types of neighborhood areas: Town Neighborhood, Industrial/Research, and Rural Neighborhood. The Mountain Legends Ranch Subdivision is located in an area that the Comprehensive Plan Framework Map identifies as being Rural Neighborhood. In contrast, rural areas "are located further from the towns or in places of greater sensitivity" and are less appropriate for residential development.

***Rural Neighborhood Desired Characteristics***

- *A transitional character in between that of Town Neighborhoods and Rural Areas*
  The density and character of the proposed subdivision provides this desired transition.
- *Medium density single family neighborhoods with large open spaces and provisions for clustering*
  The proposed subdivision is a medium density single family neighborhood with extensive open space easement areas.
- *Amenity-based neighborhoods*
  The proposed development is located approximately 5 miles from Driggs, 2 miles from Alta and Ski Hill Road, and 10 miles from Grand Targhee.
- *Safe and convenient street and pathway connections within these areas and, when practical, to Towns*
  The proposed subdivision provides safe and convenient internal circulation.
- *Well-defined open space areas that connect to provide corridors*
  The proposal includes significant open space easement areas. Unfortunately, adjacent subdivisions do not have open spaces to connect to.
- *A clear distinction between residential development and open space/agricultural areas*
  The proposed subdivision contains agricultural open space easement areas. The CCR will clearly delineate and define the buildable areas and the open space easement.

*Goal ED 1:* *Develop a coordinated and collaborative economic development strategy that encourages, promotes and supports locally-owned businesses and creates a hospitable and attractive environment for businesses and tourists.*
This policy is not applicable.

*Goal ED 2:* *Preserve our rural character and heritage and promote local agricultural industries.*
The proposed development includes functional agricultural open space easement areas to foster rural character and promote local agriculture.

*2.1* *Encourage development and land use proposals that support prime economic values of rural character and heritage.*
This proposed development uses rural character and open space to maximize economic value.

*2.2* *Promote local agricultural industries and businesses.*
This proposal incorporates farming into the development itself. The residences within the development are located near the main thoroughfare between Town and Resort; this proximity provides housing opportunities and convenient access to existing amenities and businesses.

*2.3* *Promote smart growth strategies that help preserve rural character by enhancing existing communities and directing development towards them.*

This proposal is in keeping with the existing neighborhoods surrounding the site. This proposal has similar or lower density than several nearby subdivisions. The existing community or "rural neighborhood" will be enhanced by this development and its incorporation of open space.

2.4 *Encourage and attract businesses that are economically and environmentally friendly, and promote stewardship and accountability in business.*

This policy is not applicable.

2.5 *Encourage development that adheres to environmental standards.*

This development adheres to environmental standards and best practices.

2.6 *Encourage policies and resources which enable farms to adapt to changing paradigms.*

This development enables farms to adapt to a changing paradigm by preserving farmable land in the subdivision open space.

Goal ED 3: *Recognize that tourism and lifestyle are fundamental components of our economy and are dependent on healthy natural resources.*

This development site was chosen because it is does not contain unique natural resources. There are NO natural resource overlays on the property.

3.1. *Encourage economic development through the promotion of recreational opportunities and natural resources.*

The development's open space provides pedestrian recreation opportunities for residents. The development promotes the protection of natural resources by providing housing opportunities in an area outside the mapped Natural Resource Overlays.

3.2. *Conserve Teton County's natural resources in order to enhance economic development.*

There are no unique or sensitive natural resources on the site.

Goal ED 4: *Accommodate additional population by supporting development that is economically responsible to the County and the community.*

This development provides housing opportunities and is economically responsible.

4.1 *Assess the public service requirements of new developments and weigh their off-site impacts against projected changes in revenue before approving new developments.*

A detailed Fiscal Impact Analysis will be prepared and submitted with the Preliminary Plat Application.

4.2 *Support local retail by placing adequate residential density in close proximity to businesses.*

The proposed development is located approximately 5 miles from Driggs, 2 miles from Alta, and 10 miles from Grand Targhee.

*4.3* *Consider the economic impact of supply and demand in residential development.*

There is an often-touted excess of lots in Teton County; however, many of the referenced lots are unbuildable due to non-compliance with development agreements or are non-practical for building due to unnecessarily large minimum square footage or other CCR requirements. The market indicates there is demand for the proposed lots.

*4.4* *Utilize a variety of regulatory and incentive-based tools to reduce density in sensitive areas and encourage density in areas where services exist.*

The proposed development is not located in a sensitive area. The proposed density is comparable to that of other neighborhood-type developments in the area.

*4.5* *Limit commercial retail business to Driggs, Victor and Tetonia.*

The proposal supports this policy; there are no commercial retail uses proposed in the development.

*4.6* *Provide a variety of housing types that are accessible to a socially and economically diverse population.*

The proposal supports this policy by allowing smaller homes than many existing subdivisions in rural neighborhoods.

*4.7* *Encourage creative economic solutions such as live-work opportunities and appropriate home businesses.*

This policy is applicable to planning policy, but is not applicable to this proposal.

*4.8* *Encourage the development of low-density, high-quality neighborhoods adjacent to existing cities.*

This development is located in the Rural Neighborhood area of the Framework Map due to its proximity to Driggs and the established land use pattern in the area.

*4.9* *Maintain rural areas that encourage farming and ranching and support low density residential development.*

The development incorporates agricultural open space that will help foster the rural character of the site and allow continued farming.

*Goal ED 5:* *Support the development of a communications Master Plan.*

This policy is not applicable.

*Goal T 1:* *Provide well-maintained transportation infrastructure including roads, paved pathways and sidewalks.*

The HOA will maintain all subdivision infrastructure including roads.

*1.1* *Improve the conditions and safety for vehicles, bicycles and pedestrians of existing transportation infrastructure, especially roads important for agriculture.*
This policy is not applicable.

*1.2* *Identify and implement financing mechanisms to pay for needed transportation maintenance and improvements.*
This policy is not applicable.

*1.3* *New development will provide adequate transportation facilities to accommodate needed services.*
A Traffic Impact Study will be completed and submitted with the Preliminary Plat Application.

*1.4* *Adopt a variety of design standards for all transportation infrastructure.*
This policy is not applicable.

*1.5* *Provide/promote off-road transportation corridors to and from Public Lands suitable for both motorized and non-motorized vehicles.*
The proposed development is not adjacent to Public Lands.

*1.6* *Educate and inform the public regarding transportation goals, costs and benefits; road construction and maintenance; and plowing schedules and policies.*
This policy is not applicable.

*1.7* *When key infrastructure (roads, bridges, pathways, etc) is damaged or destroyed by naturally occurring events, including deterioration due to age and use, it should be replaced within as short a timeframe as feasible to avoid disruption of service to the public.*
This policy is not applicable.

*Goal T 2:* *Create convenient, safe, timely, financially sustainable and efficient options for multi-modal* transportation that satisfies a multitude of needs.*
This policy is not applicable.

*Goal T 3:* *Provide a well-connected transportation network within Teton Valley and within the region.*
This policy is not applicable.

*Goal T 4:* *Develop transportation appropriate for a rural community, respectful of the unique character of Teton Valley.*
This policy is not applicable.

*Goal T 5:* *Support continued improvements to the Driggs Memorial Airport to support Teton County's aviation needs.*
This policy is not applicable.

*Goal NROR 1:* *Conserve our public lands, trail systems, and natural resources (air, water, wildlife, fisheries, wetlands, dark skies, viewsheds, soundscape, soils, open space, native vegetation).*

The proposed development uses easements and building envelopes to conserve open space. Building envelopes are proposed to enhance the quality of meaningful farmable ground, as well as to further protect views. The site has been farmed with a palette of native and agricultural vegetation; the current perennial hay mix used on the site is a mix of native and non-native species with commercial and forage value. There are no unique or sensitive natural resources on the site. There are no trail systems in the area. Public Lands are not affected by the proposal.

*Goal NROR 2:* *Enhance and preserve access to public lands and recognize the need to accommodate different user groups in a way that minimizes user conflict and damage to natural resources.*

There are no Public Lands adjacent to the site; this policy is not applicable.

*Goal NROR 3:* *Provide and promote exceptional recreational opportunities for all types of users (including but not limited to biking, skiing, fishing, off-highway vehicle use, target practice, hunting, trail users, equestrians, boating, non-motorized flight) as a means for economic development and enhanced quality of life.*

This policy is not applicable.

*Goal NROR 4:* *Balance private property rights and protection of our natural resources.*

*4.1* *Ensure that development regulations balance natural resources protection, viewshed protection and growth, are clear and predictable, and preserve the economic value of the land.*

The proposed development provides a balance of housing opportunities and agricultural open space in a way that preserves the economic value of the land.

*Goal NROR 5:* *Recognize, respect and/or mitigate natural hazards, including but not limited to flooding, earthquakes, landslides, radon and fires.*

The site is not located in a high-hazard area.

*Goal NROR 6:* *Promote natural resource protection by a variety of means including financial compensation for willing buyer/willing seller agreements that promote open space acquisition and land and water easements.*

This development is voluntarily including open space easements.

*Goal NROR 7:* *On public lands and accesses, balance recreation with protection of natural resources.*

This policy is not applicable.

*Goal NROR 8:* *Respect sensitive habitat and migration areas for wildlife.*

The site does not have any migration corridors or sensitive areas.

*Goal CEF 1:* *Provide high-quality public and private services and facilities in a coordinated manner for the health, safety, and enjoyment of the community.*
This policy is not applicable.

*Goal CEF 2:* *Encourage the development and support of high-quality education facilities (primary, secondary and post-secondary) and diverse and affordable activities for all ages.*
This policy is not applicable.

*Goal CEF 3:* *Encourage an environment that fosters community involvement.*
This policy is not applicable.

*Goal CEF 4:* *Adequately fund existing and future public services and facilities.*
This policy is not applicable.

*Goal ARH 1:* *Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.*

*1.1* *Ensure that planned growth maintains Teton Valley's rural character.*
The development is maintaining the rural character of the area by implementing agricultural open space easements, while also providing moderate residential density where residential density has been identified as a community value.

*1.2* *Encourage vacation of subdivision plats where appropriate and viable.*
This policy is not applicable.

*1.3* *Ensure that open spaces are managed responsibly.*
The CCR will include language that will make management of the open space easements the responsibility of the HOA.

*1.4* *Maintain the County's rural heritage through the scenic corridors.*
The site is not in a scenic corridor; this policy is not applicable.

*1.5* *Support the preservation of open space, farmland, natural beauty, and critical environmental areas.*
The development is using open space easements to help promote farmland and natural beauty on the site. There are no critical environmental areas on the site.

*1.6* *Encourage higher density development in the cities of Driggs, Victor, and Tetonia.*
The density of this proposal is consistent with the vision of the Comprehensive Plan for this area.

*Goal ARH 2:* *Balance property rights and rural character.*
This development provides residential housing opportunities and preserves the rural neighborhood character of the area.

*Goal ARH 3:* *Support and enhance agriculture and ranching.*
This proposal supports agriculture by using agricultural open space easements.

*Goal ARH 4: Respect cultural heritage sites.*

This policy is not applicable.

*Goal ARH 5: Reduce infestation/introduction of invasive species.*

Control of invasive species will be addressed in the CCR.

## AVAILABILITY AND CAPACITY OF PUBLIC SERVICES

Public water and sewer systems are not available to serve the proposed development; the subdivision will utilize private well and onsite septic systems. Fire protection in this area is provided by Teton County Fire & Rescue. Law enforcement is provided by the Teton County Sheriff. The area is served by the Teton School District 401. Solid waste collection is available from RAD Curbside. The nearest hospital is the Teton Valley Hospital, and emergency response is provided by the Teton County Ambulance Service District.

A detailed Fiscal Impact Analysis will be prepared and submitted with the Preliminary Plat Application.

## CONFORMANCE WITH THE CAPITAL IMPROVEMENTS PLAN

The Capital Improvements Plan assumes an average density of 50-80 units per 100 acres for the area of the proposed subdivision. The density of the proposed development is 38.6 units per 100 acres. The proposed density is significantly less than the density assumed for this area in the Capital Improvements Plan.

All required Development Impact Fees will be paid in accordance with the Teton County Capital Improvement Plan in effect at the time of building permit issuance.

## OTHER HEALTH, SAFETY, OR GENERAL WELFARE CONCERNS

There are no FEMA Special Flood Hazard Areas (SFHA) mapped on the site. There is no surface water on the site. The site is not located in a Natural Resource Overlay. No critical habitat areas are known or mapped on the subject site. The site is mapped as "Class 1: Low Liquefaction Susceptibility", the lowest risk of three categories relating to earthquake hazard.

ATTACHMENT 3

181457

RECEIVED
OCT 18 2006
TETON CO., ID
CLERK RECORDER

File Number: 50383

**RECORDING REQUESTED BY:**
Teton County Title

**AND WHEN RECORDED MAIL TO:**
Teton County Title
PO Box 338
Victor, ID 83455

# WARRANTY DEED

FOR VALUE RECEIVED

The Bank of Commerce, Trustee for the Joseph W. Peacock & Claudia W. Peacock Trusts

the Grantor, hereby grants, bargains, sells, conveys and warrants unto

**Peacock Property, LLC, A Delaware limited liability company**

the grantee, whose current address is **PO Box 10586, Jackson, WY 83002**

the following described premises, to wit:

**The North ½ of the Southeast ¼ of Section 7, Township 5 North, Range 46 East of the Boise Meridian, Teton County, Idaho**

**Together with all water rights appurtenant to and associated with the above-described property, including all shares in the Grand Teton Pipeline Association held by Grantor.**

Subject to: all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations of record, and payment of accruing taxes and assessments as agreed to by parties above.

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: October 17, 2006

The Bank of Commerce, Trustee for the Joseph W. Peacock Trust & Trustee of the Joseph W. Peacock and Claudia W. Peacock Trusts

By [signature]

**Instrument # 181457**
DRIGGS, TETON, IDAHO
2006-10-18 04:48:44 No. of Pages: 2
Recorded for : TETON COUNTY TITLE
NOLAN G. BOYLE Fee: 6.00
Ex-Officio Recorder Deputy [signature]



181457

Nov. 16. 2006 3:33PM TCT DRIGGS No. 1526 P. 2

File Number: 50393

STATE OF Idaho )
) ss.
COUNTY OF Bonneville )

On this 17th day of October, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Sharla Galbraith, known to me and/or identified to me on the basis of satisfactory evidence, to be the Vice-President and Trust Department Manager of the Bank of Commerce, whose name is subscribed to the within instrument on behalf of The Bank of Commerce, Trustee of the Joseph W. Peacock and Claudia W. Peacock Trusts and acknowledged to me that she executed the same.
WITNESS MY HAND AND OFFICIAL SEAL.

Jeanna Clayson
Notary Public
Residing at: Idaho Falls, ID
My commission expires: 03-08-09

JEANNA CLAYSON
NOTARY
PUBLIC
STATE OF IDAHO

181457

ATTACHMENT 3

180623

File Number: 50383

RECORDING REQUESTED BY:
Teton County Title

AND WHEN RECORDED MAIL TO:
Teton County Title
PO Box 338
Victor, ID 83455

**Instrument # 180623**
DRIGGS, TETON, IDAHO
2006-09-22 03:48:10 No. of Pages: 2
Recorded for : TETON TITLE
NOLAN G. BOYLE Fee: 6.00
Ex-Officio Recorder Deputy
Index to DEED, WARRANTY

RECEIVED
SEP 22 2006
TETON CO., ID
CLERK & RECORDER

# WARRANTY DEED

FOR VALUE RECEIVED
**The Bank of Commerce, Trustee for the Joseph W. Peacock Trust and as Trustee Of the Joseph W. Peacock and Claudia W. Peacock Trust**

the Grantor, hereby grants, bargains, sells, conveys and warrants unto

**Peacock Property, LLC, a Delaware Limited Liability Company**

the grantee, whose current address is **P.O. Box 10586 Jackson, Wy 83001**

the following described premises, to wit:

**See attached exhibit "A"**

Subject to: all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations of record, and payment of accruing taxes and assessments as agreed to by parties above.

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

**Dated: September 21, 2006**

**The Bank Of Commerce, Trustee for the Joseph W. Peacock Trust and As Trustee of the Joseph W. Peacock and Claudia W. Peacock Trust**

**STATE OF** Idaho )
) ss.
**COUNTY OF** Bonneville )

On this 22 day of September, 2006 before me, the undersigned, a Notary Public, in and for said State, personally appeared Sharla Galbraith, known to me, and/or identified to me on the basis of satisfactory evidence, to be the Vice-President and Trust Department Manager of the Bank Of Commerce, whose name is subscribed to the within instrument on behalf of The Bank Of Commerce, Trustee of Joseph W. Peacock and Claudia W. Peacock, Trusts and acknowledged to me that she executed the same as trustee.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public
Resides at: Tetonia, Id
My commission expires: 01-23-2007

PAMELA M. HARKER NOTARY PUBLIC STATE OF IDAHO



180623

**EXHIBIT "A"**

A portion of Section 8, Township 5 North, Range 46 East of the Boise Meridian, Teton County, Idaho, being more particularly described as follows:

Commencing at the NE corner of said Section 8;
thence S 00° 06' 34" E along the East line of said Section 8, also being the state line between Idaho and Wyoming, a distance of 845.12 Feet;
thence N 89° 50' 38" W along the South Boundary of that Parcel of land identified as Tax No. 3236 in the Records of said Teton County a distance of 623.20 Feet to a found ½ inch Rebar being the POINT OF BEGINNING;
thence along the boundary of Prime and Griggs parcels as identified at Tax No. 3015 and at Instrument No. 107904 in said Teton County Records for the following two courses:

1.) S 00° 06' 34" E a distance of 1397.61 Feet;
2.) S 89° 47' 03" E a distance of 623.30 Feet;

thence S 00° 06' 34" E along east line of Section 8 a distance of 60.01 Feet;
thence N 89° 47' 03" W a distance of 2405.10 Feet to a ½ inch Rebar with plastic cap bearing the PLS No. 5717;
thence N 89° 47' 12" W a distance of 1315.76 Feet;
thence N 00° 03' 32" W along the West line of said Section 8 a distance of 975.27 Feet to the NW corner of the SW ¼ NW ¼ of said Section 8, being a 5/8 inch Rebar with aluminum cap bearing the PLS No. 2860;
thence N 00° 07' 11"W along said West line of Section 8 a distance of 230.54 Feet to a ½ inch Rebar with plastic cap bearing said PLS No. 5717;
thence S 89° 49' 02" E a distance of 1316.06 Feet to a ½ inch Rebar with plastic cap bearing said PLS No. 5717;
thence N 00° 04' 17" W a distance of 249.26 Feet to a point, from which the NW corner of the NE ¼ NW ¼ of said Section 8 bears N 00° 04' 17" W 843.86 Feet distant;
thence S 89° 50' 38" E along the South boundary of said parcel identified as Tax No. 3236 a distance of 1780.60 Feet to the POINT OF BEGINNING.

ATTACHMENT 3

180626

RECORDING REQUESTED BY:
Teton County Title

AND WHEN RECORDED MAIL TO:
Teton County Title
PO Box 338
Victor, ID 83455

Instrument # 180626
DRIGGS, TETON, IDAHO
2006-09-22 03:57:02 No. of Pages: 2
Recorded for : TETON TITLE
NOLAN G. BOYLE
Ex-Officio Recorder Deputy
Fee: 6.00
Index to: DEED, WARRANTY

RECEIVED
SEP 27 2006
TETON CO., ID.
CLERK RECORDER

# WARRANTY DEED

FOR VALUE RECEIVED

**Michael T. Prime and Robyn Prime, Husband and Wife ,**

GRANTOR(S), hereby grants, bargains, sells, conveys and warrants unto

**Peacock Property LLC, A Delaware limited liability company**

GRANTEE(S), whose current address is: **P.O. Box 10586, Jackson, WY 83001**

the following described premises, to wit:

**See "Exhibit A" attached hereto**

Subject to: all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations of record, and payment of accruing taxes and assessments as agreed to by parties above.

**TO HAVE AND TO HOLD** the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

**Dated this 21st day of September, 2006.**

Michael T. Prime

Robyn Prime

STATE OF IDAHO )
) ss.
COUNTY OF Teton )

On this 21st day of September, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared, **Michael T. Prime and Robyn Prime**, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same. WITNESS MY HAND AND OFFICIAL SEAL.

Pamela M Harker
Notary Public
Residing at: Tetonia, Id.
My commission expires: 01-23-2007

PAMELA M. HARKER NOTARY PUBLIC STATE OF IDAHO

180626

ATTACHMENT 3

File Number: 50531

**EXHIBIT "A"**

Parcel 1:
Commence at the Northeast Corner of Section 8, Township 5 North Range 46 East, Boise, Meridian, Teton County, Idaho;
Thence South 0 degrees 11' 34" West along the East line of said Section 1544.25 feet to the point of beginning; thence Continue South 0 degrees 11' 34" West along said East line 699.12 feet;
thence North 89 degrees 28' 34" West, 623.20 feet;
thence North 0 degrees 11' 34" East, 698.85 feet;
thence South 89 degrees 30' 05" East, 623.20 feet to the point of beginning.

Parcel 2:
Commencing at the Northeast corner of said Section 8, Township 5 North, Range 46 East, Boise Meridian, Teton County, Idaho;
Thence South 0 degrees 11' 34" West along "the Easterly line of said Section 845.12 feet to the, true point of beginning;
thence continue South 0 degrees 11' 34" West along said easterly line 699.13 feet;
thence North 89 degrees 30' 05" West, 623.20 feet; thence North 0 degrees 11' 34" East, 698.85 feet;
thence South 89 degrees 31' 37" East 623.20 feet to the point of beginning.

ATTACHMENT 3

File Number: 50531

180625

RECORDING REQUESTED BY:
Teton County Title

AND WHEN RECORDED MAIL TO:
Teton County Title
PO Box 338
Victor, ID 83455

Instrument # 180625
DRIGGS, TETON, IDAHO
2006-09-22 03:54:44 No. of Pages: 2
Recorded for : TETON TITLE
NOLAN G. BOYLE Fee: 6.00
Ex-Officio Recorder Deputy
Index to: DEED, WARRANTY

# WARRANTY DEED

FOR VALUE RECEIVED

**Neil R. Griggs & Virginia Griggs, Husband and Wife ,**

GRANTOR(S), hereby grants, bargains, sells, conveys and warrants unto

**Peacock Property LLC, A Delaware limited liability company**

GRANTEE(S), whose current address is: **P.O. Box 10586, Jackson, WY 83001**

the following described premises, to wit:

**See "Exhibit A" attached hereto**

**And as relinquished property in an I.R.C. 1031 Tax Deferred Exchange**

Subject to: all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations of record, and payment of accruing taxes and assessments as agreed to by parties above.

ATTACHMENT 3

**TO HAVE AND TO HOLD** the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

**Dated this 21st day of September, 2006.**

Neil R. Griggs
**Neil R. Griggs**

Virginia Griggs
**Virginia Griggs**

**STATE OF** Idaho )
) ss.
**COUNTY OF** Bonneville )

On this 21st day of September, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared **Neil R. Griggs & Virginia Griggs** known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.
WITNESS MY HAND AND OFFICIAL SEAL.

Stephanie K Jensen
Notary Public
Residing at: _____
My commission expires: _____

Notary Public for the State of Idaho
Residing in Idaho Falls
Commission Expires 11-01-06

NOTARY PUBLIC

**180625**

ATTACHMENT 3

**File Number: 50531**

**EXHIBIT "A"**

Parcel 1:
Commence at the Northeast Corner of Section 8, Township 5 North Range 46 East, Boise, Meridian, Teton County, Idaho;
Thence South 0 degrees 11' 34" West along the East line of said Section 1544.25 feet to the point of beginning; thence Continue South 0 degrees 11' 34" West along said East line 699.12 feet;
thence North 89 degrees 28' 34" West, 623.20 feet;
thence North 0 degrees 11' 34" East, 698.85 feet;
thence South 89 degrees 30' 05" East, 623.20 feet to the point of beginning.

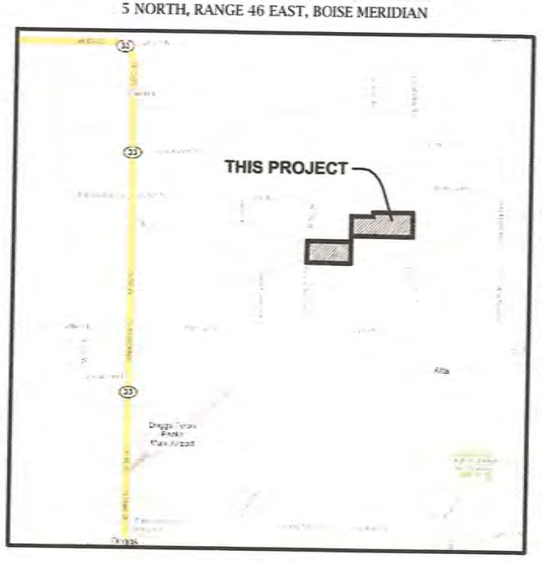
Parcel 2:
Commencing at the Northeast corner of said Section 8, Township 5 North, Range 46 East, Boise Meridian, Teton County, Idaho;
Thence South 0 degrees 11' 34" West along "the Easterly line of said Section 845.12 feet to the, true point of beginning;
thence continue South 0 degrees 11' 34" West along said easterly line 699.13 feet;
thence North 89 degrees 30' 05" West, 623.20 feet; thence North 0 degrees 11' 34" East, 698.85 feet;
thence South 89 degrees 31' 37" East 623.20 feet to the point of beginning.

