

TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from May 10, 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.

ELECTED OFFICIALS PRESENT: Mr. Bill Leake, Mr. Kelly Park, Ms. Cindy Riegel, and Ms. Kathy Spitzer.

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

The meeting was called to order at 5:06 PM.

Approval of Minutes:

MOTION: Mr. Arnold moved to approve the minutes of April 12, 2016. Ms. Johnston seconded the motion.

VOTE: The motion was unanimously approved.

Chairman Business:

There was no Chairman business.

Administrative Business:

Mr. Boal announced that he would be resigning from the County, with his last day being May 20th. Mr. Hensel wished him the best of luck and said he would be missed. Mr. Park explained that the Board of County Commissioners have made Ms. Rader the Interim Planning Administrator.

WORK SESSION: Draft Code. Discussion of Draft Land Use Development Code with the Board of County Commissioners.

Mr. Hensel introduced the Draft Code that the Planning and Zoning Commission has been working on. He thanked the rest of the Commission for the time and work they have put into the Code. Mr. Hensel asked the Board how they felt about the process and moving forward with the Draft Code, specifically how they wanted to handle public outreach.

Ms. Riegel said she would like to hear from the members of the Commission first on what they were proud or excited about with the Draft Code and what they felt were major improvements from the existing code.

Each member of the Commission commented on the Draft Code. The following comments were made:

- The Commission is proud of the Draft Code, and they feel it is a good document.

- There are more division options available now, different minimum lot sizes, and different density options.
- The proposed zoning map is more equitable than the current zoning map because the boundaries can be justified.
- The draft code included a lot of compromise, and the Commission felt the different views of the community were represented well.
- The Scenario Tool that staff created was very helpful in explaining the code, and it will be useful for public outreach and education.
- The draft code is not perfect, but it includes a lot of expertise, and the rough patches can be worked out through public comment and when it is put into practice.
- Not all of the Commission members agree that the same densities should be used in the rural zones. Some Commissioners felt that even though the density options are the same, it is not an “across the board” approach because each zoning district has specific requirements that developments have to comply with.
- It is important to remember private property rights during the code process.

Different types of public comment were discussed – emotional based comments, like a feeling towards the code, and comments that are directed at specific parts of the code with justification of why it does or does not work. The Commission agreed that both types of comments should be considered, and reviewing comments and making revisions to the code will be a compromise.

Ms. Riegel asked the Commission if they would like comments from the Board before public outreach is started, during the public comment period, or have the Board address their own comments during the Board’s review and public hearings. The Commission agreed they would like to know of any key issues the Board has before going to the public.

Mr. Leake asked the Commission if they felt the philosophical concerns had been addressed with the Draft Code and Comprehensive Plan. Mr. Hensel stated he felt that was the question the Commission was asking the Board. Mr. Leake said he felt that staff had gone through the Draft Code and Comprehensive Plan to address those concerns, and he felt they had been addressed.

Mr. Leake commented that he felt there should be some form of executive summary of the Draft Code to explain the major points to the public. He felt that getting the word out to the public would be difficult, and keeping it simple would be key. Ms. Riegel agreed, and added that if we are asking for public input, we need to make sure there is sufficient opportunity provided for the public to understand the changes to the code and then give comment.

Mr. Park told the Commission that he was proud of the work they have done and the compromises that they have made with the Draft Code. He mentioned that the Commission has worked a long time on this Draft Code, so the Board could do public outreach to help with some of that workload. Mr. Hensel explained that the Commission has to take the Draft Code to a public hearing, and they would feel more comfortable having some form of public outreach versus going straight to a public hearing.

The Commission asked the Board to provide them with a list of Key Concerns, and they will have another joint work session on June 14, 2016 to review those concerns and discuss how to handle public outreach.

Motion: Mr. Arnold moved to close the Work Session. Ms. Robson seconded the motion.

Vote: The motion was unanimously approved.

The Work Session was closed at 6:15pm.

PUBLIC HEARING: Zoning Map Amendment AND PUBLIC HEARING: Conditional Use Permit Application.

Michael and Rachel Fortier, owners of the Fin and Feather Bed & Breakfast, are applying for a zoning map amendment and a conditional use permit. The Fin and Feather was permitted as a Residential Bed & Breakfast in 2014, which allows up to 3 rooms. The Fortiers would like to increase the number of rooms to 5 to accommodate their growth, allow for an operational buffer, and allow for business insurance. A bed & breakfast with 5 rooms is considered a Bed & Breakfast Inn, which is not permitted in the A-2.5 zone. This proposal includes rezoning the Fortier parcel, located at 9444 S HWY 31, Victor, ID 83455, from A-2.5 to R-1, followed by a Conditional Use Permit application for a Bed & Breakfast Inn. This increase in rooms does not require any additional construction.

Staff Presentation:

Ms. Rader explained the rezoning application going from A-2.5 to R-1 along the scenic corridor, so they can apply for a CUP as a Bed & Breakfast Inn, which allows 4 or more rooms. She commented the applicant, Rachael Fortier, had a power point presentation which was the same information contained in the Commission meeting packet, and she would speak first.

Applicant Presentation:

Ms. Rachael Fortier explained that she and her parents are the owners of Fin & Feather Inn, and explained that the original permit was for a residential B&B, which allows up to three rooms. She discussed the initial purchase by her parents in 2014, her subsequent purchase from her parents, and the major remodel that took place so they could open for business in the summer of 2015. Ms. Fortier commented they had a successful summer season with all three rooms rented the majority of the time. She briefly discussed their marketing efforts and feel that the business is steadily increasing and could easily fill the additional two rooms. She went through the major renovations and emphasized the safety features and improvements, and the ability for the improved infrastructure to accommodate even more guests. There would be no impact to the building with the increase to 5 rooms or the parking, and felt it would not have any additional impact on county services. She explained the difficulty with obtaining business insurance with less than 4 rooms and the need for more tenants to meet expenses. Ms. Fortier also commented on the positive economic impact on the community from the guests going out and spending money on recreation and entertainment.

Mr. Hensel commented he was concerned with the zone change. He asked if the applicant was familiar with the new zoning and subdivision regulations being developed to implement the Comprehensive Plan and the impact that would have on the rezoning, and if she was OK with the restrictions requested by the staff. Ms. Fortier commented she is aware of the upcoming changes and had no problem with the staff conditions for approval.

Staff Presentation:

Ms. Rader commented that the B&B is an existing operation and the request is for utilizing two existing rooms for short term rentals. The applicant is not proposing anything else and is willing to give consent in writing that the property could be rezoned with the new zoning map and draft code. The Idaho state code states that the county cannot do that within four years of approval without the written consent from the applicant, and they have agreed to that condition. Normally, the four-year time frame would start with the final BOCC approval, but the written consent allows the county to make the change before the four years are up. Ms. Rader next reviewed the zone change considerations and the CUP considerations outlined in the staff report.

Mr. Hensel asked about proposed changes in the ordinances and draft code in six months and what would happen to the rezone and CUP if it was approved. Ms. Rader commented the CUP approval would stay intact along with the uses and conditions of approval, but the underlying zone would change as outlined in the proposed zoning map and draft code.

Public Comment:*In Favor:*

No public comment.

Neutral:

Mr. Sandy Mason, a Tetonia resident, felt it would make sense to change the underlying zoning ordinance to allow five rooms rather than a zone change which he felt was spot zoning. He believed it was cleaner and easier to do it that way.

Opposed:

Mr. Shawn Hill, representing VARD, commented he supported the use in principal but felt the appropriate process was to change the underlying ordinance. He felt approving spot zoning was problematic, and it was not clear when the new ordinances would be adopted. He also felt that the issues encountered by Fin & Feather will be encountered by other B&Bs as well, and the problem should be dealt with across the board, not spot rezoned to fix the issue.

There was no further public comment so Mr. Hensel closed the public comment portion.

Commission Deliberation:

Mr. Breckenridge asked how long it would take to change the underlying zoning. Mr. Hensel commented it would require a public hearing with the P&Z and the BOCC, so it would take roughly three months. Ms. Fortier commented in reviewing the Comp Plan she felt there may be other places that would better support the use, but it is an existing use and she felt that should be considered in allowing it to continue. Ms. Rader commented it was not necessarily in conflict with R-1 uses and since it was an existing use, she felt it supports the underlying concept.

Mr. Hensel commented he was opposed to spot zoning as a general rule, but had no problem with the conditional use and would be fine with granting the zone changes with the restriction to specifically operate as a B&B. Mr. Arnold agreed with Mr. Hensel as long as it is a restricted use.

Ms. Johnston commented the proposed use and CUP was consistent with Comp Plan, but other R-1 uses like multi-family and the R-1 density was not consistent with the Comp Plan for that area. She was not comfortable approving it unless there is a mechanism for limiting the approval to the current CUP. Mr. Boal commented that as a condition of approval they could request that the applicant enter into a development agreement to formalize the terms. Ms. Johnston commented she did not like the idea of spot zoning, but with specific conditions and limitations she felt that would answer the problems with the R-1 zoning.

Motion: Zoning Map Amendment: Mr. Arnold moved that having concluded that the Criteria for Approval of a Zoning Map Amendment found in Title 8-11 and Idaho State Statute 67-6511 can be satisfied with the inclusion of the following conditions of approval:

1. The applicant will provide written consent stating Teton County may rezone the property with the adoption of the new Land Use Development Code and associated Zoning Map.
 2. The applicant will not pursue a zoning map amendment for their adjacent property, also known as Lot 2 of Brown Acres Subdivision.
 3. The applicant will enter into a Development Agreement with Teton County, pursuant to Idaho State Statute 67-6511(a), restricting the R-1 uses to only allow Bed & Breakfast Inn and restricting any subdivision under the R-1 zone.
- and having found that the considerations for granting the Zoning Map Amendment can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
 - and having found that the proposal is not in conflict with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
 - I move to RECOMMEND APPROVAL to the Teton County Board of County Commissioners for the Zoning Map Amendment for Rachel Fortier as described in the application materials submitted on March 28, 2016 and as supplemented with additional applicant information attached to this staff report. There will also be a development agreement entered into specifying allowable uses.

Mr. Breckenridge seconded the motion.

Vote: After a roll call vote, the motion was unanimously approved for the Zone Change.

Motion: Conditional Use Permit: Mr. Larson moved that having concluded that the Criteria for Approval of a Conditional Use Permit found in Title 8-6-1 can be satisfied with the inclusion of the following conditions of approval:

1. The Bed & Breakfast Inn is limited to using 5 guest rooms. If more rooms are desired, the Conditional Use Permit must be modified through the required process at that time.
2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
3. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.

4. The CUP is conditional on the Development Agreement for the Zoning Map Amendment.
- and having found that the considerations for granting the Conditional Use Permit can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
 - and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan.
 - I move to RECOMMEND APPROVAL to the Teton County Board of County Commissioners for the Conditional Use Permit for the Fin and Feather Inn as described in the application materials submitted on March 28, 2016 and as supplemented with additional applicant information attached to this staff report.

Mr. Breckenridge seconded the motion.

Vote: After a roll call vote, the motion for the CUP was unanimously approved.

The Commission took a short break at 6:50pm. The meeting was resumed at 7:05 pm.

PUBLIC HEARING: Application for River Rim Ranch PUD Division II to amend the Phase I Plat and Development Agreement. GBCI Other Real Estate, LLC & 211 West Rim, LLC, is proposing an amendment to the River Rim Ranch PUD Division II, Phase I, Final Plat that would return the golf course portion of the PUD and the “incidental uses” associated with the golf course. The proposed amendment includes the following changes to the West Rim Village (entrance) Area: office, conference space, and spa uses in the existing headquarters building; A commercial support center with a gift shop, coffee shop, and convenience store uses; A recreation center; 12 work force housing units; and storage facility. The proposed amendment also includes the following changes to the Golf Village Area: Modifying Tract D from 45- Cluster Chalets to 48- two key “Hospitality Suites”; Modifying Tract E from 12 residential lots to 48- two key “Hospitality Suites” and Pro Shop, dining and spa uses; eliminating the 3 residential lots on Tract G for the O&M facilities; removing the 6 lots from Tract J for the driving range. The Development Agreement would be modified to: allow the golf course and associated incidental uses, identify the uses of each lot/tract in Phase I, and update the cost estimate and timelines.

Mr. Hensel explained the process starting with staff presentation and how the public comment portion would be handled.

Staff Presentation:

Mr. Boal gave a brief introduction and stated that the proposed application is to amend the plat to Division I, which is a recorded plat. He discussed the previous Master Plan amendment which affected all the phases, and emphasized that the current application is only for amendment to Phase I. Because it is a substantial change it requires review and approval by the P&Z and BOCC.

Applicant Presentation:

Mr. Brett Potter, founder of Focus Architects based out of Bozeman, MT, commented he is the architect that designed all the community buildings in River Rim and has been involved with the

project since 2005. He stated he is representing David Chu, who is currently under contract to purchase River Rim development with Glacier Bank and is in the due diligence period. He is here to determine if it is feasible under the current development agreement to execute the allowable golf course component. He introduced the other members of the team in attendance who he stated were available to answer questions. Mr. Potter then used a power point presentation to show the vision of the applicant to turn River Rim into a vibrant outdoor community. He reviewed the key components starting with restoring a family oriented golf course designed to be pedestrian in nature with reduced impact on the environment. The second component would be adding a small community commercial center geared to the residents at the entrance of the subdivision intended for residents to get a cup of coffee or some milk, pick up a newspaper, etc. without having to go outside the community. The third element would be the central section which would be the golf club village. They are proposing to take existing residential entitlements and reconfigure them into new residential entitlements that will reduce the total impact on the project.

Mr. Sean Craycraft, Senior Vice President for OB Sports Golf Management based in Scottsdale, AZ who manage golf courses all over the country. He discussed a new type of golf course designed by David Kidd who designed the Huntsman Spring course. His links style golf course design involves using less water and more natural landscaping with limited irrigation. The Gamble Sands course outside Seattle was used as an example. He commented golf courses are going more environmentally friendly and less water use to reduce impact to the environment. Mr. Craycraft stated they are interested in broadening the appeal to include good players, but also families and average players.

Mr. Potter commented that the proposed design is to encourage pedestrian activity throughout River Rim. He discussed design excellence and awards won for original design in Division I and the intent to carry on that excellence into Division II. The idea is to create compact housing and walking friendly open areas and circulation. Mr. Potter stated he believes the changes they are proposing will substantially raise the tax base, provide more full time on site jobs and construction jobs for the valley, and the proposed links type design will require less water for maintenance and have less impact on the environment. He pointed out that River Rim has its own water and sewer system, maintains all it's own internal streets, has a dedicated parcel of land to the fire district, and the majority of owners who build in this type of district have children that are of college age or older.

Mr. Potter next discussed the entrance and commercial buildings proposed. There is an existing admin building and the new design proposes adding a small community commercial building with a post office, a small grocery, dry cleaner, small convenience store, events component pavilion and small meeting rooms. They are also proposing employee housing and on site community storage for drift boats, snowmobiles, etc.

Mr. Potter discussed the current components of existing residential approval and the proposed concept of a hospitality village. It is proposed as a mix of two-bedroom & four-bedroom units, which would be two key hospitality units. A dense central village is proposed that promotes pedestrian activity. The current approval allows for 66 four bedroom residential entitlements. The applicant is proposing 96, two-bedroom condos instead of previous approved residential units. The condo buildings will be two story and blend into the natural environment. The four-bedroom units will be on the 62, approved residential chalet sites. They are proposing four-

bedroom hospitality units broken down into two-bedroom suites that can be entered into the hospitality rental program as two key hospitality units for potential income on their investment.

Mr. Potter summarized by saying they have three components to the process: the technical and county review, the finance and design phase, and the construction and operations phase. They are in the first stage of county review and are working with all departments to ensure compliance and public safety.

Staff Presentation:

Mr. Boal commented the application being presented has been through numerous revisions and is being revised again based on existing codes today. The amendment proposes the re-introduction of the golf course amenity into the River Rim Ranch PUD Division II, similar to what was originally master planned. Associated or “incidental uses” associated with the golf course are also being proposed to be re-introduced in two areas- 1) Golf Village area - a club house/pro-shop, restaurant, spa and other resort services; 2) West Rim Village- limited commercial uses such as a coffee shop, café, small grocery store, fly fishing shop. These uses were eliminated in Amendment #5, which was recorded in 2014.

He then highlighted the changes in the ordinances since the original approval, the approval criteria in the original PUD, and specifics like open space calculations, density calculations, and the fact that the PUD as a whole meets the requirements of the current code but the individual phases do not necessarily comply. He discussed the question of the hospitality units versus the approved residential units regarding density and whether or not they would decrease the impact on the overall PUD. He expressed concerns with the current design of the incidental uses being proposed along the highway, specifically the storage proposed which according to current code should be on the interior of the PUD. Last key issue he identified was regarding operation and maintenance records which he believed is being resolved through continuing dialogue with Eastern Idaho Public Health and DEQ.

