

**Meeting Minutes from April 12, 2016
County Commissioners Meeting Room, Driggs, ID**

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

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

The meeting was called to order at 5:03 PM.

Approval of Minutes:

Mr. Booker commented that he was not present at the March meeting, so he did not make a motion. It was determined that Mr. Breckenridge moved to adjourn the meeting and Mr. Larson seconded the motion.

MOTION: Mr. Arnold moved to approve the Minutes of March 8, 2016, as amended. Ms. Robson seconded the motion.

VOTE: The motion was unanimously approved with Mr. Moyer and Mr. Booker abstaining, as they were not present for the meeting.

Chairman Business: There was no Chairman business.

Administrative Business: Mr. Boal talked about the process of moving forward in May after the combined meeting with the BOCC. He stated that the BOCC wanted to have the public outreach done by the BOCC after the Commission held a public meeting to make a recommendation on the draft code they have completed. He commented it will be discussed further at the joint meeting in May.

PUBLIC HEARING: Amendment to Title 9, Teton County Subdivision Ordinance. Proposing amendments to Title 9 to add Chapter 11 – GRANTING BUILDING PERMIT ELIGIBILITY OF PREVIOUSLY CREATED PARCELS. This process is intended to rectify parcels that are currently out of compliance with our ordinance and need an official process to solidify their building rights.

Ms. Robson commented that she has issues with some of her property being involved in the lot split process, but she did not feel she had a conflict of interest on the subject. The Commission was in agreement it was not a problem.

Mr. Hensel commented that he has had a conversation with someone previously about the subject of lot splits and did not feel that it was a conflict. The Commission again was in agreement it was not a conflict.

Staff Presentation: Mr. Boal commented that the proposal is to amend Title 9 of the Subdivision Ordinance to add Chapter 11 as a remedy for parcels previously created that were created without

meeting the laws and criteria in place at the time to create building rights. The proposed ordinance identifies the application, processing and approval requirements that are needed to utilize this new process. The process will be used to “rectify” parcels that were created and may have had an expectation of a building permit, but cannot be considered “legally designated lots” because they did not meet the legal requirements at the time of their creation. The purpose is to provide an official process for land owners where these lots can be reviewed and approved, and the building rights guaranteed. In order for building permits to be issued it has to be a legally designated lot. Mr. Boal commented at the end of 2014 his office initiated lot inquiries to review legality and property rights on lots that have been split and found problems on how some lots were created. He commented approximately 20% of the lots reviewed had issues on how they were created. During the inquiry the staff would identify the possible options to create the building rights. A retroactive one time only lot split is often a viable option if the lot is eligible.

Mr. Boal commented the subdivision process is always an option to create building rights and the proposed ordinance is to fill the gap on those lots that have issues on how they were created, although a more costly option remedy. Mr. Boal reviewed a flow chart that showed the process for rectifying lots without building rights. He reviewed the property requirements like meeting underlying zoning rights and approved access, and the lot had to be created through a survey prior to 2010. He also reviewed the steps that can be taken to establish the building rights. It requires a lot inquiry to determine building rights, then an application, staff review, and BOCC review. The plat then can be recorded with legal building rights. If a property cannot meet the criteria there is always the option of going through the subdivision process. Mr. Boal also suggested some additional language in the proposed ordinance for clarification purposes based on comments received.

Ms. Robson asked how the date of 2010 was determined. Mr. Boal responded that research showed there was a tapering off of lot splits and issues after 2010.

Mr. Booker asked about the 20% figure and if that referred to 20% of all lots platted or 20% of lots that had inquiries requested. He wondered how many unbuildable lots are out there. Mr. Boal commented the 20% refers to the lot inquiries, and the only way to determine an actual number is to review every lot platted during that time.

Mr. Hensel asked if it was a minority of the platted county lots. Mr. Boal believed it would be.

Mr. Moyer asked if there was a way of knowing what percentage of the 20% would have been determined as not buildable. Mr. Boal commented there is a small amount, roughly 1% or 2%, maybe less, and the new proposed code may resolve some of those problems. Lot size was an issue on the most of the lots that were identified as unbuildable.

Mr. Hensel explained the format for public comment and then opened Public Comment.

Public Comment:

In Favor:

Mr. Shawn Hill, representing Tom Stanton, a Jackson based attorney who owns property at 250 E. 4500 S. in Victor. His comment was he supports the ordinance but suggest extending the period for action by the owner past the deadline of January 1st, 2018 due to financial means necessary to

address the issue. He suggested a 15 year time frame would be more reasonable falling in line with an Idaho statute of limitations for property matters that runs from the time that a cause of action is discovered before an owner's right for due process is terminated, especially when the issue was caused by county departmental actions.

Neutral:

Mr. Shawn Hill, representing VARD, commented that they believe the proposed ordinance is a good start but more study is needed because it is not known how many of these parcels are affected by high nutrient pathogen concentrations and an evaluation should be done before a lot is rectified. He would also like to know how many lots are in natural resource overlays so to better understand how the proposed ordinance will be applied in overlay areas. He stated he believes the county has access to GIS data for parcels and they can pinpoint if the lot is in an overlay area. He also wanted to see under 9-11-1 Applicability: #1 and #3 criteria limited. He felt the criteria is too sweeping. He did not want right-of-way vacations considered as buildable lots and was also concerned about agriculture lot splits which were designed for lots that would remain as agricultural lots, not residential lots. Mr. Hill commented regarding criteria #2 he believed it was reasonable. If a property owner has an official signed letter of approval for their lot they should be able to build and not be subjected to another process and fee. He also recommended using the "lot of record" definition in the draft county code and in use in the Driggs and Victor codes to describe a buildable lot.

Mr. Mark Ricks, landowner on the northwest end of the county, commented he agrees with Mr. Hill that the people who created these unbuildable lots need a longer period to rectify the situation because it will be a process that cost money and people should have a longer time to resubmit when they can afford to do it. He also questioned the tax rate for residential lots that owners have been paying higher rates on, wondering if the county would be liable for over taxation. He commented on 9-11-3 C. regarding use of the Comprehensive Plan in the decision making process as to whether these lots are buildable or not. Mr. Boal commented that state code designates that the deciding body can't find that the approval is in opposition to the Comprehensive Plan. He suggested that the Comprehensive plan that was in affect when the lot was created should be considered.

Opposed:

Mr. Harley Wilcox who lives in Victor commented he has worked with the staff and appreciates the effort to resolve the problem. He felt it was important to determine the extent of the property involved so as not to impede commerce since the valley is coming out of its recession. He also commented on the effect on the buyers and sellers, realtors, engineers, surveyors, title companies, etc. They do not want to represent property rights that may not be accurate. He asked about the intent of the ag splits when the split occurred, which may not be in line with current ag split criteria. He felt if the amount of lots that are unbuildable is a small amount (20 or 30) they should just be allowed to build as is. He was concerned with new county officials reviewing laws and approvals from the past and changing what past county officials have approved. Mr. Wilcox then presented a couple of specific situations he has encountered regarding this subject. One example of a lot that doesn't need to be fixed would be one where someone deeded a 20-acre parcel of their land to someone who got a building permit to build on, but can no longer get any type of building permit for even a shed or garage addition. He spoke to an example of a lot split that had been surveyed, approved and recoded in the county. He felt there are a limited number of lots that are in this

situation. He was concerned with revoking something previously granted. In summary, he felt that all lots should be identified that have gone through the process and recorded properly, and not try and reopen those to new regulations. He did not feel that they should be put through another process with new conditions.

Ms. Bonnie Dreher, who lives at 2805 N. 2000 W. in Tetonia, did not agree that you can retroactively revoke someone's rights on a parcel. She created a subdivision in Victor which was approved and lots have been sold, and she was concerned with her liability. She did not feel it was right to tell people that they have paid money for land that does not have the rights they believed they did when they purchased the lot.

Ms. Joanne LaBelle, who resides in Victor, commented she did understand that the staff is trying to solve a problem, but did not agree with revoking rights from people that have previously approved property. People relied on the county officials to do the parcel splits and they were told they were done legally. She also stated that we should not be using today's Comp Plan to look at lots approved in 2000. She suggested grandfathered rights before 2010 or 2015. She believed the county will be sued if they try and revoke building rights.

Mr. Forrest Fischer, an attorney from Idaho Falls, came to comment because of his love of the valley. He stated he has been working in Seattle protecting property rights and was surprised to find out Teton valley has similar problems. He stated he believed the proposed ordinance was fundamentally flawed and illegal as proposed. He commenting that adopting the ordinance will result in law suits for Teton county. He talked about the 28-day timeframe for reviewing or changing previous approvals. He also felt the county has no authority to create this procedure. Mr. Fischer also stated the county does not have the power to go back and review previous approvals. If the ordinance is passed as written it will open itself up to lawsuits. He felt it was a "taking case" and the county will be liable. He believed any lot that is illegally designated should deal with the courts not the county. He suggested the Commission ask staff to point out the law that allows them to review previously approved lots.

Mr. Roger Brink, a local realtor living in Tetonia, commented he did not want to repeat the same things previously stated, but commented there are people who had expectations when they purchased property and who investigated their rights in the county at that time. They have reached out to him as their realtor saying they don't know what to do to protect their previously approved rights. He felt there are people who do not want to have to spend money to rectify the county's mistake so they can use their property for the original intent when they purchased it. He suggested the county find a different way to resolve the problem.

Ms. Billie Siddoway, living in Victor, commented that she was concerned with the people who bought lots and now find out they cannot build a residence on those lots. She was concerned with the property owners going after the realtors for compensation or the county for denying them their rights. She commented she is not opposed to the proposed ordinance, but felt that there should be some way to give those people the rights they thought they bought without spending more money and time. She proposed criteria for splits that occurred prior to 2015 or even 2010, and that the current owner make a statement that they did purchase the parcel at fair market value. Ms. Siddoway commented she understood lot splits that do not meet the underlying density requirements, but the majority of people that have contacted her on this subject do not fall into that category. She did not want to see litigation against the county or realtors because of this problem. She also wanted to support the commerce of the construction sector of the community by allowing

people to build the home they have planned on. She was concerned with the cost and time frame in the proposed ordinance for forcing people to go through the planning process in order to obtain a building permit.

Ms. Kristi Clarke who lives on 4500 S. bought property to retire on and now cannot build. She stated she is the face of the issue, and now her retirement options are gone. She wanted the Commission to understand the impact of their actions.

Mr. Geoff Traub, a resident of Tetonia, commented his family had 20 acres and did a legal ag split of 4 acres and was considering building this summer but was told they cannot build. His objection was that adopting the ordinance makes what was done in the past illegal, and felt that it sets a bad precedence. He did not agree that whether or not you paid for the lot on the open market should be a consideration.

Applicant Rebuttal:

Mr. Boal clarified that if a lot split met the criteria at the time, it is deemed a legal lot split. They ones that did not meet the criteria or code at the time are the ones being looked at. He stated there is Idaho case law explains that surveys are a legal instrument for dividing property or selling property, but does not create building rights. Mr. Boal commented on a legal case in the county, Dunn vs Teton County. He stated the county attorney has reviewed the ordinance and does not feel they are violating any case law with the proposed ordinance. The intent of the ordinance is to find a way to legally allow building rights on illegal parcels. The county cannot go back and judge the intent when it was created or purchased, they can only go back and look at the laws in place at the time and if they were followed.

Regarding the tax questions of paying residential rates on ag land, Mr. Boal stated that would be something that would go through the Assessor's office for review of their tax valuations. He also commented that Idaho is a "buyer beware" state and it is the responsibility of the buyer to find out what their rights are prior to purchasing a parcel of land.

Mr. Arnold asked if lots that didn't follow the criteria were signed off and approved by the county staff. Mr. Boal commented it appears that some of them were, but very few fall into that category.

Mr. Breckenridge asked if the ag splits had criteria written on the plat that they were legal. Mr. Boal commented in some cases it was, and if they met the criteria at the time it would be considered a valid lot split. It would not be compared to today's ordinances.

Mr. Larson asked if we are dealing with people who misused the one time only land split or ag split to create lots that didn't meet building criteria at that time and then sold them with the assumption that there were building rights. Mr. Boal commented that in most cases there were assumptions made that building rights would accompany the land.