ATTACHMENT 4

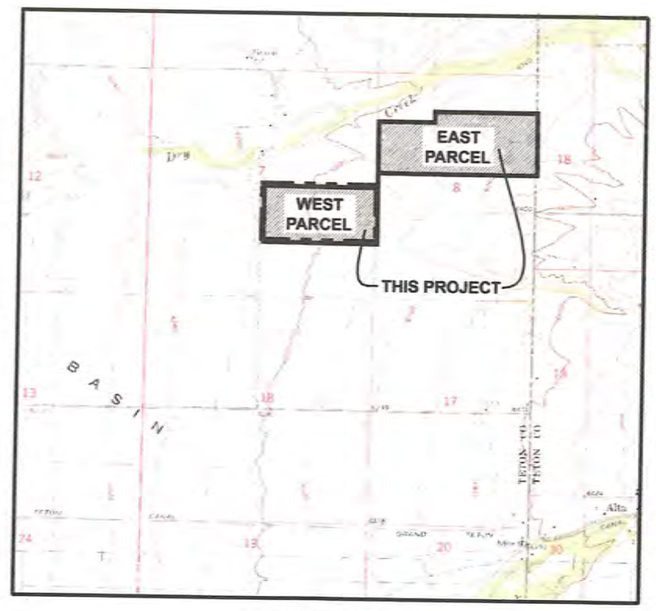
# MOUNTAIN LEGENDS RANCH SUBDIVISION

# CONCEPT MASTER PLAN

LOCATED WITHIN SECTIONS 7 & 8, TOWNSHIP 5 NORTH, RANGE 46 EAST, BOISE MERIDIAN




VICINITY MAP
NOT TO SCALE




LOCATION MAP
NOT TO SCALE

## INDEX OF SHEETS


| | |
|---|---|
| C101 | COVER & VICINITY MAP |
| C201 | EXISTING CONDITIONS |
| C301 | OVERVIEW |


## SITE DATA

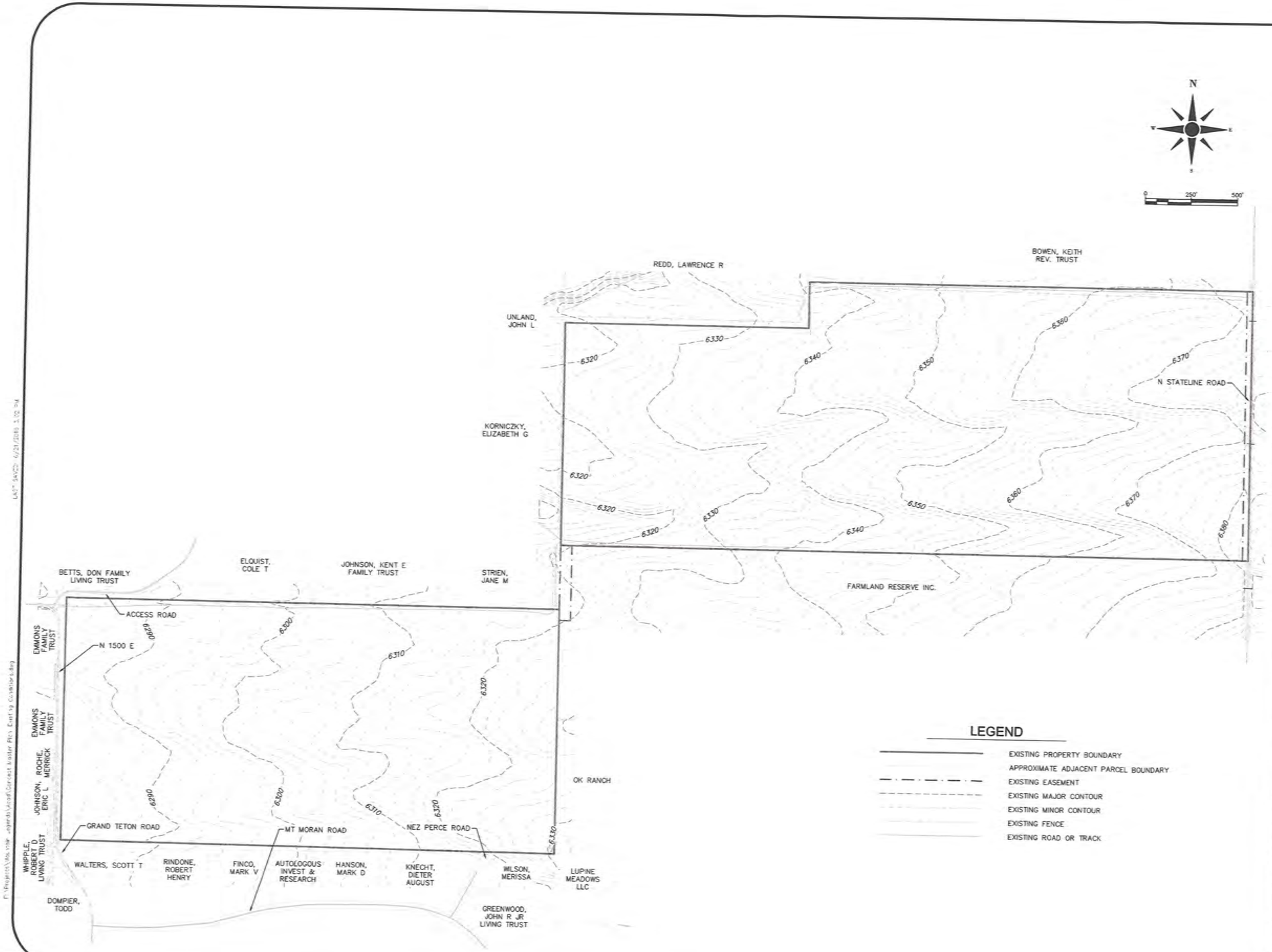
| | |
|---|---|
| GROSS SITE AREA: | 197.05 AC |
| ZONING DISTRICT: | A/RR-2.5 |
| TOTAL LOTS: | 76 |
| DENSITY: | 0.39 LOTS/AC |

INDIVIDUAL PRIVATE SEPTIC SYSTEMS FOR ALL LOTS.
INDIVIDUAL PRIVATE WELLS FOR ALL LOTS.


Arrowleaf ENGINEERING, PC
55 SOUTH 5TH EAST
DRIGGS, ID 83422
307-413-6373 info@arrowleafengineering.com


Received on: 6-21-16 By: KMR
Draft # 2 Supersedes previous? (Y) N
Submitted to BoCC or (PZC) Hearing
Hearing Date: 7-12-16

JUNE 21, 2016




Arrowleaf ENGINEERING, PC
55 SOUTH 5TH EAST
DRIGGS, ID 83422
307-413-6373 info@arrowleafengineering.com

Notes

1. THERE ARE NO FEMA SPECIAL FLOOD HAZARD AREAS ON THE SITE.
2. THE SITE IS NOT LOCATED IN A NATURAL RESOURCE OVERLAY AREA.

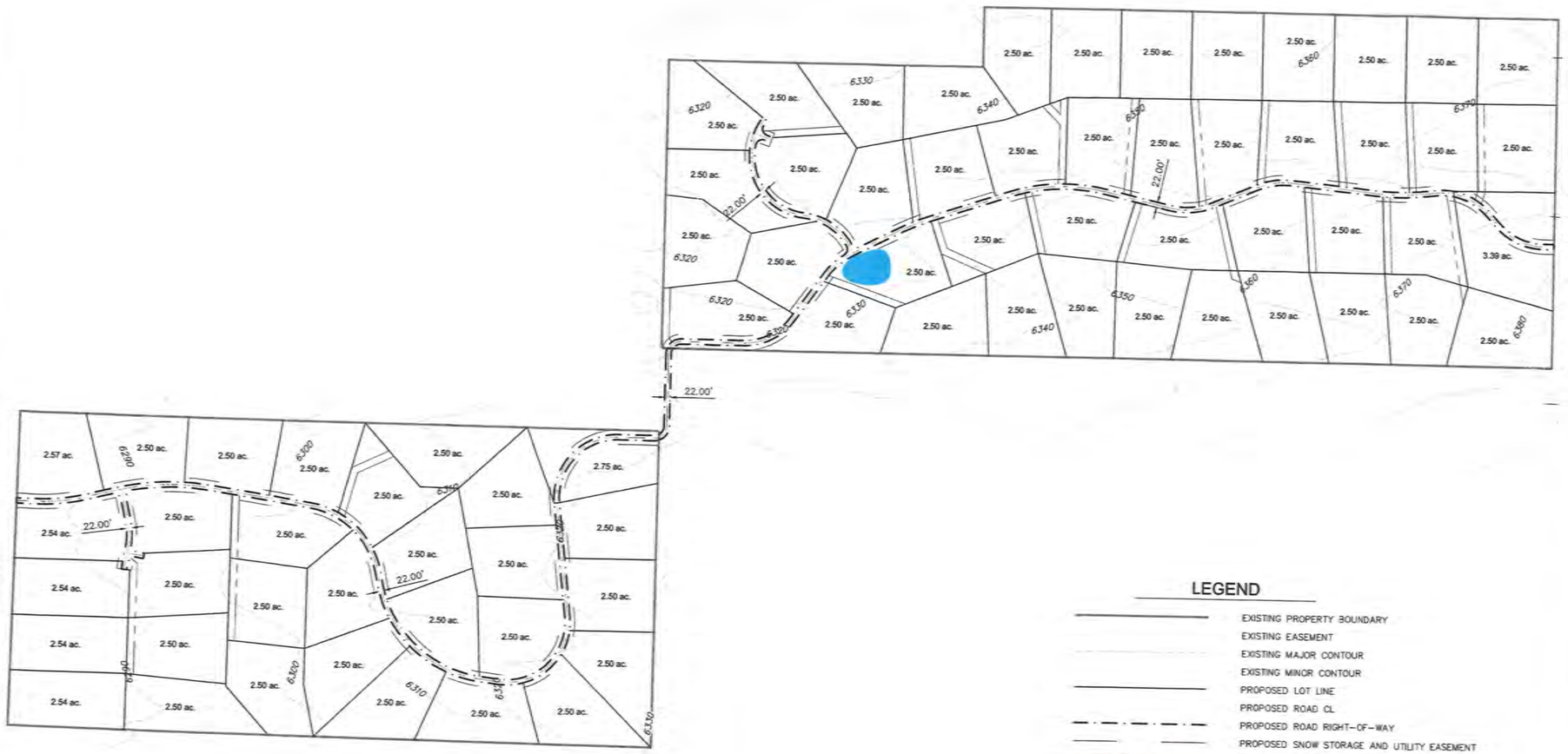
| No. | Revision/Issue | Date |
|---|---|---|
| 1 | Concept Review | 6-21-16 |

Project Name and Address

MOUNTAIN LEGENDS RANCH
NORTH STATELINE ROAD
TETON COUNTY, ID

CONCEPT MASTER PLAN
EXISTING CONDITIONS

| | |
|---|---|
| Project: MT LEGENDS | Sheet: C201 |
| Date: 6/21/2016 | |
| Drawn By: SLJ | |




## LEGEND

- EXISTING PROPERTY BOUNDARY
- EXISTING EASEMENT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED LOT LINE
- PROPOSED ROAD CL
- PROPOSED ROAD RIGHT-OF-WAY
- PROPOSED SNOW STORAGE AND UTILITY EASEMENT
- PROPOSED DRIVEWAY AND GRADING EASEMENT
- PROPOSED FIRE POND

Arrowleaf Engineering PC
55 SOUTH 5TH EAST
DRIGGS, ID 83422
307-413-6373 info@arrowleafengineering.com

Notes

1. THE LOT AREAS SHOWN DO NOT INCLUDE AREAS ENCUMBERED BY ROADWAY RIGHT-OF-WAY.
2. ALL SUBDIVISION ROADS ARE 22 FEET WIDE.

| No. | Revision/Issue | Date |
|---|---|---|
| 1 | Concept Review | 6-21-16 |

Project Name and Address

MOUNTAIN LEGENDS RANCH
NORTH STATELINE ROAD
TETON COUNTY, ID

CONCEPT MASTER PLAN OVERVIEW

| | |
|---|---|
| Project: MT LEGENDS | Sheet: C301 |
| Date: 6/21/2016 | |
| Drawn By: SLJ | |

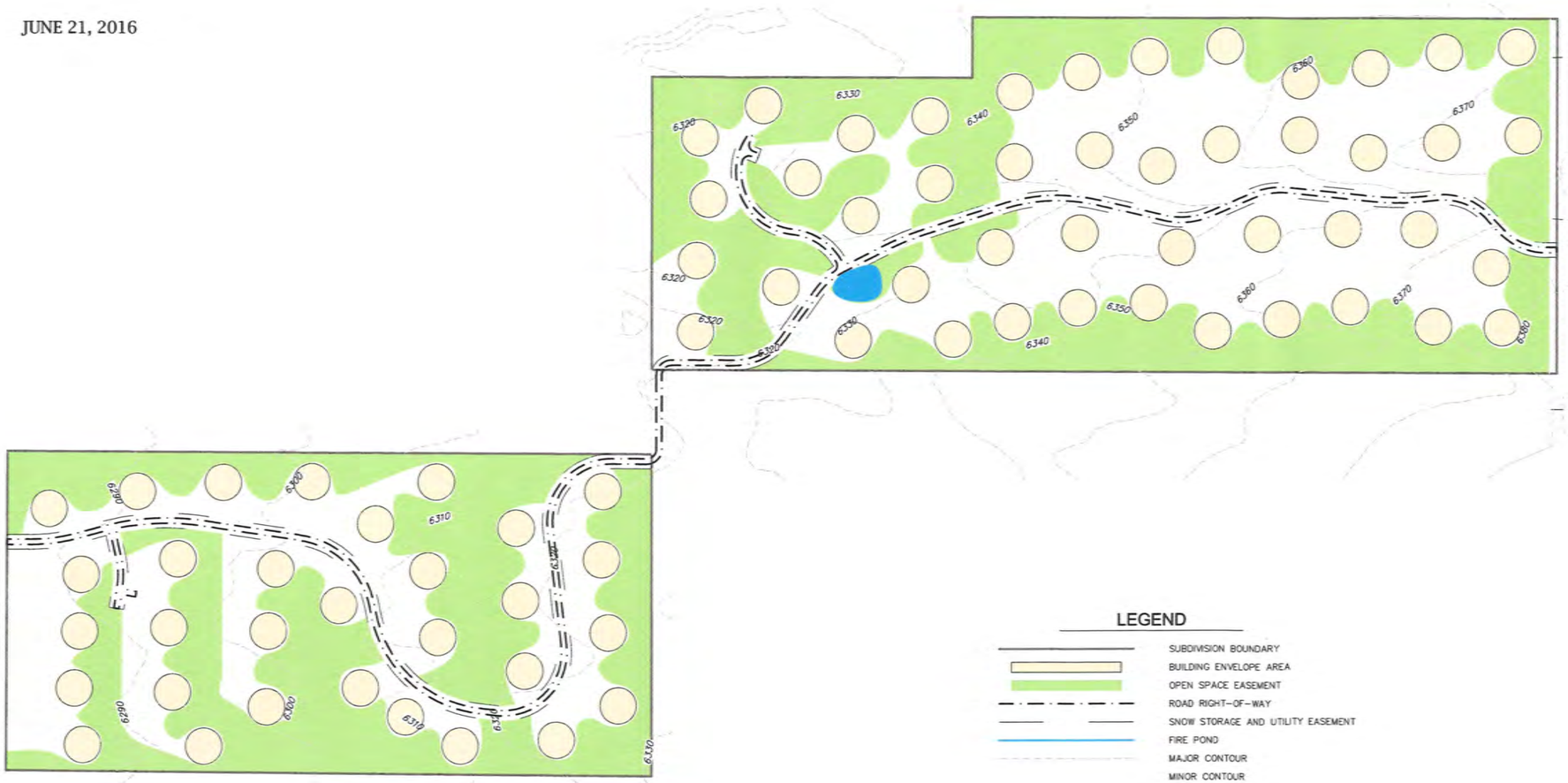
# EXHIBIT _

## TO MOUNTAIN LEGENDS RANCH CCR

DRAFT

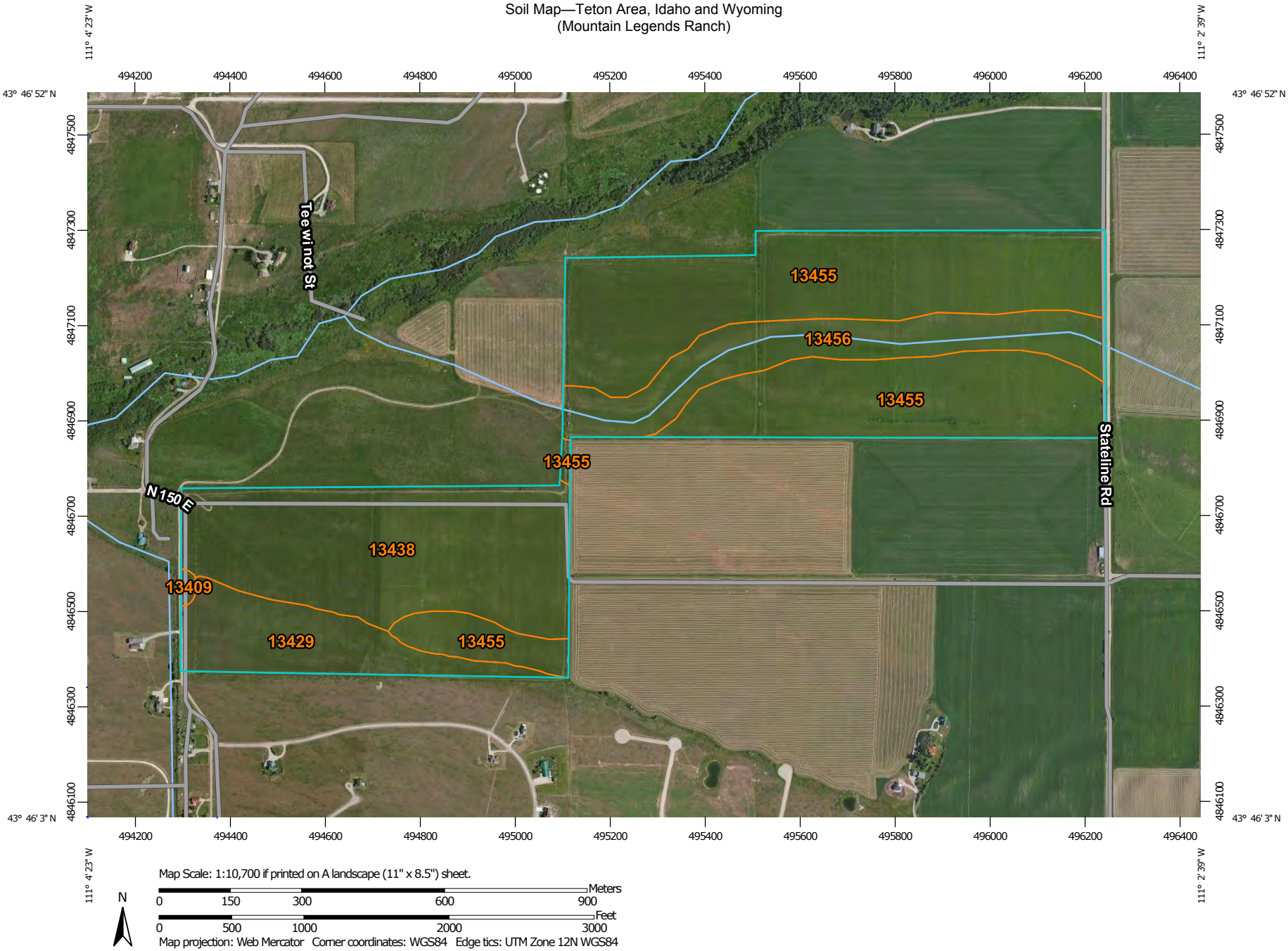
Arrowleaf ENGINEERING, PC
55 SOUTH 5TH EAST
DRIGGS, ID 83422
307-413-6373 info@arrowleafengineering.com

JUNE 21, 2016



ATTACHMENT 5

Soil Map—Teton Area, Idaho and Wyoming
(Mountain Legends Ranch)



## MAP LEGEND

**Area of Interest (AOI)**

- Area of Interest (AOI)

**Soils**

- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

**Special Point Features**

- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

**Water Features**

- Streams and Canals

**Transportation**

- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

**Background**

- Aerial Photography

## MAP INFORMATION

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

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

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

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

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

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

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

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

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

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

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

# Map Unit Legend

| Teton Area, Idaho and Wyoming (ID650) | | | |
|---|---|---|---|
| **Map Unit Symbol** | **Map Unit Name** | **Acres in AOI** | **Percent of AOI** |
| 13409 | Snyderville gravelly loam, 0 to 4 percent slopes | 0.5 | 0.2% |
| 13429 | Alpine gravelly loam, 0 to 2 percent slopes | 19.2 | 9.7% |
| 13438 | Altaby-Alpine complex, 0 to 4 percent slopes | 53.0 | 26.8% |
| 13455 | Kucera-Lostine complex, 0 to 4 percent slopes | 98.1 | 49.6% |
| 13456 | Iphil-Ririe complex, 4 to 20 percent slopes | 27.1 | 13.7% |
| **Totals for Area of Interest** | | **197.8** | **100.0%** |

ATTACHMENT 6

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

FROM: Kristin Rader, Interim Planning Administrator
TO: Harry Statter; Sarah Johnston, Arrowleaf Engineering; Herb Heimerl, Heimerl Law Firm, PC
CC: Darryl Johnson, Teton County Public Works Director; Kathy Spitzer, Teton County Prosecuting Attorney; Earle Giles, Teton County Fire District; Mike Dronen, EIPH;
RE: Mountain Legends Ranch Subdivision, Concept – DRC Meeting Notes
DATE: June 16, 2016

Harry, Sarah, and Herb, the purpose of this letter is to summarize the meeting we had on Tuesday June 14, 2016.

Roads & Utilities

- Roads need to meet the County's Adopted Road Standards.
- The road rights of ways cannot be factored into the acreage of the lots – this includes the two~~three~~ public roads that border the subdivision.
- The subdivision road surface, 22 feet wide, can be considered the right of way, taken out of the lot areas, if this is designated as a private road. On each side, a 19-foot easement designated for snow storage and private utilities needs to be shown (this is included in the lot area).
    - Include in the Development Agreement and/or plat and the CC&Rs that the County may make these roads public in the future.

Fire Protection

- This project does require Fire Protection.
- From Earle Giles:
    - Per the 2008 subdivision resolution and the 2012 International Fire Code, Code section 2.3.4 referring to subdivisions with 30 or more residential lots, the water supply will need to be increased.

Sewer/Septic

- From Mike Dronen:
    - The Mountain Legends Ranch proposal requires an EIPH subdivision assessment application and review. I will contact the applicant and engineer with the information we will be looking for.

Plans & Studies

- **Landscaping Plan**: This plan will be required for Preliminary Review. This shall include a vegetation/revegetation plan identifying locations where vegetation will be installed in order to replace existing vegetation or revegetate disturbed areas, a plan for weed management, a stabilization plan to cover any disturbed slopes, and a plan to provide screening from neighboring properties or from State Highways 31, 32, 33 or Ski Hill Road.
- **Traffic Study:** A technical memo attached to the original Traffic Study explaining that the impacts have decreased should be sufficient. This will be required for Preliminary Review. Please submit this to the County Engineer.
- **Public Service/Fiscal Analysis:** This study needs to be based on the proposed subdivision. It may be possible to update the previous study to show specifics based on the fewer lot design.

- **Nutrient Pathogen Evaluation:** There are three triggers that may apply to this development. If one of these exist, the Nutrient Pathogen Evaluation will be required for Preliminary Review.
    - There is evidence that ground water, at some time of the year, comes within ten feet of the ground's surface at any location on the proposed development parcel; or
    - There is evidence that soil depth to fractured bedrock is ten feet or less anywhere on the proposed development; or
    - The proposed development is within an area where the concentration of nitrate-nitrogen in ground water is five (5) mg/L or higher

*More information on the required studies can be found in the Teton County Code, Title 9.*

Public Hearing Information:

You are scheduled for the Teton County Planning and Zoning Commission public on **Tuesday, July 12, 2016 at 6:00 PM**. This public hearing is at the Teton County Courthouse, 150 Courthouse Drive, Driggs, Idaho. A notice, agenda, and meeting packet will be sent to you no later than the week before the meeting. Public hearings are required for the Preliminary and Final stages of this process. The scheduling of those will depend on your application submittal dates.

ATTACHMENT 7

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

June 24, 2016

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

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

Because the proposed subdivision is proposed to have more than 10 lots, a public hearing with the Teton County Planning & Zoning Commission (PZC) is required for Concept Review approval. For approval of Concept Review of a proposed subdivision, the County shall consider the objectives of Teton County Title 9, in addition to the applicant's narrative explaining the impact of the development, and in a general way, at least the following:

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

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

**Applicant & Landowner:** Peacock Property LLC **Zoning District:** A 2.5
**Legal Description:** RP05N46E084500 - TAX #6485 SEC 8 T5N R46E; RP05N46E078250 - TAX #6484 SEC 7 T5N R46E
**Parcel Size**: 197.05 acres

**Description of Application:** Peacock Property LLC is proposing a 76 lot subdivision on two parcels of land, approximately 197 acres. Two lots will be 2.5 acres, and the third lot will be 3 acres. A small portion of this property is located in the Scenic Corridor; however, no development is proposed there, so a Scenic Corridor Design Review is not required.