Public Comment:

In Favor:

Ms. Patti Saylor, owner of a cabin built in Division I and president of two out of three HOA boards that run Division I. She felt that the lack of building is due to people waiting to see if the development will continue to go forward. Ms. Saylor stated she is not speaking for the boards, but feel most owners she has spoken with are in favor of the proposed changes. She stated she was in favor of the proposed purchaser who has a background with the project and the valley and felt that was a positive factor in supporting the change. She believed the hospitality units were a big enhancement and would increase rental income potential for second home owners.

Neutral:

No Comment.

Opposition:

Mr. Shawn Hill, representing VARD, commented he agreed with Ms. Saylor in wanting River Rim to be successful. He wanted to see the current proposal comply with the approved Comp Plan and with the existing code, and he felt the proposal as it currently stands does not comply. He felt the incidental uses were highway oriented and requirements are for interior orientation, and he wanted to see a wildlife habitat assessment conducted. He was also concerned with the plat amendment provision of the code being adhered to. He pointed out the proposal is a PUD amendment and the county has no obligation to approve the amendment to the development. Mr. Hill commented on the importance of minimizing the impact of development on the south canyon area and felt that should be used as a potential compromise when looking at the proposed changes to the PUD. He stated he believed the change from chalet units to hospitality units was not a reduction in impact or intensity and was not in favor of converting the use.

Mr. Sandy Mason, resident of Tetonia, commented he supported the comments of Mr. Hill and also pointed out the PUD process involves a negotiated agreement between the county and the developer for higher densities and required showing a real, tangible public benefit. He believed there should be more negotiations involved with the new proposal. He wanted to bring in new data about wildlife preservation and the affect of development on Teton River corridor to reduce density on the south canyon area in exchange for the proposed changes. He felt there should be more serious discussions with the applicant regarding tradeoffs for approving the proposed changes and that more information was needed to consider making any more changes to the River Rim PUD.

Applicant Rebuttal:

Mr. Potter commented he is a smart growth advocate and felt the inclusion of small community commercial uses in the project were essential for success. Regarding hospitality units he felt the single family detached homes use the most amount of community resources during the highest peak of the day. He believed that hospitality units are more compact and use less community resources because they are general seasonally occupied as opposed to year round residences. He stated he was open minded about moving the commercial away from highway and will look at moving the storage units as well.

Commission Questions:

Mr. Arnold asked Mr. Boal to repeat the existing items not resolved. Mr. Boal commented the staff's key issues they felt should be considered are the open space calculations, which is now 70% not 50% based on the whole PUD. He discussed the 2013 Master Plan amendments regarding the open space and units approved in future phases. He stated this proposal is not meant to amend or address any future phases and as each future phase comes in they will have to go through the subdivision process. He commented this amendment was for Division II only and would not affect future phases, which would be judged by laws in place at that time. Mr. Boal commented he was also concerned with the location of the commercial uses in relation to the highway and wanted to see a development agreement that clarifies the specific acreage and use of each identified parcel on the plat for Phase I so that is was clear what each parcel was being used for. He wanted to see one stand alone development agreement rather than several different ones associated with different phases.

Ms. Johnston asked if they were borrowing from future phases that would have to be amended if this application is approved. Mr. Boal commented what was agreed to in previous amendments was sufficient to justify the proposed density calculations. Mr. Hensel commented the numbers previously agreed to were in return for other negotiations, so essentially the proposed increased density still meets the open space requirements.

Mr. Arnold asked if there was a 70% reduction in bedrooms. Mr. Boal commented utilizing the two key hospitality suites versus a four-bedroom single family residence represented 70 fewer bedrooms, not a 70% reduction in density.

Mr. Moyer asked if they must meet 70% open space and how that calculation works with what is presented. Mr. Boal discussed the way the total acreage of open space was calculated and pointed out the definition of open space was different when the project was originally approved.

Mr. Larson asked if the different phases must be combined to determine open space criteria. Mr. Boal commented there is no way to distinguish open space per each phase independently.

Ms. Johnston asked how much open space is required for Phase 2. Mr. Boal commented the open space for the whole PUD for all of Division II was at 70% and requires just over 3,100 acres of open space, and the last master plan approved provides just over 3,200 acres of open space. He pointed out that the application was just for Phase 1 and doesn't meet the 70% open space required for Division II. She asked if this phase has a set amount of open space through a previous approval. Mr. Boal commented it did not. The ordinance requires 70% open space and it does not specify each phase has to meet that, only the PUD as a whole must and the master plan approved in 2013 meets the 70% as a whole for all the phases in Division II. Mr. Hensel commented the current open space requirements will have to meet the 70% overall PUD open space requirements. The applicant is requesting to build the densest phase first.

Ms. Robson asked if the south canyon is in this phase. Mr. Boal commented it is in Phase 5 or 6 across the street, northeast of the highway.

Mr. Larson asked if the wildlife habitat assessment comes into play. Mr. Boal commented that a wildlife habitat assessment was not required on the original approval. In 2013 Fish and Game provided comments that were considered in the approval process. Since the design has not been heavily modified since 2013, he did not feel it was a concern.

Mr. Arnold asked Mr. Potter if the applicant was willing to move incidental uses away from highway. He also asked about existing developments rights on the south canyon rim edge and the potential for moving them back. He wanted to see, as a trade, moving the building envelopes on the canyon edge back to benefit the community and the scenic Teton River corridor. Mr. Potter commented that he was not prepared to discuss the south canyon at this time. If the Commission wants to move forward with negotiations to Division II, Phase 1 he felt that rim area development can be discussed in the future when new phases are ready to move forward.

Mr. Booker asked Mr. Potter about the storage facility design. Mr. Potter commented they would have natural siding and relate to the vernacular architecture styling of Idaho. He also stated he was willing to move them away from the highway. Mr. Booker wanted everything enclosed, and Mr. Potter had no problem with that. Mr. Booker also asked about fencing and

lighting. Mr. Potter commented that lighting would comply with night sky lighting restrictions and security fences would be consistent with the subdivision design.

Mr. Moyer asked how large the commercial structure would be. Mr. Potter commented he was proposing an 8,000 sq. ft. structure and would be happy to define how much square footage will be allocated to each different use.

Mr. Booker asked about the hospitality rental units. Mr. Potter explained each individual owner has the choice to enter it into the program or use it exclusively. The hospitality program is flexible and voluntary, and the intent is to allow more choices for purchasers.

Mr. Breckenridge asked if instead of having a separate convenience store it could be part of the golf course clubhouse. Mr. Potter commented he would be willing to consider that because his main concern was that all Division II owners could bike to milk.

Mr. Booker asked if the golf course would be public or private. Mr. Potter commented it would be public.

Commission Deliberation:

Mr. Hensel commented that, since it is 8:30pm, it would be a good idea to continue the public hearing to a future date in order to digest the information presented and suggested providing input to the applicant for things they would like to see at the next meeting. He commented it is a big change in direction and asked about the commitment and feasibility to put back the golf course at this time. He wanted to see the changes in regards to the whole project and may want to ask for some give and take in order to approve the proposed changes. He also wanted to see the commercial moved away from the highway.

Mr. Booker commented there is a large amount of information to digest and felt there should be more time for approval consideration. He was concerned with making changes to the PUD that may not lead to a potential buyer obtaining financing, and that things could be changing again with the next potential buyer. He wanted more time line information relating to financing. Mr. Booker commented he was not sure about the wildlife habitat study being required at this time because it is more specific to the south canyon phase than this particular phase. Mr. Boal commented that as each phase comes forward they would be required to do a wildlife habitat assessment in order to meet the ordinances and criteria adopted by the county at that time.

Mr. Arnold asked if this specific application involved enough changes that it would require wildlife habitat studies. Mr. Boal commented the Commission could require it, but did not feel the proposed changes for this phase would sufficiently change the impact on wildlife. Mr. Arnold didn't feel the subject should be brought up again for this phase.

Ms. Johnston commented that the density on the landscape is changing and should be considered in wildlife habitat impact. She asked how the comparison is made between two key hospitality units versus single family units. Mr. Boal commented there is nothing in the ordinance that talks about the difference between a hotel unit and a single family unit. Staff did not feel it was a significant change as far as the sewer and water system was concerned or the parking situation. At this time there is no formula to equate residential units with hospitality units. Mr. Boal suggested asking the applicant to provide some clarity regarding the different impacts of the

hospitality units regarding traffic, number of users, etc. to quantify the difference. Ms. Johnston wanted to see what was given up in the past to obtain changes to the master plan and then what would they give up to get them back.

Mr. Larson commented it would help if staff would provide a summary of the rational and changes agreed to in previous hearings. He felt the past information from the previous hearings would help make decisions on the current application.

Mr. Moyer asked to see an alternative site for incidental uses away from highway. Mr. Breckenridge wanted to see the commercial attached to the golf course facilities.

Mr. Larson commented that the new proposal has to comply with the new Comp Plan and development code. He wanted to see the non residential commercial reduced based on the Comp Plan, was concerned with open space calculations, and was struggling with two key hospitality units not equating to full time residential. He felt it is an increase in use and density based on the increase in the number of keys. Mr. Larson also wanted to see south canyon pulled back into the decision if possible and would like to see a summary of changes from the last hearing.

Mr. Breckenridge commented he wanted to see more ideas presented for the south canyon area besides just a density reduction.

Mr. Booker asked for a preliminary development agreement before the next hearing so they had plenty of time to review it.

Mr. Sean Moulton, with Moulton Law Office representing the applicant, commented on the development agreement as being a moving target and did not want to see the applicant committed to drafting a new development agreement when the negotiations are still ongoing. He did not want to waste time on details that will be changed based on future negotiations. He agreed there should be one complete development agreement rather than being a continuation on previous agreements.

Mr. Haddox commented he needed more information on previous approvals on River Rim, specifically previous PUD changes for this phase. Ms. Johnston also wanted more background information on the existing plan and previous approvals.

Mr. Boal asked the Commission to state the things they are looking for specifically when making a motion. He outlined the things he believed they were looking for which included a response based on the Comp Plan changes, a fiscal feasibility explanation, the nature of the PUD changes regarding the incidental uses and a proposal to combine the commercial uses with the clubhouse, as well as a detailed timeline of the development with regards to financing, and some unit conversions to justify the conversion from single family units to hospitality units. From staff he agreed to provide a summary of past changes and clarification of changes to the existing master plan and specifically this phase, and staff will also look into the south rim question. Regarding the development agreement, he commented they submitted a preliminary agreement in the application.

Ms. Johnston wanted to see a draft development agreement that did not refer back to previous agreements. Mr. Booker wanted to see more design information on the storage units.

Motion: Ms. Johnston moved to continue agenda item #3 to the June 14, 2016 Planning & Zoning Commission public hearing, at which time there will be continued public comment at the hearing and written comments will be accepted between now and then in accordance with the public comment and public hearing due process as far as dates. The reasons for continuation and the additional information requested from the applicant is as follows:

1. We are asking the applicant to respond to the Comprehensive Plan items brought up in the staff report;
2. We are asking for a fiscal feasibility analysis;
3. We are asking to see an alternate site plan with the commercial, storage, and incidental uses moved to a more central location more in keeping with the Comprehensive Plan;
4. We are asking for a detailed timeline of the development that would correspond with the fiscal feasibility analysis;
5. We are asking for justification of the unit density conversions, both how those densities are calculated and converted and justification for why the increase in density should be allowed;
6. We are asking for a development agreement draft that stands alone and does not refer back to previous iterations;
7. We are asking that all material for that meeting be submitted seven days prior to the meeting, so all materials need to be received by June 7, 2016;
8. We are asking the applicant if they are willing to make any concession involving the South Rim portion of the overall development.

Information requested from staff is as follows:

1. We are asking for more background information about the current state of the entire PUD approval, both how we got there and what is currently approved and required, and more information on the South Rim portion specifically,
2. We are asking for specific guidance as to whether we have any leverage to bring the South Rim portion of the development back to the table.

Mr. Breckenridge seconded the motion.

Vote: The motion was unanimously approved.

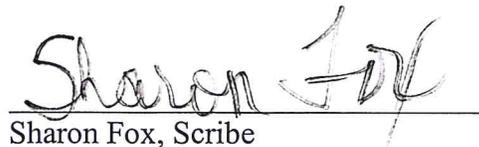
Motion: Mr. Booker moved to adjourn the meeting. Mr. Larson seconded the motion.

Vote: Unanimously approved. The meeting adjourned at 9:00 pm.

Respectfully submitted,
Sharon Fox, Scribe



Cleve Booker, Vice-Chairman



Sharon Fox, Scribe

Attachments:

1. May 10, 2016 Public Comment
2. PZC May 10, 2016 Meeting Packet



May 17, 2016

Teton County Planning & Zoning Commission Written Decision for a Zoning Map Amendment Recommendation of Approval and a Conditional Use Permit Recommendation of Approval for the Fin and Feather Bed & Breakfast

Overview

On May 10, 2016, Rachel Fortier came before the Teton County Planning & Zoning Commission to request a recommendation of approval for a Zoning Map Amendment from A/RR-2.5 to R-1 and a Conditional Use Permit for a bed & breakfast inn on property located west of Victor, at 9444 S HWY 31.

This written decision includes the motion, conditions of approval, and conclusions associated with the Zoning Map Amendment recommendation and the Conditional Use Permit recommendation.

Planning & Zoning 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.

Applicant(s)/Representative(s) Present: Rachel Fortier

Motion | Zoning Map Amendment

Mr. Arnold moved that having concluded that the Criteria for Approval of a Zoning Map Amendment found in Title 8-11 and Idaho State Statute 67-6511 can be satisfied with the inclusion of the following conditions of approval:

1. The applicant will provide written consent stating Teton County may rezone the property with the adoption of the new Land Use Development Code and associated Zoning Map.
 2. The applicant will not pursue a zoning map amendment for their adjacent property, also known as Lot 2 of Brown Acres Subdivision.
 3. The applicant will enter into a Development Agreement with Teton County, pursuant to Idaho State Statute 67-6511(a), restricting the R-1 uses to only allow Bed & Breakfast Inn and restricting any subdivision under the R-1 zone.
- and having found that the considerations for granting the Zoning Map Amendment can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
 - and having found that the proposal is not in conflict with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
 - I move to RECOMMEND APPROVAL to the Teton County Board of County Commissioners for the Zoning Map Amendment for Rachel Fortier as described in the application materials submitted on March 28, 2016 and as supplemented with additional applicant information attached to this staff report. There will also be a development agreement entered into specifying allowable uses.

Mr. Breckenridge seconded the motion. After a roll call vote, the motion was unanimously approved.

Conclusions | Zoning Map Amendment

Having given due consideration to the application and evidence presented, and to the criteria of approval defined in Teton County Code, Title 8-11 and Idaho State Statute 67-6511, the Teton County Planning & Zoning Commission hereby makes the following conclusions:

1. The permitted uses in the R-1 zone will be restricted to the Bed & Breakfast Inn. With this restriction, the proposed Zoning Map Amendment is not in conflict with the goals outlined in the 2012-2030 Teton County Comprehensive Plan.
 - a. In general, the proposed Zoning Map Amendment supports the following goals outlined in the Comprehensive Plan:
 - i. ED 1.3 Encourage and support local commerce
 - ii. ED 1.6 Encourage and pursue economic diversity, innovation, and creativity to keep our economy stable
 - iii. ED 1.7 Support the expansion of recreational, cultural, and entertainment options that would improve the visitor experience and boost economic development
 - iv. ED 4.7 Encourage creative economic solutions such as live-work opportunities and appropriate home businesses.
 - b. This property is located near a Gateway on the Framework Map, which is an area identified as areas that emphasize the sense of arrival, which could include rest areas, visitor information, etc. The Fin and Feather Inn provides lodging to visitors, as well as visitor information about local and regional activities.
 - c. This property is identified as Rural Agriculture on the Framework Map, which calls for low density residential uses. With the R-1 uses restricted, no high density residential development will be permitted.
2. This proposal is not negatively impacting the public health, safety, or general welfare. The impact of this use will be the same as the existing use on the property. No new construction is being required, and no new services are being required. This application will also provide additional short term lodging options available in the County.
3. The proper legal requirements for advertisement of the public hearing have been fulfilled as required by Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Zoning Ordinance. The public hearing was duly noticed in the Teton Valley News on April 21, 2016 and April 28, 2016. A notification was sent via mail to surrounding property owners within a 300-foot buffer area, as well as all property owners in subdivisions that intersect with the 300-foot buffer. Notice was also mailed to political subdivisions providing services in the planning jurisdiction, including the school district and airport board. A notice was also posted on the property providing information about the public hearing.
4. Other persons in attendance expressed neutral and opposing comments of the proposed Zoning Map Amendment and Conditional Use Permit. All public comments are on file with the minutes of May 10, 2016.
5. This proposal is not in conflict with the provisions of any adopted ordinance or intent of any county policy or use within the proposed zone classification.