Mr. Arnold commented he felt that the county should stand by what they did in the past if it was signed off on and felt it should be exempt.

Mr. Moyer questioned the plat Harley Wilcox referred to regarding a 5 acre split off and wanted to know what criteria was used to determine it was illegal to build on if the large parcel it was split from was given a building permit. Mr. Boal commented that the 26-acre parcel that got a building

permit might not have been eligible but still received a building permit. He had no knowledge of this specific transaction.

Mr. Hensel clarified that the discussion is strictly about the proposed ordinance and not specific cases of land owners. Since he neglected to close the public comment portion of the meeting he allowed further public comment.

Mr. Forrest Fischer commented as a point of order the Commission has to look at what was noticed to the public. Changes have been made without notice so he believed it is not legal to consider those changes. He also commented staff cannot go back and review a previously approved permit.

Mr. Harley Wilcox commented that he was not talking about people who just assumed they had building rights. He is talking about people who have a reasonable understanding that they have building rights. He did not want all parcels put through the process based on today's administrative decisions.

Mr. Shawn Hill from VARD commented that he felt there is some confusion about the 3 things the ordinance is trying to address. If a parcel has an official county approval granted, then that is worth legitimizing one way or another. Another type of parcel being considered is a parcel not complying with Title 9 after it was approved. He did not think amnesty should be granted to people that did not comply with Title 9 after it was adopted. The 3rd issue is the ag-split lots, which were supposed to be split for ag purposes, not residential use. Therefore, they had no building rights. If it was a formal county approval that granted building rights, they should stand by it. The other two items should not be given amnesty and should go through a process to rectify the situation.

Mr. Hensel closed Public Comment.

COMMISSION DELIBERATION:

Mr. Booker commented that there were some things added that were not advertised and he thought the Commission should not be continuing the discussion until the ordinance is properly and completely noticed, especially since the county attorney was not present for clarification.

Mr. Larson agreed with Mr. Booker regarding noticing, but he felt they could continue at this point. Mr. Hensel felt that the clarifications proposed by Mr. Boal could be considered, but felt that there should be legal counsel present for this hearing and suggest that it be tabled. Mr. Booker commented he would be alright with going forward but wanted it on the record that he was concerned about noticing the additional language proposed.

Ms. Johnston agreed legal council should be present for this discussion but suggested giving guidance to staff for the next hearing to move the issue forward. She also suggested there be more recommended motions or options in the staff packet. Mr. Arnold pointed out that they have usually taken the recommended motion written in the staff report and made any changes that came up in the discussion.

Mr. Larson commented about the ag split or the one time only land split's that met the criteria at the time, and felt they should be rectified. He felt there should be more information on how the ag split process was intended to be used at the time of approval because it was his understanding that it did not include entitlements to build residential units. He believed that those lots that don't meet

the minimum lot size should go through the proposed process, and would like more information on how the ag split was intended at the time. If a lot doesn't meet the Title 9 minimum lot size for the time when it was split, then it should have a process for obtaining building rights.

Mr. Moyer commented he was having a hard time trying to figure out the intent of the previous county officials. The plat he was looking at doesn't say on it how it was split, so he understood why the buyer would think he had a buildable lot.

Ms. Robson commented she agreed with Mr. Larson about allowing a hardship consideration. She stated she would like more time to review the information and had some issues with the 2010 date proposed.

Mr. Booker commented he agreed that there should be some kind of hardship approval for people who put their life savings into a land purchase and are then told they cannot build on it. He felt the proposed ordinance should have some language that provides for that. He wanted to have the county legal counsel present before a decision is made. He also wanted to know what happens to lots that are determined to have no building rights and felt that it should part of the ordinance as well.

Mr. Arnold commented that he agreed with Mr. Hill regarding those who went through the Title 9 process and have a signed document, believing they should get their building rights. Those who ignored the Title 9 process should have to go by the proposed ordinance. Mr. Arnold believed the ag split lots should be OK as well since they went through the Title 9 process.

Mr. Haddox commented he was uncomfortable because of the new information the public hasn't seen and felt the ordinance should be tabled so it can be done right. He commented on a record of survey versus an approved plat, and also wanted to see legal counsel present to assist in making the appropriate decision.

Mr. Moyer stated he agreed with previous comments made by the Commission.

Mr. Breckenridge commented he liked the chart presented by Mr. Boal and the proposed process, but he did not like the stance the county is taking on previously signed and approved parcels. He believes that the county should be bound by that approval. Regarding the ag splits, he felt that it was not fully understood at the time what the rights were that go with the split. He felt the definitions should be more specific for what is acceptable or not acceptable.

Ms. Johnston agreed with the comments that those who went through the Title 9 process to divide parcels should be OK. Those who ignored or didn't use the Title 9 process should be rectified differently. She wanted to know more about the ag split lots and what process they went through, and possibly a map showing where these lots are located. She also commented that she was not comfortable with the proposed ordinance as written because it was not clear on the situation of some of the lots splits.

Mr. Larson commented he would prefer instead of a map, examples with generalized locations and what the case issues are.

Mr. Hensel commented that mistakes have been made in the past and there were some very busy times in the past. He felt that the staff is trying to deal with that situation using the proposed

ordinance. His sympathy was with the lot owner paying residential taxes since the ag lot split. He thought we should start all over because mistakes were made in the past. He recommended the public hearing be continued and reopened at a later date with legal counsel present.

The Commission discussed what date to postpone the hearing to. Ms. Johnston suggested May 17th since the May 10th hearing already has two applications. The Commission agreed to hold a special meeting on the 17th to continue the hearing.

MOTION: Mr. Larson moved to continue the Public Hearing to May 17th. Mr. Breckenridge seconded the motion.

VOTE: The motion was unanimously approved.

MOTION: Mr. Arnold moved to adjourn the meeting. Mr. Haddox seconded the motion.

VOTE: The motion was unanimously approved.

MOTION: Mr. Arnold moved to adjourn the public hearing. Mr. Larson seconded the motion.

VOTE: The motion was unanimously approved.

The public hearing was adjourned at 7:30 pm.

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

Mr. Larson had to leave the meeting as the Work Session was beginning.

Article 13 – Property Development Plan

- 13.2.2 Additional Required Sections: Applicability Chart
 - Change Site Disturbance and Building Permit from “R” to “P” for Vegetative Management Plan
 - Change Building Permit from “R” to “P” for Parking Plan
- 13.3.1 Riparian Buffer Plan
 - Make sure list of riparian features all match in B, E, and F.
- 13.3.2 Skyline View Protection Plan
 - Jason will contact Rob about the map to verify if it is showing areas where buildings will skyline or if it is only areas visible from the highways.
- 13.3.3 Steep Slopes Plan
 - No changes
- 13.3.4 Grading Plan
 - Mr. Booker asked if the SWPPP was required now. This is a federal rule, with a permit required by the US EPA if one acre or more will be disturbed. The language could be clarified in this section.
- 13.3.5 Vegetative Management Plan
 - Update table to match 13.2.2
 - PZC discussed removing language from 13.3.5.D.4 about plant varieties being selected based on the natural conditions. It was decided to keep this language.

- A new section under 13.3.5.D will be added for ornamental areas and lawns around a home – plants may not be native, but they may not be invasive.
- A typo was identified in 13.3.5.F, which will be corrected.
- 13.3.19 Parking Plan
 - Update table to match 13.2.2
 - Add an exemption for residential building permits if requirements are shown on the site plan.

Moving Forward:

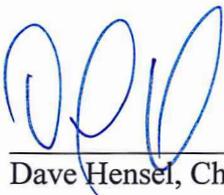
- Staff gave a brief overview of the new Wildlife Habitat sections of Article 13. PZC should be prepared with comments to complete Article 13 (13.3.6-13.3.20) at the April 19th meeting.
- PZC should be prepared with comments on the 19th for all Redlined Versions of the Draft Code.
 - Staff will provide PZC with the Redlined Version of Article 15 by April 15th.
- Any changes to the Draft Code need to be made at the April 19th meeting, so a “clean” version can be prepared and provided to the BoCC and PZC by April 23rd.
- The joint meeting with the BoCC is scheduled for May 10th. Mr. Hensel asked if the joint meeting could be scheduled as the first item on the May 10th agenda.

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

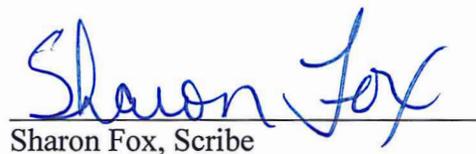
VOTE: The motion was unanimously approved.

The meeting was adjourned at 8:43 pm.

Respectfully submitted,
Sharon Fox, Scribe



Dave Hensel, Chairman



Sharon Fox, Scribe

Attachments:

1. April 12, 2016 Public Comment
2. PZC April 12, 2016 Meeting Packet

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____

Date: April, 2016

PLEASE PRINT LEGIBLY

Name: Tom Stanton (read into record by Shaver 4/11)

City of Residence (Physical Address- not post office box):

Jackson, WY

Choose one:

Support the application Neutral Oppose the application

Do you wish to testify? Yes No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

extend application etc - 15m

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____

Date: April, 2016

PLEASE PRINT LEGIBLY

Name: Shawn Hill

City of Residence (Physical Address- not post office box):

Driggs

Choose one:

Support the application Neutral Oppose the application

Do you wish to testify? Yes No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

good start - more study (NPS)
(NRO), how applicant to give location

Written signature (only if not testifying)



Valley Advocates for Responsible Development

April 10, 2015

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

Re: Parcel Rectification Ordinance:

Dear P&Z Commissioners:

I applaud the efforts of Planning & Zoning Staff and the County Commissioners in seeking recourse options for owners of lands that fail to meet the definition of a "legally created lot." The draft Section 9-11 of Title 9 (the "Parcel Rectification Ordinance") is a great start. However, I believe that several key issues must be addressed before the Planning & Zoning Commission issues a recommendation on the ordinance.

The location of potentially eligible parcels should be studied further. Though I understand that the process within the Parcel Rectification Ordinance is designed to be a passive in nature – landowners must apply to seek eligibility under the ordinance – it may behoove Teton County to seek more information about the location of the potential properties in question. This is important for several reasons:

1. **Potentially eligible parcels could contaminate groundwater conditions for surrounding landowners in areas susceptible to Nutrient-Pathogen (NP) contamination.** The Nutrient-Pathogen Ordinance (Section 9-3-2 -C-3-b) was adopted in Title 9 to direct the placement of on-site sewage disposal systems in order to avoid groundwater degradation and unsafe drinking water. **Potentially eligible parcels may be located in areas with subdivision-level densities.** Currently, all Title 9 subdivisions are required to complete an NP evaluation if any of the following criteria are met:
 - a. The proposed development lies wholly or partially within the Wetland and Waterways (WW) Overlay Area (Section 8-5-1-D of Title 8);
 - b. There is evidence that groundwater, at some time of the year, comes within ten feet of the ground's surface at any location on the proposed development parcel; or
 - c. There is evidence that soil depth to fractured bedrock is ten (10) feet or less anywhere on the proposed development; or
 - d. The development application includes a food service, a commercial facility, or an industrial facility generating 600 gallons for more of wastewater per day; or
 - e. The proposed development is within an area where the concentration of nitrate-nitrogen in groundwater is five (5) mg/L or higher.

2. **Potentially eligible parcels could be located in the Hillside (H), Wetlands and Waterways (WW), or Wildlife Habitat (WH) overlays, impacting wildlife habitat.** Again, potentially

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

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____

Date: April 11, 20

PLEASE PRINT LEGIBLY

Name: Mark R Ricks

City of Residence (Physical Address- not post office box):

10841 W Hwy 33

Choose one:

Support the application Neutral Oppose the application

Do you wish to testify? Yes No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

longer time period, IP pdl taxes at higher
rate, how does that affect, _____
comp plan - split plan

is BOCC
consider
survey

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1

Date: 4-12-, 2016

PLEASE PRINT LEGIBLY

Name: Harley Wilcox

City of Residence (Physical Address- not post office box):

Victor

Choose one:

Support the application

Neutral

Oppose the application

Do you wish to testify? Yes No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

intent
under by density (lot size)

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1

Date: 4/12 , 2016

PLEASE PRINT LEGIBLY

Name: Bonnie Dreher

City of Residence (Physical Address- not post office box):

 Teton, 2805 North 4000 West

Choose one:

Support the application

Neutral

Oppose the application

Do you wish to testify?