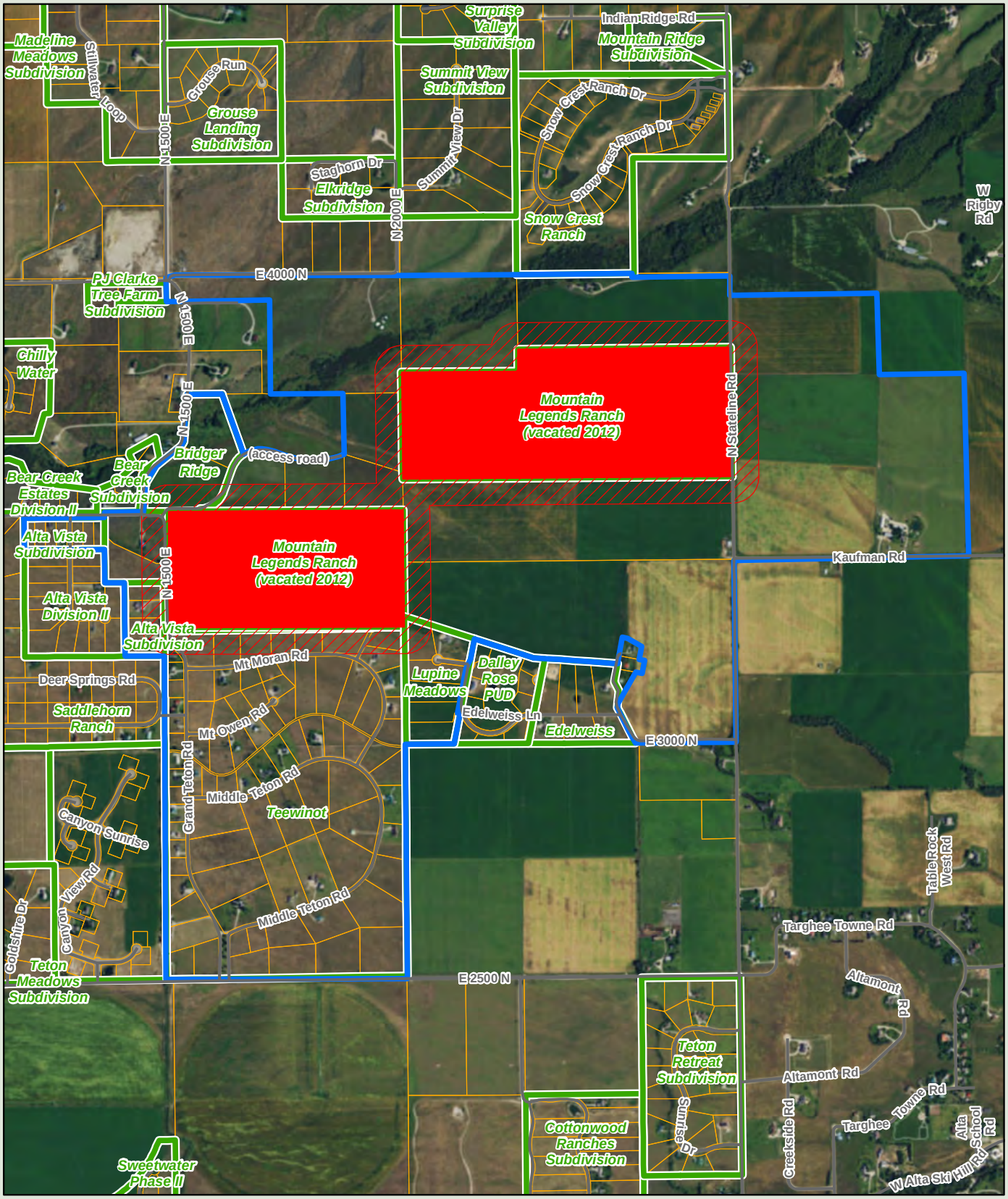
**PUBLIC HEARING**
The Teton County Planning and Zoning Commission will hold a hearing in the Commissioners' Chamber located on the First Floor (lower level, southwest entrance) at 150 Courthouse Drive, Driggs, Idaho on **July 12, 2016** on this matter. This application is scheduled as the second item on the agenda, at **6:00pm**. The meeting will begin at 4:00 p.m.

Information on the above application is available for public viewing in the Teton County Planning Department at the Teton County Courthouse in Driggs, Idaho. The development application and various related documents are also posted, as they become available, at www.tetoncountyidaho.gov. To view these items, go to the PZC department page, then select the 7-12-2016 Meeting Docs item in the Additional Information Side Bar. Written comments will be included in the packet of information provided to the Commission for consideration prior to the hearing if they are received in the Planning Department no later than 5:00pm on July 5, 2016. Written comments may be e-mailed to pz@co.teton.id.us, mailed to the address above, or faxed. You may also present your comments in person at the hearing.

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

If you have any further questions, please do not hesitate to contact Kristin Rader, Interim Planning Administrator (krader@co.teton.id.us).

ATTACHMENT 7




**Legend**

- 300 ft Notification Buffer
- Subject Parcel
- Notified Parcels
- Subdivisions / Phases
- Parcels

Printed: June 24, 2016

**MOUNTAIN LEGENDS RANCH**
**SUBDIVISION CONCEPT APPLICATION NOTIFICATION**

N

ATTACHMENT 7

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

June 30, 2016

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

Dear Property Owners:

On June 24, 2016, you were sent a letter notifying you that an application for Subdivision Concept Review has been submitted to the Teton County Planning Department by a nearby landowner. In that letter, the Description of Application read as follows:

**Description of Application:** Peacock Property LLC is proposing a 76 lot subdivision on two parcels of land, approximately 197 acres. Two lots will be 2.5 acres, and the third lot will be 3 acres. A small portion of this property is located in the Scenic Corridor; however, no development is proposed there, so a Scenic Corridor Design Review is not required.

The last two sentences of that description were an error. The Description of Application should read as follows:

**Description of Application:** Peacock Property LLC is proposing a 76 lot subdivision on two parcels of land, approximately 197 acres. The lots will be 2.5 acres, with approximately 100 acres in open space easements. These parcels are zoned A-2.5.

I apologize for this error and any confusion it may have caused. Nothing with this application has changed from the previous notice. Application materials and a staff report are available on the Teton County, ID website. I have also included the public hearing information from the original notice at the bottom of this letter.

If you have any questions related to this application, please do not hesitate to contact the Planning Department using the contact information above.

Sincerely,

Kristin Rader
Interim Planning Administrator

**PUBLIC HEARING**

The Teton County Planning and Zoning Commission will hold a hearing in the Commissioners' Chamber located on the First Floor (lower level, southwest entrance) at 150 Courthouse Drive, Driggs, Idaho on **July 12, 2016** on this matter. This application is scheduled as the second item on the agenda, at **6:00pm**. The meeting will begin at 4:00 p.m.

Information on the above application is available for public viewing in the Teton County Planning Department at the Teton County Courthouse in Driggs, Idaho. The development application and various related documents are also posted, as they become available, at www.tetoncountyidaho.gov. To view these items, go to the PZC department page, then select the 7-12-2016 Meeting Docs item in the Additional Information Side Bar. Written comments will be included in the packet of information provided to the Commission for consideration prior to the hearing if they are received in the Planning Department no later than 5:00pm on July 5, 2016. Written comments may be e-mailed to pz@co.teton.id.us, mailed to the address above, or faxed. You may also present your comments in person at the hearing.

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

ATTACHMENT 8

**Kristin Rader**

**From:** Joy Sawyer-Mulligan <[redacted]>
**Sent:** Friday, July 01, 2016 4:43 PM
**To:** PZ
**Subject:** Mountain Legends Concerns:

TETON COUNTY
PLANNING & ZONING
JUL 01
RECEIVED

Dear Members of the P&Z committee:

I read recently the public notice posted in our local newspaper re: the resurrection of the Mountain Legends subdivision proposal. I write with grave concern about the short and long-term impact of such a densely packed, many-unit subdivision in an area of the valley that is rural in nature, part of an established wildlife corridor, and well worthy of a staunch defense against development.

With Snow Crest, just north of the Mountain Legends parcel as a negative model--black pavement scarring a formerly uninterrupted sage-and-barley field (also riparian), and massive, hulking dwellings called "cabins" cheek-by-jowel--it is clear that the approval of a subdivision like Mountain Legends would be in direct and explicit opposition to the principles of the Comprehensive Plan's guidelines of preservation of rural character and open space.

I will certainly be in attendance at the hearing on July 12 to help make clear the issues here and the logic of the opposition to the development's finding approval. I hope that behind the human voices represented at that meeting and in letters to you, you will hear the needs of the voiceless--the wildlife and the land-- entities forever diminished (or destroyed entirely) by development such as that proposed by whoever is behind Mountain Legends.

Thank you for your thoughtful approach to what is ahead.

Respectfully,

Joy Sawyer-Mulligan
Alta

P.S. Below are two photos taken on Dry Creek--just one property separated from the proposed development (and not my property). I wish I had some of the elk herd that roams this space each winter, but I've never had my camera when I've seen them.



Comment 1

TETON COUNTY
PLANNING & ZONING
JUL 01
RECEIVED

ATTACHMENT 8

208 354 1871
www.tetonwater.org

**To: Kristin Rader**

**Re: Concept Review approval hearing for Peacock Property LLC proposed subdivision**

Dear Kristin,

I am writing to you on behalf of Friends of the Teton River, to comment on the "Mountain Legends Ranch" concept application proposed for the 197.05 acre property owned by Peacock Property LLC .

Friends of the Teton River works for clean water, healthy streams, and resilient fisheries in the Teton River watershed. As such, we at times comment on proposed land use changes that we believe may have an impact on drinking water, flood protection, stream channels, and/or fish and riparian wildlife protection.

We believe that the proposed Mountain Legends subdivision should be required to perform a Nutrient Pathogen Evaluation, because the subdivision meets the following criteria as described in Article 9, Appendix A of the Teton County Land Use Code:

- **The proposed development is within an area where the concentration of nitrate-nitrogen in groundwater is five mg/l or higher.** Data collected by Friends of the Teton River in 2012 and 2016 indicates that several properties with addresses on Grand Teton Road and Deer Springs Road showed nitrate-nitrogen levels of at least 5 mg/L. The proposed subdivision is within the same area as these addresses, and likely up-gradient from a groundwater flow perspective. It should be incumbent upon the developer to demonstrate that plans for sewage treatment will not further increase the concentration of nitrate-nitrogen in the area.

- **There is evidence that groundwater comes within ten feet of the ground surface on the proposed development parcel some time of the year.** There is a swale/low area running through the middle of the property. It should be incumbent upon the developer to demonstrate that groundwater does not come within ten feet of the ground surface in this low area during the springtime, when standing water is seen on the surface in similar areas on adjoining properties.

Please let me know if you have questions or need additional information.

Sincerely,

Amy Verbeten, Executive Director
Friends of the Teton River
(208)354-3871 x 13
amy@tetonwater.org

| Well Address | City | Test Results | Additional Info |
|---|---|---|---|
| Yellow Rose Dr. | Alta | 2 | Wyoming |
| W. Teton Hideaway | Alta | 2 | Wyoming |
| Leigh Lane | Alta | 2 | |
| Greenville Rd | Alta | 0 | Wyoming |
| N Bustle Creek Rd | Alta | 5 | Wyoming |
| Alta North Rd | Alta | 2 | Wyoming |
| E. Ski Hill Rd | Alta | 0 | Wyoming |
| Perimeter Drive | Alta | 0 | Wyoming |
| E Bustle Creek Drive | Alta | 2 | Wyoming |
| | Alta | 0.5 | |
| Bates Rd. | Driggs | 0.5 | faucet |
| S. Main St. | Driggs | 0.5 | B-1 |
| Bates Rd. | Driggs | 0.5 | Filtered |
| Little Ave | Driggs | 0.5 | |
| Aspen Meadows Dr. | Driggs | 2 | |
| S. Deer Springs Rd | Driggs | 2 | |
| Buttermilk Drive | Driggs | 0 | |
| West Ridge Ranch | Driggs | 5 | |
| Ski Hill Rd. | Driggs | 0 | |
| Deer Springs Rd. | Driggs | 5 | |
| Wild Cat Canyon Loop | Driggs | 2 | |
| S. Stateline Rd. | Driggs | 0 | |
| Rigby Rd | Driggs | 5 | |
| E. 1000 S. | Driggs | 2 | |
| Table Rock Dr. | Driggs | 0.5 | |
| Honeybee Lane | Driggs | 0.5 | |
| Mt. Washburn | Driggs | 0.5 | |
| Mt Davidson | Driggs | 0.5 | |
| Grand Teton Rd. | Driggs | 5 | |
| Cobblecrest | Driggs | 0 | |
| E 3500 N | Driggs | 0.5 | |
| S 385 E | Driggs | 0.5 | |
| Middle Teton Rd | Driggs | 2 | |
| E 2000 South | Driggs | 0 | Darby Canyon PWS |
| N Hwy 33 | Driggs | 2 | |
| Old Rightaway Rd | Driggs | 0.5 | |
| Talon Cr | Driggs | 0 | |
| Fall line dr | Driggs | 5 | |
| Brand Street | Driggs | 0.5 | |
| W 4000 N | Driggs | 2 | |
| W 1000 S | Driggs | 0.5 | |
| S 5000 S | Driggs | 0.5 | |
| S Agate | Driggs | 0 | |
| S Agate | Driggs | 0 | |
| S 500 W | Driggs | 0 | |
| S 500 W | Driggs | 0 | |
| N 5500 W | Driggs | 0 | |
| S Bates | Driggs | 0.5 | |
| S 1333 W | Driggs | 0 | |
| Mtn Meadows Dr | Driggs | 2 | |
| Grand Teton Rd | Driggs | 5 | |
| Teton High School | Driggs | 0 | |
| Packsaddle | Driggs | 0.5 | |
| S 70 West | Driggs | 0 | |
| South 500 West | Driggs | 5 | |
| S Aspen Drive (Packsaddle Estates) | Driggs | 0 | |
| Butler Lane | Driggs | 2 | |

| | | | |
|---|---|---|---|
| Deer Springs Lane | Driggs | 2 | |
| N Highway 33 | Driggs | 5 | Wyoming |
| South 3500 West | Driggs | 0 | |
| South 2000 East | Driggs | 0 | |
| Wildcat Canyon Rd | Driggs | 2 | |
| Deer Springs Rd | Driggs | 2 | |
| Fall Line Drive | Driggs | 0.5 | |
| Targhee Ranch Subdivision | Driggs | 0.5 | |
| Black Bear Drive | Driggs | 2 | |
| North State Line Rd | Driggs | 2 | |
| Clearview Drive | Driggs | 0 | |
| Table Rock Drive | Driggs | 2 | |
| Mt Davidson Drive | Driggs | 0 | |
| Mt Meadow | Driggs | 5 | |
| Wildcat Canyon Loop | Driggs | 2 | |
| Targhee Ranch Subdivision | Driggs | 0 | |
| Westend Woodrush Lane | Felt | 5 | |
| | Swan Valley | 0.5 | |
| E. 1000 N. | Tetonia | 0 | |
| River Rim Ranch Rd. | Tetonia | 0 | |
| Chache Vista Dr. | Tetonia | 0.5 | |
| 8000 W. | Tetonia | 0 | |
| W. 13000 N. | Tetonia | 5 | |
| Blue Ridge Ln. | Tetonia | 5 | |
| Fischer Lane | Tetonia | 2 | |
| Fischer Lane | Tetonia | 0.5 | |
| N. 500 E. | Tetonia | 2 | |
| W. 4000 N. | Tetonia | 2 | |
| W. 7000 N | Tetonia | 0 | |
| N 3000 W | Tetonia | 0 | city water |
| N 3000 W | Tetonia | 2 | |
| N 1965 E Staghorn Dr | Tetonia | 2 | |
| Brown Drake Ct | Tetonia | 2 | |
| River Rim | Tetonia | 2 | |
| Leigh Creek Estate Rd | Tetonia | 0.5 | |
| Beaver Blvd | Tetonia | 0 | |
| Renegade Dr | Tetonia | 0.2 | |
| N 2250 E | Tetonia | 2 | |
| N 700 W | Tetonia | 0 | |
| Badger Creek Rd | Tetonia | 0 | |
| Apsaroka Ln | Tetonia | 0 | |
| Wolverine Way | Tetonia | 0 | |
| Moonlight Ln | Tetonia | 2 | |
| Quartz Drive | Tetonia | 0.5 | |
| Rammell Mt Rd | Tetonia | 2 | |
| W 6000 N | Tetonia | 2 | |
| N 500 W | Tetonia | 2 | |
| W Highway 33 | Tetonia | 2 | |
| W Highway 33 | Tetonia | 2 | Cabin |
| W 8750 N | Tetonia | 2 | |
| W 8750 N | Tetonia | 0 | |
| Broken Arrow Rd | Tetonia | 0 | |
| N 6600 W | Tetonia | 0.5 | |
| N 500 W | Tetonia | 2 | |
| Thistle Creek | Victor | 2 | |
| S. 5000 W. | Victor | 0 | |
| Bald Eagle Dr. | Victor | 0 | |
| E. 4500 S. | Victor | 2 | |
| E. 5500 S. | Victor | 0 | |

| | | |
|---|---|---|
| Country Club Dr. | Victor | 2 |
| Thistle Cr. Dr. | Victor | 0.5 |
| E. 4000 S. | Victor | 5 |
| E. 5000 S. | Victor | 0 |
| S. 1000 W. | Victor | 0 |
| Oliver Rd. | Victor | 0 |
| S. 4500 W. | Victor | 2 |
| W. 4500 S | Victor | 0 |
| Diamond T Trl | Victor | 2 |
| S 500 W | Victor | 0.5 |
| Steller End | Victor | 2 |
| S Hwy 33 | Victor | 2 |
| Avalanche Rd | Victor | 5 |
| S 60 E | Victor | 5 |
| Sweet Home Dr | Victor | 0 |
| village way | Victor | 0 |
| Larkspur Meadows | Victor | 0.5 |
| Riverbend Ln | Victor | 5 |
| S 500 W | Victor | 0.5 |
| S 700 W | Victor | 0 |
| S 600 W | Victor | 0 |
| Running Horse Trail | Victor | 0.5 |
| W 7000 S | Victor | 0.5 |
| Sorenson Creek | Victor | 0 |
| W 7000 S | Victor | 0 |
| Mustang Trail | Victor | 5 |
| Thistle Cr Dr | Victor | 2 |
| Storm View Loop | Victor | 0.5 |
| E 4500 S | Victor | 5 |
| 9500 South | Victor | 0 |
| South Highway 31 | Victor | 0 |
| West Birch Street | Victor | 0.5 |
| Sorenson Creek Rd | Victor | 0 |
| West 4000 South | Victor | 0.5 |
| S 500 | Victor | 0 |
| Taylor Ridge Lane | Victor | 0.5 |
| Running Horse Trail | Victor | 0 |
| W 9600 S | Victor | 0.5 |
| Shadowmoon #321 | | 0 |
| Line View Ln | | 2 |
| | | 0.5 |

| Total at 10 mg/L or greater | Total at 5 mg/L or greater | Total >2,<5 mg/L | Total <2 mg/L |
|---|---|---|---|
| 0 | 18 | 47 | 93 |
| 0% | 11% | 30% | 59% |

June 30, 2016

Teton Co. Planning Department
150 Courthouse Drive
Room 107
Driggs, Idaho 83422

TETON COUNTY
PLANNING & ZONING
JUL 01
RECEIVED

Dear Ms. Rader,

I received your notice regarding Peacock Properties application to develop a 76-lot subdivision in the mail yesterday. Although I appreciate your invitation to submit comments, the fact that the notice comes on the cusp of a long holiday weekend (visiting family staying through Monday) limits my ability to adequately study the proposal prior to your July 5th deadline. Despite this reality, I do have several questions that I would like addressed that do not require extensive study of the specific plan or Teton County codes.

1) The map you mailed us demonstrates that there are already well over 100 approved but undeveloped building lots that are accessed via 2500 N., Stateline Rd. and 5000 N. You are now preparing to add another 76 lots, essentially doubling the ultimate "build out" number. My question: Is this a funded project or unfunded liability on Teton County Idaho and its taxpayers?

   An Example. Although, significant expansion of a number of County services will be required at build out, I will posit an obvious significant and expensive requirement. N. Stateline Rd (and Feeders), which is currently maintained by Teton Co. Wyoming, is a dirt/gravel road (beyond 2500 N.) that cars, farm/construction equipment, bikes, and dog walkers share. It is narrow, has several steep hills, blind dips and driveways etc. Fortunately, despite frequent lack of compliance with posted signage, traffic load is still low enough that no significant accidents have occurred (although we have all had near misses). Since Teton Co. Idaho has approved build out of Snow Crest, Mountain Ridge, Surprise Valley (and multiple other subdivisions) and presumably now Mountain Legends Ranch, I hope you can direct me to a comprehensive road improvement plan that includes estimates of the number of vehicle trips at complete build out, what roads and feeders will need specific upgrades and the cost of same. Such a plan would ensure the safety (most importantly), convenience and pocket books of all users.

   Equally importantly, where is the funding coming from? I lived and worked in Boise, ID for 25 years and was confronted with a similar situation (rural roads accessing new proposed subdivisions). I have included as an appendix how this challenge was addressed (specifically) including the projected costs of road improvement over an estimated 20-year build out (prepared by the Ada Co. Highway District). You will see that the funds are supplied by a

special impact fee on the developments and in the case of Cartwright Rd, the developers were required to do a 1.6 million dollar upgrade.

In short, no tax dollars or standard impact fees were used. This development plan was proactively funded and not and unfunded liability that would fall on Ada Co. taxpayers after the developers had sold their lots and met their personal/corporate financial needs.

This is an example of thoughtful, responsible zoning and planning; infrastructure kept up with demand and was financed by those who profited from the sale of lots and built homes in the new subdivisions. It is my sincere hope that the Teton Co. Idaho Commissioners and Planning and Zoning have performed similar due diligence.

If for some reason you do not have such planning and financing specifically worked out no further build out should proceed (until such a plan is completed and approved). To move forward with an additional 76 new lots without such a plan is to put hope over reason and to throw fiscal responsibility to the wind.

In addition to the multiple road issues, your notice confirms that you will be addressing the challenges of hundreds of new private septic systems and wells on our water quality (Dry Creek, drainage), EMS, Fire etc. (the later two presumably funded by standard impact fees/property taxes). I also suspect but do not see specifically addressed in your flyer, that you will be in negotiations with Teton Co, Wyoming with respect to future plans for improvement, maintenance and financing of North Stateline Rd.

I first saw Teton Valley, ID in 1967 and started recreating here on a regular basis in 1984. My wife and I were fortunate to be able to move to the Valley in 2009. It is a special place and I understand why others want to be able to experience this wonderful valley as I do. They should be able to do so but the development should be clearly thought out and proactively financed or the very things that brought all of us here will be lost and the infrastructure quality and passed on costs will further degrade our quality of life.

My concerns and questions noted above are practical and specific and have been successfully addressed in other Idaho County's. I look forward to your response.

Sincerely,

KC. Murphy MD. Diane Murphy

Addendums on next page:

[redacted]

1) Ada CO. Highway District Plan for road improvements for Cartwright Ranch and Hidden Springs Development. The two developments were initially accessed via rural/dirt roads (Cartwright Rd. Pierce Park Lane, Dry Creek Rd and Seaman's Gulch Rd.)

2) A picture of the Teton Valley Winter Elk Herd in our alfalfa field last January. This is located about 300 yards from the Mountain Legends Ranch Development. The herd typically moves over to the Mountain Legends land later in the month. We typically and ironically often name our developments after animals or natural features we eliminate or displace in order to build ("Moose/Elk Meadows Ranch" etc.). This is not a reason to halt development but it is something to keep in mind as you carry the heavy responsibility (your public service legacy) of maintaining the many unique features that make this valley such a special place. KCM.

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# Projects

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## Cartwright Road Reconstruction

Back to Projects

### General Description

Cartwright Road from the intersection of Dry Creek Road to Pierce Park Lane will be reconstructed over the next six months to create a wider, safer road. The developers of Cartwright Ranch are doing the estimated $1.6 million project, which was required by Ada County Highway District.

The road will be closed during construction, which starts on April 14, 2008 and will end in early October.

**Chanon Romo**
208.387.6275
cromo@achdidaho.org

**Subscribe for updates to this project to be sent to your email.**

Your Name:

Your Email:

Submit

Cartwright will be expanded from a 22-foot-wide road to a 32-foot-wide road with two, 11-foot-wide vehicle lanes and two, 4-foot-wide paved shoulders, which will greatly increase safety for cyclists, pedestrians and stalled cars. The new road will also have one-foot-wide gravel shoulders.

Extensive earth moving forced the road closure. The Cartwright hill between Dry Creek and Pierce Park will be reduced by about 15 feet and the grade reduced from 12-to-14 percent to 10 percent. The Cartwright/Pierce Park intersection will also be rebuilt to eliminate the current, sharp angle and create a more traditional T-shaped intersection.

A second segment of Cartwright Road, the section from the future 36th Street extension to the entrance of the Owyhee Motorcycle Club, is also likely to be widened as part of this project. The current road section ranges from 20 to 25 feet in width and will be reconstructed to the 32-foot-wide section mentioned above, two, 11-foot-wide vehicle lanes, two, 4-feet-wide paved shoulders and two, 1-foot-wide gravel shoulders. This second phase of the work would eliminate the last of the narrow sections of the road and has received preliminary approval from the impacted property owner. The second phase will likely occur in the summer.

The road work is being done in advance of the construction of the Cartwright Ranch Planned Community, which is located on Cartwright Road almost mid way between Dry Creek Road and Pierce Park Lane. The planned community eventually will have 620 homes. The subdivision will be capped at 275 units until the nearby extension of 36th Street to Cartwright Road is made, and that project has not been scheduled. (Until the second segment of Cartwright Road improvements is completed, the subdivision will be limited to 200 homes.) Cartwright Ranch was originally approved as Neville-Nordling Ranch subdivision in June 2001 but was subsequently modified extensively and approved by ACHD and Ada County in early 2008.



Next Page →

Cartwright Ranch is estimated to generate 5,477 vehicle trips a day at build out of the subdivision. As part of the project, two roads will be extended west into Hidden Springs: Hidden Springs Drive and Farm View Drive.

Funding for the road improvements comes from the West Foothills Overlay District, which collects a special impact fee on developments in the area and includes Hidden Springs as well as Cartwright Ranch. No tax dollars or standard impact fees paid by development are being used.

## Time Frame

Start Date: April 7, 2008
End Date: Early October, 2008

## Impact on your Commute

Through early October, motorists will need to detour to Hill Road and Seamans Gulch to access the Hidden Springs area.