Recommended Conditions of Approval | Zoning Map Amendment

1. The applicant will provide written consent stating Teton County may rezone the property with the adoption of the new Land Use Development Code and associated Zoning Map.
2. The applicant will not pursue a zoning map amendment for their adjacent property, also known as Lot 2 of Brown Acres Subdivision.
3. The applicant will enter into a Development Agreement with Teton County, pursuant to Idaho State Statute 67-6511(a), restricting the R-1 uses to only allow Bed & Breakfast Inn.

Motion | Conditional Use Permit

Mr. Larson moved that having concluded that the Criteria for Approval of a Conditional Use Permit found in Title 8-6-1 can be satisfied with the inclusion of the following conditions of approval:

1. The Bed & Breakfast Inn is limited to using 5 guest rooms. If more rooms are desired, the Conditional Use Permit must be modified through the required process at that time.
 2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
 3. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
 4. The CUP is conditional on the Development Agreement for the Zoning Map Amendment.
- and having found that the considerations for granting the Conditional Use Permit can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
 - and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan.
 - I move to RECOMMEND APPROVAL to the Teton County Board of County Commissioners for the Conditional Use Permit for the Fin and Feather Inn as described in the application materials submitted on March 28, 2016 and as supplemented with additional applicant information attached to this staff report.

Mr. Breckenridge seconded the motion. After a roll call vote, the motion was unanimously approved.

Conclusions | Conditional Use Permit

Having given due consideration to the application and evidence presented, and to the criteria of approval defined in Teton County Code, Title 8-6-1, the Teton County Planning & Zoning Commission hereby makes the following conclusions:

1. The location for the proposed use is compatible to other uses in the general neighborhood. The existing building has been used as a bed and breakfast with three room since 2014.
2. The fiscal impact of the proposed use will be minimal as no new construction is being proposed. There are eight existing rooms in the home being used, with three being used by the Bed & Breakfast and the others being used by long term rentals and the owners. This proposal converts the long term rental rooms to rooms utilized by the Bed & Breakfast. No new parking areas are required, and the property is accessed directly from Highway 31.
3. The location for the proposed use is large enough to accommodate the proposed use as requested.
4. In general, the proposed Conditional Use Permit conforms with the goals outlined in the 2012-2030 Teton County Comprehensive Plan, including new services for the community and community involvement.
5. The proper legal requirements for advertisement of the public hearing have been fulfilled as required by Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Zoning Ordinance. The public hearing was duly noticed in the Teton Valley News on April 21, 2016 and April 28, 2016. A notification was sent via mail to surrounding property owners within a 300-foot buffer area, as well as all property owners in subdivisions that intersect with the 300-foot buffer. A notice was also posted on the property providing information about the public hearing.
6. Other persons in attendance expressed neutral and opposing comments of the proposed Zoning Map Amendment and Conditional Use Permit. All public comments are on file with the minutes of May 10, 2016.
7. This proposal, in conjunction of the Zoning Map Amendment, is not in conflict with the provisions of any adopted ordinance or intent of any county policy or use within the proposed zone classification.

Recommended Conditions of Approval | Conditional Use Permit

1. The Bed & Breakfast Inn is limited to using 5 guest rooms. If more rooms are desired, the Conditional Use Permit must be modified through the required process at that time.
2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
3. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
4. The CUP is conditional on the Development Agreement for the Zoning Map Amendment.



Cleve Booker
Vice-Chair of Teton County Planning & Zoning Commission



Date

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 2

Date: 5/10, 2010

PLEASE PRINT LEGIBLY

Name: SAWDY MASON

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

8200 W 0000 W
Tetona, ID 83452

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: 2

Date: May 10 , 20 16

PLEASE PRINT LEGIBLY

Name: Shawn Hill

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

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: 3

Date: 5/10, 2016

PLEASE PRINT LEGIBLY

Name: Patti Saylor

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

9555 River Rim Ranch Rd # 3

Also, Richmond Tx

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: 3

Date: May 10, 2016

PLEASE PRINT LEGIBLY

Name: Shawn Hill

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

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: 3

Date: 5-10-16, 20

PLEASE PRINT LEGIBLY

Name: Sandy Mason

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

8200 N 10100 W
Tetonia, ID 83452

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

APPLICANT

Agenda Item Number: 3

Date: 5/10, 2016

PLEASE PRINT LEGIBLY

Name: BRETT POTTER

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

312 ACCOLA DR.
512 MT 59715

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
 May 10, 2016
 STARTING AT 5:00 PM

DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION
 Meeting Minutes from April 12, 2016
 County Commissioners Meeting Room, Driggs, ID

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

1. Approve Minutes
 - April 12, 2016
2. Chairman Business
3. Administrator Business

5:00 PM – Item #1 – WORK SESSION: Draft Code: Discussion of Draft Land Use Development Code with the Board of County Commissioners.
 No public comment will be taken regarding the Draft Land Use Development Code.

6:00PM – Item #2 – PUBLIC HEARING: Zoning Map Amendment AND PUBLIC HEARING: Conditional Use Permit Application
 Michael and Rachel Fortier, owners of the Fin and Feather Bed & Breakfast, are applying for a zoning map amendment and a conditional use permit. The Fin and Feather was permitted as a Residential Bed & Breakfast in 2014, which allows up to 3 rooms. The Fortiers would like to increase the number of rooms to 5 to accommodate their growth, allow for an operational buffer, and allow for business insurance. A bed & breakfast with 5 rooms is considered a Bed & Breakfast Inn, which is not permitted in the A-2.5 zone. This proposal includes rezoning the Fortier parcel, located at 9444 S HWY 31, Victor, ID 83455, from A-2.5 to R-1, followed by a Conditional Use Permit application for a Bed & Breakfast Inn. This increase in rooms does not require any additional construction.

Legal Description: RP00460000010; LOT 1 BROWNS ACRES SEC 17 T3N R45E

6:30PM – Item #3 – PUBLIC HEARING: Application for River Rim Ranch PUD Division II to amend the Phase I Plat and Development Agreement, GBCI Other Real Estate, LLC & 211 West Rim, LLC, is proposing an amendment to the River Rim Ranch PUD Division II, Phase I. Final Plat that would return the golf course portion of the PUD and the “incidental uses” associated with the golf course. The proposed amendment includes the following changes to the West Rim Village (entrance) Area: office, conference space, and spa uses in the existing headquarters building; A commercial support center with a gift shop, coffee shop, and convenience store uses; A recreation center; 12 work force housing units; and storage facility. The proposed amendment also includes the following changes to the Golf Village Area: Modifying Tract D from 45-Cluster Chalets to 48- two room “Hospitality Suites”; Modifying Tract E from 12 residential lots to 48- two room “Hospitality Suites” and Pro Shop, dining and spa uses; eliminating the 3 residential lots on Tract G for the O&M facilities; removing the 6 lots from Tract J for the driving range. The Development Agreement would be modified to: allow the golf course and associated incidental uses, identify the uses of each lot/tract in Phase I, and update the cost estimate and timelines.

Legal Description: River Rim Ranch Division II PUD, Phase I. Further described as: Parts of Sections 8, 9, 16, 17, 20, 21, 22, 29 Township 6N Range 45E B.M., Teton County.

ADJOURN

- Written comments received by 5:00 pm, April 29, 2016 will be incorporated into the packet of materials provided to the Planning & Zoning Commission prior to the hearing.
- Information on the above application(s) is available for public viewing in the Teton County Planning and Zoning Office at the Courthouse between the hours of 9am and 5pm Monday through Friday.
- The application(s) and related documents are posted, at www.tetoncountyidaho.gov. To view these items, select the Planning & Zoning Commission department page, then select the Public Hearing of May 10, 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.

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.

COMMISSION 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 recorded 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 Teton, 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 Teton, 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

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 counsel 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

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 Teton, 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

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. Johnson 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
 - o Change Site Disturbance and Building Permit from “R” to “P” for Vegetative Management Plan
 - o Change Building Permit from “R” to “P” for Parking Plan
- 13.3.1 Riparian Buffer Plan
 - o Make sure list of riparian features all match in B, E, and F.
- 13.3.2 Skyline View Protection Plan
 - o 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
 - o No changes
- 13.3.4 Grading Plan
 - o 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
 - o Update table to match 13.2.2
 - o 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.

- o 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.
 - o A typo was identified in 13.3.5.F, which will be corrected.
- 13.3.19 Parking Plan
- o Update table to match 13.2.2
 - o 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.
 - o 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. Johnson 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 12, 2016

PLEASE PRINT LEGIBLY
Name: Tina Johnson (lead to work by Sharon Fox)
City of Residence (Physical Address - not post office box):
Lawrence, 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, dated and do not exceed the space allotted.
extend application etc - 15p

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 12, 2016

PLEASE PRINT LEGIBLY
Name: Samantha
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, dated and do not exceed the space allotted.
good start - man check (DPA) (NRC) how apply to gen location

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 Nelson
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, dated and do not exceed the space allotted.
just 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: _____
Date: April 12, 2016

PLEASE PRINT LEGIBLY
Name: Shel Ricks
City of Residence (Physical Address - not post office box):
10741 Wally St

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, dated and do not exceed the space allotted.
longer time period - if pd taxes at high rate, best area that offer camp plan - old plan

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: Koranne Dreher
City of Residence (Physical Address - not post office box):
Tetonville, 2800 North 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, dated 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: 4/12/2016

PLEASE PRINT LEGIBLY
Name: JOANNE LABELLE
City of Residence (Physical Address - not post office box):
1620 E - 57th Canyon Blvd WY 82401

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, dated 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: _____

PLEASE PRINT LEGIBLY
Name: _____
City of Residence (Physical Address - not post office box):

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, dated and do not exceed the space allotted.

Written signature (only if not testifying)

You must sign up to testify – or submit comments

Agenda Item Number: 1
Date: April 12, 2016
PLEASE PRINT LEGIBLY
Name: Forest Fischer
City of Residence (Physical Address not post office box): 9888 Idaho Falls
...
Do you wish to testify? Yes No
...
Written signature (only if not testifying)

You must sign up to testify – or submit comments

Agenda Item Number: 1
Date: April 12, 2016
PLEASE PRINT LEGIBLY
Name: EGAN TRAVIS
City of Residence (Physical Address not post office box): Teton
...
Do you wish to testify? Yes No
...
Written signature (only if not testifying)

You must sign up to testify – or submit comments

Agenda Item Number: 1
Date: 4/12, 2016
PLEASE PRINT LEGIBLY
Name: GREGG TRAVIS
City of Residence (Physical Address not post office box): 117873 RIVERVIEW AVE RD
...
Do you wish to testify? Yes No
...
Written signature (only if not testifying)

You must sign up to testify – or submit comments

Agenda Item Number: 1
Date: 4/12, 2016
PLEASE PRINT LEGIBLY
Name: BAILEY THOMPSON
City of Residence (Physical Address not post office box): 1620A 1880
...
Do you wish to testify? Yes No
...
Written signature (only if not testifying)

You must sign up to testify – or submit comments

Agenda Item Number: 1
Date: 4/12, 2016
PLEASE PRINT LEGIBLY
Name: Kristi Ackland-Cole
City of Residence (Physical Address not post office box): 4132A Sweet Home Dr Victor
...
Do you wish to testify? Yes No
...
Written signature (only if not testifying)



AGENDA
PLANNING AND ZONING COMMISSION
PUBLIC HEARING
April 12, 2016
STARTING AT 5:00 PM
LOCATION: 158 Courthouse Dr, Driggs, ID
...
5:00 PM - Item 01 - PUBLIC HEARING: Application to Repeal a Teton County Subdivision Ordinance...

DEUT TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes From March 8, 2016
County Commissioners Meeting Room, Driggs, ID
COMMISSIONERS PRESENT: Mr. Dave Hassel, Mr. Bruce Arnold, Mr. Chris Larson, Mr. Martin Bohan, Mr. Jack Birkham, Mr. Scott Johnson, and Mr. David Brockmeyer
...
MOTION: Mr. Larson moved to approve the minutes from February 9, 2016. Mr. Brockmeyer seconded the motion.
...
MOTION: Mr. Bohan moved to adjust the meeting. Mr. Larson seconded the motion.

ATTACHMENT 1
...
MOTION: Mr. Bohan moved to adjust the meeting. Mr. Larson seconded the motion.
...
MOTION: Mr. Bohan moved to adjust the meeting. Mr. Larson seconded the motion.

ATTACHMENT 1
...
MOTION: Mr. Bohan moved to adjust the meeting. Mr. Larson seconded the motion.
...
MOTION: Mr. Bohan moved to adjust the meeting. Mr. Larson seconded the motion.

Written comments received by 5:00 PM April 12, 2016 will be incorporated into the packet of materials provided to the Planning & Zoning Commission at the meeting.
...
Any person needing special accommodations to participate in the above mentioned meeting should contact the Board of County Commissioners' office 2 business days prior to the meeting at 208-734-4773.

Carriage Court garage parking (Div. R 19.1) was discussed, and it was not necessarily liked as an option.
...
MOTION: Mr. Bohan moved to adjust the meeting. Mr. Larson seconded the motion.

Staff will have all outline versions to PZC by March 22, with the exception of Article 13 (unless HDG comments and changes can be made by then).
...
MOTION: Mr. Bohan moved to adjust the meeting. Mr. Larson seconded the motion.

ATTACHMENT 1
...
MOTION: Mr. Bohan moved to adjust the meeting. Mr. Larson seconded the motion.

ATTACHMENT 1
...
MOTION: Mr. Bohan moved to adjust the meeting. Mr. Larson seconded the motion.

3000200
 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:

- The amount of vegetation/habitat removal or alteration within the development site;
- The amount of habitat of similar type and quality within the development site that remains contiguous;
- The existing and proposed amount of lot coverage;
- The existence of contiguous habitat of similar type and quality on adjoining land; and
- 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:

- Preventing wildlife from using current or traditional habitats, such as blocking migration corridors from summer to winter range;
- Causing wildlife to find new routes that separate them to significantly increased predation, interaction with motor vehicles, intense human activity or more severe topography and climatic conditions;
- The size of the affected habitat and availability of similarly sized and quality habitat within the surrounding area;
- The human activity and development that would result in the inability of a single or multiple species to adapt to the new conditions;
- 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
- 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

3000200
 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:

- The extent that habitat similar to that affected by the proposed development exists in Blaine County;
- 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;
- 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;
- The extent of the threat to the viability of the species;
- The extent of the reduction of the diversity of wildlife species in the county; and
- 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 statewide 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:

- 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
- 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:**

- 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.

3000200
 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 wildlife 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, § 2-25-2010; Ord. 2006-19, 11-14-2006)

3000200

- 13.3.19 Parking Plan
 - o Add an exemption for residential building permits if requirements are shown on the site plan.
- 13.3.20 Fire Protection Plan
 - o Add an exemption for residential building permits if requirements are shown on the site plan.

Article 15 – Definitions

- Correct typos throughout
- Check Development definition to exempt ag
- Clarify Eligible Parcel that accessory dwelling units are allowed.
- Check Future Acquisitions Map definition – where did this come from? Remove?
- Update Hillside definition
- Update Indicator Species and Indicator Habitat definitions
- Define NFI
- Check Rural Reserve Area definition – where did this come from? Remove?
- Add disclaimer about NWI wetlands map to the Wetlands definition

Other Comments

- Article 10 – make sure solar definitions allow for solar thermal, not just solar panels.
- Article 11 – fix Flags section. Should say 2 flags are allowed.
- Article 14 – adjust Temporary Use times to allowed events before 9AM with sound restrictions.

Moving Forward:

- The joint meeting with the BoCC is scheduled for May 10th. It is the first item on the agenda.

TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Notes, April 19, 2016
Commissioners’ Chamber, Driggs, ID

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

Article 13 – Property Development Plan

Make sure table matches for all sections.