Yes No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: #1

Date: _____, 20__

PLEASE PRINT LEGIBLY

Name: JOANNE LABELUE

City of Residence (Physical Address- not post office box):

VICTOR - 579 CANDY HORSEWAY - 83455

Choose one:

Support the application

Neutral

Oppose the application

Do you wish to testify?

Yes No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1

Date: April 12, 2016

PLEASE PRINT LEGIBLY

Name: Forrest Fischer

City of Residence (Physical Address- not post office box):

Idaho Falls

Choose one:

Support the application Neutral Oppose the application

Do you wish to testify? Yes No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

illegal 20 dys review
no authority to enact ordinance
no post review granted

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1

Date: APRIL 12, 2016

PLEASE PRINT LEGIBLY

Name: ROGER BRINK

City of Residence (Physical Address- not post office box):

TETONIA

Choose one:

Support the application

Neutral

Oppose the application

Do you wish to testify? Yes No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____

Date: 4/12, 2016

PLEASE PRINT LEGIBLY

Name: BILLIE SIDDOWAY

City of Residence (Physical Address- not post office box):

VICTOR, IDAHO

Choose one:

Support the ^{ordinance w/amendments} application Neutral Oppose the application

Do you wish to testify? Yes No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

I support building rights for parcels that meet the following
criteria: ① split occurred prior to 2016 ② parcel is owned
by a bona fide purchaser who paid value and ③ parcel complies
with minimum acreage zoning requirements.

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1

Date: 4/12 , 20 16

PLEASE PRINT LEGIBLY

Name: Kristi Ackland-Clarke

City of Residence (Physical Address- not post office box):

 4382 Sweet Home Dr Victor

Choose one:

Support the application

Neutral

Oppose the application

Do you wish to testify?

Yes No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____

Date: 4/13, 2016

PLEASE PRINT LEGIBLY

Name: Geoff Traub

City of Residence (Physical Address- not post office box):

11787 Rampell mt Rd

Choose one:

Support the application

Neutral

Oppose the application

Do you wish to testify?

Yes No

If you do **not** wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed below and do not exceed the space allotted.

Written signature (only if not testifying)



AGENDA
PLANNING AND ZONING COMMISSION
PUBLIC HEARING
April 12, 2016
STARTING AT 5:00 PM

Amended
3/28/2016

DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from March 8, 2016
County Commissioners Meeting Room, Driggs, ID

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

1. Approve Available Minutes
 - March 8, 2016
2. Chairman Business
3. Administrator Business

5:00 PM – Item #1 – PUBLIC HEARING: Amendment to Title 9, Teton County Subdivision Ordinance. Proposing amendments to Title 9 to add CHAPTER 11 – GRANTING BUILDING PERMIT ELIGIBILITY OF PREVIOUSLY CREATED PARCELS. This process is intended to rectify parcels that are currently out of compliance with our ordinance and need an official process to solidify their building rights.

The full text of the amendments is available at the Teton County Planning & Zoning office or on our website www.tetoncountydaho.gov

5:30 PM – Item #2 – 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.

ADJOURN

- Written comments received by 5:00 pm, April 1, 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.tetoncountydaho.gov. To view these items, select the Planning & Zoning Commission department page, then select the Public Hearing of April 12, 2016 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 this 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.

- Carriage Court garage parking (Div. 8.19.1) was discussed, and it was not necessarily liked as an option.
- Consider rewriting Div. 8.19 Parking Location to be based on zoning district instead of building type. Generally, the PZC did not have a problem with parking being allowed on grass or off of a hard surface. It was suggested that rural zones or lots of a certain acreage could park in the grass, but residential, commercial, or industrial lots may need to have a hard surface for parking. Staff will look into changing the language in this section.

Article 14 Review:

- PZC agreed that the table in Div. 14.1 made sense.
- PZC felt that notice should be provided for the One Time Only. Site posting would be sufficient.
- References to other sections need to be verified and/or included (i.e. 14.3.5).
- It was asked if a time limit should be applied to how often the public could apply to amend the Land Use Code or the Comprehensive Plan. The PZC agreed that a time limit did not seem necessary as amendment applications are not a frequent occurrence. They also did not want to limit the ability of someone to propose an amendment if it was for a legitimate change.
 - PZC asked if there was a limit in the existing code. 8-11-1-C includes the following limit:
SIMILAR APPLICATIONS: Any application substantially similar to one filed and denied within one year from the date of such denial may be summarily denied by the commission.
- Examples and density values need to be updated based on the new density values in Article 3.
- Design Review for the Scenic Corridor was discussed. PZC agreed that the Design Review could be approved administratively, but they would like to remain updated on the applications to see how the new standards are working (staff would provide a written determination for the Design Review, which could be compiled as part of a staff updated to PZC at their regular meetings). If PZC feels the standards need changed or it is not working, they may ask to have PZC approve the review again or just change the standards. If the standards are working, then staff could stop providing updates to PZC about the reviews. The fee for the Design Review can also be reviewed to possibly reduce the fee since PZC will not hold a meeting for the approval.
 - After discussing the design review and building types, PZC pointed out that language should be added to Article 9 for the Agricultural Option that states only Agricultural Buildings qualify.
- PZC felt a rezone to PRS: Preservation should be an expedited process compared to other rezone applications. Staff will work on writing this.

Moving Forward:

- The remaining articles (1, 2, 4-7, and 15) will be discussed at the March 15th meeting.
- IDFG will be contacted again, and a date will be provided of when staff feels Article 13 can be finished and given to the PZC.

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

COUNTY STAFF PRESENT: Mr. Jason Boal, Planning Administrator, Ms. Kristin Rader, Planner.

The meeting was called to order at 5:05 PM.

Administrative Business:

Mr. Boal gave a brief introduction to a proposed ordinance before leaving the meeting. The proposed ordinance, which would create a process to provide building rights to previously created parcels that are not currently eligible to build on, will be reviewed by the Board on Monday, March 14, so the PZC could have a public hearing scheduled for the ordinance in the future.

Approval of Minutes:

MOTION: Mr. Larson moved to approve the minutes from February 9, 2016. Mr. Breckenridge seconded the motion.

VOTE: All in favor. Mr. Arnold abstained from voting because he was absent from the 2/9 meeting.

Chairman Business:

There was no Chair business.

WORK SESSION: Draft Code Discussion, Article 8: Building Types & Article 14: Administration

The Commission reviewed and discussed the proposed draft code presented by Ms. Rader.

Article 8 Review:

- Staff will add a description of the zoning districts to the table in Div. 8.1 as a reference for the abbreviated districts listed throughout the Article.
- The Accessory Building section will be added to the redline version.
- The "Heated Floor Area" will be adjusted to reference the correct section in Article 10 (for accessory dwellings), and the language will be changed to match the rest of the code related to accessory dwellings, such as total square footage or building area.
- The height of agricultural buildings versus accessory buildings was discussed. Agricultural buildings are still allowed to be 60' in height, but accessory buildings would be limited to 30' in height.
- Staff will look into changing the maximum length for a Recreation Residence. The current length and the maximum size would create a 5' wide building.

Planning & Zoning Commission Work Meeting 3/8/2016

1 of 3

- Staff will have all redline versions to PZC by March 22, with the exception of Article 13 (unless IDFG comments and changes can be made by then).
- The joint meeting with the BoCC is currently scheduled for April 12. Depending on the timeframe for Article 13, this may be rescheduled to the second meeting in April or in May.
- If the joint meeting remains scheduled for April 12th, the complete redline version of the code will be provided to the BoCC and the PZC by April 1st (the "markup" version showing the changes and a "clean" version showing all changes accepted).

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

VOTE: The motion was unanimously approved.

The meeting was adjourned at 6:40 pm.

Respectfully submitted,
Kristin Rader, Scribe

Dave Hensel, Chairman

Kristin Rader, Scribe

Attachments:

1. PZC March 8, 2016 Meeting Packet



AGENDA
PLANNING AND ZONING COMMISSION
WORK SESSION
March 8, 2016
5:00 PM - 6:00 PM

ATTACHMENT 1

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

- LOCATION: 189 Courthouse Dr., Driggs, ID
Planning Department Conference Room – First Floor (lower level, SW Entrance)
1. Approve Available Minutes
 - February 9, 2016
 2. Chairman Business
 3. Administrator Business

5:00 PM - WORK SESSION: Draft Code Discussion of Article 8: Building Types and Article 14: Administration
No public comment will be taken regarding the Draft Land Use Code.

ADJOURN

Any person needing special accommodations to participate in the above agenda meeting should contact the Board of County Commissioners' office at 208-338-6772.

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Chris Booker, Mr. Chris Larson, Mr. Matt Johnson, Mr. Jack Hadden, Mr. Sarah Johnson, Mr. Pete Meyer, and Mr. David Backus.
COUNTY STAFF PRESENT: Mr. Jason Bond, Planning Administrator, Mr. Kristin Rader, Planner
The meeting was called to order at 5:04 PM.

Approval of Minutes:
MOTION: Mr. Larson moved to approve the minutes from January 12, 2016. Mr. Booker seconded the motion.
VOYE: All in favor.

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

VOYE: All in favor. Mr. Meyer abstained from voting because he was not present at the meeting.
Chairman Business:
Mr. Hensel asked if there had been any updates from Idaho Fish and Game. Mr. Bond explained that he spoke with them a couple weeks ago, and they had set up a meeting soon. He also explained that Mr. Williams has not yet signed the two SNCC orders.

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

WORK SESSION: Draft Code Discussion: Article 8: Rural Districts
The Commission reviewed and discussed the proposed draft code presented by Mr. Bond. Mr. Johnson had to leave the meeting early, but she left comments with Mr. Hensel.

Density Options for Rural Agriculture, Lowland Agriculture, and Foothills
Mr. Larson mentioned that he was not at the previous meeting when the scenario tool was discussed, but he thought the tool was very helpful. Mr. Hensel explained that the Commission decided the rural areas (RA, LA, and FH) would have the same density. Mr. Larson commented he felt that was a great idea.
Mr. Hensel read Mr. Johnson's comments (attachment 2).

ATTACHMENT 2

ATTACHMENT 1

ATTACHMENT 1

Meeting Minutes
PZC Work Meeting 3/8/2016

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

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

VOYE:

Density Options in lot sizes	Vote
Option 1: LD 1:10 LD 1:20 SPFP Mid 1:10 SPFP Mid 1:20 SPFP Mid 1:30	Mr. Arnold (via email) Mr. Hensel/Kristin Mr. Meyer Mr. Robson
Option 2: LD 1:20 LD 1:30 SPFP Mid 1:20 SPFP Mid 1:30 SPFP Mid 1:40	Mr. Hensel (for Option 5)
Option 3: LD 1:12 LD 1:24 SPFP Mid 1:12 SPFP Mid 1:24 SPFP Mid 1:36	None
Option 4: LD 1:10 LD 1:20 SPFP Mid 1:10 SPFP Mid 1:20 SPFP Mid 1:30	Mr. Larson, Mr. Booker, and Mr. Hadden
Option 5: LD 1:22 LD 1:33 SPFP Mid 1:15 SPFP Mid 1:26 SPFP Mid 1:47	Mr. Hensel (for Option 2)

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

It was decided that Option 1 (LD 1:10, LD 1:20, SPFP Mid 1:10, SPFP Mid 1:20, SPFP Mid 1:30) would be used for the density in the RA, LA, and FH zones. The PZC also discussed the density option proposed for the Agricultural Rural Neighborhood (ARN) zone. It was agreed that the proposed density (LD 1:10, LD 1:15, SPFP Mid 1:5, SPFP Mid 1:10, SPFP Mid 1:15) would be used for the ARN zone.

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

Meeting Minutes
PZC Work Meeting 3/8/2016

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

Staff will look into the possibility of including recreation management (i.e. recreation destination ponds, bikepaths, etc.) as an allowed open space use.

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

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

Meeting Forward
Mr. Bond gave a brief overview of Articles 9, 10, 11, and 12, which will be discussed at the February 19th meeting.