## FINANCIAL

Exhibit five identifies estimated costs for needed roadway improvements based on 1997 construction and right-of-way indices provided by ACHD. These costs were increased by 40% when projects were located in the foothills area. This increase reflects the estimated costs for additional earthwork and drainage/structural needs. Where roadway improvements were needed on existing residential streets, construction costs were increased by 50% to reflect the cost of mitigation and/or traffic calming measures. Where operational improvements were identified, cost estimates were based on $200,000 per intersection affected.

The strategy is to have foothills development pay for those roadway improvements directly attributed to such development, including mitigation and traffic calming. Improvements on the regional circulation system, i.e., arterials south of Hill Road may, perhaps should, be paid for by regional growth (including a share from the foothills). ACHD adopted Interim Foothills Overlay Assessment Districts on January 28, 1998. The purpose of the new assessment districts is to provide a stream of revenue for roadway construction in the Foothills necessitated by increased usage resulting from development. Each new dwelling in the Foothills will pay an additional road assessment specifically for the purpose of paying for upgrading classified roadways (collectors and arterials) to the appropriate standard and number of lanes.

The Foothills Overlay Assessment Districts coincide with the three planning areas (West, Central, and East Foothills) established by the *Boise Foothills Policy Plan*. The overlay assessment will be different in each District due to different roadway costs and the proposed number of dwellings. The overlay assessments were adopted on an interim basis, pending further legal and technical review, as well as the adoption of a Foothills Transportation Plan by the City of Boise, Ada County and ACHD.

Exhibit 5

### COST ESTIMATES FOR ROADWAY PROJECTS SERVING THE FOOTHILLS AREA NEEDED IN THE NEXT 20 YEARS

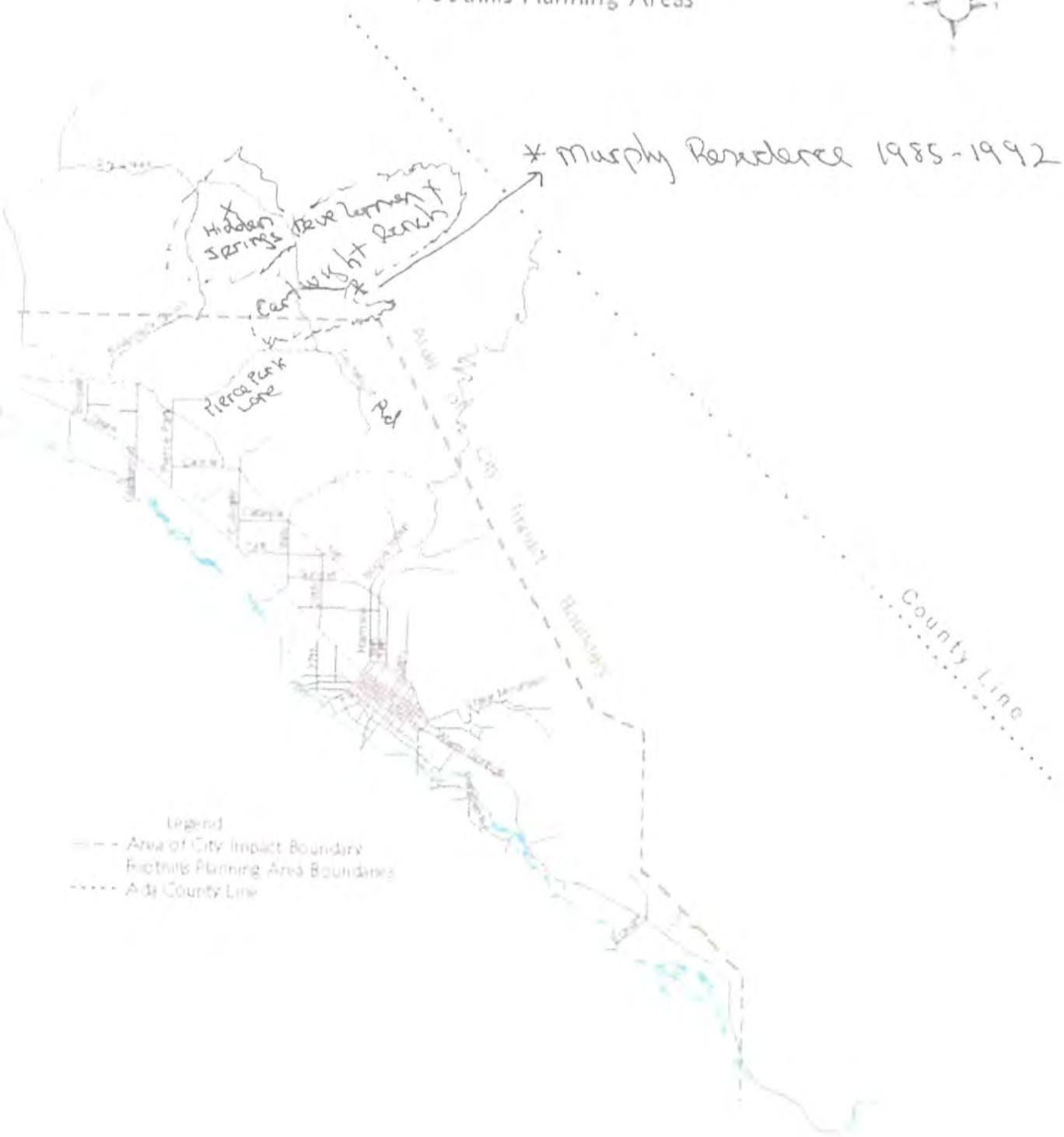
| | Based on 1997 numbers |
|---|---|
| WEST | |
| State Street: Gary Lane to Downtown Boise | $1,800,000 |
| Pierce Park Lane: Hill Road to Cartwright Road | 2,146,000 |
| Cartwright Road: Dry Creek Road: SH 55 to 36th Street | 3,729,000 |
| 36th Street: Hill Road to Bogus Basin Road | 4,945,000 |
| Hill Road: Seaman's Gulch Road to Gary Lane | 400,000 |
| Seaman's Gulch Road: Hill Road to Dry Creek Road | 736,000 |
| EAST | |
| New Collector: North of Warm Springs Avenue | $3,400,000 |
| New Collector: Warm Springs Mesa | 840,000 |
| TOTAL | $17,996,000 |

Roads that feed into Hidden Springs Development + Cartwright Ranch Development

ATTACHMENT 8

Exhibit 3

# Area of City Impact Boundary and Foothills Planning Areas



ATTACHMENT 8

ATTACHMENT 8

**Kristin Rader**

**From:** Worthington Georgina [redacted]>
**Sent:** Friday, July 01, 2016 6:29 PM
**To:** PZ
**Subject:** Mountain Legends proposed subdivision

TETON COUNTY
PLANNING & ZONING
JUL 01
RECEIVED

To the P and Z,

In winter I cross country ski across the land of the proposed subdivision and in summer I walk all over these meadows.

An abutter of the proposed Mountain Legends subdivision, I have lived next door in Teewinot since 2006. For the last four winters we have had elk graze right in front of our house.
Last year I counted 153 of them. When I ski over to Dry Creek, I can see their paths. There are so many tracks, it looks as if an army has marched right through the proposed subdivision. I also see badgers, foxes, coyotes, deer and the occasional wandering moose. There are songbirds (larks, bluebirds etc.) as well as eagles and many raptors of different species. In the fall I have even come across bear scat along Dry Creek.

Beyond question, this land, the so-called "Mountain Legends," is a haven for wildlife and a winter home for the elk. Where will all these magnificent creatures go? What will happen if they lose their habitat?

We must protect these vulnerable animals.

Sincerely,

Georgina Worthington

Comment 4

**Mountain Legends Subdivision**

***A Dozen Wrongs Don't Make a Right***

In this area there are already poorly planned subdivisions. Snow Crest, Surprise Valley, and Teewinot are just a few examples. These subdivisions create lots that are too dense for the rural character which become barren unfarmable weed fields. Does the county need more zombie subdivisions? Does the county want more weed problems? Does the county want less farmable land? Does the county want property values to stay depressed due to this over-abundance? Don't continue this madness! Wouldn't larger parcels, which are in short supply, be more desirable in the market and in keeping with this area's rural character? No development would be even better. Who will want to move to the Valley after we have ruined it? The future of our Valley's economy is in the marketability of our scenic beauty and this subdivision is not in keeping with Teton Valley's 2020 Vision. Don't kill the goose that laid the golden egg.

*From State Line Rd of Mt Legends: Scenic Ag Land*

***Teton Valley's Own Elk Refuge***

*Illustration 1: The Elk Herd running near Mt Legends property*

The Mountain Legends property hosts a large elk heard each winter. Wildlife corridors are important to the future of our Valley and Mountain Legends is ground zero for a major elk thoroughfare.

Approve this subdivision and you will have replaced scenic beauty, agricultural land and the home of 100 elk with more weeds and even lower property values.

Sincerely,
Tom & Suzanne Arden
Tetonia

TETON COUNTY
PLANNING & ZONING
JUL 01
RECEIVED

ATTACHMENT 8

**Kristin Rader**

TETON COUNTY
PLANNING & ZONING
JUL 02 2016
RECEIVED

**From:** Howie Garber [redacted]
**Sent:** Saturday, July 02, 2016 10:15 PM
**To:** PZ
**Subject:** Proposed Mt. Legends subdivision

Dear Teton County Planning,
I am property owner at 1623 Mt. Moran Road (Teewinot subdivision.) Regarding proposed Mt Legends subdivision: This proposed subdivision is directly across from my home. I appreciate that this proposal will include 2.5 acre lots which will maintain property values in the area. Because Teewinot HOA pays for plowing and maintaining road and because of likely increased traffic, it is important that proposed subdivision have their own independent access road. (and not Grand Teton rd) I would like to know proposed set backs of new homes.
This will certainly impact my view and property values. A larger question is : Does Teton Valley truly need another subdivision. There are so many subdivisions that currently have no homes built. There are so few places left in the west that have the kind of open space and views of Teton Valley. It would seem important for planning commission to preserve these increasingly rare qualities.
Thank you kindly,

Howie Garber
[redacted]

HOWIEGARBER | IMAGES
www.HowieGarberImages.com

[redacted]



Comment 6

ATTACHMENT 8

**Kristin Rader**

| | |
|---|---|
| **From:** | Kim Redd <[redacted]> |
| **Sent:** | Saturday, July 02, 2016 10:24 PM |
| **To:** | PZ |
| **Subject:** | Comments re: Concept Review for Peacock Property LLC RP05N46E084500 and RP05N46E078250 |
| **Attachments:** | Letter from the Redds to TCPD re Peacock Property LLC.docx; RecordedSubdivisions Teton Valley.pdf |

We own property within 300 feet of the Peacock Property RP05N46E084500 /RP05N46E078250 (Mountain Legends Ranch) for which Peacock Property LLC has submitted an application for a proposed subdivision. We are deeply concerned about the negative impacts this particular subdivision will have on the scenic and natural wildlife corridor surrounding the Dry Creek natural area. Attached is our letter outlining the concerns along with photos of the area. Please contact us at 970-222-8420 if you have questions or need additional information. Thank you for your consideration.
--Kim and Larry Redd

TETON COUNTY
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Comment 7

ATTACHMENT 8

Teton Valley Property Owners: 53acres
Parcel Numbers: RP05N46E056300
and RP05N46E083000

***Larry and Kim Redd***

July 1, 2016

TETON COUNTY
PLANNING & ZONING
JUL 01
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Teton County Planning Department
150 Courthouse Drive, Room 107
Driggs, ID 83422

RE: Public Hearing for Peacock Property LLC
Zoning District: A 2.5
Legal Description: RP05N46E084500 and RP05N46E078250

Many communities are implementing a range of policies to preserve farmland and open space, including clustering residential development and guiding development to areas with existing infrastructure. Planners have argued that policies to manage density are the most important local policy focus for communities in the coming years.

This brings us to the question of whether higher density development, on the order of 2.5 acre lots on a 197 acre property adjacent to a ***scenic natural wildlife corridor*** as proposed by Peacock Property LLC, is appropriate for this area of the Teton Valley. The proposed 76 lot subdivision is higher density than those in the surrounding area and brings into question the infrastructure needed to support this density of housing and the impact on the wildlife and natural areas adjacent to the northern border of the subdivision. The parcel of the Peacock Property in question is adjacent to the Dry Creek wildlife corridor on the north and Stateline Road on the east. The impact of this higher density housing area which borders the Dry Creek scenic wildlife corridor will be significant.

Currently the Dry Creek corridor supports a very diverse combination of vegetation, native animal species, and pristine riparian area. In addition, this is a wildlife migration corridor for elk, deer and Sandhill Cranes. Moose also inhabit the 53 acre property just to the north of the aforementioned Peacock Property parcel. When looking at this area from the aerial photograph, you can see the encroaching development along this scenic corridor and the critical need to maintain a buffer for this area.

Some of the impacts from this development include the building of roads throughout the area, water wells for 76 lots, septic systems for 76 lots, utilities for 76 lots, as well as new traffic from construction vehicles and equipment, and longer term, smoke from wood burning fires in 76 homes. The negative impact on the wildlife and natural areas will be significant and long lasting. Increasing the size of the lots as well as providing an additional buffer area on the northern border of the property will at least help to reduce damage to this area of Teton Valley. Ideally, this parcel should be part of a wildlife corridor to help preserve this natural, pristine geographic area of the valley.

As stewards of Teton Valley, the long term impact of human development is in the hands of the Teton County Planning Department. How far should higher density development be allowed to encroach into scenic and natural corridors? What are the long term effects of these developments on the valley? When is it just too much? Please see the attached documents, including the subdivision map for Teton Valley which demonstrates the extent of development overtaking the scenic areas of the valley. We respectfully request your thoughtful deliberation about the long term impacts of higher density housing developments and how they may be lessened through sound planning and development.

Thank you for your consideration of this matter.

Sincerely,

Larry Redd Kim Redd

Larry and Kim Redd
[redacted]

From our property, looking east/southeast across the Dry Creek natural area.
See 4 more pages of photos and descriptions of the Dry Creek natural area.

Dry Creek, which runs throughout the year.

Native flowers flourish throughout the Dry Creek area,

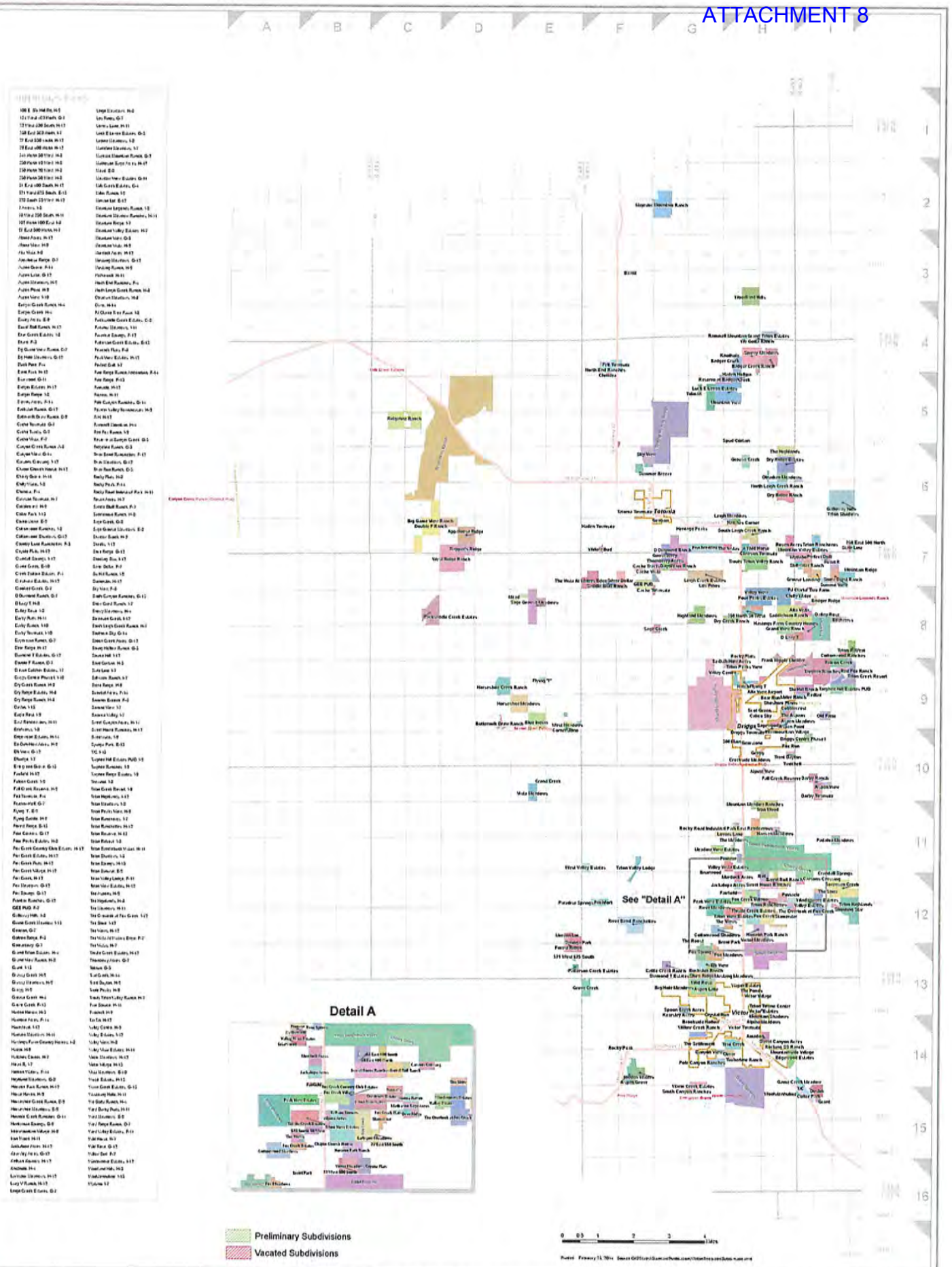
as do aspen, willows, and native grasses.

Multiple species of birds, including owls are living and breeding in the Dry Creek natural area.

A young owl in flight.

Another view of the Dry Creek corridor looking east/southeast (top photo) and due south (bottom photo). The Peacock Property is on top of the bench along the full length of the bottom photo. The Dry Creek wildlife and riparian corridor extends from the wooded area, along the bench and continues west. Animals migrate and birds fly along the bench. The whole area is a wildlife corridor.

ATTACHMENT 8




# TETON COUNTY SUBDIVISION MAP

TETON COUNTY
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JUL 02
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July 2, 2016

Teton County
89 N Main St #6
Driggs, ID 83422
pz@co.teton.id.us
commissioners@co.teton.id.us

Dear County Commissioners and Planning and Zoning Commission,

I am writing to you in regards to the proposed development: Mountain Legends (RP05N46E084500 and RP05N46E078250), a 197.05 acre parcel located between State Line Road and N 1500 E in Driggs.

I have been a wildlife biologist in the Greater Yellowstone region for 15 years. My work focusses on large mammal ecology and conservation, including long-distance migration, road ecology and the impacts of human recreation on wildlife. I work closely with colleagues that are experts in human development patterns and land use practices that affect wildlife and biodiversity. I provide recommendations to decision makers for appropriate mitigation actions to help reduce the impacts of the human footprint on wildlife, locally and across the west.

Human development and associated infrastructure are some of the top threats that wildlife face locally and across the globe. While we can see the obvious impacts of direct mortality from things such as wildlife-vehicle collisions, human development can also cause wildlife mortality and loss of local populations through fragmentation and reduction of native habitat, production of an unnatural soundscape, pollution of waters and the introduction of non-native species. Human development changes the landscape irrevocably and it needs to be planned carefully to reduce the impact on wildlife, especially in areas like Teton County that depend upon the native landscape for economic gain. Extensive research on the topic of land development has demonstrated over and over that development leads to loss of native habitat, loss of native wildlife and loss of the original character of the land. In a community like Teton County—a gateway to the world's most famous National Parks—the loss of wildlife is an economic blow in the form of compromised tourism and lost harvest opportunities.

Unfortunately, the proposed development at Mountain Legends has not sufficiently accounted for the native wildlife that utilizes this area. The current development, as planned, creates a matrix on the landscape that will be impermeable to many of the native species that depend on this landscape. The lack of planned open space and the lack of clustered housing will likely lead to loss of important wildlife from the area. Large mammals, such as the locally wintering elk herd, are unlikely to navigate through such dispersed development. A loss of foraging habitat will likely lead to a reduced elk population, a changed native landscape and ecological processes and will reduce the habitat that can support this game herd.

Directly adjacent to the proposed development and less than 0.10 kilometer from the edge of Mountain Legends, important Songbird/Raptor Breeding and Wintering Habitat (as defined in the County's Natural Resource Overlay) will likely be impacted under the current plan. Short-eared owls and Northern Harriers utilize the meadows adjacent to Dry Creek for breeding grounds. The creek itself provides

forage, water and cover for animals using the riparian corridor and the surrounding meadows (including the proposed Mountain Legends development).

It is difficult for me to see how the developers have sufficiently addressed the impacts that the proposed subdividing of nearly 200 acres into 2.5 acre parcels will have on wildlife and habitat. Creating subdivisions that do not sustain the wild character of the valley is not to the benefit of this community. I urge you to reconsider the Mountain Legends development as currently proposed by Peacock Properties LLC. The development proposal will have significant impacts on our wildlife and the habitat this wildlife depends upon.

**Thank you for your consideration,**

**Renee Seidler**

**Local Wildlife Biologist and Conservationist**

[redacted]

TETON COUNTY
PLANNING & ZONING
JUL 05 2016
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July 4, 2016

Re: Mountain Legends Concept Review

Dear Ms. Rader:

As an abutter and valley resident, I have strong views on the Mountain Legends project's preliminary concept submission to the Teton County Planning and Zoning Commissioners. In light of the County's carefully developed Comprehensive Plan, the Commissioners should reject this development plan and the owners should be required, at a minimum, to resubmit a significantly revised plan. Optimally, to reject it outright.

When reviewing this proposed development consisting of 76 two and one-half acre "cookie cutter" lots, my first thought was: what do the people of the county want in relation to land-use policies and does the proposal for this development reflect the sentiment of the public? Do we have any data around this? Do we have any information that in some way portrays public opinion around issues relating to land-use -- a survey, anything?

To this end, I found the following section in our current land use code that states that for a development such as Mountain Legends to be accepted, criteria for approval at both the concept plan level and for the preliminary plat requires that the developer's plan be consistent with and in conformance with the existing Comprehensive Plan:

Teton County Idaho Code Title 9 (Revised 5/16/13), Pages 23,24

9-3-2(B-4)

4. Consideration for Approval: In determining the acceptance of a proposed subdivision or PUD, the County shall consider the objectives of this Title, in addition to the specifics required in the checklist for this phase, and in a general way at least the following:
a. The conformance of the subdivision/PUD with the comprehensive plan. Title 9
Revised 05/16/2013 *Teton County Idaho* Page 23 of 87
9-3-2 (B-4)

I then read through the existing Comprehensive Plan – "A vision and framework. 2012 – 2030, Final Version PDF," a document of 75 pages in length. As you are well aware, the County Commissioners approved this document in 2013, and in reading through this document over the weekend, I became familiar with the wishes, desires, and aspirations

of the citizens of our County as they relate to a host of issues, including subdivision development, wildlife protection, and other areas of importance to our community. In a sense, I found data around the "voice of the customer" or – the "voice of our community."

Below, please find segments from this 2012 plan which reflect the will of our citizens through an extensive public outreach effort over a two-year period (2010 – 2012). These passages represent the most recent data we have that reflects the views of our citizens, and, in my view, it is important for all involved not to marginalize this input nor these findings from the current Comp Plan. Not only because it is a requirement to pay attention to the Comp Plan, but it is also the right thing to do. Sometimes, there is simply a right and a wrong in decision making, and in reading through all of the points from the Comprehensive Plan shown below and looking at other data, including financial and legal in this situation, the wrong decision would be to move this project ahead. The right decision for the community, especially as voiced in the statements below, is to reject this project outright.

Any interpretation of subdivision regulations involves understanding its literal terms in the context of the 2012 Comprehensive Plan, i.e. in the context of the intent of the people. When reviewing this petition, the Planning and Zoning board should interpret the regulation allowing 2.5 acre lots in the context of this Comprehensive Plan, which seeks to protect wildlife habitat and agriculture while discouraging dense development. Thus, even assuming that this proposed development meets the literal terms of the applicable code, the Planning and Zoning board should use its discretion to reject dense development proposals such as this one, because it impinges upon an environmentally sensitive area and is flatly contrary to the intent of the 2012 Comprehensive Plan.

In addition to including excerpts from the 2012 comprehensive plan as illustrations of its intent, I also am sending to you in a separate email, as part of my submission, a link to a dropbox folder of wildlife photos taken either on the proposed property or within 300 feet of the proposed property or along the riparian corridor, which is a sanctuary for flora, fauna, and dozens of species. In this drop box folder, you will see photos of Great Horned Owls, Sharp Tailed Grouse, elk – individual and a herd of 100 wintering on the property under consideration, coyote, Sandhill Crane, Short-Eared Owl, moose, Great Grey owl, Swainson's Hawk, Harrier Hawk, Snowshoe Hare, Meadowlark. In addition to these, there are those not pictured, such as Bald and Golden Eagles, Curlews, Mule Deer and many other species. I'm not the greatest photographer, but be assured that each of these photos was taken from our property or either on the property of this proposed subdivision or yards away.

Thank you and all involved for allowing me and others who will be affected by this project to express our thoughts on paper as well as in person on July 12th.

Respectfully,

John Unland

1933 E 4000 N

Driggs, ID 83422

---

Listed below are sections from Teton County Idaho 2012 Comprehensive Plan: A Vision and Framework: 2012-2030 that are relevant to this project: These sections and comments are taken directly from the plan and are sourced with their respective page numbers.