- 13.3.6 Wildfire Hazard Mitigation Plan
 - o Clarify that pruning of trees means the tree branches.
 - o Replace NRCS language under fuel breaks with a reference to the standards of the Defensible Space, Zone 2 section.
 - o Remove “use” before fire resistant building materials in D.6.a. and E.c.
- 13.3.7. Wildlife Feeding Plan
 - o Change name to Wildlife Non-Feeding Plan
- 13.3.8 Wildlife Habitat Management Plan
 - o PZC was given three options for this section. After a vote, it was decided that Option 2 would be used, with the density trigger for Rural Districts changed from “1 unit per 30 acres” to “1 unit per 25 acres”
 - o A time period for IDFG’s review of this plan will be added.
 - o Indicator Habitats from the IDFG study will be included in this section, not just on the map.
 - o Language will be added that IDFG may comment on property with indicator habitat even if it is located outside of the mapped Key Plant Communities.
 - o The IDFG study will be added as an appendix.
 - o Reference fencing guidelines.
- 13.3.9 Nutrient Pathogen Analysis
 - o This was previously only required for Full Plats with 10+ lots that met one of the 5 conditions for the NP analysis. This was changed to include all Short Plats and Full Plats, regardless of the number of lots, that meet one of the 5 conditions.
- 13.3.10 Public Service/Fiscal Impact Analysis
 - o No changes
- 13.3.11 Traffic Impact Analysis
 - o No changes
- 13.3.12 Lighting Management Plan
 - o No changes
- 13.3.13 Stormwater Management Plan
 - o Update the standards to be more specific
 - o Clarify the language for the SWPPP that it is one acre or more being disturbed
- 13.3.14 Access Management Plan
 - o No changes
- 13.3.15 Plat
 - o Typo at EIPH certification
- 13.3.16 Land Partitioning Survey
 - o Add zoning district to be included on survey
- 13.3.17 Deed
 - o No changes
- 13.3.18 Geotechnical Analysis
 - o No changes

TETON COUNTY PLANNING AND ZONING COMMISSION
JOINT MEETING WITH THE BOARD OF COUNTY COMMISSIONERS
Meeting Primer, May 10, 2016
Commissioners’ Chambers, Driggs, ID

The Planning and Zoning Commission has made revisions to the Draft Land Use Development Code over the past several months. This is the draft PZC finished in April 2016 and feels comfortable moving forward with.

Goals:

- Make sure PZC & BoCC are familiar with the Draft Land Use Development Code
- Decide on a path forward for public outreach, review, revisions and adoption.
 - o In the 4/11/2016 Meeting the BoCC discussed the following path forward:

Teton County Land Use Code Path Forward-
PZC Public Hearing
PZC Recommendation
BoCC Outreach
BoCC Revisions
BoCC Public Hearing
BoCC Adoption
Yellow denotes what is required in Idaho State Code 67-6511

The following is a “General” Public Outreach Outline. It will be important to discuss the time that will be needed for: preparing for the meetings, attending the meetings, distilling comments from the meetings, and making edits.

Additional detail can and will be added to the “Outreach Plan” as we decide on a path forward and what is needed along that path.



FROM: Teton County Planning Staff
RE: **REVISED DRAFT** Land Use Development Code- Public Outreach Plan Summary
DATE: April 28, 2016, 2016

The purpose of this work plan is to identify parts of a plan for public outreach, revisions, and adoption to the Draft Land Use Code after May 2016. It will be very important to help the public understand the changes in the new Land Use Code, as well as solicit very specific public feedback on the draft code, due to the dramatic changes to the code.

Past Public Outreach Events-

In the past, we have solicited feedback on more general issues (this is not the complete list of outreach events):

- Comprehensive Plan is the policy for the Land Use Code
- January, 2014: Process for the new code
- April, 2014: Issue identification -review of Comprehensive Plan findings and existing code
- May, 2015: "Director"/Area of Impacts
- August, 2014: Character areas and divisions
- April, 2015: Code format

Now that we are nearing completion of a draft, we can begin to generate very useful, specific public input to help revise and guide the new Land Use Code to ensure it meets the policies found in the Comprehensive Plan. It can be used as a way to measure the progress we have made, as well as informing necessary revisions. Below is a list of different strategies to be utilized after April as we vet the draft Land Use Code with the public.

Documents to prepare for Public Outreach efforts:

Completed-

1. Comprehensive Plan Policy Analysis- COMPLETED 2-2016
2. "PZC" Draft Code. COMPLETED 4-2016
3. "PZC" Draft Map. COMPLETED 4-2016
4. Article Summary for every Article (being updated and should be completed by May 10th meeting)
5. "Scenario Tool"- provides a tool to look at what development options exist and the requirements for those options, based on a sample property COMPLETED 2-2016

Yet to be Completed-

1. Overall summary for the code. This will outline the process, the methods, and policies utilized in developing the new code. The sections can be used independently or as a whole document.
2. Handouts and Outreach media

Feedback Methods:

1. TetonValleyCode.org has been developed to receive public comment and has been collecting comments.
2. Hand written comments on standardized comment forms at events/meetings
3. Email to the Planning and Zoning Department.
4. Other suggestions?

The next steps include:

1. Decide on a path forward
2. Complete the documents mentioned above.
3. Identifying specific dates for the events.
4. Talk about it, Talk about it, Talk about it!!!

Meetings (Assuming BoCC will conduct most of the public outreach):

1. Outreach Kick-off Summit- this meeting will be utilized to present the "PZC" Draft Code to the Public and start the outreach process. Even if the BoCC will do most of the outreach, I think this meeting should be held before the PZC public hearings. This meeting would include a presentation to the public about the code and the process and a brief question answer period. The purpose is to present the information for the public to start reviewing, as opposed to being able to address all the public's concerns.
 - a. **Proposed Dates-**
 - i. June 7
 - ii. June 14
2. PZC Public Hearing- This would provide an opportunity for the public to comment on the "PZC" Draft. From this interaction the PZC would recommend a Draft Code that would include changes or modifications as a result of the public comment.
 - a. **Proposed Dates-**
 - i. July 12
 - ii. July 19
3. BoCC Open House- This is an open meeting that allows the public to come and go as they please. They can review the "PZC Recommended Draft" documents, ask questions and leave feedback. It would be beneficial to have at least two open houses, on different dates, and all day long. Staff would be at these to answer questions and provide information.
 - a. Possibly have multiple locations (Driggs, Victor, Teton)
 - b. **Proposed Dates-**
 - i. All through the month of August
4. Workshop- This is a public meeting where the public is given a short presentation, then given a problem to work on in smaller groups. After working on the problem the group presents their results to everyone. This is a very interactive meeting that allows a lot of cross dialog and conversation with a variety of groups. The number of these meetings would be based on the topic the BoCC feels would be important to discuss.
 - a. Would need to focus on specific questions (After utilizing the scenario tool, are the densities we have identified accurate for the character areas and why? What uses should be allowed in the rural zones and why?)
 - i. **Staff would look for specific topics the BoCC would like to solicit feedback on**
 - b. **Proposed Dates-**
 - i. All through the month of August
5. Presentations- This is a PowerPoint or presentation given by staff to a large or small group of people. The number of these presentations can be very flexible and allow for specific groups to request a presentation.
 - a. Offer time slots for specific groups (i.e. Realtors, Builders, Business Community, Large Land owners, etc.) to have time with staff and the code.
 - i. **Staff would look for suggestions on specific groups to invite**
 - b. **Proposed Dates-**
 - i. All through the month of August
6. BoCC Public Hearing- This would provide an opportunity for the public to comment on the "PZC Recommended Draft". From this interaction the BoCC would make revisions as a result of the public comment. Once the needed changes were made, the BoCC would adopt and implement the code.
 - a. **Proposed Dates-**
 - i. September 12
 - ii. September 26



A REQUEST FOR A ZONING MAP AMENDMENT & CONDITIONAL USE PERMIT
 By: Rachel & Michael Fortier
 FOR: Fin and Feather Inn
 WHERE: 316 W 9500 S (Victor)
 Planning & Zoning Commission
 PREPARED FOR: Public Hearing of May 10, 2016

APPLICANT: Rachel and Michael Fortier
LANDOWNER: Rachel Fortier

APPLICABLE COUNTY & STATE CODES: Amendments pursuant to Title 8, Chapter 11 and Conditional Use Permit pursuant to Title 8, Chapter 6, of the Teton County Zoning Ordinance, (amended 9/9/2013); Teton County Comprehensive Plan (A Vision & Framework 2012-2030). Idaho State Statutes 67-6511 and 67-6512.

REQUEST: Michael and Rachel Fortier, owners of the Fin and Feather Inn, are applying for a zoning map amendment and a conditional use permit. The Fin and Feather Inn was permitted as a Residential Bed & Breakfast in 2014, which allows up to 3 rooms. The Fortiers would like to increase the number of rooms to 5 to accommodate their growth, allow for an operational buffer, and allow for business insurance. A bed & breakfast with 5 rooms is considered a Bed & Breakfast Inn, which is not permitted in the A-2.5 zone. This proposal includes rezoning the Fortier parcel from A-2.5 to R-1, followed by a Conditional Use Permit application for a Bed & Breakfast Inn. This increase in rooms does not require any additional construction.

LEGAL DESCRIPTION: RP00460000020; LOT 2 BROWNS ACRES SEC 17 T3N R45E
LOCATION: 316 W 9500 S, Victor, ID 83455
ZONING DISTRICT: A-2.5
PROPERTY SIZE: 3.08 acres

VICINITY MAP:



AERIAL IMAGE OF PROPERTY



PROJECT BACKGROUND

Rachel Fortier, owner of the Fin and Feather Inn, submitted applications for a Zoning Map Amendment and a Conditional Use Permit on March 28, 2016 (Attachments 1-5). A Development Review Committee (DRC) Meeting was held on April 12, 2016 with the applicant, Planning, and Eastern Idaho Public Health to discuss the application materials.

This property is zoned A-2.5. The Fin and Feather Inn was permitted as a Residential Bed & Breakfast in September 2014, which is limited to 3 guestrooms. Prior to receiving the permit for a Residential B&B, the Fortier home was completely renovated to bring the building up to building code standards (see Attachment 5). This property is located in the Scenic Corridor Overlay (see Attachment 7). However, the applicant is not proposing any new structures or changes to the existing structure, so a Scenic Corridor Design Review was not required.

PROJECT DESCRIPTION:

Rachel and Michael Fortier are proposing to use their existing home and Residential Bed & Breakfast as a Bed & Breakfast Inn. A Bed & Breakfast Inn is not currently allowed in the A-2.5 zone. Therefore, the Fortiers are requesting a zone change from A-2.5 to the R-1 zone.

As per Title 8-3-6-C, the purpose of the R-1 zone is "to provide a low, medium, and high density residential land use opportunities in the area within and adjoining the designated area of city impact and the scenic corridor overlay areas." This property is located in the Scenic Corridor, so it meets this purpose.

The applicants are also requesting a Conditional Use Permit for a Bed & Breakfast Inn. Currently, the Fin and Feather Inn is permitted as a Residential Bed & Breakfast. This is limited to the use of three (3) guestrooms with the option to serve food.

reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change." This could be a concern as Teton County is currently working on a new Land Use Development Code and Zoning Map. The applicants have stated they would allow the County to rezone their property with the new Zoning Map if the zone change and CUP were approved.

DRC MEETING - KEY ISSUES:

On April 12, 2016, we had a DRC meeting with Rachel Fortier, Michael Fortier, Eastern Idaho Public Health (Mike Dronen), Teton County Planning Administrator (Jason Boal), and Teton County Planner (Kristin Rader). From this meeting, there were no key issues identified.

- **NUMBER OF ROOMS:** The applicant requested the use of 5 rooms for the Bed & Breakfast Inn.
- **SEPTIC SYSTEM:** Based on the application materials, Eastern Idaho Public Health stated that a new septic system was recently installed and the capacity of the system is much larger than needed for the existing and proposed use.

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE: Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512, and Title 8, Section 8-6-1 and Section 8-11 of the Teton County Zoning Ordinance. The public hearing for the Planning & Zoning Commission was duly noticed in the Teton Valley News. A notification was sent via mail to surrounding property owners within a 300-foot buffer area, including all property owners in subdivisions within the 300-foot buffer area. Political Subdivisions providing services in the area were also noticed, and a notice was also posted on the property providing information about the public hearing.

COMMENTS FROM NOTIFIED PROPERTY OWNERS & PUBLIC AT LARGE

Staff has not received any written comments from the public at the time of this report.

The Teton County Code, Title 8 defines a Bed & Breakfast Inn as:

BED & BREAKFAST INN, BOARDING/LODGING HOUSE: A residence or building that has four or more guest units, exhibits a character of use similar to a motel or hotel, serves food to overnight guests, and is open to the traveling public for stays fewer than 30 consecutive days.

The Fin and Feather Inn is already serving breakfast to its guests, so the only change will be the number of rooms being used. The applicants are requesting the use of five (5) guestrooms. The two additional rooms were previously used by long-term renters. The existing parking area is large enough to accommodate parking with the use of 5 guestrooms, as it was already doing so, and the vehicle traffic will be similar to the existing traffic.

The increase to 5 guestrooms would provide the Fin and Feather Inn with an operational buffer, business insurance options (some insurance companies will only insure a Bed & Breakfast if it has 4+ rooms), more guests, and more employees. The applicant has stated they have been limited when renting to guests because of the available rooms. One of the additional rooms being requested is a 2-bedroom suite with a shared bathroom, which would allow for a diverse group of guests, such as guests with children, to stay without booking multiple rooms.

Zone Change Considerations

1. Differences Between Zoning Districts

- a. **Density and Minimum Lot Sizes:** One major difference between the A-2.5 zone and the R-1 zone is the minimum lot size. This parcel cannot be split further in the A-2.5 zone because the split would not be able to meet the underlying density and minimum lot size requirements. The minimum lot size of the R-1 zone is 9,000 ft², which would make it possible for this parcel to be split. However, if the property owner wanted to split this parcel, it would be considered a substantial plat amendment, which requires public hearings and approval by the Board of County Commissioners. The property owner is not intending to increase the density on this parcel or split it further.
- b. **Allowed Uses:** Another difference between the A-2.5 zone and the R-1 zone are the allowed uses. There are fewer uses identified for the R-1 zone in the Land Use Matrix (8-4-1).
 - i. Uses identified for the R-1 zone that are not included in the A-2.5 zone include:
 1. Day Care Center (13+ children) – Conditional Use Permit
 2. Bed & Breakfast Inn – Conditional Use Permit
 3. Group Home – Conditional Use Permit
 4. Two-family dwelling – Permitted
 5. Multiple-family dwelling – Permitted
 6. Convalescent/Nursing Home – Conditional Use Permit
 7. Assisted Living Center/Retirement Home – Conditional Use Permit
 - ii. Although there are additional uses, most require a Conditional Use Permit. The applicants do not intend to use the property for additional uses beyond their home and a Bed & Breakfast Inn.

2. Future Zone Changes

- a. Idaho State Statute 67-6511 states that "if a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently

SECTION 8-11-1 CRITERIA FOR APPROVAL OF A ZONING MAP AMENDMENT

Title 8 states that the Board may amend the Zoning Map upon a finding that the amendment is required for public convenience, necessity, health, safety or the general welfare. In addition, Idaho State Statute 67-6511 states that a zoning amendment may not conflict with the adopted Comprehensive Plan.

Criterion	Staff Comments
1. Public convenience, necessity, health, safety or the general welfare	<ul style="list-style-type: none"> ▪ Staff has determined that this application is not negatively impacting the public health, safety, or general welfare. The impact of this use will be the same as the existing use on the property. No new construction is being required, and no new services are being required. This application will provide additional short term lodging options available in the County. ▪ Title 8 only allows the R-1 zoning district in the Areas of City Impact and along the Scenic Corridor. This property is located in the Scenic Corridor, so it would be eligible for the R-1 zone.
2. Not in conflict with the adopted Comprehensive Plan	<ul style="list-style-type: none"> ▪ Staff has determined that this application is not in conflict with the Comp. Plan. Although the Comp. Plan says to concentrate commercial, mixed use development, and housing near existing towns, this is an existing use that does not require additional construction. It is also located near a Gateway area on the Framework Map. The use is only for lodging, which could help support other goals and policies of the Comp. Plan by providing lodging for visitors here to enjoy the Natural Resource and Recreational opportunities in the County, as well as reducing the need for land to be developed for lodging. ▪ This application supports the following policies: <ul style="list-style-type: none"> ○ ED 1.3 Encourage and support local commerce ○ ED 1.6 Encourage and pursue economic diversity, innovation, and creativity to keep our economy stable ○ ED 1.7 Support the expansion of recreational, cultural, and entertainment options that would improve the visitor experience and boost economic development ○ ED 4.7 Encourage creative economic solutions such as live-work opportunities and appropriate home businesses. ▪ This parcel is identified as Rural Agricultural on the Framework Map and Foothills on the Proposed Zoning Map. Both areas call for low density residential uses. There is no agricultural use on the parcel. There is one existing home on the property being used as a Bed & Breakfast, with no new construction or increased density is being proposed. ▪ This parcel is located near a Gateway on the Framework Map. Gateways are identified as areas that emphasize the sense of arrival, which could include rest areas, visitor information, etc. The Fin and Feather Inn website currently includes information about local and regional activities.