Mr. Hensel asked for a draft Public Outreach Plan for the PZC, which will be presented on it before the final draft of the code is completed for the joint BCC/PZC meeting. Mr. Bond will provide a copy of the draft plan for the next meeting.

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

The next version of the code that PZC will see is the Red Line version. After this meeting, the Red Line version of Article 8 will be completed. The Article 13 Red Line version is partially complete. Staff is still waiting for comments from DEFG. When those are received, the Red Line version will be completed and sent to the PZC.

MOTION: Mr. Booker moved to adjourn the meeting. Mr. Larson seconded the motion.
VOYE: The motion was unanimously approved.
The meeting was adjourned at 6:30 pm.
Respectfully submitted,
Kristin Rader, Scribe

Meeting Minutes
PZC Work Meeting 3/8/2016

The PZC discussed the different options using final planning scenarios before voting.

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Meeting Minutes
PZC Work Meeting 3/8/2016

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VOYE: The motion was unanimously approved.
The meeting was adjourned at 6:30 pm.
Respectfully submitted,
Kristin Rader, Scribe

PZC Work Meeting 3/8/2016

Meeting Minutes

PZC Work Meeting 3/8/2016

Meeting Minutes

ATTACHMENT 1

ATTACHMENT 1

ATTACHMENT 1

ATTACHMENT 1



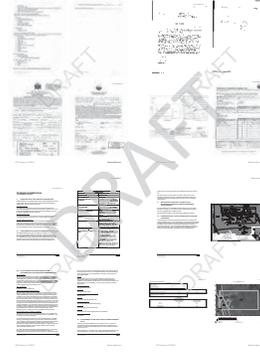
PZC Work Meeting 3/8/2016 Meeting Minutes

ATTACHMENT 1

ATTACHMENT 1

ATTACHMENT 1

ATTACHMENT 1



PZC Work Meeting 3/8/2016 Meeting Minutes

PZC Meeting 4/12/2016

Meeting Minutes

AN ORDINANCE OF THE COUNTY OF TETON, STATE OF IDAHO, ADDING TETON COUNTY CODE TITLE 9.5, TO ADDRESS PREVIOUSLY CREATED PARCELS THAT DID NOT FOLLOW THE LEGAL PERMITS AT THE TIME OF CREATION OF QUALIFYING BUILDING PERMITS. BE IT ORDAINED BY THE Board of County Commissioners, of Teton County, Idaho that Title 9, Chapter 11 of the Teton County Code shall be added as follows:

CHAPTER 11 GRANTING BUILDING PERMIT ELIGIBILITY OF PREVIOUSLY CREATED PARCELS

SECTION:

- 9-11-1. APPLICABILITY
9-11-2. APPLICATION REQUIRED
9-11-3. PROCESS FOR APPROVAL
9-11-4. CRITERIA FOR APPROVAL
9-11-5. EXPIRATION OF THIS CODE SECTION
9-11-6. APPEAL OF FINAL DECISIONS
9-11-7. APPEAL OF FINAL DECISIONS
9-11-8. APPEAL OF FINAL DECISIONS
9-11-9. APPEAL OF FINAL DECISIONS
9-11-10. APPEAL OF FINAL DECISIONS
9-11-11. APPEAL OF FINAL DECISIONS
9-11-12. APPEAL OF FINAL DECISIONS
9-11-13. APPEAL OF FINAL DECISIONS
9-11-14. APPEAL OF FINAL DECISIONS
9-11-15. APPEAL OF FINAL DECISIONS
9-11-16. APPEAL OF FINAL DECISIONS
9-11-17. APPEAL OF FINAL DECISIONS
9-11-18. APPEAL OF FINAL DECISIONS
9-11-19. APPEAL OF FINAL DECISIONS
9-11-20. APPEAL OF FINAL DECISIONS
9-11-21. APPEAL OF FINAL DECISIONS
9-11-22. APPEAL OF FINAL DECISIONS
9-11-23. APPEAL OF FINAL DECISIONS
9-11-24. APPEAL OF FINAL DECISIONS
9-11-25. APPEAL OF FINAL DECISIONS
9-11-26. APPEAL OF FINAL DECISIONS
9-11-27. APPEAL OF FINAL DECISIONS
9-11-28. APPEAL OF FINAL DECISIONS
9-11-29. APPEAL OF FINAL DECISIONS
9-11-30. APPEAL OF FINAL DECISIONS

GENERAL CONCERN: My concerns with this code are too numerous and fundamental to address in the context of our article-specific work meetings. I do not wish to be ineffective or redundant for the PZC in its reviewing process. My concerns with this code are too numerous and fundamental to address in the context of our article-specific work meetings. I do not wish to be ineffective or redundant for the PZC in its reviewing process. My concerns with this code are too numerous and fundamental to address in the context of our article-specific work meetings. I do not wish to be ineffective or redundant for the PZC in its reviewing process.

TETON COUNTY PLANNING AND ZONING COMMISSION Meeting Notes, February 16, 2016 Commissioners Present: Mr. Dave Hensel, Mr. Cleve Booker, Mr. Chris Larson, Mr. Jack Haddock, Ms. Sarah Johnston, Ms. Marlene Robson, and Mr. Pete Meyer. The March 3rd meeting will be held in the Planning Conference Room instead of the Commissioners' Chamber because no room was available for the meeting. Mr. Robson provided comments prior to the meeting, which were read by the PZC throughout the meeting.

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Cleve Booker, Mr. Chris Larson, Mr. Jack Haddock, Ms. Sarah Johnston, Ms. Marlene Robson, and Mr. Pete Meyer. The March 3rd meeting will be held in the Planning Conference Room instead of the Commissioners' Chamber because no room was available for the meeting. Mr. Robson provided comments prior to the meeting, which were read by the PZC throughout the meeting.

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Cleve Booker, Mr. Chris Larson, Mr. Jack Haddock, Ms. Sarah Johnston, Ms. Marlene Robson, and Mr. Pete Meyer. The March 3rd meeting will be held in the Planning Conference Room instead of the Commissioners' Chamber because no room was available for the meeting. Mr. Robson provided comments prior to the meeting, which were read by the PZC throughout the meeting.

Article 13 Review: Right to Farm Act language will be added to this section. Staff will look at the Comprehensive Plan to see if it referenced any other acts/legislation that should be added. Zoning districts will be updated to Div. 1.2. Staff will have Kathy Spitzer read the language in Div. 1.1.3 to verify that the restrictive language (state code vs. local code) is adequate.

Article 14 Review: Connectivity between subdivisions was discussed. This section requires private streets. Emergency services access was discussed for subdivisions. 11.2.7.3.A will be updated to include that subdivisions may be required to provide multiple access points to a public or private street. Requesting phone lines to be installed in subdivisions was discussed. It was agreed that should a requirement be placed there are still needed for areas with cell reception, and everyone has a cell phone, internet services, etc.

Article 15 Review: Language for rounding will be added to this section (lot area, linear measurement, & time measurements). Using "street" vs. "road" was discussed in Div. 2.2.1. Street is defined as a road in Article 15, so street is sufficient. Div. 2.5.2.A should say height encroachments "may exceed..." instead of "must". Change the maximum height of agriculture buildings to 60' in Div. 2.5.2.D. There was a question on the height of wireless communication facilities and public utilities. Div. 2.5.2.E says they are exempt from general height limits. Article 10 includes height restrictions for these structures, so this section will be updated to match and/or reference that section. Graphics will be updated.

Div. 8.16: A screenshot of a zoning map showing various districts and their boundaries. The map includes a legend and a scale bar.

PZC Work Meeting 2/26/16 Meeting Minutes

PZC Work Meeting 3/8/2016 Meeting Minutes

PZC Meeting 4/12/2016 Meeting Minutes



AMENDMENT TO TITLE 9, TETON COUNTY SUBDIVISION ORDINANCE –

ADDING CHAPTER 11 - GRANTING BUILDING PERMIT ELIGIBILITY OF PREVIOUSLY CREATED PARCELS.

Prepared March 22 for the Planning and Zoning Commission

- 13. Waiting for IDFG comments for wildlife sections and maps from GIS.
- 14. Updating Temporary Uses/Permit, then will be finished, potentially by 3/18
- 15. 3/15 changes will be made and sent out by 3/18
- The joint meeting with the BoCC is currently scheduled for April 12. Jason will inform the BoCC at their next meeting of some of the delays that have occurred (IDFG comments, floodplain, ITD), so they are aware that the completed "final draft" may not be ready by April 12. Later in April may be an option or in May.
- There will be a public hearing during the April 12th meeting to recommend adoption of a new ordinance.

APPLICANT: Teton County Planning Department

APPLICABLE CODE: Idaho State Code- 67-6513 Subdivision Ordinance
Teton County Subdivision Ordinance- Title 9-10-1 Amendment Procedure

REQUESTS: Add a section of code to the Subdivision Ordinance to develop a process for rectifying parcels that are currently out of compliance with our ordinance, out of compliance when they were created, and need an official process to obtain building rights.

APPLICABILITY: County wide, all zoning districts

AMENDMENT DESCRIPTION: The proposed ordinance identifies the application, processing and approval requirements that are needed to utilize this new process. This process will be used to "rectify" parcels that were created and may have had an expectation of a building permit. However, they cannot be considered "legally designated "lots"" (Teton County Code: 8-3-5) because they did not meet the legal (ordinance) requirements at the time of their creation. The purpose is to provide an official process, for land owners, where these lots can be reviewed and approved, and the building rights guaranteed.

BACKGROUND: At present, if a lot was created through a survey, but did not meet the ordinance at the time of the creation, it is not considered "legally designated" and building permits cannot be issued on the lot. As the Planning Department has researched how lots were created, we have identified a large number of lots that appear to be "legally designated" but are not. The reasons they did not meet the ordinance mainly can be narrowed down to two issues: 1) lot size and 2) they were not eligible to split (the parent parcel was created through the OTO, the parent parcel was illegally created, or the parent parcel was created through an Ag Split). The ordinance is mainly aimed at remedying parcels that didn't meet the ordinance due to reason #2. If a new zoning ordinance is adopted with different minimum lots sizes, parcels with issue #1 may be able to use this process within the new code as well.

AMENDMENTS TO TITLE 9 -TETON COUNTY SUBDIVISION ORDINANCE

See attached text.

STAFF ANALYSIS:

1. **Consistent with purposes of the Teton County Subdivision Ordinance.** The proposed amendment and associated text changes are consistent with Section 9-1-3 Purposes and Scope of Title 9 of the Teton County Subdivision Ordinance, and in particular 9-1-3-G: "The manner and form of making and filing of any plat." This process would require a plat to be recorded to ensure the building rights are obtained.
2. **Consistent with Comprehensive Plan.** The proposed amendment is consistent with the Teton County Comprehensive Plan 2012-2030. This proposal maintains larger lots in most cases, and provides an approval process to reduce the "incentives" or desire to subdivide into smaller lots to obtain building rights.
3. **Consistent with other sections of the Teton County Zoning and Subdivision Ordinance.** The proposed amendment is consistent with other provisions of the Teton County Code. The proposed amendment utilizes the basic framework for the Plat Amendment Process.
4. **Consistent with State Statute.** The proposed amendment is consistent with the Idaho State Local Land Use Act 67-65.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The proposed amendment supports the goals, purposes and intent of the Teton County Comprehensive Plan.
2. The proposed amendment supports the goals, purposes and intent of Teton County Title 9, Subdivision Ordinance.
3. The proposed amendment is in compliance with Idaho State Statute.

PUBLIC NOTICE: Legal ads were made to the Teton Valley News in accordance with local and state requirements.

COMMENTS FROM NOTIFIED NEIGHBORS AND GENERAL PUBLIC
No comments have been received at the time of this reports writing.

STAFF RECOMMENDATION: It is staff's recommendation that you recommend approval this amendment to the BoCC.

Recommended Motion: Having found that the proposed amendment to Title 9 is in compliance with state statute and supports the comprehensive plan and other Teton County ordinances, and that a public hearing was legally noticed and conducted, I move to recommend approval of the amendment as presented in the attachment entitled "**CHAPTER 11 GRANTING BUILDING PERMIT ELIGIBILITY OF PREVIOUSLY CREATED PARCELS**" to the Board of County Commissioners [with the following changes].