1. Almost everybody in the community agrees that additional, poorly-planned subdividing of land will not help the Valley's economy or character. Poorly planned growth is contributing to falling housing prices, the continuation of high foreclosure rates and unsustainable costs to taxpayers to maintain infrastructure. In addition to economic hardships, poorly planned growth also contributes to environmental degradation including habitat fragmentation, pressure on natural resources, and increased reliance on fossil fuels which contributes to climate change. Most agree planning guidance is warranted. (pg.10)

2. As a result of these conditions and a somewhat flexible regulatory environment, thousands of lots were created in subdivisions that now lie empty. The overabundance of undeveloped, platted residential lots (over 7,000) make economic recovery even more difficult by saturating an already weak real estate market. There has been a decline of investment into the community and many storefronts lie empty. The County government is financially limited due to Idaho's tax cap and an abundance of entitled developments with no means for mitigating the fiscal impacts to the roads, schools, emergency services and weed management."

3. And so most residents of Teton Valley would agree that what we are doing now under the current 2004-2010 Comprehensive Plan has not worked and it is in the

interest of the community to revise the Plan and set forth new guidelines for development. (pg.10)

**Goal NROR 8: Respect sensitive habitat and migration areas for wildlife.**
**Policies**

4. ***8.1:*** Teton County recognizes that wildlife and wildlife habitats provide economic, recreational, and environmental benefits for the residents and visitors of Teton County. Land development decisions will strongly weigh the needs of wildlife to protect the inherent values that they provide.

5. ***8.2:*** Work with landowners, the Idaho Department of Fish and Game, other state and federal agencies, non- governmental organizations, and other natural resources professionals to utilize wildlife habitat and species information and other tools (such as Western Governors Association Crucial Habitat Assessment Tool and the Wildlife Overlay Map), including new information as it becomes available, to make land use and site planning decisions.

6. ***8.3:*** Minimize the cumulative impacts of development on wildlife and wildlife habitat.

7. ***8:4:*** Protect and/or improve the diversity of native vegetation.

8. ***8.5:*** Protect and improve riparian and aquatic habitats.

9. ***8.6:*** A Wildlife Impact Mitigation Plan shall be developed for any development project which impacts an important habitat or which presents concerns of detrimental human-wildlife interaction. Requirements and performance standards for the mitigation plan shall be clearly established in the Zoning and/or Subdivision Ordinance and shall be the basis for approval of the plan. (pg.42)

**Where Do We Want to Go?**

10. Conserved and enhanced functional habitats

**Tools**

11. Subdivision and Zoning Ordinance

**Key Actions**

12. Revise ordinances to further protect water quality and quantity, require screening where appropriate, protect key habitat areas and viewsheds reflect the land use framework along all natural waterways.

13. Revise ordinances to specify low development density in sensitive wildlife habitat, riparian areas and wetlands. (pg.61)

14. Reduce impacts in riparian, wetland, floodplain and other sensitive or hazardous areas by strengthening the wildlife habitat and natural hazard overlay standards. (pg.61)

15. Create/amend ordinances and programs to promote Large Lot Subdivisions. Subdivisions (pg. 67)

16. Vacate non-viable subdivisions. (pg. 68)

17. Amend County Code to strengthen penalties for weed violations. (pg. 68)

**Where Are We Now?**

18. Development that disconnects and threatens wildlife migration corridors and sensitive habitat. (pg. 62)

ATTACHMENT 8

ATTACHMENT 8

ATTACHMENT 8

ATTACHMENT 8

ATTACHMENT 8

ATTACHMENT 8

**Kristin Rader**

**From:** Todd Dompier [redacted]
**Sent:** Tuesday, July 05, 2016 10:38 AM
**To:** PZ
**Cc:** Cassie DOMPIER
**Subject:** MOUNTAIN LEGENDS RANCH NOTIFICATION

TETON COUNTY
PLANNING & ZONING
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Teton Planning and Zoning Commission
Attention: Kristin Rader

This is in regard to the proposed development "Mountain Legends Ranch".....as a resident neighbor directly affected by the proposal (Teewinot subdivision Lot 6, Block 8), I am against this new subdivision due to the inadequate access road(s) necessary to accommodate that many new homes. Currently proposed, the main service route would be on Grand Teton Road.....this road is already has a high traffic rate, requiring periodic maintenance from Teewinot Home Owners Association dues and it would diminish the overall quiet atmosphere residents wanted when they bought property in Teton Valley. Having another 76 lots use this road will be detrimental to the quality of life enjoyed now. This division was vacated back in 2012 and surrounding home owners were against the subdivision then; I don't think any attitudes have changed against a sprawling subdivision that is that big in nature. I understand a land owner wanting to develop the land and to enjoy a profit from this proposal. However, the large quantity (76 lots) of this subdivision goes against the small, quiet nature of its surroundings and would not be an improvement to the area. I urge you to deny this proposed development based on the general welfare concerns of surrounding citizens.

Sincerely,

Todd Dompier
Teewinot homeowner



Comment 10

ATTACHMENT 8

TETON COUNTY
PLANNING & ZONING

JUL 05 2016

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GIVENS PURSLEY LLP
Attorneys and Counselors at Law

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P. Mark Thompson
Jeffrey A. Warr
Robert B. White

Angela M. Reed, of counsel

Kenneth L. Pursley (1940-2015)
James A. McClure (1923-2011)
Raymond D. Givens (1917-2008)

July 5, 2016

*Via E-Mail*

Teton County Planning and Zoning Commission
c/o Kristin Rader
89 North Main Street, #6
Driggs, Idaho 83422

Re: Mountain Legends Concept Plan

Dear Commissioners:

This letter is on behalf of John and Linda Unland with regard to the Mountain Legends concept plan ("Mountain Legends") before the Teton County Planning & Zoning Commission (the "P&Z") on July 12, 2016. The Unlands are opposed to Mountain Legends in its current form, and expect that many of their neighbors share similar concerns. Based on these concerns, we request that the P&Z reject the concept plan and require a new design. Please place this letter in the record for the concept plan hearing.

**1. Overview**

The Mountain Legends concept plan is an unfortunate throwback to the development patterns of previous decades, when subdivisions were approved too easily in Teton County with little regard to whether they made fiscal sense, were financially capable of constructing and maintaining the necessary infrastructure, or whether they negatively impacted Teton County's natural resources. As a result of unfortunate decisions made at that time, Teton County has many thousands of platted, unbuilt lots and dozens of subdivisions like Mountain Legends that have little or no prospect of ever being completed.

In fact, the developer has previously platted this property in a pattern similar to Mountain Legends, and the plat failed and was vacated. There is nothing to suggest this version will fare any better. The Teewinot subdivision, a similar development in the immediate vicinity, has

nearly fifty undeveloped lots more than 40 years after it was platted (84 lots platted, 35 constructed, platted in 1972).

Fortunately, Teton County learned from the experiences of the last decade, and has adopted stronger regulations that allow the County to deny what is likely to be another failed subdivision. The staff report does a good job of outlining concerns and conditions relative to the approval criteria, and the Unlands generally support the staff's comments and recommendations with modifications as set forth in this letter.

No doubt the County will hear the developer claim that Mountain Legends is an "entitlement by right" primarily due to the A/RR 2.5 legacy zoning that the property holds. The project appears designed to rely as much as possible on whatever rights the applicant has to build at the maximum density while providing the minimum in virtually every respect, from lot size to access, from amenities to fire protection, from open space to natural resource protection. However, the County does not need to roll over to this approach. Even under the relatively lenient standards of the concept plan phase, the developer has simply provided no evidence the development can meet several of the ordinance criteria. Rather than push the development forward with conditions, as the staff has suggested, the P&Z should send the developer back to the drawing board to design something that is more compatible with the surroundings and frankly more likely to be successful.

At very least, the P&Z should follow the staff's recommendation and require the developer to perform a full set of studies so the County can understand the complete impacts of this development. We are confident that, when all the facts are laid on the table, the County will find Mountain Legends does not meet its criteria and deny the development in its current form.

The following sections outline the Unlands' key concerns with Mountain Legends: (1) Meeting the minimum criteria for lot size, access and addressing; (2) transportation impacts; (3) fiscal impacts; (4) water quality impacts, (5) natural resource impacts and (6) open space, agricultural protection and amenities.

**2. Conformance with lot size, access and addressing requirements**

The Unlands support the staff's comments regarding the exclusion of road rights-of-way from lot size calculations and other changes required to make the lots comply with access and addressing requirements. In addition, we understand that the Teewinot subdivision plat reserves a 1/2 right-of-way for an as-yet unbuilt Nez Perce Road in part along the boundary of the Mountain Legends subdivision. Mountain Legends does not make any provision to accommodate right-of-way for the other half of the road section and includes the land from what should be reserved right-of-way in the lot calculations. This adjustment should be made in the lot calculations.

### 3. Transportation Impacts

Several of the acceptance criteria for the concept plan require consideration of impacts on the transportation system. These include:

- Conformance with the Comprehensive Plan. Teton Code Code Section 9.3.2.B.4.a. Applicable Comprehensive Plan policies include:
  - Goal T1, Policy 1.3: New development will provide adequate transportation facilities to accommodate needed services. (Comp. Plan at 5-14)
  - Goal T2, Policy 2.1: Improve overall year round mobility within Teton County through options for multimodal* transportation. (Comp. Plan at 5-15)
  - Goal T3, Policy 3.3: Support development that is transit, pedestrian and bicycle friendly. (Comp. Plan at 5-15)
  - Goal T4, Policy 4.3: Coordinate and integrate land use and transportation planning and development to ensure that they mutually support overall community goals. (Comp. Plan at 5-17)
- The availability of public services to accommodate the proposed development.

The Unlands have numerous concerns about the transportation plan for Mountain Legends. Both Stateline Road and E 1500 N are deficient in their construction and maintenance to support the additional traffic and it seems very likely the development will degrade the level of service on Stateline Road. The developer should be required to perform a full traffic study addressing the project's impacts. The Unlands are skeptical an update relying on years-old data could be adequate. The developer should be required to demonstrate the validity of the transfer of the access easement between the two parcels, as we understand that other similar transfers have been found to be illegal. In addition, we see no evidence to support a conclusion that the shotgun lot pattern proposed would ever permit multi-modal transportation, unlike a clustered option. The design is also the opposite of pedestrian and bicycle friendly as all traffic is funneled onto a single access road with no connectivity, meaning the road will be crowded and circuitous with no provision for bike or pedestrian facilities.

### 4. Fiscal Impacts

Based on the history of the Teewinot subdivision, the absorption rate of lots from Mountain Legends is likely to be extremely slow – probably less than one home per year. Slow absorption means that tax revenue to the County is likely to rise very slowly for this development, meaning that even a small increase in the services required may have a negative impact on the County's finances. Given this strong evidence of paltry demand for the project, the P&Z should not allow

the project to move forward to preliminary plat without some showing of fiscal and financial viability. Even if the project is allowed to move forward, the fiscal study should reflect the specific demand in this neighborhood.

The phasing plan, if there is one, also needs to be considered in the fiscal analysis of the project, and the fiscal viability of the development should be addressed phase-by-phase. Particular attention should be paid to the fact that, even if infrastructure is built, there may be very few homes to pay for maintenance, so those costs could fall to the County.

Even if the lots are absorbed quickly, there could be problems. The staff report states the overall density of this project is less than assumed in the Capital Improvements Plan, which raises an additional flag for the fiscal viability of the project. The fiscal analysis should take this into account.

**5. Water Quality Impacts**

The Comprehensive Plan and Code strongly require protection of water quality. For example:

- Goal NROR1, Policy 1.5: Ensure adequate wastewater treatment. (Comp. Plan at 5-20)
- Goal NROR1, Policy 1.6 Encourage the conservation of high water quality in rivers and streams. (Comp. Plan at 5-20)

The project relies on individual septic tanks and water wells for 76 lots only 2 ½ acres in size, which is marginal from the standpoint of protecting water quality. The Unlands concur with the staff's assessment that the property is within 300 feet of a Waters and Wetlands overlay area, which triggers a nutrient pathogen study for the project. In addition, the Friends of the Teton River has taken samples in the area showing groundwater with nitrate levels above 5 mg/L, which separately triggers the NP study requirement. The data is in the P&Z's record.

**6. Natural Resource Impacts**

The Comprehensive Plan requires consideration of the impacts of development on wildlife and other natural resources in several policies:

- Goal NROR 8, Policy 8.1: Teton County recognizes that wildlife and wildlife habitats provide economic, recreational, and environmental benefits for the residents and visitors of Teton County. Land development decisions will strongly weigh the needs of wildlife to protect the inherent values that they provide. (Comp. Plan at 5-25)
- Goal NROR8, Policy 8.3: Minimize the cumulative impacts of development on wildlife and wildlife habitat. (Comp. Plan at 5-25)

- Goal NROR8, Policy 8.5: Protect and improve riparian and aquatic habitats. (Comp. Plan at 5-25)

Despite these strong statements, the project provides no evidence that wildlife values will be protected. The provision of "building envelopes" by itself does nothing to ensure the continued viability of the wildlife habitat in the area, particularly in the vicinity of Dry Creek.

As discussed in the staff report, the project is within 300 feet of a Waters and Wetlands Overlay, which triggers a natural resource study. The Unlands and their neighbors are providing extensive evidence of the natural resource value of Dry Creek, which clearly extends onto the Mountain Legends property.

The point here is the development has provided nothing to show it protects wildlife values. This gives the P&Z no basis to move forward without more evidence.

**7. Open Space and Agricultural Protection and Amenities**

The Comprehensive Plan requires protection of viable agricultural areas, coordination of open space protection and provision of amenities in rural neighborhoods:

> *Desired future character and land uses for the Rural Neighborhoods include:*
>
> - *A transitional character in between that of Town Neighborhoods and Rural Areas*
> - *Medium density single family neighborhoods with **large open spaces** and **provisions for clustering***
> - ***Amenity-based neighborhoods***
> - ***Safe and convenient street and pathway connections** within these areas and, when practical, to Towns*
> - ***Well-defined open space areas that connect to provide corridors***
> - ***A clear distinction between residential development and open space/agricultural areas***

Comprehensive Plan at 5-4 (emphases added).

Additional Comprehensive Plan policies also support these goals:

- Goal ED2, Policy 2.3 Promote smart growth strategies that help preserve rural character by enhancing existing communities and directing development towards them. (Comp. Plan at 5-11)
- Goal ARH1, Policy 1.1: Ensure that planned growth maintains Teton Valley's rural character. (Comp. Plan at 5-31)
- Goal ARH1, Policy 1.3: Ensure that open spaces are managed responsibly. (Comp. Plan at 5-31)
- Goal ARH1, Policy 1.5: Support the preservation of open space, farmland, natural beauty, and critical environmental areas. (Comp. Plan at 5-31)

The applicant states only that building envelopes provide the means to meet the Comprehensive Plan's goals. However, nothing in the Mountain Legends plan shows "large open spaces", "provisions for clustering", "amenity based neighborhoods", "convenient street and pathway connections", "well-defined open space areas that connect to provide corridors" or any "clear distinction" between "residential development" and "open space/agricultural areas". The applicant's reference to building envelopes appears just to be lip service with no real plan or intent to pull together a cogent open space or natural resource protection plan. Some level of planning should be required before the project is accepted for preliminary plat review. The P&Z should not guess that the applicant will be able to meet these requirements.

**8. Conclusion**

The Unlands respectfully submit the applicant has failed to meet the minimum requirements for the County to accept the project for processing of a preliminary plat. The project should be rejected until the following issues are addressed:

- All of staff's proposed conditions are met, including a traffic impact study, fiscal impact study, NP study, landscape study and natural resource study;
- The applicant
  - provides for reservation of right of way for a future public road extension adjacent to the Teewinot subdivision and removes that land from the lot size calculation;
  - demonstrates some basis for the fiscal viability of the project;
  - makes a minimum showing that the project can protect wildlife and natural resource values;
  - provides a sketch plan demonstrating a viable agricultural and open space protection plan for the property, including appropriate separation between residential and open space uses.

Thank you for your consideration of these comments. I am unable to attend the hearing, but the Unlands look forward to addressing the Commission on July 12.

Sincerely,

Gary G. Allen

cc: John & Linda Unland

**Kristin Rader**

**From:** Ron Steckler [redacted]>
**Sent:** Tuesday, July 05, 2016 12:34 PM
**To:** PZ
**Subject:** Mt. Legends ranch sub division

TETON COUNTY
PLANNING & ZONING
JUL 05 2016
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I feel that this development is bad for wildlife on the area. Many deer, elk and moose call the corridor home.

[redacted]
Ron Steckler
3202 Alta Vista Dr.
Driggs, Idaho

ATTACHMENT 8

**Kristin Rader**

TETON COUNTY
PLANNING & ZONING
JUL 0 2016
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**From:** John Hansford [redacted]
**Sent:** Tuesday, July 05, 2016 12:45 PM
**To:** PZ
**Subject:** Proposed Mountain Legends Ranch

My name is John Hansford, I live at 3540 Black Bear Dr, Driggs, in the vicinity of this proposed subdivision. I am writing in opposition to this for a variety of reasons.
First
This is a very well used wildlife corridor especially in the winter. Elk, moose, deer and many other wild animals winter there. I will send pictures under separate email of the elk herd that wintered there last winter.
Second
The developer is proposing to use our access road, Grand Teton Rd as the main thoroughfare to the development. This road is wholly inadequate for an additional 75 homes with attendant deliveries etc. UPS as it is, speeds through the neighborhood endangering people and pets. The county NEVER patrols this road.
Third
The additional septic introduction to this sensitive area would be destructive to the ecosystem, not to mention the water requirements for so many homes. This whole area contributes to the headwaters of the Teton/Snake/Columbia watershed and introducing so many more homes at this critical headwaters is irresponsible to say the least.
I urge the county to deny the applicant his motion. If granted, I would fully expect the developer to be responsible for PAVING AND MAINTAINING Grand Teton Red to the development. I would also expect the developer to be responsible for using the most current and eco friendly systems for cooperative water supply and sewage/septic use. These responsibilities I would fully expect the county to insist upon.

Respectfully submitted.

John Hansford

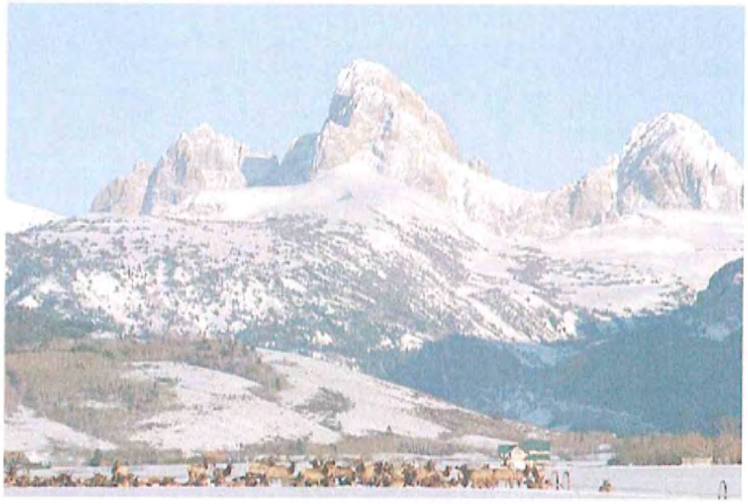
Photos to be sent under separate email.

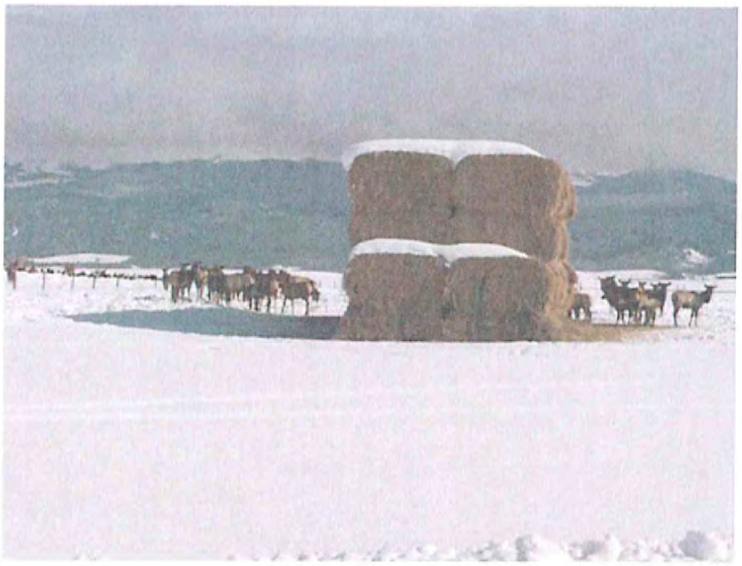
Sent from my iPad
John Hansford



Comment 13

ATTACHMENT 8





**Kristin Rader**

**From:** [redacted]
**Sent:** Tuesday, July 05, 2016 12:50 PM
**To:** PZ
**Subject:** Mountain Legends Ranch Subdivision comments

As home owners in Alta Vista Subdivision, we oppose this mega subdivision. Especially sense this is a wildlife corridor many elk, deer, and moose call this home. Grand Teton road is not designed to handle this increase in traffic. Please consider this to be out extreme disapproval of such a project for our community.

Steven Tobiasson,
Ronald Steckler
Lot 20
3202 Alta Vista Drive

ATTACHMENT 8

**Kristin Rader**

**From:** Lynn Sandmann <[redacted]
**Sent:** Tuesday, July 05, 2016 12:38 PM
**To:** PZ
**Subject:** Mountain Legends Application

TETON COUNTY
PLANNING & ZONING
JUL 05
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Dear Commissioners,

I am a homeowner in neighboring Teewinot subdivision. I have several concerns about this development.

First the access from Grand Teton Rd which is a dirt road maintained by the county. To call it a gravel road is an overstatement. The county works very hard to keep it passable and does good job in winter plowing for school bus access. But as seasons change and mud seasons arrive, all semblance of a real road disappears for weeks. Puddles, pot holes and mud are the rule. Increased car and truck traffic will not help the situation. Do impact fees cover the increased damage to this road that will occur as construction of infrastructure begins? This doesn't even take into account the increased traffic if any home construction actually takes place. As has been mentioned in other letters, Teewinot is has been in existence since the 70's and is still nowhere near built out.

Another area of concern is weed control for these acres. When the former development plan was vacated, the area immediately reverted to wild, weedy land. It took the developer two seasons before he reinstated a farming program for the vacant land. We all struggle mightily to keep our not very full subdivisions under control. What kind of control will this nascent neighborhood have?

Finally, I concur with Linda Unlands observations about the rich wildlife resource this land abuts. Please take into consideration the value for the county and all our lives in general .

Thank you,

Lynn (Carolyn) Sandmann



Comment 15

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ATTACHMENT 8

July 5, 2016

To the Teton County, Idaho Planning and Zoning Commission,

Once again our neighborhood finds itself in danger of losing our rural setting with the new proposal from Mountains Legends Subdivision.

Mountain Legends proposed 76 house sites on two non-contiguous parcels totaling 197 acres connected only by a farm road easement will destroy the character of this neighborhood where we have made our home year round since 1987, nine months short of 30 years. The subdivision Bridger Ridge, which is north of the west parcel of Mountain Legends and west of the north and east parcel, so in the middle of ML, has the smallest lot of 9 acres and up to the largest being 20 acres. Many of the existing homes to the south and west are on sites with multiple acres and multiple lots.

Mountain Legends should never have been allowed and should not be able now to join these separate parcels with the connection of a farm road easement.

Their proposed open space farm ground at build out is no more than the house sites backyards which will render it not only unlikely to be farmed because of its unprofitable and difficult farming procedures of the odd shaped spaces but also of the inconvenience and annoyance to the future home owners.

Since the original development was vacated this and surrounding properties have been a winter refuge for up to 125 elk. The riparian area of Dry Creek bordering the north parcel of ML is home to moose, elk, deer, and numerous species of birds.

Comment 16

The pressure of an additional 76 wells, septic systems, and traffic will be a detriment to the wildlife, the aquifer, and the existing human neighborhood.

We hope you will take a serious look at limiting this proposal and maintain the strictest regulations and required studies to the environment with regard to the threat this represents to everything and everyone who already live within this neighborhood.

Thank you for your time and consideration about this issue.

Sincerely,
Jan and Don Betts
PO Box 102
Driggs, ID 83422

**Kristin Rader**

TETON COUNTY
PLANNING & ZONING
RECEIVED

**From:** Michelle Johnson <[redacted]>
**Sent:** Tuesday, July 05, 2016 3:12 PM
**To:** PZ
**Subject:** Proposed Mountain Legends Ranch Subdivision

I am writing this letter in opposition to the proposed Mountain Legends Ranch Subdivision.

WE live directly across from this proposed new subdivision . I am concerned about the density of this and the impact on the land, water and septic use. We have herds of elk wintering on this property which will definitely have a negative effect on their migration and food source.
The proposed plan does not seem harmonious with the surrounding subdivisions.

Who is planning to upgrade and maintain the road with all this traffic?

I ask you to consider not approving this proposal at this time.

Thank you for your consideration

Eric and Michelle Johnson

ATTACHMENT 8

**Kristin Rader**

**From:** Frank Finetto [redacted]
**Sent:** Tuesday, July 05, 2016 3:21 PM
**To:** PZ
**Subject:** Fw: Mountain legends Ranch

TETON COUNTY
PLANNING & ZONING
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On Tuesday, July 5, 2016 5:16 PM, Frank Finetto [redacted] wrote:

My name is Frank Finetto I live at 2770 Grand Teton Rd in the vicinity of the proposed subdivision. I am apposed to the subdivision in regards to the use of Grand Teton rd. as the main entrance to the subdivision. It is inadequate for the homes we have there now. The road is always full of pot holes and barely maintained, its a dirt road and the increase in traffic and construction would severely compromise what little road we do have. I am also concerned with the elk herd that has been wintering in and on that property for quite some time. I feel that the proposed density is a burden to the neighborhood the water resources and the many new septic fields that are necessary to develop the property in the present proposal. Something on a smaller scale with less impact to the surrounding area seems to me should be considered.

Sincerely
Frank Finetto



Comment 18

ATTACHMENT 8

**Kristin Rader**

**From:** Cavallaro,Rob <[redacted]>
**Sent:** Tuesday, July 05, 2016 3:51 PM
**To:** Kristin Rader
**Cc:** Faulkner,Paul
**Subject:** Mountain Legends Ranch

TETON COUNTY
PLANNING & ZONING
JUL 05
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Dear Kristin,

I am writing on behalf of Idaho Department of Fish and Game regarding the "Mountain Legends Ranch" concept application proposed for 197.05 acres in Teton County Idaho on north Stateline Road.