POSSIBLE CONDITIONS OF APPROVAL | Zoning Map Amendment

1. The applicant will provide written consent stating Teton County may rezone the property with the adoption of the new Land Use Development Code and associated Zoning Map.
2. The applicant will not pursue a zoning map amendment for their adjacent property, also known as Lot 2 of Brown Acres Subdivision.

POSSIBLE PLANNING & ZONING COMMISSION ACTIONS | Zoning Map Amendment

- A. Recommend approval of the Zoning Map Amendment, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Recommend approval of the Zoning Map Amendment with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. Recommend denial of the Zoning Map Amendment application request and provide the reasons and justifications for the denial.
- D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

POSSIBLE MOTIONS | Zoning Map Amendment

The following motions could provide a reasoned statement if a Commissioner wanted to recommend approval or denial of the application:

APPROVAL

Having concluded that the Criteria for Approval of a Zoning Map Amendment found in Title 8-11 and Idaho State Statute 67-6511 can be satisfied with the inclusion of the following conditions of approval:

1. The applicant will provide written consent stating Teton County may rezone the property with the adoption of the new Land Use Development Code and associated Zoning Map.
 2. The applicant will not pursue a zoning map amendment for their adjacent property, also known as Lot 2 of Brown Acres Subdivision.
- and having found that the considerations for granting the Zoning Map Amendment can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
 - and having found that the proposal is not in conflict with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
 - I move to RECOMMEND APPROVAL to the Teton County Board of County Commissioners for the Zoning Map Amendment for Rachel Fortier as described in the application materials submitted on March 28, 2016 and as supplemented with additional applicant information attached to this staff report.

DENIAL

Having concluded that the Criteria for Approval of a Zoning Map Amendment found in Title 8-11 and Idaho State Statute 67-6511 have not been satisfied, I move to RECOMMEND DENIAL to the Teton County Board of County Commissioners for the Zoning Map Amendment for Rachel Fortier as described in the application materials submitted on March 28, 2016 and as supplemented with additional applicant information attached to this staff report. The following could be done to obtain approval:

1. ...

SECTION 8-6-1-B-7 CRITERIA FOR APPROVAL OF A CONDITIONAL USE

The following findings of fact shall be made if the Conditional Use is being recommended for approval. If the application is being recommended for denial, the Commission should likewise specify the reasons for denial based on the items listed below.

Criterion	Staff Comments
1. Location is compatible to other uses in the general neighborhood.	<ul style="list-style-type: none"> ▪ This property is currently surrounded by residential uses, agricultural uses, and vacant lots. ▪ It is currently being used as a Bed & Breakfast, and no other uses or structures are being proposed. Teton County has not received any complaints about this use since it was permitted in 2014.
2. Use will not place undue burden on existing public services and facilities in the vicinity.	<ul style="list-style-type: none"> ▪ This use will utilize an existing structure that is accessible directly from Highway 31. No new structures are being proposed. No new services are being requested. The impact of this use would be similar to the existing impact because the additional rooms being requested were previously rented by long term tenants. ▪ An original building permit could not be found for the structure, but the building is shown on the 2005 plat, so it would have been included in the calculations for the currently adopted Capital Improvement Plan. ITD was sent the application but did not provide comments.
3. Site is large enough to accommodate the proposed use and other features of this ordinance	<ul style="list-style-type: none"> ▪ The existing building is already being used as a bed & breakfast. There are 8 rooms total in the house, and the applicants are only requesting to use 5 of those. ▪ The Teton County Code requires a minimum of 1 parking space per unit for a hotel, motel, club, lodging house use. With 5 rooms, this use would need 5 parking spaces, which are available.
4. Proposed use is in compliance with and supports the goals, policies and objectives of the Comprehensive Plan.	<ul style="list-style-type: none"> ▪ See comments for Criterion of Approval #2 for Zone Change. ▪ This use is utilizing an existing building, which will help minimize costs. This also complies with other goals of the Comp Plan by not adding new infrastructure that could decrease open space, impact agricultural lands and natural resources, or increase the burden on public services. This also accesses directly from Highway 31, which is transit friendly.

POSSIBLE CONDITIONS OF APPROVAL | Conditional Use Permit

1. The Bed & Breakfast Inn is limited to using 5 guestrooms. If more rooms are desired, the Conditional Use Permit must be modified through the required process at that time.
2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
3. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.

POSSIBLE PLANNING & ZONING COMMISSION ACTIONS | Conditional Use Permit

- A. Recommend approval of the CUP, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Recommend approval of the CUP with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. Recommend denial of the CUP application request and provide the reasons and justifications for the denial.
- D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

POSSIBLE MOTIONS | Conditional Use Permit

The following motions could provide a reasoned statement if a Commissioner wanted to recommend approval or denial of the application:

APPROVAL

Having concluded that the Criteria for Approval of a Conditional Use Permit found in Title 8-6-1 can be satisfied with the inclusion of the following conditions of approval:

1. The Bed & Breakfast Inn is limited to using 5 guestrooms. If more rooms are desired, the Conditional Use Permit must be modified through the required process at that time.
 2. Any additional development or changes to the existing structure on this property requires a Scenic Corridor Design Review, where applicable.
 3. Parking must meet the Teton County Code requirements, including number of spaces and size, as well as ADA accessible requirements.
- and having found that the considerations for granting the Conditional Use Permit can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
 - and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
 - I move to RECOMMEND APPROVAL to the Teton County Board of County Commissioners for the Conditional Use Permit for the Fin and Feather Inn as described in the application materials submitted on March 28, 2016 and as supplemented with additional applicant information attached to this staff report.

DENIAL

Having concluded that the Criteria for Approval of a Conditional Use Permit found in Title 8-6-1 have not been satisfied, I move to RECOMMEND DENIAL to the Teton County Board of County Commissioners for the Conditional Use Permit for the Fin and Feather Inn as described in the application materials submitted on March 28, 2015 and as supplemented with additional applicant information attached to this staff report. The following could be done to obtain approval:

1. ...

ATTACHMENTS:

1. Zone Change Application (4 pages)
2. CUP Application (4 pages)
3. Letter of Authorization (1 page)
4. Deed of Trust #234828 (5 pages)
5. Narrative (15 pages)
6. Browns Acres plat #167981 (2 page)
7. Scenic Corridor map (1 page)
8. Adjacent Landowner Notification (2 pages)

End of Staff Report

Attachment 1



ZONE CHANGE APPLICATION

The planning staff is available to discuss this application and answer questions. Once a complete application is received, it will be reviewed by the planning administrator or his designee and then scheduled for a public hearing with the Planning and Zoning Commission, who will make a recommendation to the Board of County Commissioners. A second public hearing will be scheduled with the Board of County Commissioners who will make the final decision. It is recommended that the applicant review Title 8 of the Teton County Code and 67-6519 and 67-6535 of the Idaho Code. Application materials may be viewed on the Teton County Idaho website at www.tetoncountyidaho.gov
 To expedite the review of your application, please be sure to address each of the following items

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Rachel Fortier
 Applicant: Rachel Fortier E-mail: rachel.fortier@gmail.com
 Phone: (208) 620-4129 Mailing Address: 9444 S Hwy 31
 City: Victor State: ID Zip Code: 83455
 Engineering Firm: _____ Contact Person: _____ Phone: () _____
 Address: _____ E-mail: _____

Location and Zoning District:
 Address: 9444 S Hwy 31, Victor, ID Parcel Number: RPO0460000010
 Section: 17 Township: T3N Range: R45E Total Acreage: 3.52
 Present Zoning District: A2.5 Requested Zoning District: R-1

- Latest Recorded Deed to the Property
- Affidavit of Legal Interest
- Fees paid in accordance with current fee schedule
- Legal Description

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

Applicant Signature: Rachel Fortier Date: 3/28/16

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

Owner Signature: Rachel Fortier Date: 3/28/16

Fees are non-refundable.

SECTION II: REQUIRED ITEMS

- Narrative that addresses the criteria below.
- Ten (10) copies of the Plat of Survey labeled "Change of Zone"
 - Legal description
 - Vicinity Map showing surrounding properties
 - Current zoning district
 - Requested zoning district

SECTION III: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

1. Recommendations of the commission and the decisions of the board shall be made a matter of public record in accordance with sections 67-6511, 67-6519 and 67-6535 of the Idaho Code. The recommendations and decisions shall specifically find that such changes, modifications, and reclassifications of zoning districts meet the following criteria:

- The approval or denial of the application shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate county ordinances or regulations, and particular consideration shall be given to the effects of any proposed zone change upon the delivery of public services, including school districts;
- The comprehensive plan is considered for compliance and conformance with the goals, policies and objectives as outlined in the plan and other evidence gathered through the public hearing process;
- The proposed change will maintain and preserve compatibility of surrounding zoning districts and future development;
- The proposed change will maintain the purposes and objectives of zoning and secure the public health, safety and general welfare;
- The approval or denial shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant facts relied upon, and explains the rationale for the decision based upon the applicable provisions of the comprehensive plan, relevant ordinances and statutory provisions, pertinent constitutional principles and factual information contained in the record.

SECTION IV: SPECIFIC REQUIREMENTS FOR PUBLIC HEARING AND NOTICE

Notification is required for both hearings in accordance with Title 67, Chapter 65; Section 6509 of the Idaho Code. Notice shall be provided by mail to property owners within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. At least fifteen (15) days prior to the hearing, notice of the time, date and place and a summary of the plan to be discussed shall be published in the paper of general circulation within the jurisdiction. This procedure will be completed by the planning staff.

SECTION V: STAFF SUMMARY ANALYSIS, REASONING AND FACT FINDING

SECTION VI: PLANNING AND ZONING COMMISSION ACTION

SECTION VII: BOARD OF COUNTY COMMISSIONERS ACTION



ZONE CHANGE APPLICATION

The planning staff is available to discuss this application and answer questions. Once a complete application is received, it will be reviewed by the planning administrator or his designee and then scheduled for a public hearing with the Planning and Zoning Commission, who will make a recommendation to the Board of County Commissioners. A second public hearing will be scheduled with the Board of County Commissioners who will make the final decision. It is recommended that the applicant review Title 8 of the Teton County Code and 67-6519 and 67-6535 of the Idaho Code. Application materials may be viewed on the Teton County Idaho website at www.tetoncountyidaho.gov

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

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Rachel Fortier
 Applicant: Rachel Fortier E-mail: rachel.fortier@gmail.com
 Phone: (240) 620-4179 Mailing Address: 9444 S Hwy 31
 City: Victor State: ID Zip Code: 83455
 Engineering Firm: _____ Contact Person: _____ Phone: () _____
 Address: _____ E-mail: _____

Location and Zoning District:

Address: 9444 S Hwy 31, Victor, ID Parcel Number: RPO04K0000010
 Section: 17 Township: T3N Range: R45E Total Acreage: 3.52
 Present Zoning District: A2.5 Requested Zoning District: R-1

- Latest Recorded Deed to the Property Affidavit of Legal Interest
 Fees paid in accordance with current fee schedule Legal Description

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

RACHEL L FORTIER
 9444 SOUTH HIGHWAY 31
 VICTOR, ID 83455

1083
 9/4/16

Pay to the Order of Teton County Idaho \$ 1215.00
One thousand fifteen 00/100 Dollars

WELLS FARGO
 With Paper Back, N.A.
 Insurance
 www.wellsfargo.com

MEANA SHARMA
 Rachel R

Legal Description of Property

LOT 1 BROWNS ACRES SEC 17 T3N R45E

I Rachel Fortier certify that this application is for the legal description shown above.

Rachel Fortier

9444 S Hwy 31
Victor, ID 83455



CONDITIONAL USE PERMIT APPLICATION

Teton County, Idaho

The planning staff is available to discuss this application and answer questions. Once a complete application is received, it will be reviewed by the planning administrator or his designee and then scheduled for a public hearing with the Planning and Zoning Commission, who will make a recommendation to the Board of County Commissioners. A second public hearing will be scheduled with the Board of County Commissioners who will make the final decision. It is recommended that the applicant review Title 8 of the Teton County Code and 67-6512 of the Idaho Code. Application materials may be viewed on the Teton County Idaho website at www.tetoncountyidaho.gov

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

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Rachel Fortier
 Applicant: Rachel Fortier E-mail: rachel.fortier@gmail.com
 Phone: (240) 620-4179 Mailing Address: 9444 S Hwy 31
 City: Victor State: ID Zip Code: 83455
 Engineering Firm: _____ Contact Person: _____ Phone: () _____
 Address: _____ E-mail: _____

Location and Zoning District:

Address: 9444 S Hwy 31, Victor, ID 83455 Parcel Number: RPO0460 0000010
 Section: 17 Township: T3N Range: R45E Total Acreage: 3.52
 Zoning District: A-1 Requested Land Use: Bed and Breakfast Inn

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

Applicant Signature: Prerna Ram Date: 3/28/16

Fees are non-refundable.

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

Owner Signature: Rachel Fortier Date: 3/28/14

SECTION II: REQUIRED ITEMS

- 1. Latest Recorded Deed to the Property
2. Affidavit of Legal Interest
3. Application fee paid in full in accordance with current fee schedule
4. Twelve (12) copies of information and data (pictures, diagrams, etc.) necessary to assure the fullest presentation of the facts for evaluation of the request.
5. Twelve (12) copies of a site plan drawn to scale.
6. Narrative explaining the following:
- Location is compatible to other uses in the general neighborhood.
- Use will not place undue burden on existing public services and facilities in the vicinity.
- Site is large enough to accommodate that proposed use and other features of this ordinance.
- Proposed use is in compliance with and supports the goals, policies, and objectives of the Comprehensive Plan

SECTION III: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

- 1. Upon the granting of a conditional use permit, conditions may be attached to a conditional use permit including, but not limited to, those:
- Minimizing adverse impact on other development;
- Controlling the sequence and timing of development;
- Controlling the duration of development;
- Assuring that development is maintained properly;
- Designating the exact location and nature of development;
- Requiring the provision for on-site or off-site public facilities or services;
- Requiring more restrictive standards than those generally required in this Title;
- Designating the number of non-family employees in the home occupation and home business based on the type of business and the location;
- Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.
2. Prior to granting a conditional use permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed conditional use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one (1) parcel of land to another.
3. Commercial Development Agreement for all land uses in the C-1, C-2, C-3, and M zoning designations are required to include the following, as applicable:
- A site plan and/or survey prepared by a professional surveyor to include current and proposed plan;
- A professionally prepared landscaping plan;
- Financial guarantee for public improvements which may include but not be limited to: roads, phone, electric, water, sewer, fire protection, and lighting;
- Professionally prepared final construction drawings.

SECTION IV: SPECIFIC REQUIREMENTS FOR PUBLIC HEARING AND NOTICE

Notification is required for both hearings in accordance with Title 67, Chapter 65; Section 6509 of the Idaho Code. Notice shall be provided by mail to property owners within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. At least fifteen (15) days prior to the hearing, notice of the time, date and place and a summary of the plan to be discussed shall be published in the newspaper of general circulation within the jurisdiction. This procedure will be completed by the planning staff.

SECTION V: STAFF SUMMARY ANALYSIS, REASONING AND FACT FINDING

SECTION VI: PLANNING AND ZONING COMMISSION ACTION

SECTION VII: BOARD OF COUNTY COMMISSIONERS ACTION



CONDITIONAL USE PERMIT APPLICATION

Teton County, Idaho

The planning staff is available to discuss this application and answer questions. Once a complete application is received, it will be reviewed by the planning administrator or his designee and then scheduled for a public hearing with the Planning and Zoning Commission, who will make a recommendation to the Board of County Commissioners. A second public hearing will be scheduled with the Board of County Commissioners who will make the final decision. It is recommended that the applicant review Title 8 of the Teton County Code and 67-6512 of the Idaho Code. Application materials may be viewed on the Teton County Idaho website at www.tetoncountyidaho.gov

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

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Rachel Fortier
Applicant: Rachel Fortier
Phone: (208) 620-4179
City: Victor
Engineering Firm:
Address:
E-mail:
R-mail: rachel.fortier@gmail.com

Location and Zoning District:
Address: 9444 S Hwy 31, Victor, ID 83455
Section: 17 Township: T3N Range: R45E Total Acreage: 3.52
Zoning District: A-1 Requested Land Use: Bed and Breakfast Inn

I, the undersigned listed below are Board of Coun...
Pay to the Order of Teton County Idaho \$ 1260.00
One thousand two hundred sixty 00/100 Dollars
conditional use permit Rachel Fortier



PLANNING AND BUILDING DEPARTMENT AFFIDAVIT OF LEGAL INTEREST and LETTER OF AUTHORIZATION

Rachel Fortier "Owner" whose address is 9444 South Hwy 31
City: Victor State: ID Zip: 83455
and conditional use permit application

HEREBY AUTHORIZES Michael Fortner as Agent to represent and act for the Owner in making application for and receiving and accepting on Owners behalf, any permits or other action by the Teton County Commissioners, Teton County Planning and Zoning, Building, and/or other County Departments relating to the modification, development, planning, platting, re-platting, improvements, use or occupancy of land in Teton County, Idaho. Owner agrees that, Owner is or shall be deemed conclusively to be fully aware of and to have authorized and/or made any and all representations or promises contained in said application of any modifications to such materials. Owner acknowledges and agrees that, Owner shall be bound and shall abide by the written terms or conditions of issuance of any such named representative, whether actually delivered to Owner or not. Owner agrees that no modification, development, platting or re-platting, improvement, occupancy, or use of any structure or land involved in the application shall take place until approved by the appropriate official of Teton County, Idaho, in accordance with applicable codes and regulations.