ORDINANCE NO. 2016-9-11

AN ORDINANCE OF THE COUNTY OF TETON, STATE OF IDAHO, ADDING TETON COUNTY CODE TITLE 9, CHAPTER 11 TO ADDRESS PREVIOUSLY CREATED PARCELS THAT DID NOT FOLLOW THE LEGAL PROCESS AT THE TIME OF CREATION TO QUALIFY FOR BUILDING PERMITS.

BE IT ORDAINED by the Board of County Commissioners of Teton County, Idaho that Title 9, Chapter 11 of the Teton County Code shall be added as follows:

CHAPTER 11

GRANTING BUILDING PERMIT ELIGIBILITY OF PREVIOUSLY CREATED PARCELS

SECTION:

- 9-11-1: APPLICABILITY
- 9-11-2: APPLICATION REQUIRED
- 9-11-3: PROCESS FOR APPROVAL
- 9-11-4: CRITERIA FOR APPROVAL
- 9-11-5: DENIAL OF APPLICATION
- 9-11-6: APPEAL OF FINAL DECISIONS
- 9-11-7: EXPIRATION OF THIS CODE SECTION

9-11-1: **APPLICABILITY:** This chapter is only applicable to parcels where the current property owner desires to be recognized as a "legally designated lot" for building permit purposes, as required in Teton County Code 8-3-5, and only applied to those parcels that were created after June 14, 1999 either through: 1) a process outside of those identified in the Teton County Title 9: Subdivision Regulations, 2) following a process in the Teton County Title 9: Subdivision Regulations but not meeting the criteria of approval identified, or 3) created through an agricultural only parcel process.

9-11-2: **APPLICATION REQUIRED**

Application: A property owner(s) of parcels identified through the Property Inquiry process (application for a Property Inquiry was made and finding letter was sent to the property owner) as not buildable due to the way they were created, must complete and submit the "Granting Building Permit Eligibility of a Previously Created Parcel" application provided by the Planning and Building Department. Application to this process does not guarantee approval. In addition to the complete application form, the following is required:

1. Fees (Application and Survey/Plat review fee);
2. Narrative outlining how, when, and by whom the parcels were originally created;
3. Approval letter from Eastern Idaho Public Health;

4. Approval letter from Teton County Fire District;
5. Acceptance letter from the city for sewer hookup, or from the providing community, if applicable;
6. Covenants, Conditions, and Restrictions, if being proposed;
7. Plat created by a surveyor, licensed in the State of Idaho which includes:
 - i. Vicinity Map, Date of Survey, and North Arrow
 - ii. Map scale adequate to depict all adjusted lots (show Bar Scale)
 - iii. Legend with a description for all line weights and symbols used
 - iv. All bearings and distances for all property lines. Include Basis of Bearing and CP&F Reference
 - v. All known easements shown with their instrument numbers
 - vi. All existing physical access points shown
 - vii. Legal access points shown or possibility for future County Road access permits established
 - viii. Property Legal Descriptions
 - ix. Surveyor's Certification – Signature block with statement
 - x. County Treasurer's Certification
 - xi. County Assessor's Certification
 - xii. Easter Idaho Public Health Certification
 - xiii. Teton County Board of County Commissioners Chair Certification
 - xiv. Fire District – Signature block with approval statement
 - xv. Certificate of Survey Review – Signature block with approval statement
 - xvi. Owner's Certificate – Signature block with approval statement. **MUST BE NOTARIZED**
 - xvii. Recorder's Certificate
 - xviii. Certificate of Acceptance of Mortgagee, if applicable. **MUST BE NOTARIZED**

9-11-3: **PROCESS FOR APPROVAL:** Property owners desiring to have their lots recognized as a "legally designated lot" for building permit purposes must follow the process outlined below:

- A. **Property Inquiry:** A Property Inquiry Request must be submitted to Teton County Planning and Building Department, and a Property Inquiry Results Letter must be returned to the applicant prior to beginning this process.
- B. **Application:** Once the Property Inquiry Results Letter is returned to the property owners and verifies eligibility for this chapter, an application to the Planning and Building Department can be made. A complete application including the items listed in 9-11-2 must be submitted.
- C. **Staff Review:** Any proposed application shall first be reviewed by the Planning Administrator to determine if the application meets the criteria of this Chapter and the intent of the Comprehensive Plan. The Planning Administrator has the discretion to schedule a meeting with the applicant to review possible modifications of the application. Once the Planning Administrator has reviewed the application and finds it does or does not meet the criteria of this Chapter and the intent of the Comprehensive Plan, a letter will be sent to the applicant outlining the findings. If

the application does meet the criteria of this section and the intent of the Comprehensive Plan, it will be scheduled on the next available Board of County Commissioner Agenda.

- D. **Board Review:** The Board will review staff's findings and the application during a regularly schedule public meeting. The Board will approve, deny, or table the application to another meeting if additional information is needed. Approvals will only be granted if the application meets the criteria found in 9-11-4.
- E. **Survey Review:** Once the Board has approved the application, the County Surveyor will review the submitted plat. Any changes needed to the plat will be forwarded to the applicant.
- F. **Recording:** Once the plat has been reviewed and approved by the County Surveyor, the following shall be submitted to the Teton County Planning and Building Department for recording:
 - Two mylar copies of the Final Plat with approval signatures
 - At least one paper copy of the Final Plat with approval signatures (for the applicant)
 - Development Agreement, if required
 - Final Covenants, Conditions, and Restrictions
 - DWG format of Final Plat on CD
 The applicant is responsible for all recording fees required at the time of recording.

9-11-4: **CRITERIA FOR APPROVAL:** The following criteria must be met in order for the application to be approved by the Board.

- A. The proposed lots must meet the minimum lot size of the underlying zone, exclusive of any public dedicated easements or right-of-ways, either based on the adopted requirements at the time of this application or the adopted requirements at the time the parcels were created through one of the processes identified in 9-11-1.
- B. The proposed lots must have approved access.
- C. There must have been a survey recorded with Teton County showing the creation of the parcel(s) prior to 2010.
- D. No more than two (2) buildable lots are being created.

9-11-5: **DENIAL OF APPLICATION:** If the application fails to meet the criteria identified above, other remedies, such as a Full Plat Subdivision, may still remain available to the property owner. Fees paid are not refundable if the application is denied.

9-11-6: **APPEAL OF FINAL DECISIONS:** Decisions of the Board of County Commissioners are final. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request reconsideration by the BoCC. If still not satisfied with a decision of the Board of County Commissioners, one may pursue appeals to District Court within 28 days of the written decision being delivered.

9-11-7: **EXPIRATION OF THIS CODE SECTION:** This code section and the ability to utilize this process shall expire January 1, 2018.

TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Primer, April 12, 2016
Board of County Commissioner Chambers, Driggs, ID

We have made revisions to Article 13. I worked on developing 3 different options for the Wildlife Habitat Plan division. These are not our only options, but I felt these were the ones we had the most discussion about previously. I did email some information, including one of the options, over to DFG's new Regional Habitat Manager to get some feedback. I am hoping to have it back before our meeting. You should have received Blaine County, Idaho's Habitat ordinance to give you an idea of what another community is doing. Finally, you should have received the- [A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho](#) report as well.

Goals:

- Make sure we are comfortable with Article 13. Make sure everyone has Redline versions.
- Identify any deficiencies

Article 13 – Property Development Plan

This is the general list of changes that were made-

Throughout Article 13-

- Added "Requirement Table" in each section.
- Updated language to match/corrected typos

13.3.1 Riparian Buffer Plan-

- Clarified that the uses allowed in 13.2.1.H, are only allowed as part of the permit being applied for.
- Clarified that a variance is required to encroach into the Riparian Buffer.
- Removed NRCS Standards.
- Added Section K. Implementation

13.3.2 Skyline View Protection Plan-

Only minor changes.

13.3.3 Steep Slopes Plan-

- Only minor changes.
- Changed "no development on slopes that exceed 25%" to "30%" to match the current ordinance

13.3.4 Grading Plan-

Only minor changes.

13.3.5 Vegetative Management Plan-

- Removed NRCS Standards
- Added clarification in the Standards section
- Modified required portions of the plan
- Added F. Implementation section

13.3.6 Wildfire Hazard Mitigation Plan-

Only minor changes.

13.3.7 Fencing Plan- REMOVED

13.3.7 Wildlife Feeding Plan-

- Only minor changes.

13.3.8 Wildlife Habitat Management Plan-

As noted in an email that was sent out 3/28, Idaho Fish and Game was not able to make comments. At the time of this primer I have had a phone conversation with the local biologist. I forwarded him the Code and am anticipating sitting down with him. I will keep you updated on our conversations. From the 3/30 conversation he offered these comments-

1. Blaine County had issues not using a map for their habitat protection
2. The Teton River buffer should be 300 ft.
3. There should be a required buffer from the Forest Service Lands.
4. There should be a required buffer from land that is in a conservation easement.

In the meantime, I have developed 3 options- 2 with a map and 1 without. The map comes from an IDF&G report- [A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho](#) that was developed for the Comprehensive Plan. The 3 options are fairly similar with the exception of the map.

1. Option #1 bases the Applicability (Sections A. & B) on density.
2. Option #2 bases the Applicability (Sections A. & B) on density and the map.
3. Option #2 bases the Applicability (Sections A. & B.) on the map.

In the review section, I added an optional IDF&G review prior to the application.

13.3.9 Nutrient Pathogen Analysis-

- Only minor changes.

13.3.10 Public Service/Fiscal Impact Analysis-

- Added Conditional Use Permits
- We talked about me including a set formula. In researching other ordinances, and fiscal impacts it may not be prudent to include a set formula. Depending on the location and type of development there are different types of Average Cost Methodology analysis.

13.3.11 Traffic Impact Analysis-

- Added Conditional Use Permits.
- Rearranged portions to make it flow better.

13.3.12 Lighting Management Plan-

- No changes

13.3.13 Stormwater Management Plan-

- Removed the NRCS Standards
- Added "Catalog of Stormwater Best Management Practices for Idaho Cities and Counties. Based on the Public Works Directors recommendation

13.3.14 Access Management Plan-

- Added reference to the "Local Highway Technical Assistance Council Manual for Use of Public Right of Way Standard Approach Policy.
- Minor changes.

13.3.15 Plat

- Only minor changes.

13.3.16 Survey-

- Clarified when mylars are required

13.3.17 Deed-

- Clarified the difference between new deeds being created and existing deeds to verify ownership

13.3.18 Geotechnical Analysis

- Removed the Map

13.3.19 Parking Plan

- No changes

13.3.20 Fire Protection Plan

- Added this section

13.3.8. Wildlife Habitat Management Plan #1

	Site Disturbance: Driveway, Grading, etc.	Building Permit or Variance	Conditional Use Permit	Rezone	One Time Only Division	Land Division	Short Plat	Full Plat
Wildlife Habitat Management Plan	P	--	P	--	P	P	P	P

Key: R = Required P = Possibly Required -- = Not Required

A. Areas Applicability

This DivisionSection applies to all land found in Teton County

B. Scale/Scope of Development Requiring Applicability

1. If the proposed development will cause the density of the property to reach or exceed the following, the standards of this Division are applicable.

- a. Rural Districts- 1 unit per 30
- b. Agricultural Rural Neighborhood- 1 unit per 5 acres.

2. For Grading and Conditional Use permits, Div. 13.3.8.F.1 should be followed.

C. Intent

The intent of this Division is to ensure that habitat utilized by key indicator species, along with other forms of wildlife is managed in a way to ensure the long term viability of the habitat.

D. Standards

A wildlife habitat assessment in a form acceptable to Teton County is required for any indicator species of wildlife designated below. All development is subject to design review to ensure that the location of buildings and structures avoids or mitigates impacts to indicator species and habitat to the maximum extent feasible.