Fish and wildlife are property of all Idaho citizens. The Department and the Idaho Fish and Game Commission are expressly charged with statutory responsibility to preserve, protect, perpetuate, and manage all fish and wildlife in Idaho (Idaho Code 36-103 (a)). In fulfillment of our statutory charge and direction as provided by the Idaho Legislature, we offer the following comments and recommendations to avoid and minimize impacts to wildlife within the project vicinity. It is not the intention of the Department to support or oppose this proposal.

The Department is concerned about potential effects associated with the proposed development on wildlife resources. The Mountain Legends Ranch lies just south of Dry Creek, which provides high quality wildlife habitat. Recognizing the importance of this habitat, a private landowner protected a portion of this area via a permanent conservation easement in 1996 with Teton Regional Land Trust. This donation has high community value for conserving wildlife habitat and protecting scenic open space. The Department suggests that Teton County should strive to protect the conservation values of all easements as they review development proposals that abut, or lie adjacent to protected lands. It is possible that a high density subdivision could seriously impact this easement and undermine the value of this generous gift to the public.

Dry Creek and vicinity support a variety of wildlife including species with high economic value and species that have special conservation status. The area supports mule deer fawning habitat and winter and transitional habitat for mule deer and elk. The riparian canopy of Dry Creek supports nesting raptors such as great-horned owl, red-tailed hawk and Swainson's hawk. The trees and tall shrub vegetation supports a diverse songbird community and winter habitat for Columbian sharp-tailed grouse, an Idaho *Species of Greatest Conservation Need* (SGCN). The uplands adjacent to the Dry Creek riparian corridor support other SGCNs including short-eared owl, long-billed curlew and sandhill crane.

It is our understanding that part of the county review/approval process includes a fiscal analysis that requires the project applicant to calculate and reveal the costs of the project to Teton County and its citizens. One way to offset some of the costs of development is to provide the public with meaningful open space that protects important public values such as wildlife habitat and water quality. Department staff would be happy to provide more specific recommendations on to best conserve wildlife in the proposed Mountain Legends project area.

Please contact me if you have questions or require additional information.

*Rob Cavallaro, Regional Wildlife Habitat Manager*



Comment 19

*Idaho Department of Fish and Game*
*4279 Commerce Circle, Idaho Falls, Idaho 83401*
*(208) 525-7290*
rob.cavallaro@idfg.idaho.gov

ATTACHMENT 8

**Kristin Rader**

**From:** Laura Clinton [redacted]>
**Sent:** Tuesday, July 05, 2016 3:55 PM
**To:** PZ
**Subject:** Proposed Mountain Legends Ranch Subdivision

TETON COUNTY
PLANNING & ZONING
JUL 07 2016
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To The Teton County Planning & Zoning Commission,

We are residents of the Alta Vista subdivision, and are writing to oppose the subdivision planned by Peacock Property, LLC on the east side of Grand Teton Road. Please see below for our reasoning and rationale for this.

We strongly believe that the grouping and clustering of that many homes will dramatically change the community for the worse. The proposed development area is far too small to develop 76 new properties - doing so in such a confined space will have a negative impact on the surrounding area and our current living conditions.

The road and utility infrastructure cannot handle the activity from that many homes in such a small area. This proposed development will mean we must vigorously monitor the safety of our children and dogs with such an influx of traffic. It would most likely require traffic lights to be installed on E 2500 N. It would appear that no thought or consideration has been given to how such a population increase would impact local services, schools, hospitals, and the levels of congestion in the area. We are very concerned about the short- and long-term costs to the community in this regard, and most certainly our taxes will go up to accommodate the burden of the population increase and all the necessary facilities built to accommodate such an influx of people.

Not to mention the noise and disruption caused by such a scaled development project. One of the reasons we love this area so much is the peace and tranquility it offers. This proposed subdivision will certainly disrupt the quiet, obstruct the view that we paid significantly for, and will impact our property value. We do not want to live in a grouped, clustered community and we feel a proposed subdivision on 76 properties is in too close a proximity to our neighbors and subdivision. Our area is away from the center of town and is comprised of homes adequately spaced, which are not part of a certain enclosed community - something this new subdivision will destroy.

MOST importantly, is the impact to the environment and to wildlife. Moose and elk herds are just two of the animals utilizing this space in the winter time, as well as significant bird life. Wolves have also been known to venture this far out from the mountain range. The mountains and surrounding area are home to thousands of species of animals, and destroying the entire ecosystem for such a large development that local residents are NOT in support of, is entirely unconscionable.

Thank you for your consideration. We will be attending the meeting on July 12 to contribute to the discussion with our neighbors.

Sincerely,

Jerrold & Laura Clinton
1253 E 3500 N
Driggs, ID 83422
[redacted]



Comment 20

TETON COUNTY
PLANNING & ZONING
ATTACHMENT 8
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# Comments on proposed Mountain Legends Subdivision

The other day - June 21st, the first day summer, to be precise - I was sitting on my deck watching the colors of the Tetons change as the sun went down. The reds were just fading to purple when a golden eagle flew right in front of me, its wings barely moving in the still air. When I die, I hope I can remember that moment.

Do you know that golden eagles live where there are large, open fields and sweeping views that allow them to spot prey? They choose places a lot like the fields where developers now want to put up seventy six houses.

The people behind "Mountain Legends" assert the land in question has no natural resources. They haven't been paying attention. Since the 2012 vacation of the original subdivision proposal, a herd of elk numbering well over a hundred animals has taken up winter residence there. I am willing to bet that most Americans have never seen an elk - or a golden eagle, for that matter.

You want natural resources? How about the harrier hawks, the red tails, the Swainson's, the kestrels and the falcons? Want more? In winter the rough-legged hawks arrive. These birds are predators, feeding on an abundance of voles, ground squirrels and other little creatures. I'd call them a natural resource; wouldn't you?

The elk, by the way, have plenty of company. Mule deer and Virginia white tails; even moose come through. Coyotes, foxes, rabbits, skunks, porcupines, badgers: it gets to be a long list.

Just over a year ago Georgina Worthington found a young, injured harrier hawk in the fields. Its parents were trying unsuccessfully to encourage it to fly. It was too badly hurt. Although Georgina wrapped it in a hat to take it home, she was still clawed for her efforts. Harriers have knives for talons. She called Idaho Fish and Game agent Rob Cavallero, who came, picked up the bird and took it to Victor to rendezvous with a person from the Wilson Raptor Center. The Center did its best to rehabilitate the young hawk, but found its injuries were too extensive. They ended up sending it to a rehabilitation facility in North Carolina, where it is now said to be recovering well. I relate this story to illustrate that there are many serious people in our area and across this country who agree with John Muir, who said, "In wildness is the preservation of the world."

One autumn morning I could see my breath as I walked out the front door. Half awake, it dawned on me that there was a very large wolf in my yard looking straight at me. I suppose people react oddly in odd situations. I whistled to see if it would come over closer. In my defense I have to say that I was in a position to close the door if I needed to. As it happened, the wolf didn't want any part of me. It turned tail and ran back to the fields of Mountain Legends.

I'll tell you what would be a real mountain legend: if a group of passionate people could halt the building of seventy six houses no one needs in this, the zombie subdivision capital of the Rockies. Let's join in to preserve at least some of our remaining natural surroundings.

John Greenwood
[redacted]

ATTACHMENT 8

RECEIVED
JUL 05 2016
TETON COUNTY
PLANNING & ZONING

July 5, 2016

Teton County Planning and Zoning Commission
150 Courthouse Drive #107
Driggs, ID 83422

RE: Proposed Mountain Legends Ranch Subdivision

Dear Commission:

We write today as concerned adjacent property owners.

Our location is 3630 North 1500 East. Our home is the historical George Peacock residence, which was built in approximately 1935, which we have owned since 1993 and carefully maintained and restored. At one time, 1500 East was a dead-end road ending at this location. The area was then solely agricultural with a few farmhouses.

We have been here 23 years, and in this time, the area has changed only a little, with a few additional homes being constructed. These new homes are generally standalone structures on parcels running in the neighborhood of 5, 10, and maybe 20 acres or more. There have been no additional subdivisions of any significance in this timeframe.

The effects of this application are enormous, and cannot be understated. It will, if approved, have lasting negative impacts on this area. We ask that the Commission proceed carefully with the review.

In addition to all the usual issues around this proposed new development, of which the Commission is fully aware, we wish to add three additional points:

1. Wildlife Corridor: Attached are two pictures showing the very large elk herd that winters here. One has to look closely as a hundred or more are in the back of each photo. These were taken in the winter of 2015-16. In the summertime, we often see numerous whitetail deer and red fox in the area of Dry Creek. This area, around Dry Creek, is excellent habitat and I believe meets the Commission's definition of a wildlife corridor.

2. Road Infrastructure: The capacity of the existing roads is a great concern. County road 1500 East as it proceeds through this area is currently a narrow, unpaved road. This route is much like a greenbelt, with runners, cyclists, walkers, equestrians, and of course vehicle traffic and farm machinery. Two approaching vehicles cannot pass without taking caution, requiring that they come to a slow crawl for safe passage. As the road passes in front of our residence, there is a lazy S-curve which includes a sharp rise in the terrain with associated visual obstructions. At the top of the hill there are two tight 90-degree turns in the road as you enter

Teewinot going south. This road would require extensive modifications if the usage were to safely rise to the level of the additional traffic load. Since this is a "resort area," one is not talking about just the owner usage but the additional volume of traffic created by visitors, i.e., friends and family that would be associated with the primary homeowners.

If this application were to be approved, we would hope that access be restricted to Stateline Road, which is clearly designed for heavier use.

3. Technology and Online House Rentals: Another consideration is technology. Airbnb, Inc., and other "sharing economy" websites have the ability to turn any residence into a commercial enterprise. Particularly in a resort area, one can rent their home, extra bed, or guest house for the day, weekend, or month. This will surely affect usage and place an increased burden on all infrastructure in the area. It's also quite possible new homes end up not for new, contributing members of our community, but rather, for housing speculators looking to rent to paying guests with no long-term vested interest in this Valley.

Of course there are all the other matters associated with rural density that the Commission is fully aware of, which we will not address here.

We will attend the July 12 hearing with our neighbors, to stand and address any of the matters we listed in this letter. We very much appreciate the Commission's careful due diligence on this matter.

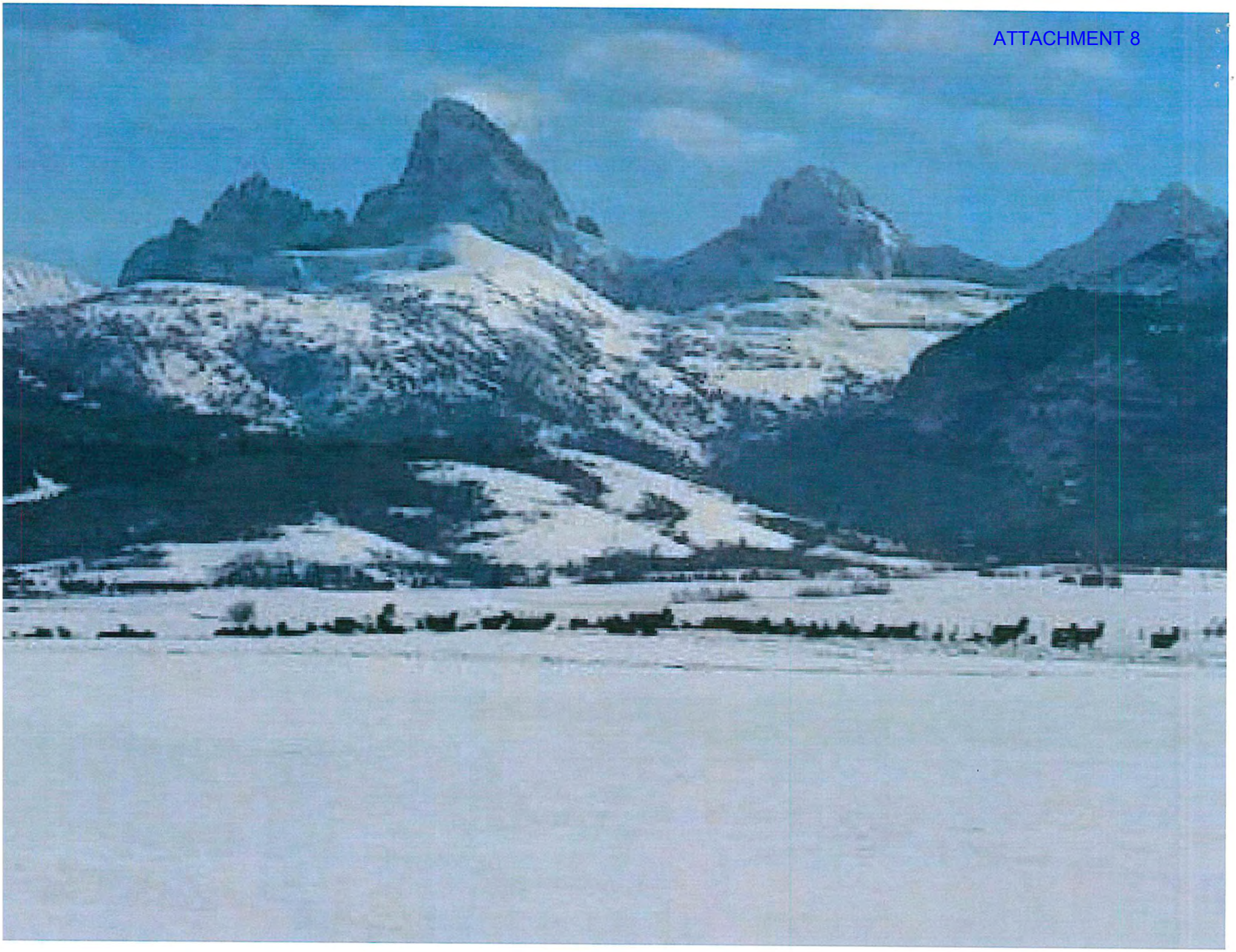
Kind regards,

Chuck and Janet Kunz
3630 North 1500 East
Driggs, ID 83422
[redacted]

Attatchments: Two wintertime wildlife photos

ATTACHMENT 8

ATTACHMENT 8



ATTACHMENT 8
TETON COUNTY
PLANNING & ZONING
JUL 05 2016
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July 3, 2016

To: Kristin Rader, Interim Planning Administrator and Planning and Zoning Commissioners

Concerning: Mountain Legends Ranch Subdivision

Dear Ms. Rader and Commissioners,

My husband, John, and I live full-time on 52 acre parcel of land on the NW corner of the proposed subdivision's north parcel. Our property consists of land on both sides of Dry Creek, which is an incredibly rich riparian/wildlife corridor. Importantly, Dry Creek is part of a designated Wetland and Waterways Overlay and is a mapped Raptor and Songbird Habitat. A portion of Dry Creek that runs through our property is within 300 feet of the proposed northern subdivision parcel.

This riparian zone, not only on our property, but along the length of Dry Creek, is home to a herd of 150 wintering elk; fawning mule deer; sharp-tailed grouse; golden eagles; short eared owls; long eared owls; great gray owls; great horned owls; moose, bears; porcupines; skunks; coyotes; badgers; foxes; Swainson's Hawks; Harriers; Red Tailed Hawks; Rough Legged Hawks; Curlews; Great Blue Herons; Sandhill Cranes; ducks; geese; crows; ravens; magpies; Countless Songbirds – Western meadowlarks, robins, house finches, goldfinches, cassin finches, pine siskins, black headed grosbeaks, red winged blackbirds, brown headed cowbirds, blackbirds, house wrens, swallows, western tanagers, to name a few. We have counted over 20 nests on our corridor alone.

We also have 30 acres in a Wildlife Habitat Improvement Program, in a joint project with the state in which we planted native grasses and native wildflowers. We live in a yurt and a small cabin and have extremely low impact on this riparian habitat. I am a naturalist and an environmental educator by profession and am keenly aware of the

potential impacts on wildlife and the waterway that this proposed subdivision represents.

The wintering elk herd beds down at night along our creek bed and our neighbor, Larry Redd's, creek bed. By day, they head right to the proposed Mountain Legends subdivision land.

There is no doubt that the proposed Mountain Legends subdivision would significantly impact this corridor, its wildlife residents and visiting/migrating wildlife. In reviewing the Project Narrative for this subdivision, there were numerous mistruths and misrepresentations. Significantly, it states that it is "promoting protection of natural resources." I cannot see how this is possible in the proposed plan. It further states that these subdivision parcels are "not located in a sensitive area." How can they believe this to be true? As well, it claims that the subdivision "does not contain unique or sensitive natural resources." In addition, it states that "the site does not have any migration corridors or (again) sensitive areas." I might ask, has the developer spent any time in every season on this property at all? As for his claim of providing "open space", the only allowance that I can see for that is the backyards of the individual lots, which should hardly qualify as open space. Also, I cannot figure out his claim to "agricultural easements", unless he is counting the farmland adjacent to his subdivision, which is owned by someone else. And, finally, I must ask how he can claim that this subdivision would "enhance the rural neighborhood."

In providing this narrative, I feel that the developer is making a very weak attempt to pay lip service to Comprehensive Plan guidelines and, in fact, makes his proposed plan even less credible by doing this so poorly and in such an unsubstantiated manner.

None of this is in keeping with the 2012 Comprehensive Plan. All of this proposed development plan puts us right back to pre 2008 thinking, which is not at all representative of the wishes of the community now. Simply from a responsible and forward looking standpoint, I must ask how another subdivision is going to benefit our community. As stated in the 2012 Comprenhensive Plan:

"Almost everybody in the community agrees that additional, poorly-planned subdividing of land will not help the Valley's economy or character.

The challenge to our community is how we are going to clean up the mess of development that has left us with close to 9000 empty lots. We are at a juncture with a new Comp Plan that allows us to change the paradigm going forward, and this proposed subdivision does not represent forward thinking or even logical thinking. How any commissioner or resident could truly believe that another subdivision in this county is going to add value to any of our lives or benefit the natural community in any way seems simply irresponsible from all aspects. Particularly one that has already been vacated and failed once. Importantly, because this valley is wonderfully imbedded in agricultural heritage, the riparian corridors are preciously few and provide both water resources and critical habitat to wildlife, which we all also covet. We cannot risk destroying any aspect of this Dry Creek riparian corridor, and I ask you to consider the dire impact this proposed subdivision will have on this precious natural resource and the uniqueness of our valley.

I am including a video of the elk herd emerging from the Dry Creek creek bed and continuing into the proposed subdivision land. I am also attaching numerous photos of the Dry Creek wildlife and its undeniable richness. Once displaced, where will this wildlife go? To discount any of this because of a non-existent wildlife overlay, specifically, speaks only to the short sightedness of previous code and resources that were not available to conduct a review to develop an overlay to begin with.

Thank you for your consideration of these comments and for the work you are all doing on behalf of the community, a job that is not always easy nor often appreciated.

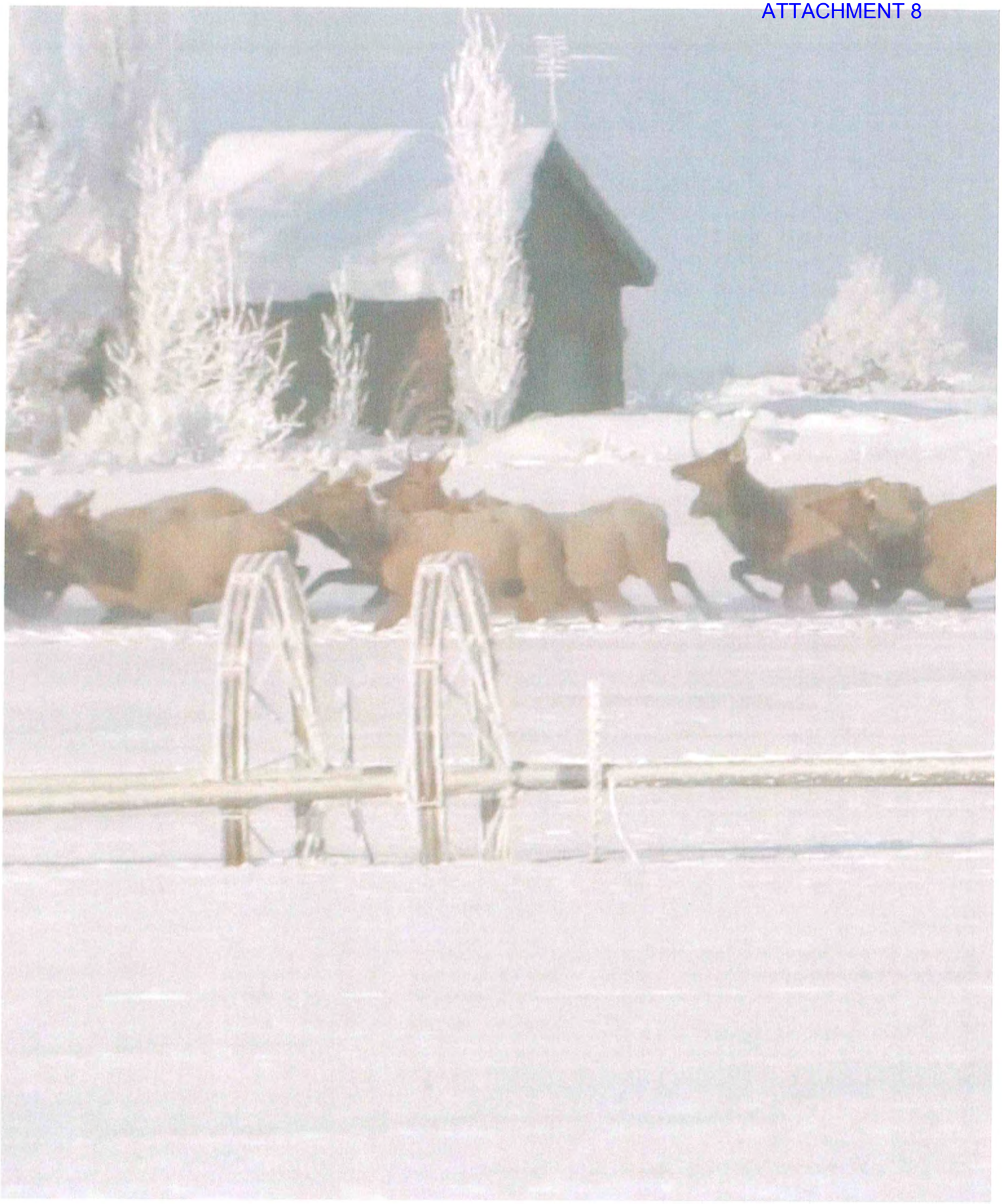
Kind regards,

Linda Unland

1933 E 4000 N
Driggs, ID 83422

Video of Elk coming up from our Dry Creek creek bed to the proposed development

ATTACHMENT 8



Bobcat/Mountain lion tracks

Elk tracks from our creek bed leading up to proposed subdivision land

Dry Creek flows year-round

Dry Creek Riparian/Wildlife Corridor

Raptor prints

3 Moose emerged from Dry Creek Corridor

Dry Creek

Vegetation along Dry Creek

WHIP program native grasses and wildflowers

Meadow bordering subdivision

ATTACHMENT 8

TETON COUNTY
PLANNING & ZONING
JUL 05 2016
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**Kristin Rader**

**From:** Richard W. Emmons [redacted]
**Sent:** Tuesday, July 05, 2016 2:04 PM
**To:** PZ
**Subject:** Proposed Peacock Property LLC subdivision

Attention: Teton County Planning Department; Planning and Zoning Commission; and Board of County Commissioners

We the undersigned are property owners adjacent to the proposed 197.05 acre subdivision by Peacock Property LLC (RP05N46E084500). Our property is located at 1445 E, 3500 N. We wish to record our objections and concerns about the proposed Peacock Property LLC Subdivision. This huge development in our rural area would greatly increase traffic; impact adversely the water supply from the ground aquifer; add considerably to the sewage disposal required for 76 separate septic systems and drain fields; adversely affect the scenic beauty and views of the Teton Mountain Range for we established homeowners; add considerably to the light pollution of the area; adversely affect the wildlife, since elk, moose, and other desirable wildlife currently inhabit this region; and add significantly to the needs and cost of fire prevention, policing, road maintenance, and other governmental oversight responsibilities. Thank you for your consideration of these concerns.

Sincerely, Richard W. Emmons and Barbara Voorhees-Emmons

Mail address: P.O. Box 1339, Vashon, WA 98070

Phone: [redacted] [redacted]

E-mail: [redacted]



Comment 24

**Kristin Rader**

| | |
|---|---|
| **From:** | Michael Heisey <[redacted]> |
| **Sent:** | Tuesday, July 05, 2016 10:13 AM |
| **To:** | PZ |
| **Subject:** | Mountain legends subdivision |
| **Attachments:** | IMG_1735.JPG; ATT00001.txt |
| **Follow Up Flag:** | Follow up |
| **Flag Status:** | Flagged |

TETON COUNTY
PLANNING & ZONING
JUL 0
RECEIVED

From: Michael Heisey [mailto:[redacted]]
Sent: Wednesday, July 06, 2016 8:29 AM
To: Kristin Rader <krader@co.teton.id.us>
Subject: Re: Mountain legends subdivision

Hi Kristin, sorry my email didn't function properly. If you wouldn't mind I would like to say the following.
My name is Michael Heisey, I live in the Alta vista subdivision. I am opposed to the mountain legends subdivision. Building another development in a wildlife corridor that already has plenty of empty lots seems unnecessary and harmful to existing wildlife and resources. Additionally are roads are not sufficient for all the added traffic. Finally adding 76 wells and septic systems can't possibly be safe for our environment and water supply. Sincerely Mike Heisey

ATTACHMENT 8

ATTACHMENT 8

**Kristin Rader**

**From:** Mary Narrod <[redacted]>
**Sent:** Tuesday, July 05, 2016 4:26 PM
**To:** PZ
**Subject:** Mountain Legends Ranch

TETON COUNTY
PLANNING & ZONING
JUL 05 2016
RECEIVED

To whom it may concern,

My name is Mary Narrod and my address is 3595 Black Bear Drive, Driggs, ID 83422.
I am writing in opposition of the proposed Mountain Legends Ranch.