OWNER:
X Rachel Fortier (Signature of Owner) Rachel Fortier (Print Name) Title
X (Signature of Co-Owner) (Print Name) Title
X (Secretary or Corporate Owner) (Print Name)

NOTARY:
STATE OF: Idaho SS:
COUNTY OF: Teton Zip: 83455
Subscribed and sworn to before me by Rachel Fortier
this 28th day of March, 2014

WITNESS my hand and official seal
Notary Public: Wendy A. Danielson
Expiration Date: 11/24/2017



Instrument # 234828
 TETON COUNTY, IDAHO
 12-18-2014 10:27:09 AM No. of Pages: 5
 Recorded for HICKLTON LAW OFFICE
 MARY LOU HANSEN Fee: 22.00
 Ex-Officio Recorder Deputy
 2004-01-01 DEED OF TRUST

DEED OF TRUST

THIS DEED OF TRUST, made this 1st day of July, 2014, between Rachel L. Fortier whose address is 9444 South Highway 31, Victor, Idaho 83455, herein called GRANTORS, and First American Title Insurance Company, whose address is 81 North Main Street, Driggs, Idaho 83422, herein called TRUSTEE, and Michael K. Fortier and Anne H. Fortier, husband and wife, whose address is 4881 Eagle Ridge Drive, Eden, Utah 84310, herein called BENEFICIARY,

WITNESSETH that GRANTOR does hereby irrevocably grant, bargain, sell and convey to TRUSTEE in trust, with power of sale, that property in the County of Teton, State of Idaho, described as follows and containing not more than forty acres:

Lot 1 of Browns Acres Subdivision, Teton County, Idaho, as per the plat recorded May 11, 2005, as Instrument No. 167981.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits.

FOR THE PURPOSE of securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by GRANTOR in the sum of Five Hundred Forty Thousand Dollars, (\$540,000.00), final payment due the 1st day of July, 2044, and to secure payment of all such further sums as may hereafter be loaned or advanced by the BENEFICIARY herein to the GRANTOR herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or

DEED OF TRUST
 0914 Fortier RE - DOT

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expenditures shall be optional with the BENEFICIARY, and provided, further that it is the express intention of the parties to this DEED OF TRUST that it shall stand as continuing security until paid for all such advances together with interest thereon.

A. TO PROTECT THE SECURITY OF THIS DEED OF TRUST, GRANTOR AGREES:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.
2. To provide, maintain and deliver to BENEFICIARY fire insurance satisfactory to and with loss payable to BENEFICIARY. The amount collected under any fire or other insurance policy may be applied by BENEFICIARY upon any indebtedness secured hereby and in such order as BENEFICIARY may determine, or at option of BENEFICIARY the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.
3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which BENEFICIARY or TRUSTEE may appear.
4. To pay, at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the GRANTOR shall at the option, and on demand of the BENEFICIARY, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for GRANTOR'S use and benefit and for the payment by BENEFICIARY of any such items when due. GRANTOR'S failure so to pay shall constitute a default under this trust.

DEED OF TRUST
 0914 Fortier RE - DOT

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5. To pay immediately and without demand all sums expended by BENEFICIARY or TRUSTEE pursuant to the provisions hereof, with interest from date of expenditure at eight per cent per annum.

6. Should GRANTOR fail to make any payment or to do any act as herein provided, then BENEFICIARY or TRUSTEE, but without obligation so to do and without notice to or demand upon GRANTOR and without releasing GRANTOR from any obligation hereof, may: make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, or in enforcing this DEED OF TRUST by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable fees.

B. IT IS MUTUALLY AGREED THAT:

1. Any award of damages in connection with any condemnation for public use or injury to said property or any part thereof is hereby assigned and shall be paid to BENEFICIARY who may apply or release such moneys received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.
2. By accepting payment of any sum secured hereby after its due date, BENEFICIARY does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.
3. At any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this DEED and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, TRUSTEE may: reconvey all or any part of said property; consent to the asking of any map or plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the lien or charge hereof.
4. Upon written request of BENEFICIARY stating that all sums secured hereby have been paid and upon surrender of this DEED and said note to TRUSTEE for cancellation and retention and upon payment of its fees, TRUSTEE shall reconvey, without warranty, the property then held hereunder. The recitals in any reconveyance executed under this DEED OF TRUST of any matters or facts shall be conclusive proof of the truthfulness thereof. The GRANTEE in such reconveyance may be described as "the person or persons legally entitled thereto."
5. As additional security, GRANTOR hereby gives to and confers upon BENEFICIARY the right, power and authority, during the continuance of these

DEED OF TRUST
 0914 Fortier RE - DOT

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TRUSTS, to collect the rents, issues and profits of said property, reserving unto GRANTOR the right, prior to any default by GRANTOR in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, BENEFICIARY may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as BENEFICIARY may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

6. Upon default by GRANTOR in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured hereby shall immediately become due and payable at the option of the BENEFICIARY. In the event of default, BENEFICIARY shall execute or cause the TRUSTEE to execute a written notice of such default and of his election to cause to be sold the herein described property to satisfy the obligations hereof, and shall cause such notice to be recorded in the office of the recorder of each county wherein said real property or some part thereof is situated.

Notice of sale having been given as then required by law, and not less than the time then required by law having elapsed, TRUSTEE, without demand on GRANTOR, shall sell said property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. TRUSTEE shall deliver to the purchaser its deed conveying the property so sold, but without any covenant or warranty express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including GRANTOR, TRUSTEE, or BENEFICIARY, may purchase at such sale.

After deducting all costs, fees and expenses of TRUSTEE and of this TRUST, including cost of evidence of title and reasonable counsel fees in connection with sale, TRUSTEE shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at eight per cent per annum; all other sums then secured hereby; and the remainder, if any, to the person or persons legally entitled thereto.

7. This DEED applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term BENEFICIARY shall mean the holder and owner of the note secured hereby; or, if the note has been pledged, the pledgee thereof. In this DEED, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular

DEED OF TRUST
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number includes the plural.

8. TRUSTEE is not obligated to notify any party hereto of pending sale under any other DEED OF TRUST or of any action or proceeding in which GRANTOR, BENEFICIARY or TRUSTEE shall be a party unless brought by TRUSTEE.

9. In the event of dissolution or resignation of the TRUSTEE, the BENEFICIARY may substitute a trustee or trustees to execute the trust hereby created, and when any such substitution has been filed for record in the office of the Recorder of the county in which the property herein described is situated, it shall be conclusive evidence of the appointment of such trustee or trustees, and such new trustee or trustees shall succeed to all of the powers and duties of the trustee or trustees named herein.

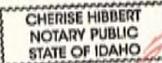
Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the GRANTOR at his address hereinbefore set forth.

Rachel L. Fortier
Rachel L. Fortier, Grantor

STATE OF IDAHO)
County of Teton)

On this 1 day of July, in the year of 2014, before me, a Notary Public, personally appeared Rachel L. Fortier, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Cherise Hibbert
Notary Public for Idaho
Residing At: *Driggs, ID*
My Commission Expires: *Aug 21, 2017*



Application for Conditional Use Permit for conversion from Bed and Breakfast to Bed and Breakfast Inn

Owner: Rachel Fortier Address: 9444 South Highway 31, Victor, ID

In January 2014 the property at 9444 South Highway 31 known as the Old Fin and Feather Taxidermy and purchased and converted into a Bed and Breakfast named the Fin and Feather Inn. The property on 3.52 acres is located within the Scenic Byway Corridor (see slide 4). We are requesting rezoning to R-1 as allowed by Zoning Regulation B-3-6: Section c. and a Conditional Use Permit for Bed and Breakfast Inn.

Renovation of the two buildings (approx. 6000 total square footage; one housing the 3 Bed and Breakfast rooms the other housing on site manager suite, kitchen facility and dining room) took 8 months and included a new septic system sized for 8 bedrooms. All wiring and plumbing (pex) was replaced and brought up to current building code standards. 5/8" sheetrock was used for sound and fire resistance and all hallway doors are fire resistant and sound proof. Each room has a fire extinguisher along with a "Fire Exit Diagram". There are networked smoke detectors located in each of the rooms. The buildings were rated to a total occupancy of 28. All rooms have high-end appointments: vaulted ceilings, granite countertops and radiant floor heating in private baths, air conditioning. The original ranch entrance was restored to its original look and raised 2 feet to allow tractor-trailer and fire equipment access.

The Fin and Feather Inn opened September 2014 and has been operating for 2 1/2 years. It has received awards from Trip Advisor and Booking.com and has a rating of 9.6 based on outstanding reviews. During this time we have received 0 complaints from any neighbor. An additional 3 acres behind the property was purchased a year later by Anne and Mike Fortier ensuring a large separation from our neighbors.

The Fin and Feather Inn currently rents 3 rooms as nightly rentals per regulations for Bed and Breakfast. Two suites were rented as yearly leases by the property owner. One suite has two bedrooms and the other has one bedroom. Both renters have moved which is why we are making this permit request. The Fin and Feather Inn has parking for 8 vehicles (2 garage and 6 surface places). There is NO impact to the county by allowing the Fin and Feathers move to B&B Inn. No construction is required. No other facility improvements are required. There is no parking impact. The yearly rental vehicles will be replaced by nightly rental vehicle. There will be no impact to neighbors and no additional county services are required.

Financially the county's B&B limit of 3 rooms is a break-even proposition. The costs as described in slide 14 use most of the revenue. In fact Farmers insurance would not give the Fin and Feather Inn business insurance because they only covered businesses with 4 rooms or more. Additional rooms would create an operational buffer and allow the Fin and Feather Inn to create jobs in Teton Valley. This permit request allows the Fin and Feather Inn to bring more visitors to Teton Valley, more visitors to local businesses and provide new employment opportunities for the valley. The Fin and Feather Inn will always be a great ambassador for Teton Valley.

Room Number Request

We would like to rent out **5 rooms**

- 1 King bedroom with a bathroom
- 3 Queen bedrooms all with attached bathrooms
- 1 suite with 2 rooms with queen bed in each and 1 shared bathroom

APPLICATION FOR CONDITIONAL USE PERMIT



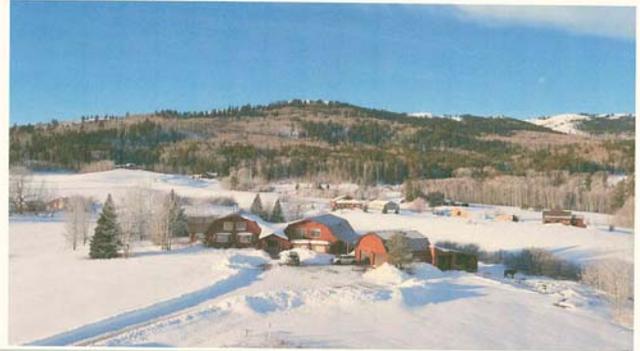


Purpose

- Request a Conditional Use Permit to allow conversion from **Bed and Breakfast** to **Bed and Breakfast Inn**



Fin and Feather Inn 9444 South Highway 31, Victor, ID



History

- Sits on 3.52 Acres
- The old Fin and Feather Taxidermy
 - Owned by Keith and Claudia Davis



- Bought by Michael and Anne Fortier and sold to Rachel Fortier
- Complete Renovation January 2014 – August 2014
- Land in back of the Fin and Feather bought by Michael and Anne Fortier



Website – FinandFeatherInn.com





Fin and Feather Rooms 3 Rooms as per Bed and Breakfast Regulations

TAKE A LOOK AT OUR COMFORTABLE ROOMS

The Fin and Feather Inn Bed and Breakfast offers 2 queen bed rooms and a king bed room each luxuriously appointed with private baths. One queen bedroom has a shower and claw foot tub and mountain views. The other queen room has a double shower with mountain views. The king bedroom features awesome views of the Grand Teton and spacious shower. The B&B has a separate sitting room with coffee bar for quiet enjoyment of our Grand Teton view. Enjoy our deck and patio with fire pit with friends sharing your days adventures. To view each room click on the picture for the room and reserve it online.



MALLARD ROOM

Beds: 1 King Bed



TROUT ROOM

Beds: 1 Queen Bed



WILDFLOWER ROOM

Beds: 1 Queen Bed



Pictures of Renovation



Renovation Specifics

- New septic sized for 8 bedrooms
- Complete wire and plumbing replacement
- 5/8" sheetrock for sound and fire resistance
- Fire doors for sound and fire resistance
- Fire extinguishers in each room
- Fire exit diagrams on back of doors
- Networked smoke detectors
- Total Occupancy of 28
- High End Rooms
- Restored ranch entrance back to original



Awards

- Have been cited by Trip Advisor and Booking.com
- Have tremendous reviews

36 Reviews from our TripAdvisor Community

Traveler type	Time of year	Language
Family (2)	March (2)	All languages (36)
Very good (2)	October (2)	English (36)
Average (2)	July (2)	Spanish (2)
High (2)	May (2)	German (2)
Family (2)	February (2)	Other (2)

Start your review of Fin and Feather Inn

"Best B & B ever!"
Reviewed 1 week ago



Current Use

- Rent 3 rooms on nightly basis – 3 Bath - in B&B wing
- 2 long term rentals (yearly lease)
 - 1 Two Bedroom suite – 1 Bath
 - 1 One Bedroom suite – 1 Bath
- 1 Owner Suite – 1 Bath
- 1 Guest room for Owner – 1 Bath
- Parking for 8 vehicles
 - 3 B&B
 - 3 Yearly lease
 - 1 Owner
 - 1 Guest



Impact of move to B&B Inn - **ZERO**

- No construction required
- No other facility improvements required
- No Parking Impact
 - Yearly rental vehicles replaces by nightly renters vehicle
 - Most likely there will be 1 less vehicle
- No impact to neighbors
- No additional county services required



Problems and Benefits to Fin and Feather

- Current revenue is barely break even
 - Costs
 - Advertising, Phone, Internet, Satellite TV, Heating, Air conditioning
 - Reservation System, Business Insurance, Food, Laundry, garbage,
 - Reservation Sites, Insurance, Snow removal, Lawn Care, etc.
- Farmers insurance would not give Business Insurance because only do 4 rooms or more
- Additional rooms would allow Operational buffer
- New Hires to give owner a break from May 1 – Oct 30



Benefits to Valley

- More visitors to Teton Valley
- More visitors to local businesses
 - Restaurants
 - Guide Services
 - Skiers to Grand Targhee and Jackson
- Provide employment to the valley
- Great Ambassador for the valley
 - Fantastic reviews
 - Return Visitors(very high return rate)
 - Friend of previous visitors
- Promote Valley Events



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

Re: Fin and Feather Rezone Application

Dear Commissioners:

While our organization heartily supports the use of B&B's as part of our community's critically important recreation economy, we very regretfully cannot support the rezone component of this dual application for a rezone and conditional use permit.

However, there may be another way to accommodate this business' needs. It is our understanding that the owners of the Fin and Feather Inn seek R1 zoning in order to allow for the four (4) guest rooms necessary to obtain business insurance.

In the past, our organization has requested this Commission remove potential legal roadblocks to commercial uses that fit within the Comprehensive Plan's support for recreation development.