1. Design Review Criteria

A development application may only be recommended for approval where the following specific guidelines are met:

a. Building Envelopes

- i. Building envelopes must be located:
- ii. To minimize fragmentation of any functional, intact areas of native vegetation and indicator habitat;
- iii. To avoid rare landscape elements such as unique rock formations, sheltered draws or drainage ways, or other features, and locate buildings near areas containing more common landscape elements;
- iv. To maintain connections among fish and wildlife habitats and to protect sensitive fish and wildlife breeding areas;
- v. To provide adequate buffers between any building envelope for a habitable building and;
- vi. Any wildlife migration corridors identified through the wildlife habitat assessment and;
- vii. Any fish or wildlife breeding areas or big game wintering habitat identified through the wildlife habitat assessment.
- viii. The buffer distance and configuration must be determined by a qualified professional who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and similar disciplines and must be designed to minimize the effect of planned development and infrastructure (including roads,

pathways, and trails) on use of the habitat or migration corridor by the indicator species.

b. Fencing

- i. Fencing and other infrastructure must be designed to minimize impacts on indicator species and indicator habitat.
- ii. Where the wildlife habitat assessment has found evidence of indicator species or the presence of indicator habitat, and the person conducting the assessment believes that inappropriate fencing could interfere with the use of the area as habitat by one or more of the indicator species included in the assessment, the person must recommend a fencing design and specifications that would minimize interference with the movement or safety of the indicator species.
- iii. Fencing must be required to comply with those recommendations to the maximum extent feasible.
- iv. The proposed design and specifications must take into account the current and foreseeable uses of adjacent lands and the potential need for adjacent lands to be protected from the impacts of wildlife on the subject property.

c. Avoiding Vegetation Impacts

- i. Impacts to indicator species and indicator habitat must be avoided to the maximum extent feasible.
- ii. The applicant must mitigate unavoidable impacts appropriately and adequately.

- iii. In areas where the wildlife habitat assessment has found evidence of indicator species or the presence of indicator habitat, the development must avoid disturbing existing native vegetation used by or needed to support the indicator species to the maximum extent feasible.
- iv. When existing native vegetation must be altered to accommodate the proposed subdivision, the applicant must replace lost habitat function with an equal or greater amount of like-functioning, native vegetation according to the recommendations of a qualified professional and ensure successful establishment of that vegetation through monitoring and adaptive management.

E. Section Format for the Property Development Plan

If required, this section of the Property Development Plan should include the following:

- 1. Wildlife Habitat Assessment
The applicant must arrange for a qualified professional who has demonstrated appropriate expertise in the fields of resource biology, fish or wildlife management, or similar discipline, to complete a Wildlife Habitat Assessment (WHA). The WHA must describe, evaluate, and quantify (as appropriate) habitat for the indicator species.
- 2. Impact Analysis and Mitigation Plan
An Impact Analysis and Mitigation Plan must:
 - a. Identify and analyze the type, duration, and intensity of direct and indirect impacts to indicator species and indicator habitat reasonably expected to result from the proposed development (inclusive of

infrastructure layout, proposed recreational uses, anticipated human presence, anticipated land uses, proposed wildland fire protection measures, etc.);

- b. Address how applicant intends to avoid, or minimize and mitigate any impacts to indicator species and indicator habitat. Avoidance of impacts is preferred to minimization of impacts with mitigation;
- c. Provide a list of proposed mitigation measures, that may include habitat preservation, restoration, enhancement, and creation and an analysis of the probability of success of such measures. If the impact mitigation plan requires significant construction or restoration activities, Teton County may require that the applicant provide a financial security in the form of a letter of credit for 125% of the estimated cost of those activities. When the construction or restoration has been completed as described in the impact assessment and mitigation plan all but 25% of the fiscal security will be released. The remaining 25% will be held for two (2) years as a guarantee of the work that is performed.

3. Detailed Site Plan

- A site plan that identifies the location of:
 - a. Proposed development
 - b. Existing vegetation
 - c. Existing habitat for the indicator species

F. Review

- 1. Optional preliminary IDF&G review
 - a. The applicant may contact IDF&G to identify any sensitive lands on the subject property.

IDF&G shall forward all preliminary reviews to the Administrator. If sensitive lands are determined to exist on the subject property, the applicant shall be required to complete the provisions in this division.

- b. If the preliminary review by IDF&G determines that the proposed development will have no significant impact on wildlife or wildlife habitat, no further action is required of the applicant pursuant to this division.

2. Application Review

If the applicant forgoes the optional preliminary IDF&G review OR if the preliminary IDF&G review finds that sensitive lands are determined to exist on the subject property, the following review process shall be followed.

- a. The Wildlife Habitat Management Plan, including the Wildlife Habitat Assessment will be forwarded to IDF&G for their review. They will review the methods used in the assessment, the findings from the assessment, the design of the development, possible conflicts and the proposed mitigation efforts. IDF&G shall forward their review and recommendations, if any, to the Administrator prior to the scheduling of the public hearing.

G. Implementation

- 1. If there is sufficient concern that the development was not done in conformance with the approved Wildlife Habitat Management Plan, a third-party inspector may be hired at the applicants expense, to verify the plan was followed, or identify corrections that need to be made.
- 2. No fiscal guarantee shall be released for a development until the necessary mitigation measures in the approved Wildlife Habitat Management Plan are made.

- 3. No certificates of occupancy shall be issued for or in a development until the necessary mitigation measures in the approved Wildlife Habitat Management Plan are made. A Conditional Certificate of Occupancy may be issued if the timing of the season would not allow the mitigation measures to be completed.

H. Indicator Species

The following are considered Indicator Species in Teton County (This list comes from- A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho, dated June 14, 2012):

- Columbian Sharp-Tailed grouse
- Bald Eagle
- Grizzly bear
- Rocky Mountain Elk
- Mule Deer
- Moose
- Trumpeter Swans
- Greater Sandhill Crane
- Long-billed Curlew
- Yellowstone Cutthroat Trout
- Any other Federally Listed threatened or Endangered Species

13.3.8. Wildlife Habitat Management Plan #2

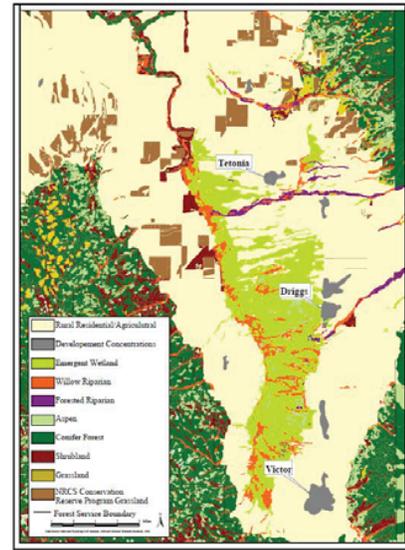
	Site Disturbance: Driveway, Grading, etc.	Building Permit or Variance	Conditional Use Permit	Rezone	One Time Only Division	Land Division	Short Plat	Full Plat
Wildlife Habitat Management Plan	P	--	P	--	P	P	P	P

Key: R = Required P = Possibly Required -- = Not Required

A. Wildlife Habitat Protection Map

IDFG identified Major Plant Communities in tier report- Summary of Key Fish and Wildlife Habitats of Low Elevation Lands in Teton County, Idaho 2012. Any area outside of the Rural Residential/Agriculture or Development Concentrations is considered a Key Plant Community.

Figure 2. Major Plant communities of Teton County, Idaho. (Data Sources: USGS ID GAP Analysis and USFWS National Wetlands Inventory)



A Summary of Key Fish and Wildlife Habitats of Low Elevation Lands in Teton County, Idaho Idaho Department of Fish and Game June 14, 2012

B. Areas Applicability

This Division applies to all land found in Teton County found within a Key Plant Community, as identified on the Map found on page 13-23 of this Code.

C. Scale/Scope of Development Requiring Applicability

- 1. If the proposed development will cause the density of the property to reach or exceed the following, the standards of this Division are applicable.
 - a. Rural Districts = 1 unit per 30
 - b. Agricultural Rural Neighborhood- 1 unit per 5 acres
- 2. For Grading and Conditional Use permits, Div. 13.3.8.G.1 should be followed.

D. Intent

The intent of this Division is to ensure that habitat utilized by key indicator species, along with other forms of wildlife is managed in a way to ensure the long term viability of the habitat.

E. Standards

A wildlife habitat assessment in a form acceptable to Teton County is required for any indicator species of wildlife designated below. All development is subject to design review to ensure that the location of buildings and structures avoids or mitigates impacts to indicator species and habitat to the maximum extent feasible.

1. Design Review Criteria

A development application may only be recommended for approval where the following specific guidelines are met:

- a. Building Envelopes
 - i. Building envelopes must be located:

- ii. To minimize fragmentation of any functional, intact areas of native vegetation and indicator habitat;
 - iii. To avoid rare landscape elements such as unique rock formations, sheltered draws or drainage ways, or other features, and locate buildings near areas containing more common landscape elements;
 - iv. To maintain connections among fish and wildlife habitats and to protect sensitive fish and wildlife breeding areas;
 - v. To provide adequate buffers between any building envelope for a habitable building and;
 - vi. Any wildlife migration corridors identified through the wildlife habitat assessment and;
 - vii. Any fish or wildlife breeding areas or big game wintering habitat identified through the wildlife habitat assessment.
 - viii. The buffer distance and configuration must be determined by a qualified person who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and similar disciplines and must be designed to minimize the effect of planned development and infrastructure (including roads, pathways, and trails) on use of the habitat or migration corridor by the indicator species.
- b. Fencing
- i. Fencing and other infrastructure must be designed to minimize impacts on indicator species and indicator habitat.

- ii. Where the wildlife habitat assessment has found evidence of indicator species or the presence of indicator habitat, and the person conducting the assessment believes that inappropriate fencing could interfere with the use of the area as habitat by one or more of the indicator species included in the assessment, the person must recommend a fencing design and specifications that would minimize interference with the movement or safety of the indicator species.
 - iii. Fencing must be required to comply with those recommendations to the maximum extent feasible.
 - iv. The proposed design and specifications must take into account the current and foreseeable uses of adjacent lands and the potential need for adjacent lands to be protected from the impacts of wildlife on the subject property.
- c. Avoiding Vegetation Impacts
- i. Impacts to indicator species and indicator habitat must be avoided to the maximum extent feasible.
 - ii. The applicant must mitigate unavoidable impacts appropriately and adequately.
 - iii. In areas where the wildlife habitat assessment has found evidence of indicator species or the presence of indicator habitat, the development must avoid disturbing existing native vegetation used by or needed to support the indicator species to the maximum extent feasible.

- iv. When existing native vegetation must be altered to accommodate the proposed subdivision, the applicant must replace lost habitat function with an equal or greater amount of like-functioning, native vegetation according to the recommendations of a qualified professional and ensure successful establishment of that vegetation through monitoring and adaptive management.

F. Section Format for the Property Development Plan

If required, this section of the Property Development Plan should include the following:

- 1. Wildlife Habitat Assessment

The applicant must arrange for a qualified professional who has demonstrated appropriate expertise in the fields of resource biology, fish or wildlife management, or similar discipline, to complete a Wildlife Habitat Assessment (WHA). The WHA must describe, evaluate, and quantify (as appropriate) habitat for the indicator species.
- 2. Impact Analysis and Mitigation Plan

An Impact Analysis and Mitigation Plan must:

 - a. Identify and analyze the type, duration, and intensity of direct and indirect impacts to indicator species and indicator habitat reasonably expected to result from the proposed subdivision (inclusive of infrastructure layout, proposed recreational uses, anticipated human presence, anticipated land uses, proposed wildland fire protection measures, etc.);
 - b. Address how applicant intends to avoid, or minimize and mitigate any impacts to indicator species and indicator habitat. Avoidance of impacts is preferred to minimization of impacts with mitigation;

- c. Provide a list of proposed mitigation measures, that may include habitat preservation, restoration, enhancement, and creation and an analysis of the probability of success of such measures. If the impact mitigation plan requires significant construction or restoration activities, Teton County may require that the applicant provide a financial security in the form of a letter of credit for 125% of the estimated cost of those activities. When the construction or restoration has been completed as described in the impact assessment and mitigation plan all but 25% of the fiscal security will be released. The remaining 25% will be held for two (2) years as a guarantee of the work that is performed.
3. Detailed Site Plan
- A site plan that identifies the location of:
- a. Proposed development
 - b. Existing vegetation
 - c. Existing habitat for the indicator species
- G. Review
1. Optional preliminary IDF&G review
- a. The applicant may contact IDF&G to identify any Key Plant Community lands on the subject property. IDF&G shall forward all preliminary reviews to the Administrator. If Key Plant Communities are determined to exist on the subject property, the applicant shall be required to complete the provisions in this division.
 - b. If the preliminary review by IDF&G determines that the proposed development will have no significant impact on wildlife or
- wildlife habitat, no further action is required of the applicant pursuant to this division.
2. Application Review
- If the applicants forgoes the optional preliminary IDF&G review OR if the preliminary IDF&G review finds that Key Plant Communities are determined to exist on the subject property, the following review process shall be followed.
- a. The Wildlife Habitat Management Plan, including the Wildlife Habitat Assessment will be forwarded to IDF&G for their review. They will review the methods used in the assessment, the findings from the assessment, the design of the development, possible conflicts and the proposed mitigation efforts. IDF&G shall forward their review and recommendations, if any, to the Administrator prior to the scheduling of the public hearing.
- H. Implementation
1. If there is sufficient concern that the development was not done in conformance with the approved Wildlife Habitat Management Plan, a third-party inspector may be hired at the applicants expense, to verify the plan was followed, or identify corrections that need to be made.
 2. No fiscal guarantee shall be released for a development until the necessary mitigation measures in the approved Wildlife Habitat Management Plan are made.
 3. No certificates of occupancy shall be issued for or in a development until the necessary mitigation measures in the approved Wildlife Habitat Management Plan are made. A Conditional Certificate of Occupancy may be issued if the timing of the season would not allow the mitigation measures to be completed.