It seems very unreasonable to me that you would even consider such a proposal when there are so many subdivisions that are half empty. What would be the purpose? Let's see the existing subdivisions fill before having another one. I don't think it presents well to tourists and possible future residents to see so many empty subdivisions. It's a visual statement of the economy of Teton county.

There is also the additional consideration of our wildlife. This area is a corridor for moose, deer and a large elk herd. The wildlife need this area especially in the winter.

I hope that you will make good judgment by denying another subdivision in this beautiful valley.

Sincerely,
Mary Narrod

Sent from my iPad



Comment 26

ATTACHMENT 8

Valley Advocates for Responsible Development

July 5, 2016

TETON COUNTY
PLANNING & ZONING
JUL 05 2
RECEIVED

Teton County Planning & Zoning Commission
150 Courthouse Drive
Driggs, ID 83422

Re: Mountain Legends Concept Plan

Dear Members of the Commission:

We offer the following comment on the Mountain Legends Concept Plan in the context of the criteria for approval set forth in Section 9-3-2 (B)(4) Consideration of Approval [for Concept Review].

**The Mountain Legends Concept Plan does not conform to the Teton County Comprehensive Plan as required by Section 9-3-2 (B)(4)(a).** We concur with the Planning & Zoning Staff's concerns and find that the proposed subdivision does not conform to the 2012 Comprehensive Plan, which we believe is a reaction against the type and scale of development proposed in this Concept Review.

**The availability of public services to accommodate the proposed development has not been established as required by Section 9-3-2 (B)(4)(b).** Most glaringly, Teton County, Wyoming, the entity responsible for maintaining the development's primary access - State Line Road - has not contributed to the review of the Mountain Legends application as an official service provider. Over the years, we have attended many public meetings held with the Teton County, Wyoming Board of County Commissioners and Alta residents, and, almost without exception, the inadequacy of State Line Road is the focal point of discussion. The prospect of a 76-unit development has the potential to degrade the quality and safety of State Line Road even further. In addition, the 76-unit subdivision proposes individual wells and septic systems in an area found to have high Nutrient Pathogen levels. Before a development of this scale can be considered, the carrying capacity of the entire groundwater resource must be evaluated. Finally, a white paper published in 2015 by the Teton County Planning & Zoning Department found that virtually any subdivision of any size will likely result in increased costs to Teton County and its taxpayers. A 76-unit development will certainly burden community services.

Comment 27

285 E Little Ave. PO Box 1164, Driggs, Idaho 83422
208.354.1707 ph • 208.354.1709 fax • www.tetonvalleyadvocates.org

Valley Advocates for Responsible Development

**The conformity of the proposed development with the capital improvements plan is not clear as required by Section 9-3-2 (B)(4)(c).** Page 9 of the county's capital improvement plan does mention an average density factor of 50-80 units per 100 acres, but as the preceding text to this figure indicates, several large assumptions are utilized to establish this number. For example, residential projections assume that many future dwelling units will be second-homes, thereby decreasing overall impact. However, the applicant's narrative repeatedly touts the housing opportunities purportedly afforded by the development proposal, and thus indicates that a significant portion of the units within the development will likely be permanently occupied –and therefore more impactful – than what is contemplated in the county's Capital Improvement Plan.

**The public financial capability of supporting services for the development has not been established as required by Section 9-3-2 (B)(4)(d).** We understand that a fiscal impact analysis will be required upon submittal of the preliminary plat, however, like many other aspects of this development, the Planning & Zoning Commission must seek to understand the initial impact created by the sheer scale of the project before moving forward. We believe this is precisely why this and other considerations are codified at the Concept Review phase. The 2015 Planning & Zoning Department white paper makes clear that any new development will have a significant fiscal impact, and the Planning & Zoning Commission must now consider whether to consider a scale of development that will undoubtedly result in serious fiscal impacts to Teton County taxpayers.

**Other health, safety, and general welfare concerns must be addressed as required by Section 9-3-2 (B)(4)(e).** We understand that public comment is forthcoming and may be voluminous. The impacts borne by surrounding property owners are substantial and warrant serious consideration.

We conclude that the proposed Concept Plan does not meet these five required criteria and should thus be subject to denial.

Sincerely,

Shawn W. Hill
Executive Director

285 E Little Ave, PO Box 1164, Driggs, Idaho 83422
208.354.1707 ph 208.354.1709 fax www.tetonvalleyadvocates.org

ATTACHMENT 8

**Kristin Rader**

| | |
|---|---|
| **From:** | Debbie Whipple <[redacted]> |
| **Sent:** | Tuesday, July 05, 2016 4:56 PM |
| **To:** | PZ |
| **Subject:** | Mountain Legend Concept Application |
| **Attachments:** | Elk.jpg; DSC02019.JPG |

TETON COUNTY
PLANNING & ZONING
JUL 05 2016
RECEIVED

Teton County Planning and Zoning Committee
150 Courthouse Dr., Rm 107
Driggs, ID 83422

Bob and Debbie Whipple
3246 N. 1500 E.
Driggs, ID 83422

Harry and Belle Niendorf
1370 E. 3500 N
Driggs ID 83422

RE: Mountain Legend Concept Application

Committee Members:

Our properties are on the Southwest Corner across 1500 E. from this proposed development and immediately NW of the the Development off 1500 N. We have received the notice for the Public Hearing regarding this development. We, the undersigned, are **opposed to this development** as currently proposed. The following reasons are why we are concerned:

1. IT is called a rural neighborhood but it appears clustered like an urban development not at all like the existing subdivisions
2. There are migration of elk through this area that should require an impact study. 3 out of the last 4 years we have had a herd of elk along this area. See picture.
3. Harmonious with the surrounding developments: touting "open space" then creating tight clustered building envelopes with "clustering" is an illusion of "open space".
4. Clustering of homes in enveloped building spaces creates concentrated waste that is concerning.

We will be attending the forth coming meetings and await the further "conceptual" plans as they develop.

Sincerely,

Robert and Debra Whipple
Harry and Belle Niendorf



Comment 28

ATTACHMENT 8

**Kristin Rader**

**From:** Michael Mulligan [redacted]
**Sent:** Monday, July 04, 2016 6:31 PM
**To:** PZ
**Subject:** Mountain Legends

TETON COUNTY
PLANNING & ZONING
JUL 05 2
RECEIVED

Dear PandZ Folks,

I hope it is called Mountain Legends because it is just that: that which might have been but does not come to fruition -- a faulty legend, that is.

As a close State Line resident and ranch owner, let me say this is the stupidest, ugliest idea since the creation of the other abomination, Snow Crest -- or is it Snow Pest?

The last thing this valley needs is another crazy development. There are already thousands of unsold lots in endless ugly zombie developments all over the place here. The precious valley is on the verge of being lost forever. Open space -- gone.

Dry Creek is a great wildlife corridor. Indeed, one of the valley's very few resident elk herds winters right on the proposed Mountain Legend abomination.

Thank you, folks, for doing your job and protecting one of the few remaining wildlife corridors in the valley. Thank you for rejecting this notion of 2.5 acre lots.

Teton Valley is close to really being wrecked. Thanks for saving it.

Michael

Michael Mulligan
Head of School
The Thacher School
5025 Thacher Road
Ojai, California 93023
[redacted]

THACHER

Comment 29

RENDEZVOUS ENGINEERING, P.C.
Civil Engineers and Planners in Wyoming and Idaho

June 24, 2016

RECEIVED
BY: K. Rader
DATE: 6-24-2016

Mr. Dave Hensel, Chairman
Teton County Planning and Zoning Commission
150 Courthouse Drive - Room 107
Driggs, ID 83422

HAND DELIVERED

RE: River Rim Amendment No. 7 / Request to Withdraw Application

We have been informed by representatives from GBCI Other Real Estate LLC and 211 West Rim LLC that they have suspended their negotiations regarding the sale and purchase of the River Rim PUD. Therefore they have requested that their application for a plat and development agreement amendment be withdrawn. Both the current River Rim owners and the prospective investors were concerned that the proposed plan for the re-creation of a links-style golf course supported by a hospitality based destination resort would not be approved without substantive changes to the specific project and the existing River Rim Master Plan.

Although this most recent proposal has received enthusiastic support from a majority of existing River Rim lot owners, the applicants were concerned that the significant additional time and cost necessary to accomplish the plan within the Teton County process was not worth the apparent risk. It became clear after several staff meetings and two Planning and Zoning Commission hearings that this application would take additional months, cost additional tens of thousands of dollars in professional fees and potentially involve changes that would adversely affect the project's marginal financial feasibility.

On behalf of the project team that has worked diligently and cooperatively to develop a valid plan that would restore property values, expand job opportunities and increase local tax revenues without significant changes to the existing entitlements or impacts, we are disappointed by this lost opportunity. However, we also understand that it is not in the best interest of the owners and buyers to encumber the property for the entire summer and incur significant additional costs for an uncertain outcome.

Sincerely,

Robert T. Ablondi, P.E.

Cc: Kristin Rader, Interim Planning Administrator
Brett Potter
Sean Cracraft
Sean Moulton
David Choo
Don Chery
Doug Gemmel

25 South Gros Ventre Street - Post Office Box 4858 - Jackson, Wyoming 83001
Phone - 307.733.5252 Fax - 307.733.2334

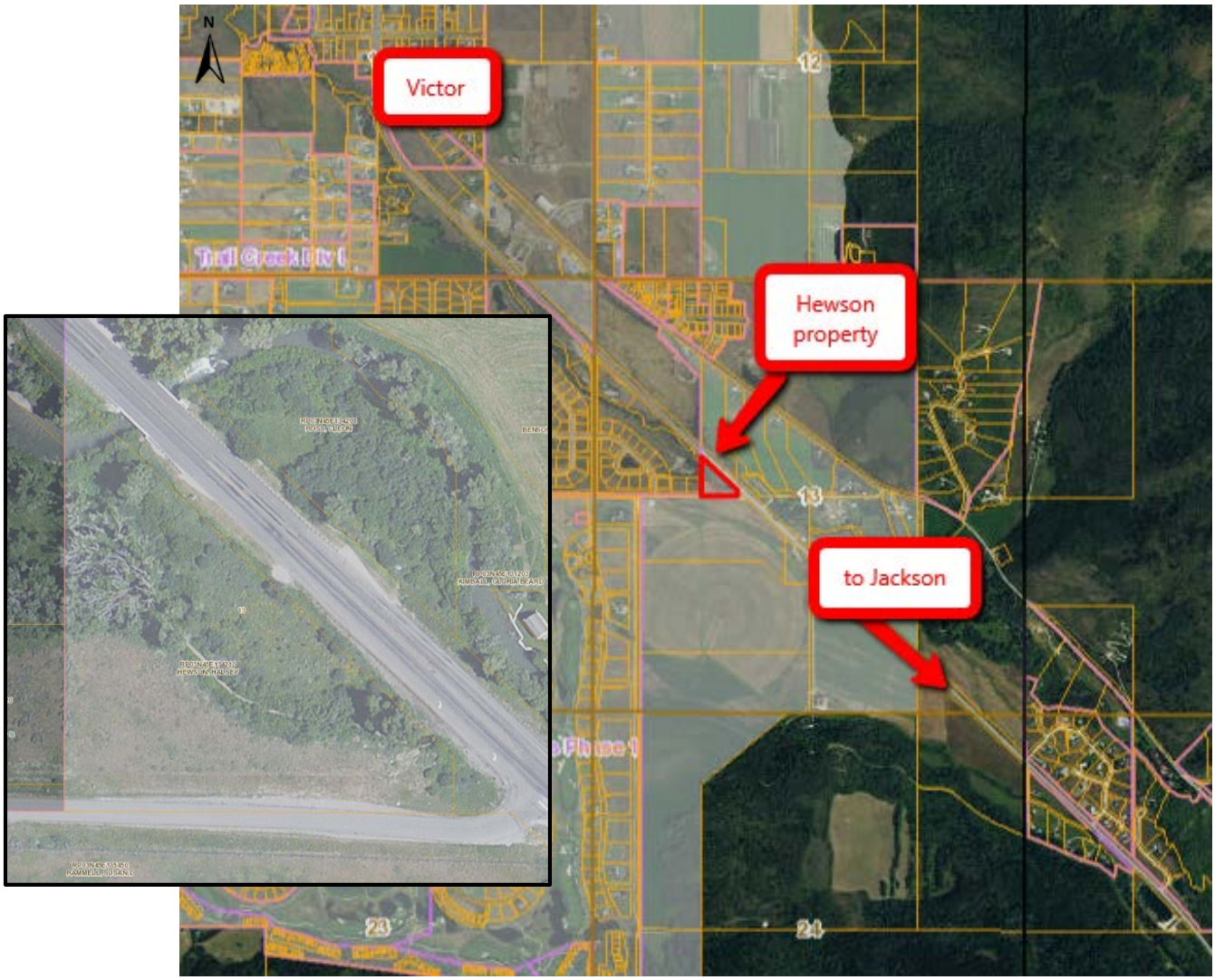
**SCENIC CORRIDOR REVIEW for:** Halsey Hewson
**WHERE:** corner of Hwy 33 and E 9500 S (Victor)
Prepared for the Planning & Zoning Commission
**July 12, 2016**

**APPLICANT & LANDOWNER:** Halsey Hewson

**APPLICABLE COUNTY CODE:** Teton County Zoning Ordinance Section 8-5-2-D (SC) Scenic Corridor Overlay Regulations.

**REQUEST:** Halsey Hewson is requesting to build a storage shed on his property south of Victor, in the Victor Area of Impact, located at the corner of Highway 33 and E 9500 S. The property is completely within the Scenic Corridor Overlay.

**LEGAL DESCRIPTION:** RP03N45E134210; TAX #6795 SEC 13 T3N R45E
**LOCATION: C**orner of Hwy 33 and E 9500 S
**ZONING DISTRICT:** A-2.5 – Victor Area of Impact
**PROPERTY SIZE:** 2.73 acres
**VICINITY MAP:**



**PROJECT BACKGROUND:** Mr. Hewson submitted a completed scenic corridor design review application on June 28, 2016, and is currently working on getting his building permit application together. Before the building permit can be approved, a scenic corridor design review must occur and be approved for the structure. The proposed storage shed will be 50 feet from the outer edge of Highway 33's right of way, and this proposal complies with all required setbacks. Construction of the addition has not begun. There is a small chicken coop on the property that was recently built. It is under 200 $ft^2$, so it did not require a building permit or a scenic corridor design review (only required with permit).

Mr. Hewson's property is currently zoned A-2.5 and located in the Victor Area of Impact, adjacent to city limits. The entire property is within the scenic corridor. Due to the size, location, and characteristics of the property, the building locations are very limited. The site plan (Attachment 8) identifies building envelopes on this property after considering the required setbacks and floodplain.

The proposed storage shed will be located close to the highway, which is partially screened by vegetation. The western side of the property, where the chicken coop is located, is screened slightly better by the existing vegetation. This location was not chosen for the shed because the applicant is intending to build a home in that spot. The applicant has stated that he intends to add additional vegetation near the highway to help screen the buildings when he builds the home. Currently, the property does not have access to water or power, so irrigating any new vegetation for successful growth will be difficult, if not impossible. When the applicant has stated that he intends to apply for the building permit and scenic corridor review for the home within the next year, so the landscaping would begin at that time when he gets water and power to the property.

The proposed structure will be 30 feet wide, 50 feet long, and 18 feet tall (Attachment 6). There will be windows along the wall that faces the highway. Attachments # show examples of the design of the building. Attachment # shows an example of the color design for the exterior. The applicant is intending to use metal siding in brown and gray (Attachment 7).

**OVERVIEW OF SCENIC CORRIDOR REVIEW:**

**8-2-1-A. GENERAL DEFINITIONS:** Scenic Corridor Overlay includes all lands lying within 330 feet of both sides of the rights-of-way for Idaho State Highways 31, 32, 33 and Ski Hill Road from Driggs City limits to the Wyoming state line.

**8-5-1-D. PURPOSE:** The purpose of this overlay area is to provide a design review procedure to ensure that key roads in Teton County are sufficiently protected from unsightly and incompatible land uses.

**8-5-2-D (1) DESIGN REVIEW:** All development shall be subject to design review to ensure that the location, scale, and appearance of buildings, structures, and development of land shall preserve the rural character of the areas bordering Idaho State Highways and Ski Hill Road and to prevent the construction of buildings that project upward beyond the ridgeline of any hill located within one (1) mile of major roads when viewed from those major roads.

Title 8 of the Teton County Code authorizes the Planning & Zoning Commission to make a final determination on scenic corridor applications. A development application shall only be approved if the Planning Commission finds that it meets the design review criteria.

| 8-5-2-D (3). DESIGN REVIEW CRITERIA: | | STAFF COMMENTS: |
|---|---|---|
| **SETBACKS** | No permanent structures may be built within 50 feet of the outer edge of the road right of way, unless the parcel does not contain any buildable sites outside of the setback. | *The proposed structure will be located 50 feet from the outer edge of Highway 33's right of way. A-2.5 requires front and side setbacks of 30' and rear setbacks of 40', with which this complies.* |
| **BUILDING ENVELOPE** | 1. Building envelopes shall be located so that existing topography and natural vegetation will screen buildings from view from the State Highways and Ski Hill Road to the maximum extent feasible. | *There is some existing vegetation on the property but none that could screen the proposed building entirely. The applicant has stated he plans to add additional landscaping between the Highway and the building when he builds the home. He does not currently have water or power to the property.* |
| | 2. Where existing topography and natural vegetation cannot be used to screen buildings, building envelopes should be located at the rear or side edges of an open meadow or pasture, or at the foot of a hill or ridge, rather than in the middle of a meadow, pasture, or hillside. | *The location for the proposed structure is on the eastern side of the property. This location was chosen because of the limited building space on this property. There is some existing vegetation that can screen the building from view when traveling on Highway 33. However, the building will be visible from the highway when a vehicle is adjacent to the property. The applicant does intend to add vegetation in the future.* |
| | 3. Building envelopes shall be located so that no portion of a building up to 30 feet tall shall be visible over the ridge of the hillside on which it is located when viewed from the State Highways and Ski Hill Road. | *The proposed building will not be located on a ridge or hillside.* |
| **BUILDING MATERIALS** | All non-agricultural buildings shall not be of highly reflective materials according to ASTM C6007, Light Reflectivity Index. | *The proposed structure will have brown and gray metal siding and roof, similar to the example in Attachment 7. The materials will not be highly reflective.* |
| **ROADS & DRIVEWAYS** | Roads and driveways shall be designed to eliminate the need to back out onto the State Highways or Ski Hill Road. Existing roads and driveways shall be used where practical. When it is not practical to use existing roads, then new roads and driveways shall be located to skirt the edge of meadows and pastures (i.e. avoid dividing them) to the maximum extent feasible | *This property is accessed from E 9500 S, not Highway 33, so there will be no issue with vehicles backing out onto Highway 33. Because of the location, size, and characteristics of this property, there is essentially one option for an access point for the driveway.* |
| **SCREENING** | Landscaping shall be used to screen the view of any resource extraction sites, outdoor storage areas, outdoor trash collection areas, satellite dishes over two (2) meters in diameter, and areas with inoperable equipment or more than four (4) inoperable cars or trucks. Required landscaping should be high altitude, native plant material, trees and shrubs | *There are no resource extraction sites, outdoor storage areas, outdoor trash collection areas, satellite dishes proposed with this application that would need to be screened.* |
| **THERE ARE ADDITIONAL PROVISIONS FOR SATELLITE DISHES, REVEGETATION, UTILITIES, AND SIGNS.** | | *The applicant is not proposing a satellite dish, utilities, or signs. Disturbance will be minimal for construction, and the applicant will repair/reseed any land that is disturbed from grading.* |

**POSSIBLE CONDITIONS OF APPROVAL:**

1. Must comply with all federal, state, and local regulations.
2. All structures require a Teton County Building Permit and must comply with the Teton County Building Code.
3. If outdoor lighting is desired, it must comply with Teton County Code lighting requirements.
4. Building materials shall not be highly reflective materials.
5. *An application for the scenic corridor design review of the future home, including landscaping, shall be applied for and approved within one year of this approval.* (if concerned with the landscaping along Highway 33 – could also make the condition that landscaping is required with this approval)

**POSSIBLE PLANNING & ZONING COMMISSION ACTIONS:**

A. Approve the scenic corridor permit request with the recommended conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.

B. Approve the scenic corridor permit request, with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.

C. Deny the scenic corridor permit request and provide the reasons and justifications for the denial.

D. Continue to a future PZC Meeting with reasons given as to the continuation or need for additional information.

**POSSIBLE MOTIONS**:

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

***Approval***

*Having found that the proposed development for Halsey Hewson is consistent with the Teton County development ordinances, specifically Title 8-5-2-D, and Idaho State Statute, I move to approve the scenic corridor permit with the following conditions of approval:*

1. *Must comply with all federal, state, and local regulations.*
2. *All structures require a Teton County Building Permit and must comply with the Teton County Building Code.*
3. *If outdoor lighting is desired, it must comply with Teton County Code lighting requirements.*
4. *Building materials shall not be highly reflective materials.*

***Denial***

*Having found that the proposed development for Halsey Hewson is not consistent with the Teton County development ordinances, specifically Title 8-5-2-D, and Idaho State Statute, I move to deny the scenic corridor permit. The following could have been done to obtain approval…*

1. *…*

Prepared by Kristin Rader

**Attachments:**

1. Application (4 pages)
2. Deed (4 pages)
3. Site Plan (1 page)
4. Building Plan (3 pages)
5. Google Earth images (3 pages)
6. Building Design Options (2 pages)
7. Exterior/Color Design Options (2 pages)
8. Site Visit Photos (7 pages)

**End of Staff Report**

ATTACHMENT 1

RECEIVED
BY: K. Rader
DATE: 6-28-2016

# SCENIC CORRIDOR OVERLAY APPLICATION

**Teton County, Idaho**

The Planning Staff will review this request for completeness. The Planning and Zoning Commission will make the final decision at their regularly scheduled meeting. The applicant is encouraged to discuss this application with the Planning Staff prior to submittal.

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

## SECTION I: PERSONAL AND PROPERTY RELATED DATA

**Owner:** HALSEY HEWSON

**Applicant:** SAME E-mail: HALSEYHEWSON@GMAIL.COM

Phone: (307) 413 6819 Mailing Address: PO BOX 766

City: Teton Village State: WY Zip Code: 83025

**Location and Zoning District:**

Address: _____ Parcel Number: _____

Section: NW¼ 13 Township: T3N Range: R45E Total Acreage: 2.7 ACRES

☐ Latest recorded deed to the property ☐ Affidavit of Legal Interest
☐ Fees in accordance with current fee schedule

I, the undersigned, understand that the items listed below are required for my application to be considered complete and for it to be scheduled on the agenda for the Planning and Zoning Commission public meeting.

- Applicant Signature: [signature] Date: 6/28/16

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

- Owner Signature: [signature] Date: 6/28/16

*Fees are non-refundable.*

## SECTION II: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

In accordance with 8-5-2 (C) of the Teton County Zoning Ordinance the Scenic Corridor Overlay shall apply to those lands within 330' of both sides of the right-of-way for Idaho State Highways 31, 32, 33 and Ski Hill Road from Driggs city limits to the Wyoming stateline.

- Design Review: All development shall be subject to design review to ensure that the location, scale, and appearance of buildings, structures, and development of land shall preserve the rural character of the areas bordering Idaho State Highways and Ski Hill Road and to prevent the construction of buildings that project upward beyond the ridgeline of any hill located within one (1) mile of major roads when viewed from those major roads.

- Documentation Required: The applicant shall submit plans and drawings showing all existing structures, building envelopes for all proposed structures, setbacks from the closest State Highway or Ski Hill Road, as applicable, existing and proposed landscaping and fences, existing and proposed off-street parking areas, and drawings of exterior elevations of primary structures visible from the closest State Highway or Ski Hill Road. These materials will be submitted with a conditional use or building permit application, and at the preliminary plat stage of a subdivision or PUD application.

- Design Review Criteria: A development application shall only be approved if the Commission finds that it meets the following criteria:

  Setbacks: No permanent structure shall be constructed within fifty (50) feet of the outer edge of the road right-of-way, unless the parcel does not contain any buildable site outside of the setback area in, which case primary structures shall be located as far from the outer edge of the road right-of-way as possible.

  Building Envelopes: The development shall identify building envelopes for all primary and accessory structures. Building envelopes shall comply with the following requirements:

  1) Building envelopes shall be located so that existing topography and natural vegetation, such as ridges, hills, and existing trees, will screen buildings from view from the State Highways and Ski Hill Road to the maximum extent feasible.

  2) Where existing topography and natural vegetation cannot be used to screen buildings as described in Subsection 1 above, building envelopes should be located at the rear or side edges of an open meadow or pasture, or at the foot of a hill or ridge, rather than in the middle of a meadow, pasture, or hillside.

  Notwithstanding Subsections 1 and 2 above, building envelopes shall be located so that no portion of a building up to thirty (30) feet tall shall be visible over the ridge of the hillside on which it is located when viewed from the State Highways and Ski Hill Road, and the applicant shall submit a sight line analysis in sufficient detail to confirm that this standard has been met.

  Building Materials: All non-agricultural buildings shall not be of highly reflective materials according to ASTM C6007, Light Reflectivity Index.

Roads and Driveways: Roads and driveways shall be designed to eliminate the need to back out onto the State Highways or Ski Hill Road. Existing roads and driveways shall be used where practical. When it is not practical to use existing roads, then new roads and driveways shall be located to skirt the edge of meadows and pastures (i.e. avoid dividing them) to the maximum extent feasible.

Satellite Dishes: All satellite dishes in the proposed development shall be located to minimize visibility from the State Highways and Ski Hill Road and shall use earth tone colors and/or screening to minimize their visual impact.