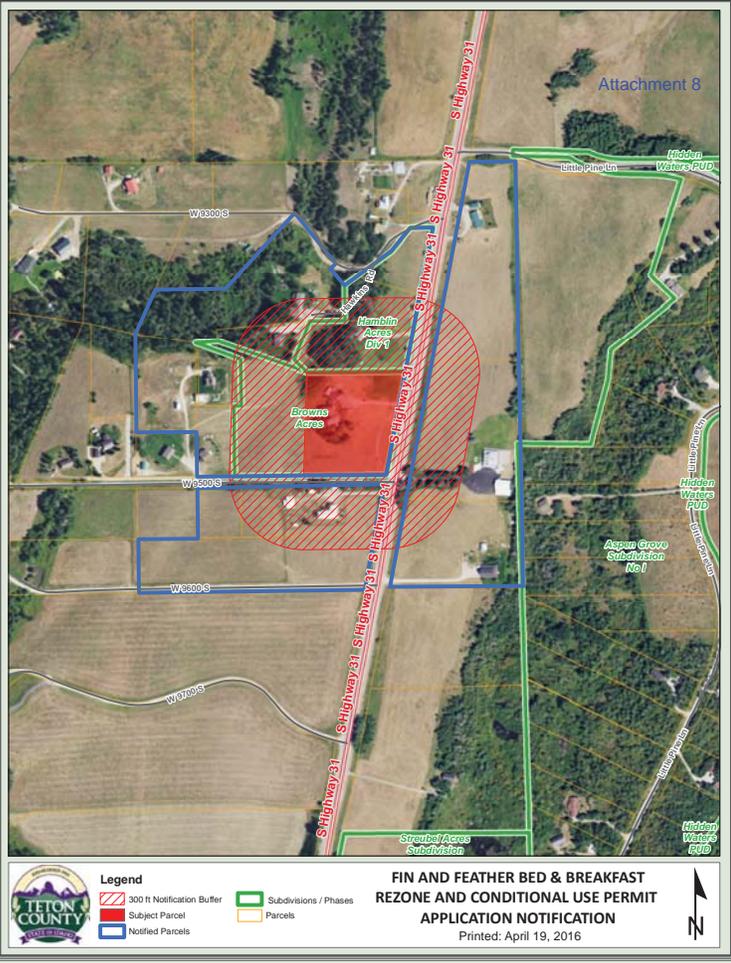
If the Planning & Zoning Commission is amenable to this type of ordinance change, Valley Advocates will gladly offer our assistance to the Fin & Feather Inn in the preparation and assembly of an ordinance change application.

Respectfully,

[Signature]

Shawn W. Hill
Executive Director
Valley Advocates for Responsible Development

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



A REQUEST FOR PLAT & DEVELOPMENT AGREEMENT AMMENDMENT APPROVAL BY:
BCI Other Real Estate, LLC; 211 West Rim, LLC,
FOR: River Rim Ranch PUD Division II, Phase I
WHERE: West of Teton, on Highway 33.
Prepared for the Planning and Zoning Commission
Public Hearing of May 10, 2016

APPLICANT: GBCI Other Real Estate, LLC; 211 West Rim, LLC
LANDOWNER: GBCI Other Real Estate, LLC; 211 West Rim, LLC

REQUEST: GBCI Other Real Estate, LLC & 211 West Rim, LLC, is proposing an amendment to the River Rim Ranch PUD Division II, Phase I, Final Plat that includes the following changes:

- Return of the golf course portion of the PUD
Return of the "incidental uses" associated with the golf course
West Rim Village (entrance) Area:
office, conference space, and spa uses in the existing headquarters building;
A commercial support center with a gift shop, coffee shop, and convenience store uses;
A recreation center;
12 work force housing units;
Storage facility.
Golf Village Area:
Modifying Tract D from 45-Cluster Chalets to 48- two room "Hospitality Suites";
Modifying Tract E from 12 residential lots to 48- two room "Hospitality Suites" and Pro Shop, dining and spa uses;
Eliminating the 3 residential lots on Tract G for the O&M facilities;
Removing the 6 lots from Tract J for the driving range.
The Development Agreement would be modified to:
Allow the golf course and associated incidental uses;
Identify the uses of each lot/tract in Phase I;
Update the cost estimate and timelines.

APPLICABLE COUNTY CODE:

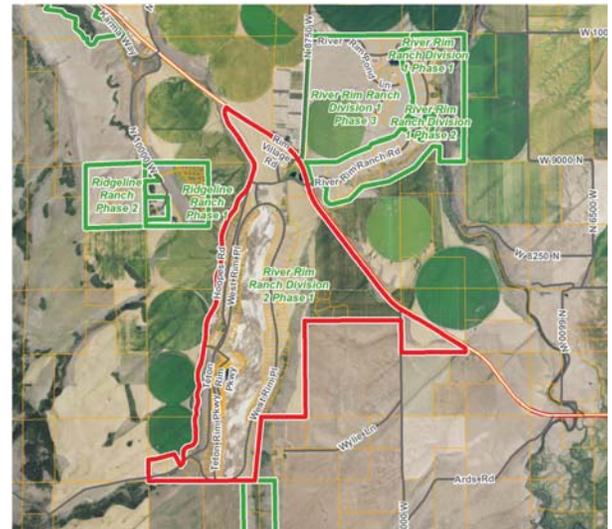
- Title 8- Zoning Regulations
9-3-2: Procedure for Approval Subdivision/PUD;
9-5: Planned Unit Developments
9-7-1-B: Review of proposed changes to Recorded Plats, Easements, Rights-of-Way, Master Plans, or Development Agreements;
Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

LEGAL DESCRIPTION: Block 1 Lots 2-4, 6 & 8; Block 6 Lots 29-34; Tracts D, E & G- of River Rim Ranch Div. II Phase 1 Plat

ZONING DISTRICT: A-20

PROPERTY SIZE: 1,464 acres

VICINITY MAP: River Rim Ranch PUD Division II Phase 1.



PROJECT DESCRIPTION:

This amendment proposes to re-introduction of the golf course amenity into the River Rim Ranch PUD Division II, similar to what was originally master planned. Associated or "incidental uses" associated with the golf course are also proposed to be re-introduced in two areas- 1) Golf Village area - a club house/pro-shop, restaurant, spa and other resort services; 2) West Rim Village- limited commercial uses such as a coffee shop, café, small grocery store, fly fishing shop. These uses were eliminated in Amendment #5, which was recorded in 2014.

In addition to the re-introduction of the above the uses, the applicant is proposing the following layout/density changes-

Golf Village area:

- Utilizing a 2-key "hospitality unit" as a unit on Tracts C, D & E
Adding 3 units to Tract D
Adding 36 units to Tract E
Eliminating 3 residential lots on Tract G
Eliminating 6 residential lots on Block 6 (lots 28-34)

West Rim Village area:

1. Addition 12 work force housing units
2. Adding large storage area

Plat Amendment No. 5 (# 231394) and the associated Development Agreement (# 231392) amended not only Phase 1 of Division II, but also amended the Master Plan for River Rim Division II. This application is not amending any aspect of the other phases (open space, entitlements or uses). The portions of the Amend #5 Development Agreement and Master Plan will remain in effect. A new Development Agreement is being proposed for Phase 1, which will identify all the specific for Phase I, and reference the previous approvals for the other Phases. Each of the other phases will be required to go through the approval process individually. At that time the maximum entitlements, design and uses will be proposed and approved. The entitlements that were agreed to in the approved Master Plan (Amend. #5) will need to be reviewed as each Phase seeks approval to ensure they meet the adopted standards of the code.

This proposal would require Phase 1 to utilize the area calculations (open space, density and incidental use) of all of Division II. Teton County Code does not require each phase of a PUD or subdivision to provide adequate areas for these calculations independently. When the Master Plan and Development Agreement for all of Division II (# 231392) was amended in 2013 the units and open space for each of the future phases was agreed to by the property owners of each of those phases. Ass approved and agreed upon calculations, those are the ones used by staff.

PROJECT BACKGROUND:

River Rim Division II Master Plan Amendments–

- 2006-6-26- BoCC Approval of Master Plan and Phase 1
 - 2006-08-07- Development Agreement for River Rim Ranch Division II recorded (#179247)
 - 2006-09-08- Division II Master Plan recorded (#180225)
 - 2007-04-13- Master Plan Amendment #1 (#18667)
 - 2008-7-21- Division II Master Plan Amendment #2 (#198983)
 - 2012-06-06- Master Plan, Amendment #3 (#222435)
 - 2012-12-14- Master Plan, Amendment #4 (#225470)
 - 2014-2-7- Division II Master Plan Amendment #5 (#231393)
- (THIS IS NOT AN APPLICATION TO AMMEND THE MASTER PLAN)

River Rim Division II, Phase 1 PLAT Amendments–

- 2006-6-26- BoCC Approval Phase 1
- 2006-08-07- Development Agreement for River Rim Ranch Division II, Phase 1 recorded (#179247)
- 2006-09-08- Division II, Phase 1 Final Plat recorded (#180225)
- 2007-04-13- Phase 1, Amendment #1 (#192110)
 - This amendment adjusted some property lines, added trail easements and rearranged a few lots.
- 2008-7-21- Division II Master Plan (PLAT) Amendment #2 (#198983) AMEDNED PHASE 1 Plat Revised Phase 1 boundaries and County ROW adjustment.
- 2012-06-06- Master Plan (PLAT), Amendment #3 (#222435)- AMEDNED PHASE 1 Plat Revised the access road, relocated 9400 west, and several lot lines.
- 2012-12-14- Master Plan (PLAT), Amendment #4 (#225470)- AMEDNED PHASE 1 Plat -Reduced number of cabins and added it to the open space.
- 2014-2-7- Plat Amendment #5 (#231392) (#231394)
 - Amended the plat to reflect the elimination of the golf course, lodge site and reduced residential lot entitlements.
- 2015-3-10- Plat Amendment #6 (#235774)
 - Amended a property line along the western boundary to allow irrigation pivot to be used by the adjacent property owner.

River Rim Div. II, Phase 1- Amendment #7 Preliminary Plat Application - PZC

Development Agreement Amendments-

- 2011-12-13- Development Agreement Amendment (#220042)
 - Amended the timelines for completion of the infrastructure, after Big Sky Western Bank acquired the property.
- 2012-5-14- Development Agreement Amendment (#22136)
 - Amended the ownership of the open space and the water rights of the Teton County Pipeline Association
- 2014-2-7- Development Agreement Amendment (#231392) Plat Amendment #5
 - Amended the timelines for completion of the infrastructure, eliminated the golf course, and reduced residential lot entitlements.

GBCI Other Real Estate, LLC; 211 West Rim, LLC submitted a completed application to the Teton County Planning Department on April 5, 2016.

Prior to this staff and the county attorney met with the applicant on March 3rd and just planning staff on February 28th.

Application Defined-

This application is considered a Substantial Change- Increase Scale, Impact, because it is adding additional units, and rearranging lots/uses in an Overlay Area (9-7-1 (B-2-b)).

River Rim Ranch Division II is considered a Planned Community PUD, as it has over 101 dwelling units.

Application Review/Approval Process-

9-7-1-B-1 Purpose and Intent. The purpose and intent of this Subsection is to provide an efficient procedure for reviewing changes or proposed vacations to previously recorded rights-of-way, easements, to recorded plats of subdivisions and Planned Unit Developments or to recorded Development Agreements. It is the further purpose and intent to ensure the revised plats, and Planned Unit Developments or recorded Master Plans comply with all applicable regulations but it is desirable to avoid unnecessary duplication of studies and analyses that may have been required as part of the initial plat application and approval. The purpose and intent also is to reduce the intrusion of development into sensitive natural areas of the county and reduce governmental costs associated with scattered development by expediting changes to recorded plats that reduce the number of vacant platted lots in the county.

Specific for a Substantial Change- Increase Scale, Impact application, the review process is to follow the Preliminary & Final Plat approval processes (9-7-1 (B-4-b)). This means there will be two (2) public hearings for Preliminary approval (PZC & BoCC), and one (1) public hearing for Final Approval (BoCC) (9-3-2).

Criteria for Review/Approval-

For a Substantial Change- Increase Scale, Impact application the following is the criteria for approval ((9-7-1 (B-2-b)):

- i. The master plan and plat for a subdivision or Planned Unit Development, including the proposed changes, shall comply with all applicable criteria and standards of the current county regulations.
- ii. Any proposed changes to a recorded plat or master plan that increase direct or indirect impacts may require additional mitigation pursuant to the criteria and standards of county regulations.

River Rim Div. II, Phase 1- Amendment #7 Preliminary Plat Application - PZC

PUD Approval Criteria (9-5)-

9-5-1-B PURPOSE:

1. To encourage development that is consistent with the policies and objectives of the Comprehensive Plan through the use of innovative designs and the application of sound design principles. When the County adopts a Projected Land Use Map (PLUM) as a part of the Comprehensive Plan, or to supplement the Comprehensive Plan, this purpose shall be interpreted to encourage development that is consistent with that PLUM.
2. To preserve high quality open space in meaningful amounts and in desirable locations.
3. To permit clustering and similar design solutions that encourage protection of scenic areas, wildlife habitats and migration routes, skylines, wetlands, and riparian areas.
4. To encourage compact rather than scattered developments.
5. To provide opportunity for development where site constraints or other similar factors make the PUD approach more reasonable and desirable than the standard subdivision design.
6. In the Rural Reserve area to encourage development that protects the rural, open character by minimizing the visual impacts of the development and preventing the appearance of large, scattered, free-standing communities in those areas.
7. In the Rural Reserve area to encourage development designs that cause the least possible disruption of farming, ranching, or other established and ongoing land use activities.
8. In the Rural Reserve area to encourage open space along the scenic corridors or in the most aesthetically pleasing areas of the land to shield development from view from the Scenic Corridors.
9. In the Rural Reserve area, to encourage development designs that protect migration corridors and breeding areas for those species and habitat identified on the Wildlife Habitat overlay map.

9-5-1-D COMPLIANCE WITH ZONING OVERLAYS:

All PUD applications must comply with all procedural and substantive requirements of any applicable overlay provisions of Title 9 and Title 8, including but not limited to the regulations in section 8-5-2 Overlay Regulations....

9-5-3 PLANNED COMMUNITY PUD'S:

- A. **SIZE:** There is no maximum size limit.
- B. **PERMITTED LAND USES:** The primary land use in a Planned Community PUD is residential. Non-residential uses may be included provided that the land area of the lots on which they are located does not exceed two (2) percent of the developed land area (excluding required open space) of the PUD. In a Planned Community PUD, non-residential uses may include (a) non-commercial institutional uses such as schools, churches, or clubhouses, (b) commercial uses designed and sized to serve the daily needs of PUD residents, or (c) commercial operations related to the recreational, sports, cultural, or entertainment focus of the PUD (for example, equestrian-related facilities in an equestrian-themed PUD), which may be designed and sized to serve residents or visitors from outside the PUD. Non-residential uses shall be located within the interior of the PUD, and not along State Highways or maintained county roads bordering the PUD.
- C. **MAXIMUM DENSITY:** If the property is located in an area zoned A20 the maximum density shall be fifteen (15) dwelling units per one hundred (100) acres.

River Rim Div. II, Phase 1- Amendment #7 Preliminary Plat Application - PZC

D. COMMUNITY BENEFITS:

1. ...each Planned Community PUD shall provide a minimum of seventy (70) percent of the gross land area in the application as open space.
2. In addition, each Planned Community PUD shall provide a public or community water supply system(s) and a public or community sewer system(s) meeting all requirements of the Eastern Idaho Public Health Department and the Department of Environmental Quality, and shall create a taxing district or homeowners association with the responsibility to maintain and replace those water and sewer facilities.
3. In addition, each Planned Community PUD shall provide a system of walking trails and bicycle pathways, that may be dedicated lanes on designated roads to connect all development clusters to any recreational facilities, community facilities, and commercial uses included in the PUD. Walking trails and bicycle pathways to be located in the wildlife habitat open space areas as determined by the Wildlife Habitat Assessment shall minimize any disruptive impacts anticipated by recreational uses of trails and pathways.

E. **CLUSTERED DEVELOPMENT:** Because larger developments are more likely to compromise the open, rural character of the County unless the additional dwelling units are located and designed to minimize their visibility and impacts on the land, larger clustered developments must be subject to stronger siting constraints.

1. Each Planned Community PUD shall comply with the same requirements for clustered development areas applicable to Rural Reserve PUDs, except that the maximum number of residential lots in each development cluster shall be fifty (50) unless the Board determines that larger clusters would better implement the goals of the Comprehensive Plan.

9-5-2-E:

1. Shall be located on lands remaining after the designation of open space areas, and shall not include lands in the FP Floodplain Overlay, the WW Wetland and Waterways Overlay, the HS Hillside Overlay, portions of the WH Wildlife Habitat Overlay where evidence of indicator species or the presence of indicator habitat has been confirmed through the wildlife habitat assessment, and the SC Scenic Overlay Areas to the maximum extent feasible.
2. Shall be located in areas that minimize visibility from the State Highways and Ski Hill Road, and from adjacent development, to the maximum extent feasible.
3. Shall be located to minimize impact on crop production, grazing, and agricultural activities on the application parcel or adjacent parcels. (In most cases this will require that clusters not be located along property boundaries adjacent to land in productive agricultural use.)
4. Shall have building envelopes located, to the maximum extent feasible, to mitigate hazards on lands identified as areas of "High" or "Extreme" wildfire danger as shown on the latest adopted version of the Teton County Wildland Fire Mitigation Plan. The Fire Marshal of the Teton County Fire Protection District shall be consulted for assistance, recommendations, and advice with regard to the Teton County Fire Protection District Resolution #3, Urban Wildland Interface Assessments. Efforts shall be taken to mitigate the risks outlined in this Resolution.