- I. Indicator Species
- The following are considered Indicator Species in Teton County (This list comes from- A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho, dated June 14, 2012):
- Columbian Sharp-Tailed grouse
 - Bald Eagle
 - Grizzly bear
 - Rocky Mountain Elk
 - Mule Deer
 - Moose
 - Trumpeter Swans
 - Greater Sandhill Crane
 - Long-billed Curlew
 - Yellowstone Cutthroat Trout
- Any other Federally Listed threatened or Endangered Species

13.3.8. Wildlife Habitat Management Plan #3

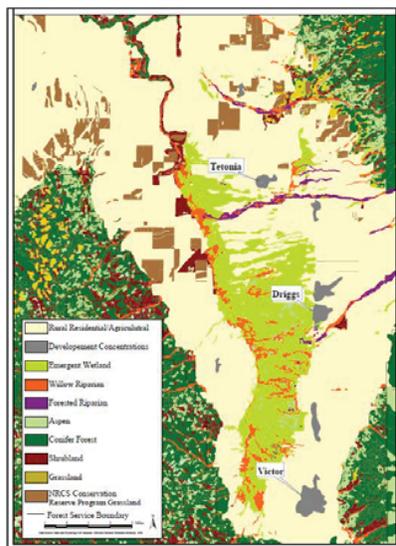
	Site Disturbance: Driveway, Grading, etc.	Building Permit or Variance	Conditional Use Permit	Rezone	One Time Only Division	Land Division	Short Plat	Full Plat
Wildlife Habitat Management Plan	P	--	P	--	P	P	P	P

Key: R = Required P = Possibly Required -- = Not Required

A. Wildlife Habitat Management Map

IDFG identified Major Plant Communities in tier report- Summary of Key Fish and Wildlife Habitats of Low Elevation Lands in Teton County, Idaho 2012. Any area outside of the Rural Residential/Agriculture or Development Concentrations is considered a Key Plant Community.

Figure 2. Major Plant communities of Teton County, Idaho. (Data Source: USGS ID GAP Analysis and USFWS National Wetlands Inventory)



A Summary of Key Fish and Wildlife Habitats of Low Elevation Lands in Teton County, Idaho Idaho Department of Fish and Game June 14, 2012

- B. Areas Applicability
- This Division Section applies to all land found in Teton County found within a Key Plant Community, as identified on the Map found on page 13-23 of this Code.
- C. Scale/Scope of Development Requiring Applicability
- If the proposed development contains any Key Plant Communities this division is required.
- D. Intent
- The intent of this Division is to ensure that habitat utilized by key indicator species, along with other forms of wildlife is managed in a way to ensure the long term viability of the habitat.
- E. Standards
- A wildlife habitat assessment in a form acceptable to Teton County is required for any indicator species of wildlife designated below. All development is subject to design review to ensure that the location of buildings and structures avoids or mitigates impacts to indicator species and habitat to the maximum extent feasible.
1. Design Review Criteria

A development application may only be recommended for approval where the following specific guidelines are met:

 - a. Building Envelopes
 - i. Building envelopes must be located:
 - ii. To minimize fragmentation of any functional, intact areas of native vegetation and indicator habitat;
 - iii. To avoid rare landscape elements such as unique rock formations, sheltered draws or drainage ways, or other features, and locate buildings
- near areas containing more common landscape elements;
 - iv. To maintain connections among fish and wildlife habitats and to protect sensitive fish and wildlife breeding areas;
 - v. To provide adequate buffers between any building envelope for a habitable building and;
 - vi. Any wildlife migration corridors identified through the wildlife habitat assessment and;
 - vii. Any fish or wildlife breeding areas or big game wintering habitat identified through the wildlife habitat assessment.
 - viii. The buffer distance and configuration must be determined by a qualified professional who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and similar disciplines and must be designed to minimize the effect of planned development and infrastructure (including roads, pathways, and trails) on use of the habitat or migration corridor by the indicator species.
- b. Fencing
- i. Fencing and other infrastructure must be designed to minimize impacts on indicator species and indicator habitat.
 - ii. Where the wildlife habitat assessment has found evidence of indicator species or the presence of indicator habitat, and the person conducting the assessment believes that inappropriate fencing could interfere with the use of the area as habitat by one or more

of the indicator species included in the assessment, the person must recommend a fencing design and specifications that would minimize interference with the movement or safety of the indicator species.

iii. Fencing must be required to comply with those recommendations to the maximum extent feasible.

iv. The proposed design and specifications must take into account the current and foreseeable uses of adjacent lands and the potential need for adjacent lands to be protected from the impacts of wildlife on the subject property.

C. Avoiding Vegetation Impacts

i. Impacts to indicator species and indicator habitat must be avoided to the maximum extent feasible.

ii. The applicant must mitigate unavoidable impacts appropriately and adequately.

iii. In areas where the wildlife habitat assessment has found evidence of indicator species or the presence of indicator habitat, the development must avoid disturbing existing native vegetation used by or needed to support the indicator species to the maximum extent feasible.

iv. When existing native vegetation must be altered to accommodate the proposed subdivision, the applicant must replace lost habitat function with an equal or greater amount of like-functioning, native vegetation according to the recommendations of a qualified professional and ensure successful

establishment of that vegetation through monitoring and adaptive management.

F. Section Format for the Property Development Plan

If required, this section of the Property Development Plan should include the following:

1. Wildlife Habitat Assessment

The applicant must arrange for a qualified professional who has demonstrated appropriate expertise in the fields of resource biology, fish or wildlife management, or similar discipline, to complete a Wildlife Habitat Assessment (WHA). The WHA must describe, evaluate, and quantify (as appropriate) habitat for the indicator species.

2. Impact Analysis and Mitigation Plan

An Impact Analysis and Mitigation Plan must:

a. Identify and analyze the type, duration, and intensity of direct and indirect impacts to indicator species and indicator habitat reasonably expected to result from the proposed subdivision (inclusive of infrastructure layout, proposed recreational uses, anticipated human presence, anticipated land uses, proposed wildland fire protection measures, etc.);

b. Address how applicant intends to avoid, or minimize and mitigate any impacts to indicator species and indicator habitat. Avoidance of impacts is preferred to minimization of impacts with mitigation;

c. Provide a list of proposed mitigation measures, that may include habitat preservation, restoration, enhancement, and creation and an analysis of the probability of success of such measures. If the impact mitigation plan requires significant construction or restoration

activities, Teton County may require that the applicant provide a financial security in the form of a letter of credit for 125% of the estimated cost of those activities. When the construction or restoration has been completed as described in the impact assessment and mitigation plan all but 25% of the fiscal security will be released. The remaining 25% will be held for two (2) years as a guarantee of the work that is performed.

3. Detailed Site Plan

A site plan that identifies the location of:

a. Proposed development

b. Existing vegetation

c. Existing habitat for the indicator species

G. Review

1. Optional preliminary IDF&G review

a. The applicant may contact IDF&G to identify any Key Plant Community lands on the subject property. IDF&G shall forward all preliminary reviews to the Administrator. If Key Plant Communities are determined to exist on the subject property, the applicant shall be required to complete the provisions in this division.

b. If the preliminary review by IDF&G determines that the proposed development will have no significant impact on wildlife or wildlife habitat, no further action is required of the applicant pursuant to this division.

2. Application Review

If the applicants forgoes the optional preliminary IDF&G review OR if the preliminary IDF&G review finds that Key Plant Communities are determined

to exist on the subject property, the following review process shall be followed.

a. The Wildlife Habitat Management Plan, including the Wildlife Habitat Assessment will be forwarded to IDF&G for their review. They will review the methods used in the assessment, the findings from the assessment, the design of the development, possible conflicts and the proposed mitigation efforts. IDF&G shall forward their review and recommendations, if any, to the Administrator prior to the scheduling of the public hearing.

H. Implementation

1. If there is sufficient concern that the development was not done in conformance with the approved Wildlife Habitat Management Plan, a third-party inspector may be hired at the applicants expense, to verify the plan was followed, or identify corrections that need to be made.

2. No fiscal guarantee shall be released for a development until the necessary mitigation measures in the approved Wildlife Habitat Management Plan are made.

3. No certificates of occupancy shall be issued for or in a development until the necessary mitigation measures in the approved Wildlife Habitat Management Plan are made. A Conditional Certificate of Occupancy may be issued if the timing of the season would not allow the mitigation measures to be completed.

I. Indicator Species

The following are considered Indicator Species in Teton County (This list comes from- A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho, dated June 14, 2012):

Chapter 20 WILDLIFE OVERLAY DISTRICT (W)

9-20-1: PURPOSE:

The Blaine County board of county commissioners finds that the county contains wildlife habitat and species of local, statewide, and national significance as documented by Idaho department of fish and game (IDF&G), the federal bureau of land management, United States fish and wildlife service and the United States forest service. It is the purpose of these regulations to preserve and enhance the diversity of wildlife habitat and species throughout the county for the economic, recreational, and environmental benefit of county residents and visitors. (Ord. 2006-19, 11-14-2006)

9-20-2: ESTABLISHMENT OF DISTRICT:

The wildlife overlay district (W) is hereby established and shall cover all lands within Blaine County. (Ord. 2008-17, 11-25-2008)

9-20-3: APPLICABILITY:

Any subdivision of land within Blaine County. (Ord. 2006-19, 11-14-2006)

9-20-4: DEFINITIONS:

The following terms used in this chapter shall be defined as follows:

CLASSIFIED LANDS: Lands within Blaine County, as follows:

Class I Lands: Lands within Blaine County that include elk winter habitat or mule deer habitat as defined within references used by IDF&G and other professional sources.

Class II Lands: Lands within Blaine County that include elk migration corridors or mule deer migration corridors as defined within references used by IDF&G and other professional

- Columbian Sharp-Tailed grouse
- Bald Eagle
- Grizzly bear
- Rocky Mountain Elk
- Mule Deer
- Moose
- Trumpeter Swans
- Greater Sandhill Crane
- Long-billed Curlew
- Yellowstone Cutthroat Trout
- Any other Federally Listed threatened or Endangered Species

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sources.

Class III Lands: Lands within Blaine County that include current endangered, threatened, and candidate species pursuant to the endangered species act of 1973, species of greatest conservation need as listed within IDF&G's 2005 Idaho comprehensive wildlife conservation strategy, or defined within references used by IDF&G and other professional sources.

CONSERVATION PLAN (MITIGATION PLAN): A plan that discusses wildlife habitat management and protection, mitigation, and habitat enhancement planned to become part of the development.

ELK MIGRATION CORRIDORS: The migration routes used by elk to migrate from summer habitat to winter habitat. Elk migration corridors in Blaine County are designated by IDF&G.