Screening: Landscaping shall be used to screen the view of any resource extraction sites, outdoor storage areas, outdoor trash collection areas, satellite dishes over two (2) meters in diameter, and areas with inoperable equipment or more than four (4) inoperable cars or trucks. Required landscaping should be high altitude, native plant material, trees and shrubs.

Revegetation: The applicant shall revegetate all areas disturbed by grading or cut-and-fill activity with plants similar to those on the remainder of the development site as each stage of grading is completed, and no later than one (1) year after construction.

Utilities: All service utilities (including but not limited to electric and telecommunication lines) shall be placed underground.

**SECTION III: STAFF SUMMARY ANALYSIS, REASONING AND FACT FINDING**

**SECTION IV: PLANNING AND ZONING COMMISSION ACTION**

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

☐ Application is considered complete and accepted on this the 28 day of June, 2016.

Planning Administrator/Designee Signature: _____

ATTACHMENT 1

RECEIVED
BY: K Rader
DATE: 6-28-2016

# SCENIC CORRIDOR OVERLAY APPLICATION

## Teton County, Idaho

The Planning Staff will review this request for completeness. The Planning and Zoning Commission will make the final decision at their regularly scheduled meeting. The applicant is encouraged to discuss this application with the Planning Staff prior to submittal.

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

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

**Owner:** HALSEY HEWSON

**Applicant:** SAME E-mail: HALSEYHEWSON@GMAIL.COM

Phone: (307) 413 6819 Mailing Address: PO BOX 766

City: TETON VILLAGE State: WY Zip Code: 83025

**Location and Zoning District:**

Address: _____ Parcel Number: _____

Section: NW1/4 13 Township: T3N Range: R45E Total Acreage: 2.7 ACRES

☐ Latest recorded deed to the property ☐ Affidavit of Legal Interest
☐ Fees in accordance with current fee schedule

I, the undersigned, understand that the items listed below are required for my application to be considered complete and for it to be scheduled on the agenda for the Planning and Zoning Commission public meeting.

- Applicant Signature: [signature] Date: 6/28/16

I, the undersigned, am the ov
to be my agent and represent
application and property and

- Owner Signature:

HEWSON DESIGN
PO BOX 12323
JACKSON, WY 83002-2323

7462
99-109/1023 7674
0002210315

6/28/16
DATE

PAY TO THE ORDER OF Teton County $ 200.00
Two Hundred and 00/100 DOLLARS

Security Features Details on Back.

WELLS FARGO Wells Fargo Bank, N.A. Wyoming wellsfargo.com

ATTACHMENT 2

Instrument # 239526
TETON COUNTY, IDAHO
01-13-2016 10:28:00 No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - DRIGGS
MARY LOU HANSEN Fee: $16.00
Ex-Officio Recorder Deputy, Mary Lou Hansen
Index to: DEED, WARRANTY

**RECORDING REQUESTED BY**
First American Title Company

**AND WHEN RECORDED MAIL TO:**
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Space Above This Line for Recorder's Use Only

# WARRANTY DEED

File No.: **574272-T (tm)** Date: **December 29, 2015**

For Value Received, **E. Vance Rasmussen and Janie Rasmussen, a married couple**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Halsey Hewson, a single man**, hereinafter called the Grantee, whose current address is **PO Box 766, Teton Village, WY 83025**, the following described premises, situated in **Teton** County, **Idaho,** to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

ATTACHMENT 2

**RECORDING REQUESTED BY**
First American Title Company

**AND WHEN RECORDED MAIL TO:**
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Space Above This Line for Recorder's Use Only

# WARRANTY DEED

File No.: **574272-T (tm)** Date: **December 29, 2015**

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TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

E. Vance Rasmussen

Janie Rasmussen

STATE OF Idaho )
ss.
COUNTY OF Teton )

On this 13 **day of January, 2016**, before me, a Notary Public in and for said State, personally appeared **E. Vance Rasmussen and Janie Rasmussen**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

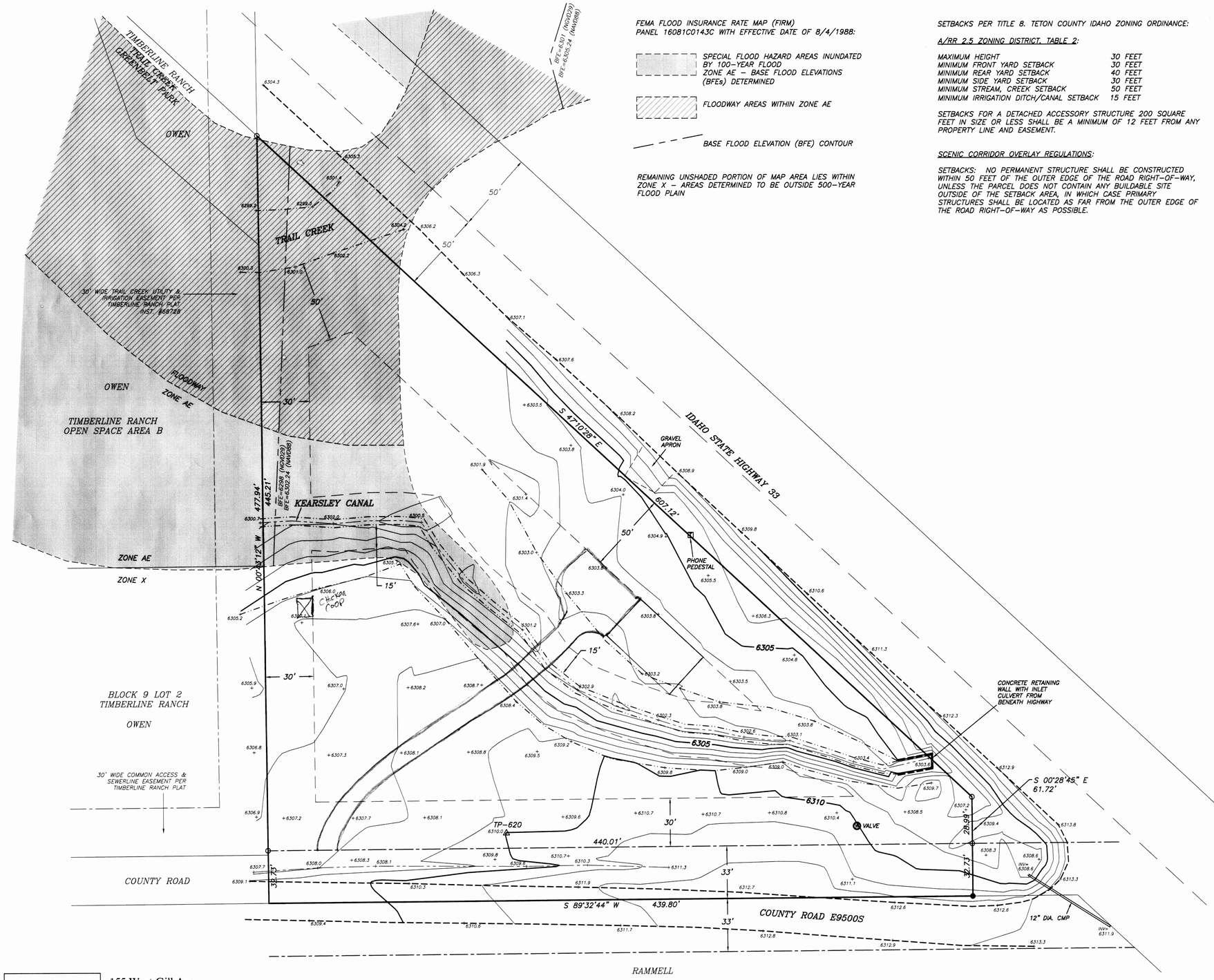
Notary Public for the State of Idaho
Residing at: Driggs ID
My Commission Expires: 07-24-20

TERESA K. MANGUM
NOTARY PUBLIC
STATE OF IDAHO

# EXHIBIT A

**BEGINNING AT THE SW CORNER OF THE E1/2NW1/4 OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO, SAID POINT BEING THE SW CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE WARRANTY DEED UNDER TETON COUNTY RECORDER'S INSTRUMENT NO. 75397; THENCE NORTH 00°11'37", EAST, ALONG THE WEST LINE OF SAID PARCEL UNDER INSTUMENT NO. 75397, A DISTANCE OF 478.32 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 33; THENCE SOUTH 46°14'37", EAST, ALONG SAID RIGHT-OF-WAY LINE, 607.22 FEET TO THE EAST LINE OF SAID PARCEL UNDER INSTUMENT NO. 75397; THENCE SOUTH 00°11'37", WEST, ALONG SAID EAST LINE, 61.96 FEET TO THE SE CORNER OF SAID PARCEL UNDER INSTRUMENT NO. 75397; THENCE NORTH 89°32'00", WEST, ALONG THE SOUTH LINE OF SAID PARCEL UNDER INSTRUMENT NO. 75397, A DISTANCE OF 440.01 FEET TO THE POINT OF BEGINNING.**

**SUBJECT TO THE EXISTING COUNTY ROAD RIGHT-OF-WAY ALONG THE SOUTHERLY BOUNDARY OF THE ABOVE DESCRIBED PROPERTY.**




FEMA FLOOD INSURANCE RATE MAP (FIRM)
PANEL 16081C0143C WITH EFFECTIVE DATE OF 8/4/1988:

SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD
ZONE AE – BASE FLOOD ELEVATIONS (BFEs) DETERMINED

FLOODWAY AREAS WITHIN ZONE AE

BASE FLOOD ELEVATION (BFE) CONTOUR

REMAINING UNSHADED PORTION OF MAP AREA LIES WITHIN ZONE X – AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN

SETBACKS PER TITLE 8. TETON COUNTY IDAHO ZONING ORDINANCE:

A/RR 2.5 ZONING DISTRICT, TABLE 2:

| | |
|---|---|
| MAXIMUM HEIGHT | 30 FEET |
| MINIMUM FRONT YARD SETBACK | 30 FEET |
| MINIMUM REAR YARD SETBACK | 40 FEET |
| MINIMUM SIDE YARD SETBACK | 30 FEET |
| MINIMUM STREAM, CREEK SETBACK | 50 FEET |
| MINIMUM IRRIGATION DITCH/CANAL SETBACK | 15 FEET |

SETBACKS FOR A DETACHED ACCESSORY STRUCTURE 200 SQUARE FEET IN SIZE OR LESS SHALL BE A MINIMUM OF 12 FEET FROM ANY PROPERTY LINE AND EASEMENT.

SCENIC CORRIDOR OVERLAY REGULATIONS:

SETBACKS: NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED WITHIN 50 FEET OF THE OUTER EDGE OF THE ROAD RIGHT-OF-WAY, UNLESS THE PARCEL DOES NOT CONTAIN ANY BUILDABLE SITE OUTSIDE OF THE SETBACK AREA, IN WHICH CASE PRIMARY STRUCTURES SHALL BE LOCATED AS FAR FROM THE OUTER EDGE OF THE ROAD RIGHT-OF-WAY AS POSSIBLE.

ON SIGHT
LAND SURVEYORS

GRAPHIC SCALE
0 FT 30 FT 60 FT 90 FT
1 INCH = 30 FEET

1' CONTOUR INTERVAL

VERTICAL DATUM:
NAVD88

LEGEND

● INDICATES A 1/2 INCH DIAMETER STEEL REBAR WITH A YELLOW PLASTIC CAP INSCRIBED "AW ENG 2860" FOUND THIS SURVEY

○ INDICATES A 1/2 INCH DIAMETER STEEL REBAR WITH AN ALUMINUM CAP INSCRIBED "ID PLS 6609" FOUND THIS SURVEY

SUBJECT PROPERTY LINE
ADJACENT PROPERTY LINE
EASEMENT
SETBACK LINE
CENTERLINE OF HIGHWAY
EDGE OF PAVEMENT
EDGE OF GRAVEL
CONCRETE RETAINING WALL
TOP OF BANK
FLOWLINE

+6303.3 TYPICAL SPOT ELEVATION

Received on 6-28-16 By KMR
Draft # 1 Supersedes previous ▼ ☒
Submitted to BoCO or PZC Meeting
Meeting Date 7-12-2016

TOPOGRAPHIC MAP
PREPARED FOR
**HALSEY HEWSON**
SHOWING
A PARCEL
BEING PART OF
NW1/4 SECTION 13
T3N, R45E, B.M.
TETON COUNTY, IDAHO

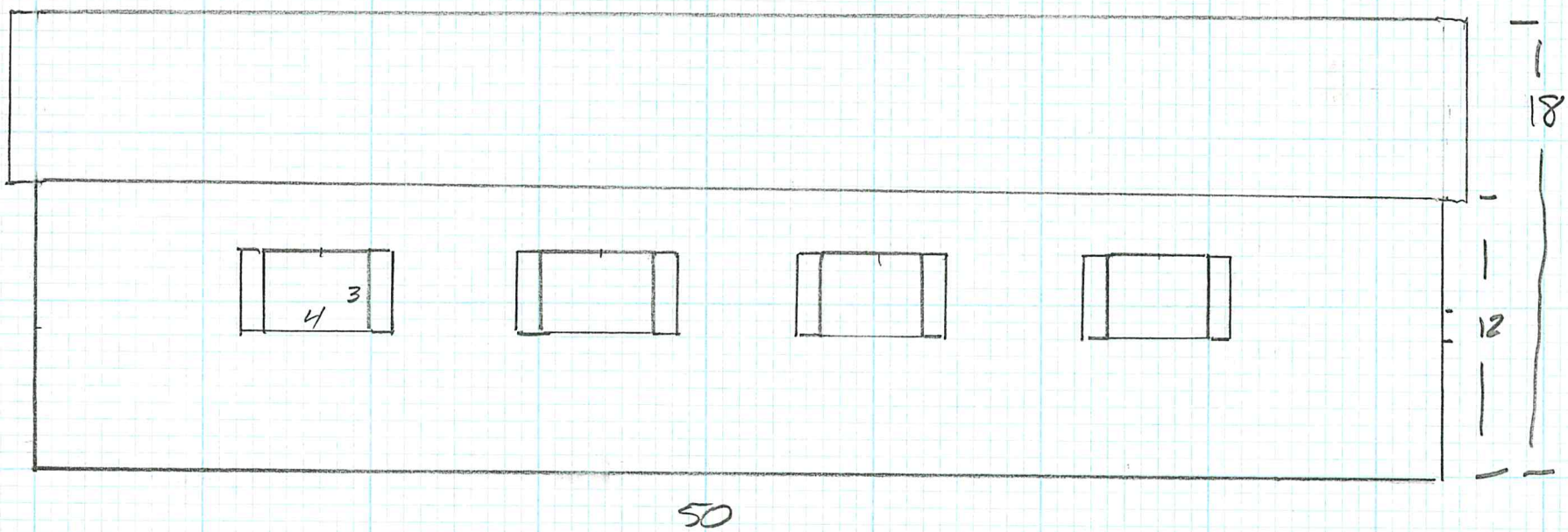
On Sight
LAND SURVEYORS, INC.
155 West Gill Ave.
P.O. Box 12290
Jackson, WY 83002
(307) 734-6131

Project No. 1T-3-45-13-4 1T-3-45-13-4.dwg 03/31/2016

ATTACHMENT 4

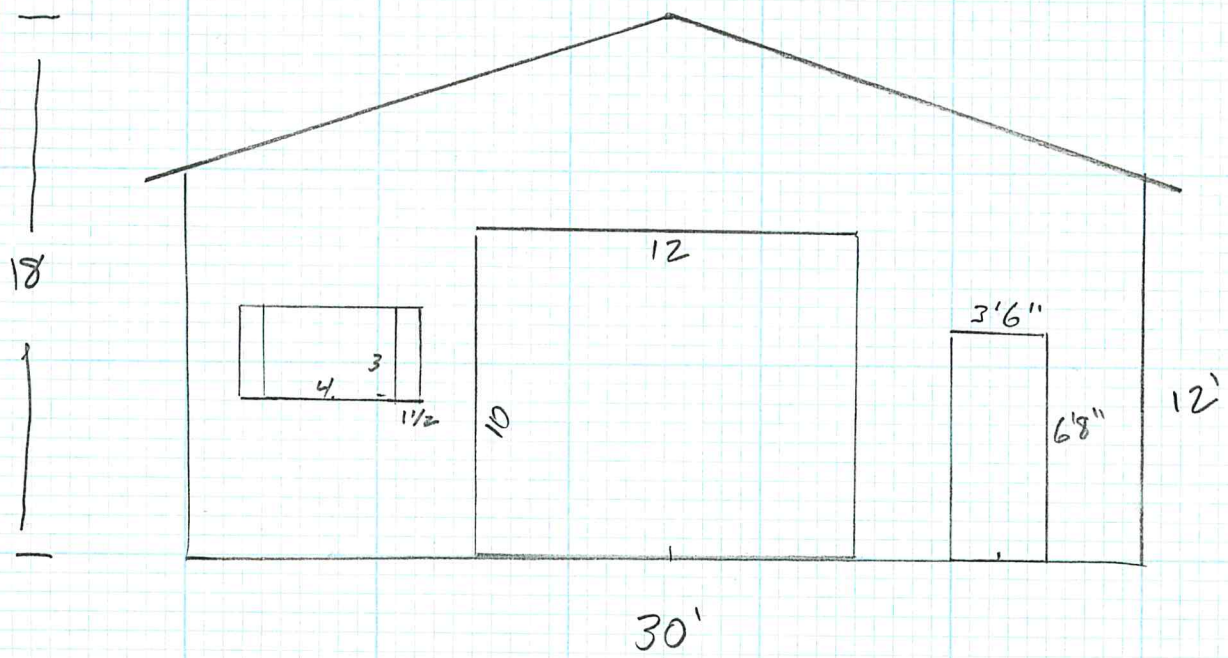
SCALE 60

NORTH AND SOUTH FACING WALLS



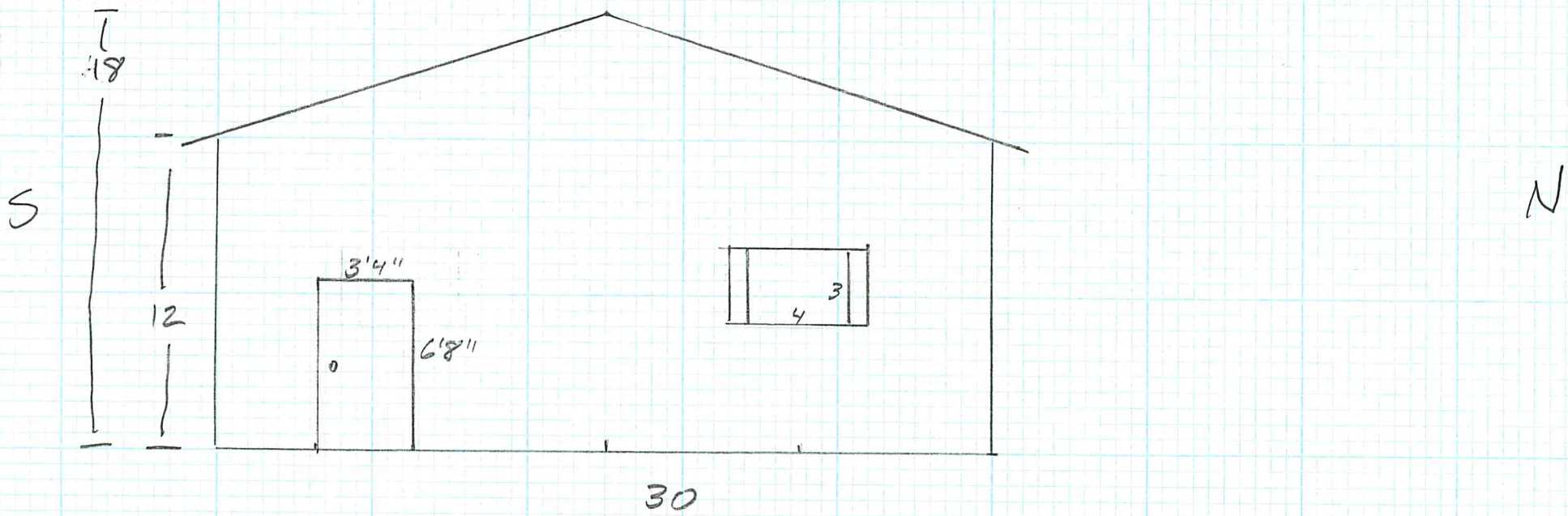
ATTACHMENT 4

# WEST FACING WALL



ATTACHMENT 4

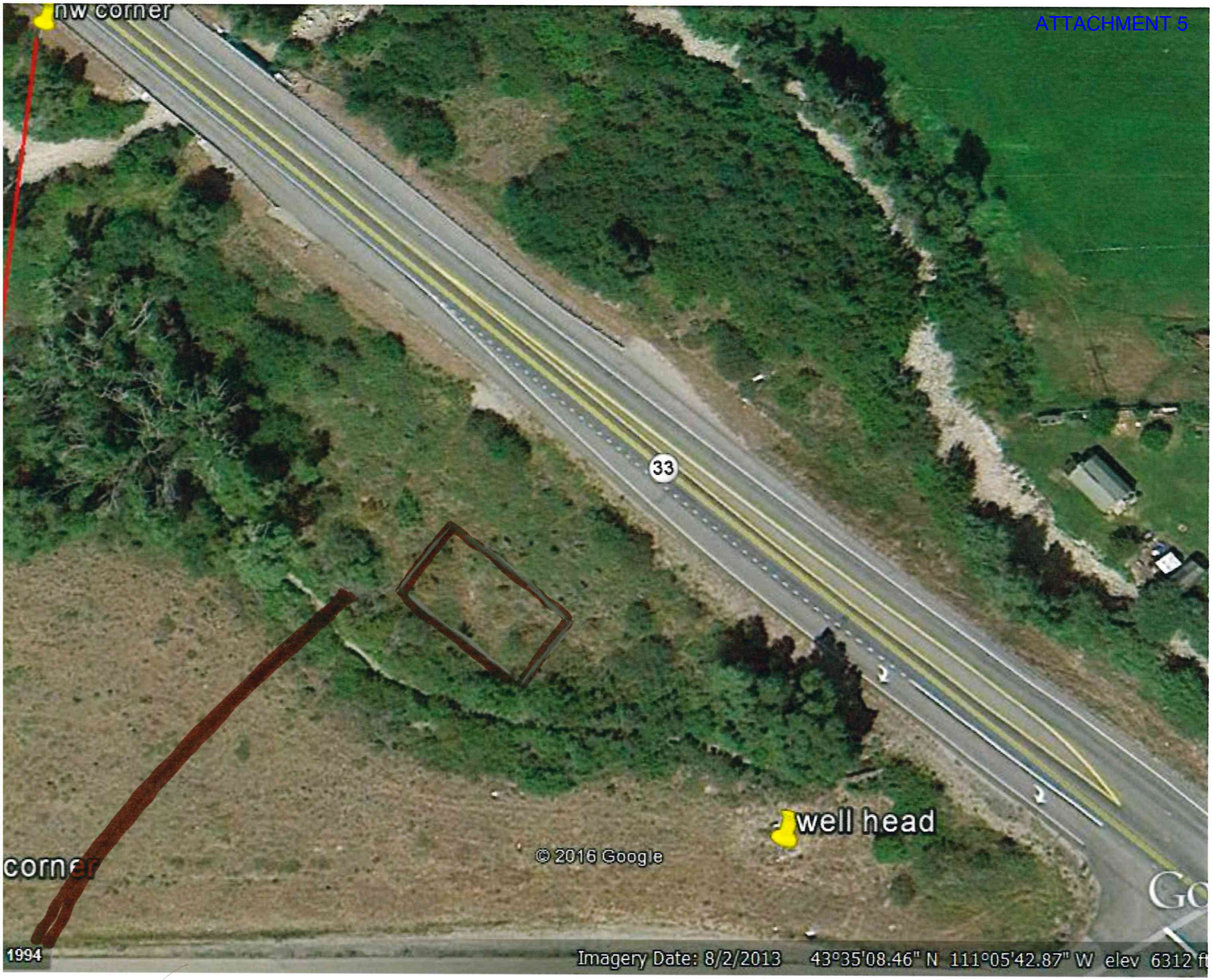
EAST FACING WALL



Google earth

land in victor

ATTACHMENT 5



ATTACHMENT 5

Google earth

feet 200
meters 80

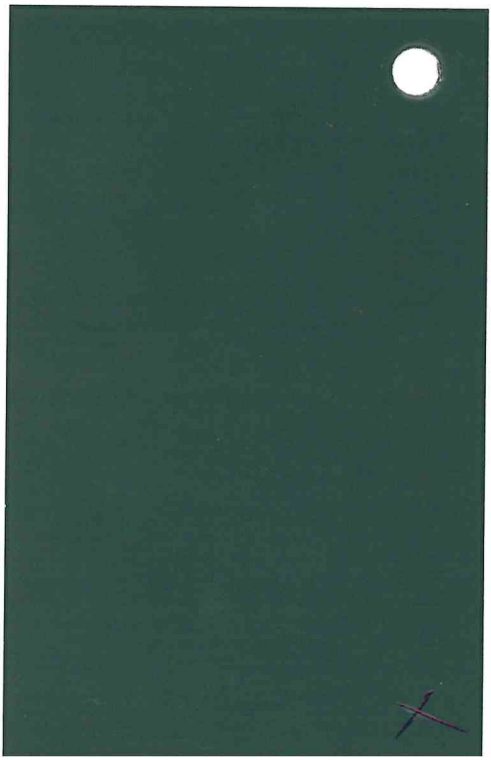
ATTACHMENT 6

WEST FACING WALL

ATTACHMENT 6

NORTH & SOUTH FACING LONG WALLS

ATTACHMENT 7



ATTACHMENT 7

Color selection

GREY WALLS
BROWN Roof / TRIM / DOORS / SHUTTERS

ATTACHMENT 8

View looking north toward Victor from Highway 33 at the proposed building site.

View from Highway 33 looking west at proposed building site.

View from Highway 33 looking south at proposed building site.