ELK WINTER HABITAT: Generally consists of low to mid elevation, southern exposed xeric and mesic sagebrush grasslands and mixed shrub grasslands that are used during winter months by elk. Winter habitat is essential to the survival of these animals during winter. Elk winter habitat in Blaine County is designated by IDF&G.

ENDANGERED, THREATENED AND CANDIDATE SPECIES: Protected under the endangered species act of 1973, and administered by the U.S. fish and wildlife service.

HABITAT ASSESSMENT: A study that determines the types and values of vegetation and habitat, including sensitive lands. It shall include, but not be limited to, a description and maps of ownership, location, type, size, condition, habitat potential, and other attributes of wildlife habitat on site. A habitat assessment shall be prepared at the applicant's expense under the direction of a qualified person who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and similar disciplines. It may be subject to peer review at the applicant's expense. Habitat assessments for subdivisions creating ten (10) or more lots shall be subject to peer review at the applicant's expense.

MAXIMUM EXTENT PRACTICABLE: Under the circumstances, that reasonable efforts have been undertaken to comply with the regulation or requirement, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project and that reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance.

MULE DEER MIGRATION CORRIDORS: The routes used by mule deer to migrate from summer habitat to winter habitat. Mule deer migration occurs over a few days or may span several weeks, depending upon the weather and other factors. Mule deer migration corridors in Blaine County are designated by IDF&G.

MULE DEER WINTER HABITAT: Generally consists of low elevation, southern exposed xeric and mesic sagebrush grasslands and mixed shrub grasslands that are used during winter months by mule deer. Winter habitat is essential to the survival of these animals during winter. Mule deer winter habitat in Blaine County is designated by IDF&G.

SENSITIVE LANDS: Lands professionally determined to be integral to the functioning of the

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ecosystem, including wetlands, riparian areas and wildlife habitat.

SPECIES OF GREATEST CONSERVATION NEED: Those species listed as within the IDF&G's 2005 Idaho comprehensive wildlife conservation strategy, or as subsequently updated.

WILDLIFE HABITAT: An area with a combination of resources (food, water, cover, and space) and environmental conditions (temperature, precipitation, and presence or absence of predators and competitors) that promotes occupancy by individuals of a given species (or population) and allows those individuals to survive and reproduce. Components of wildlife habitat include, but are not limited to, principal feeding or foraging areas, winter range, summer range, transition areas, production and breeding areas, movement corridors, and areas providing essential minerals and water.

WILDLIFE SURVEY: Current and historical observation and documentation of the animals using the property. It shall include, but not be limited to, a description and map of the populations of wildlife species that inhabit or use the site, including a qualitative description of their spatial distribution and abundance. A wildlife survey shall be prepared at the applicant's expense under the direction of a qualified person who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, or similar disciplines. It may be subject to peer review at the applicant's expense. Habitat assessments for subdivisions creating ten (10) or more lots shall be subject to peer review at the applicant's expense. (Ord. 2008-17, 11-25-2008; Ord. 2006-19, 11-14-2006)

9-20-5: REVIEW PROCEDURE:

The following procedures shall apply to all applications for subdivision in Blaine County:

A. Preliminary Review:

1. Prior to the planning or designing of any subdivision, the applicant shall contact IDF&G and any other applicable agency or professional as determined by the administrator to identify any classified lands on the subject property. IDF&G shall forward all preliminary reviews to the planning and zoning administrator who will determine if classified lands are on the subject property. If classified lands are determined to exist on the subject property, the applicant shall be referred to section [9-20-6](#) of this chapter.
2. If the preliminary review by the administrator determines that the proposed subdivision will have no significant impact on wildlife or wildlife habitat, no further action is required of the applicant pursuant to this chapter.
3. An applicant may appeal the administrator's classified lands determination to the board pursuant to section [9-32-3](#) of this title. (Ord. 2008-17, 11-25-2008; Ord. 2006-19, 11-14-2006)

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9-20-6: CONSERVATION PLAN:

The following procedures shall apply to all subdivisions in the wildlife overlay district determined by the administrator in section [9-20-5](#) of this chapter to have classified lands:

A. Plan Preparation: A conservation plan required by this section shall be prepared by a qualified person at the applicant's expense and shall be submitted by the applicant.

A conservation plan shall be prepared at the applicant's expense, under the direction of a qualified person who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and similar disciplines. It may be subject to peer review at the applicant's expense. Habitat assessments for subdivisions creating ten (10) or more lots shall be subject to peer review at the applicant's expense.

B. Plan Content: The conservation plan required by this section shall include, but not be limited to, the following information:

1. Wildlife survey and habitat assessment, as described in section [9-20-4](#) of this chapter.
2. Conservation plan:
 - a. An analysis of the potential adverse impacts of the proposed development on wildlife and wildlife habitat on or off site;
 - b. A list of proposed mitigation measures and an analysis of the probability of success of such measures;
 - c. A plan for implementation, maintenance and monitoring of mitigation measures;
 - d. A demonstration of prohibition of wildlife feeding;
 - e. A plan for any relevant enhancement or restoration measures, including noxious weed eradication and control; and
 - f. A demonstration of fiscal, administrative, and technical competence of the applicant or other relevant entity to successfully execute the plan.

C. Waiver Of Requirements: The administrator may waive in writing specific submittal requirements based on the location of the development, the previous use of the site, the size and potential impact of the development, the absence of a particular species on the site and other relevant factors.

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D. Commission Or Board Review: If upon review of the application, the commission or board determines that a conservation plan is necessary the commission or board may require a conservation plan be prepared and submitted. (Ord. 2008-17, 11-25-2008; Ord. 2006-19, 11-14-2006)

9-20-7: DESIGN STANDARDS¹:

The following standards shall apply to all subdivisions in the wildlife overlay district and for which a completed conservation plan has been required. The applicant has the burden of demonstrating compliance with this chapter, including each of the following design review standards of evaluation. Before approving or conditionally approving this application, the board shall find that the proposed development meets the following standards:

A. Wildlife And Wildlife Habitat: All development shall be designed so it does not have a significant adverse impact on wildlife or wildlife habitat or that such significant adverse impacts have been avoided or mitigated to the maximum extent practicable. In determining if a new development will or may have a significant adverse impact on wildlife or wildlife habitats or that such adverse impacts have been avoided or mitigated to the maximum extent practicable, the administrator, commission, or board as relevant shall consider the following criteria:

1. Wildlife Species: Impacts on wildlife species, including, but not limited to, human related activities (including impacts from domestic pets) that disrupt necessary life cycle functions of wildlife, displace wildlife from suitable habitat or decrease the capacity of an area to support wildlife. Assessment of significant impacts will be based on the following:
 - a. Activities in previously undisturbed areas involving any combination of humans, pets, and machines or equipment that disturb or harass an individual animal, group of animals or wildlife species;
 - b. Site development or activities that disrupt necessary life cycle functions, resulting in stress to the extent that physiological damage is done to an individual animal, group of animals or wildlife species. Examples include, but are not limited to, introduction of nonnative vegetation; excessive use of fertilizers and other chemicals; placement of structures in close proximity to nesting and feeding areas; and excessive exterior lighting;
 - c. Species reliance on specific, unique habitat features, such as riparian areas, that may be affected;
 - d. Mitigation efforts that directly address the potential adverse impacts of the proposed land use on wildlife species, including, but not limited to, controls on domestic animals and household pets; approval of an outdoor lighting plan as required by chapter 29A of

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- this title; seasonal restrictions of recreational travel (motorized and nonmotorized) and activities, clustering of development to avoid intrusion into or fragmentation of habitat; and creation of buffers around critical areas.
2. **Wildlife Habitat:** Impact on wildlife habitat, including, but not limited to, the loss, degradation or fragmentation of wildlife habitat to the extent that the capacity of an area to support wildlife is diminished and the diversity of wildlife species occurring in the county is reduced. Assessment of significant impacts will be based on the following:
 - a. The amount of vegetation/habitat removal or alteration within the development site;
 - b. The amount of habitat of similar type and quality within the development site that remains contiguous;
 - c. The existing and proposed amount of lot coverage;
 - d. The existence of contiguous habitat of similar type and quality on adjoining land; and
 - e. Mitigation efforts that directly address the potential adverse impacts of the proposed land use on wildlife species, including, but not limited to, clustering of development to avoid intrusion into or fragmentation of habitat; creation of buffers around critical areas; limits on the amount of disturbance on a site; restrictions on vegetation removal; and enhancement or restoration of equivalent habitat on or adjacent to the site.
 3. **Wildlife Movement Patterns:** Impact on wildlife movement patterns, wildlife displacement and habitat use, including, but not limited to, disruption of necessary migration or movement patterns that prevent wildlife from using current or traditional habitats; displacement of wildlife species into areas that cannot support or sustain the species over the long term; or decrease the capacity of an area to support wildlife. Assessment of significant impacts will be based on the following:
 - a. Preventing wildlife from using current or traditional habitats, such as blocking migration corridors from summer to winter range;
 - b. Causing wildlife to find new routes that expose them to significantly increased predation, interaction with motor vehicles, intense human activity or more severe topography and climatic conditions;
 - c. The size of the affected habitat and availability of similarly sized and quality habitat within the surrounding area;
 - d. The human activity and development that would result in the inability of a single or multiple species to adapt to the new conditions;
 - e. Inability of affected species to adapt to significant alteration of their current habitats or to find a new habitat that is sufficient to sustain the species over the long term; and
 - f. Mitigation efforts that directly address the potential adverse impacts of the proposed land use on wildlife species, including, but not limited to, clustering or location of development to avoid intrusion into migration or movement areas; creation of buffers

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- around critical areas; limits on fencing that might interfere with migration and movement patterns; and enhancement or restoration of equivalent habitat on or adjacent to the site.
4. **Uniqueness Of Habitat And Species:** Uniqueness of habitat and species to Blaine County, including, but not limited to, loss, degradation, or fragmentation of important wildlife habitat that is identified as unique to Blaine County in that it supports wildlife species that do not commonly occur outside the county to the extent that the health and viability of a species is threatened in the county and impacts on wildlife species that do not commonly occur outside Blaine County to the extent that a species is threatened in the county. Assessment of significant adverse impacts will be based on the following:
 - a. The extent that habitat similar to that affected by the proposed development exists in Blaine County;
 - b. Whether the species does not commonly occur outside Blaine County, as determined by listing by state or federal agencies as threatened or endangered or as determined by Blaine County in conjunction with the Idaho department of fish and game;
 - c. Whether the habitat does not commonly occur outside of Blaine County as determined by the county in conjunction with the Idaho department of fish and game;
 - d. The extent of the threat to the viability of the species;
 - e. The extent of the reduction of the diversity of wildlife species in the county; and
 - f. Mitigation efforts that directly address the potential adverse impacts of the proposed land use on wildlife species, including, but not limited to, clustering of development to avoid intrusion into or fragmentation of habitat; creation of buffers around critical areas; limits on the amount of disturbance on a site; and enhancement or restoration of equivalent habitat on the site or elsewhere in the county.
 5. **Cumulative Impacts Assessment:** An assessment of cumulative impacts including the effects of past, present, and reasonably foreseeable future actions within and beyond the boundaries of the proposed site. Assessment of significant adverse impacts will be based on the following:
 - a. The area, including land outside the project site, in which effects of the proposed project will occur and the impacts of the proposed project that are expected to occur in that area; and
 - b. A cumulative assessment of the incremental impacts on wildlife populations and habitat of the proposed development in conjunction with the past, present, and reasonably foreseeable future impacts of other activities and developments.
 6. **Vegetation Removal And Revegetation:**
 - a. Removal of natural vegetation shall be minimized and restricted to the smallest area necessary to construct permitted uses and associated structures, septic systems, and driveways within an activity envelope.

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- b. All disturbed areas shall be revegetated with native vegetation as soon as possible and no later than one growing season after construction of the primary structure(s) is completed.
- c. Planting nonnative ornamental plants on sites near or adjacent to designated big game winter habitat is prohibited and strongly discouraged on all other sites. In areas immediately surrounding residential dwelling units, planting of nonpalatable vegetation is strongly encouraged to reduce potential human/wildlife conflicts. (Ord. 2010-06, 5-25-2010; Ord. 2006-19, 11-14-2006)

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