River Rim Div. II, Phase 1- Amendment #7 Preliminary Plat Application - PZC

OVERVIEW OF PRELIMINARY PLAT APPROVAL: The purpose of this review is to:

9-3-2-C-1: This two-step Preliminary Plat review process is the phase of the process where the fact-finding details and specifics required by ordinance, and law, are determined. All of the issues surrounding necessary infrastructure will be resolved or have a clearly identified solution to the satisfaction of the County prior to scheduling of the third and final phase of the process. When this phase is finished the necessary information, studies, plats etc. shall be completed to meet the requirements of this phase of development and the requirements of the Final Plat phase. The public hearing for the Final Plat phase of development shall not be scheduled until all documentation is deemed complete by the Planning Administrator.

9-3-2-C-7. Preliminary Plat Hearing(s): The purpose of the hearing, or series of hearings, is to continue discussing the proposed subdivision plan, the development agreement, and the Preliminary Plat for conformity with the Comprehensive Plan, the development's relationship to surrounding development, any site conditions that may require special consideration or treatment, and to discuss and review the requirements of Title 9, Title 8, and Title 6, Chapter 6 of the Teton County, Idaho Development Code. The first hearing of the Preliminary Plat application is also to hear specific comments that may have been submitted by review agencies, which may include local, state, and federal organizations. The Commission or Board may require specific action from the applicant pertaining to the comments received. At the Preliminary Plat hearings, the Commission or the Board may request review by any qualified professional person, and may conduct, or cause to be conducted, investigations, examinations, tests, and site evaluations as it deems necessary to verify the information contained in the application or shown on the plat. The developer grants the Commission or its agent permission to enter upon the land in question for these purposes by virtue of the subdivision/PUD application

KEY ISSUES:

On April 12th a Development Review Committee (DRC) meeting with the Teton County Engineer (Darryl Johnson), Eastern Idaho Public Health (Mike Dronan), Idaho Transportation Department (Ben Burke), Greg Eager (Idaho DEQ), Rendezvous Engineering (Bob Ablondi), Teton County Planning Administrator (Jason Boal), and Teton County Planner (Kristin Rader). From this meeting, the attached letter identified the key issues. Briefly these included-

- The PUD must now meet the 70% open space calculation, it was originally approved with 50%
- Concerns with area calculations
- Clarification of the "hospitality units"
- Concern with "incidental uses" being along the highway.
- Applicant providing updated O&M records for the sewer system

See the attached Staff Memo's & the Applicant's response for further discussion on the identified issues-

- a. River Rim Ranch Plat Amendment #7- Post DRC Review Comments- 4/12/2016
- b. Applicant Response to Post-DRC Letter- 4/25/2016
- c. Memo from Staff Addressing DRC Corrections- 4/27/2016

INTER-AGENCY AND DEPARTMENTAL REVIEW COMMENTS

Idaho Transportation: An email from ITD stated- "West Rim LLC was issued a permit 06-06-109 to access SH 33 at MP 125.538 in 2006 and was required to construct both left and right turn lanes. Based on the changes discussed at the DRC meeting on April 12th, ITD does not consider this to be a "change in use". As a result we feel that this permit is still valid.

Eastern Idaho Public Health: They have not received the O&M records that were requested at the DRC meeting.

- 2.6 Encourage policies and resources which enable farms to adapt to changing paradigms.
This proposal does not support this policy.
- Goal ED 3: Recognize that tourism and lifestyle are fundamental components of our economy and are dependent on healthy natural resources.
This proposal is focused on tourism, however it is not focusing on fostering healthy natural resources.
- 3.1. Encourage economic development through the promotion of recreational opportunities and natural resources.
The golf course would provide a recreational opportunity, however there is not a promotion of natural resources.
- 3.2. Conserve Teton County's natural resources in order to enhance economic development.
This proposal would take away the areas that have been returned to native vegetation and convert it to a golf course.
- Goal ED 4: Accommodate additional population by supporting development that is economically responsible to the County and the community.
- 4.1 Assess the public service requirements of new developments and weigh their off-site impacts against projected changes in revenue before approving new developments.
There is a large cost of services to support a resort community 15 miles from Driggs (i.e. emergency services, safety service (building permit inspections), transportation services, educational services (school buses), ect.).
- 4.2 Support local retail by placing adequate residential density in close proximity to businesses.
This policy is not supported.
- 4.3 Consider the economic impact of supply and demand in residential development.
Teton County has a known over-supply of residential building lots, yet under supply of built residential units. The proposal does seek to include 12 workforce housing units for employees or workers associated with the PUD.
- 4.4 Utilize a variety of regulatory and incentive-based tools to reduce density in sensitive areas and encourage density in areas where services exist.
This proposal does seek to increase the density.
- 4.5 Limit commercial retail business to Driggs, Victor and Tetonia.
This policy is not supported if commercial is allowed in this area.
- 4.6 Provide a variety of housing types that are accessible to a socially and economically diverse population.
The proposal does seek to include 12 workforce housing units for employees or workers associated with the PUD.
- 4.7 Encourage creative economic solutions such as live-work opportunities and appropriate home businesses.
This policy is not supported.
- 4.8 Encourage the development of low-density, high-quality neighborhoods adjacent to existing cities.
This policy is not supported.
- 4.9 Maintain rural areas that encourage farming and ranching and support low density residential development.
The original approval of the River Rim project incorporated farming into the design plan.

At this time no other Inter-Agency Comments have been received. The following entities were invited to DRC and to comment on the application:

- Teton County Fire District
- Idaho Fish & Game
- US Fish & Wildlife
- SilverStar
- Fall River Electric

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE:

Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Zoning Ordinance. The public hearing for the Planning & Zoning Commission was duly notified in the Teton Valley News. A notification was sent via mail to surrounding property owners within a 300-foot buffer area and many more people because anyone within a subdivision that has a lot within 300 feet of a project is also notified. A notice was also posted on the property providing information about the public hearing.

COMMENTS FROM NOTIFIED PROPERTY OWNERS & PUBLIC AT LARGE:

Staff has not received any written comments from the public. We have fielded several phone calls asking about it.

CONSIDERATION OF APPROVAL:

The Commission shall only recommend approval if it finds that all of the following criteria (§9-3-2(C-8)) have been met (or if it finds that some of the criteria have not been met, may recommend approval with conditions that would ensure that the proposed development meets the criteria):

a. **The application is consistent with the Comprehensive Plan.**

- Goal ED 1: Develop a coordinated and collaborative economic development strategy that encourages, promotes and supports locally-owned businesses and creates a hospitable and attractive environment for businesses and tourists. *N/A*
- Goal ED 2: Preserve our rural character and heritage and promote local agricultural industries.
This proposed amendment would reduce the amount of area being farmed currently, and replace it with a Golf Course.
- 2.1 Encourage development and land use proposals that support prime economic values of rural character and heritage.
This proposal does incorporate recreation into the development, however I am not sure golf has strong ties to rural character or heritage.
- 2.2 Promote local agricultural industries and businesses.
This proposal incorporates farming into the development, however it is unclear what other local business may benefit from the proposal.
- 2.3 Promote smart growth strategies that help preserve rural character by enhancing existing communities and directing development towards them.
This proposal does not support this policy.
- 2.4 Encourage and attract businesses that are economically and environmentally friendly, and promote stewardship and accountability in business.
This proposal does not affect this policy.
- 2.5 Encourage development that adheres to environmental standards.
The environmental impacts of the River Rim Development are not insignificant. The question before the PZC, is whether the impacts of proposal can be mitigated, and how could they be mitigated. It is worth discussing what environmental standards the applicant is planning on utilizing or could utilize in their design and construction.

- Goal ED 5: Support the development of a communications Master Plan. *N/A*
- Goal T 1: Provide well-maintained transportation infrastructure including roads, paved pathways and sidewalks.
The proposed amendments provide walking paths inside the subdivision that would also connect to the Division I pathways. It is unclear if there will be limitations on who can use those trails and pathways. The County is responsible for maintaining the County Road 9400 West.
- 1.1 Improve the conditions and safety for vehicles, bicycles and pedestrians of existing transportation infrastructure, especially roads important for agriculture.
Most of the infrastructure being constructed in association with this PUD is not existing infrastructure.
- 1.2 Identify and implement financing mechanisms to pay for needed transportation maintenance and improvements.
The proposed amendment is not applicable to this policy.
- 1.3 New development will provide adequate transportation facilities to accommodate needed services.
There are no identified "transit" facilities. This is a limited service in the valley, but being a "resort" destination, this may be a policy to discuss.
- 1.4 Adopt a variety of design standards for all transportation infrastructure.
The proposed amendment is not applicable to this policy.
- 1.5 Provide/promote off-road transportation corridors to and from Public Lands suitable for both motorized and non-motorized vehicles.
The proposal provides winter access to the USFS via an easement and summer access via 9400 West.
- 1.6 Educate and inform the public regarding transportation goals, costs and benefits; road construction and maintenance; and plowing schedules and policies.
The proposed amendment is not applicable to this policy.
- 1.7 When key infrastructure (roads, bridges, pathways, etc) is damaged or destroyed by naturally occurring events, including deterioration due to age and use, it should be replaced within as short a timeframe as feasible to avoid disruption of service to the public.
The proposed amendment is not applicable to this policy.
- Goal T 2: Create convenient, safe, timely, financially sustainable and efficient options for multi-modal* transportation that satisfies a multitude of needs. *N/A*
- Goal T 3: Provide a well-connected transportation network within Teton Valley and within the region.
A possible condition of approval, may include language in the Development Agreement requiring acceptance of a connection to a County wide trail plan/network.
- Goal T 4: Develop transportation appropriate for a rural community, respectful of the unique character of Teton Valley. *N/A*
- Goal T 5: Support continued improvements to the Driggs Memorial Airport to support Teton County's aviation needs. *N/A*
- Goal NROR 1: Conserve our public lands, trail systems, and natural resources (air, water, wildlife, fisheries, wetlands, dark skies, views, soundscape, soils, open space, native vegetation).
As mentioned above this proposal would remove "native vegetation" that was replanted based on the last Master Plan approval
- Goal NROR 2: Enhance and preserve access to public lands and recognize the need to accommodate different user groups in a way that minimizes user conflict and damage to natural resources.
Public access to National Forest during the summer would be through a developed part of the subdivision. The winter access would be via the easement agreement that defines the western boundary of Phase I. Public access, both summer and winter would need to be assured.

- 2.1 Maintain and improve existing public land and river access.
The proposed amendment would maintain public access to the Forest Service via 9400 West.
- 2.2 Support the creation of new public land access when it's consistent with natural resource conservation goals.
The proposed amendment is not applicable to this policy.
- 2.3 Support the creation of a County motorized and non-motorized summer and winter travel plan which includes access points.
The proposed amendment is not applicable to this policy.
- 2.4 Consider and accommodate access for different user groups to minimize user conflict and resource damage.
The proposed amendment is not applicable to this policy.
- 2.5 Seek cooperation of private landowners to improve accessibility to adjacent public lands.
Winter access, which includes a snow machine path, would be via the existing access easement that forms the western boundary of Phase I, and follows 9400 West.
- 2.6 Work with state and federal agencies and private landowners to protect environmentally-sensitive areas from resource degradation.
The proposed amendment is not applicable to this policy.
- Goal NROR 3: Provide and promote exceptional recreational opportunities for all types of users (including but not limited to biking, skiing, fishing, off-highway vehicle use, target practice, hunting, trail users, equestrians, boating, non-motorized flight) as a means for economic development and enhanced quality of life. *N/A*
- Goal NROR 4: Balance private property rights and protection of our natural resources.
- 4.1 Ensure that development regulations balance natural resources protection, viewshed protection and growth, are clear and predictable, and preserve the economic value of the land.
The balance identified in this goal is unique with this proposal. Consideration needs to be given to the economic value of the existing infrastructure, existing properties (lots) and the development as a whole. As well as the acceptance, approval and entitlements have been granted in the past. How this fits into the equation should be discussed and determined by the Commission.
- Goal NROR 5: Recognize, respect and/or mitigate natural hazards, including but not limited to flooding, earthquakes, landslides, radon and fires. *N/A*
- Goal NROR 6: Promote natural resource protection by a variety of means including financial compensation for willing buyer/willing seller agreements that promote open space acquisition and land and water easements. *N/A*
- Goal NROR 7: On public lands and accesses, balance recreation with protection of natural resources. *N/A*
- Goal NROR 8: Respect sensitive habitat and migration areas for wildlife.
The development of Phase 1 started before the requirements of the Wildlife Habitat Assessment requirements. The utilities were installed and golf course was graded and shaped. The natural habitat that was there was removed. This proposal would not disturb any additional habitat.
- 8.1 Teton County recognizes that wildlife and wildlife habitats provide economic, recreational, and environmental benefits for the residents and visitors of Teton County. Land development decisions will strongly weigh the needs of wildlife to protect the inherent values that they provide.
Additional density in Phase I is a consideration that needs to be weighed against the impact of natural resources.

- 1.4 Maintain the County's rural heritage through the scenic corridors.
This policy is not applicable.
- 1.5 Support the preservation of open space, farmland, natural beauty, and critical environmental areas.
The River Rim Division II Master Plan has approximately 3,300 acres of open space. Most of those areas are intended to be farmed. Two hundred and eighty (280) acres are in the golf course area.
- 1.6 Encourage higher density development in the cities of Driggs, Victor, and Tetonla.
This proposal does not support this policy.
- Goal ARH 2: Balance property rights and rural character.
Should be discussed and determined by the Commission.
- Goal ARH 3: Support and enhance agriculture and ranching.
This proposal does not support this policy.
- Goal ARH 4: Respect cultural heritage sites. *N/A*
- Goal ARH 5: Reduce infestation/introduction of invasive species.
Weeds have been a major problem in the River Rim complex with disturbed soils being left unattended and, in some cases, unplanted, for years. The weed problem needs to continue to be addressed in earnest. A revised weed management plan needs to be created and followed to support weed-fighting efforts in conjunction with the proposal.
- 5.1 Support on-going efforts to map current noxious weed infestations.
A weed management plan could include mapping of weed infestations.
- 5.2 Continue support of public education and outreach that target noxious weed identification, landowner control responsibilities under Idaho State Law, noxious weed management options and noxious weed management funding alternatives.
This policy is not applicable.
- 5.3 Continue to offer cost share assistance to willing landowners through the Idaho State Department of Agriculture's (ISDA's) noxious weed cost share grant program.
This policy is not applicable.
- 5.4 Support current county weed control enforcement policies to better report, police and enforce noxious weed violations under State Law in a fair, timely and consistent manner.
This policy is not applicable.
- 5.5 High priority will be given to managing invasive species that have, or potentially could have, a substantial impact on county resources, or that can reasonably be expected to be successfully controlled.
This policy is not applicable.
- 5.6 Address the cause of invasive species infestations and work to reduce initial outbreaks especially on disturbed lands.
Additional disturbances, especially with seed sources in the area, should be carefully managed and protected against weed infestations.
- 5.7 Provide public education on appropriate uses of chemical weed control so that it is used in a way that is compatible with surrounding uses.
This policy is not applicable.

- 8.2 Work with landowners, the Idaho Department of Fish and Game, other state and federal agencies, non-governmental organizations, and other natural resources professionals to utilize wildlife habitat and species information and other tools (such as Western Governors Association Crucial Habitat Assessment Tool and the Wildlife Overlay Map), including new information as it becomes available, to make land use and site planning decisions.
Attached are the past analysis and comments from other agencies.
- 8.3 Minimize the cumulative impacts of development on wildlife and wildlife habitat.
This policy needs to be weighed when reviewing this application.
- 8.4 Protect and/or improve the diversity of native vegetation.
This proposal does not support this policy.
- 8.5 Protect and improve riparian and aquatic habitats.
This proposal does not support this policy.
- 8.6 A Wildlife Impact Mitigation Plan shall be developed for any development project which impacts an important habitat or which presents concerns of detrimental human-wildlife interaction. Requirements and performance standards for the mitigation plan shall be clearly established in the Zoning and/or Subdivision Ordinance and shall be the basis for approval of the plan.
Without clear mitigation guidance in the development code, the County has relied on comments from the consultants doing the study and Fish and Game to provide guidance if mitigation is needed.
- 8.7 Provide incentives for voluntary habitat buffers, seasonal use restrictions, and aquatic connectivity along key drainages.
This policy does not apply.
- 8.8 Work collaboratively with other jurisdictions to preserve, enhance, restore and maintain undeveloped lands critical for providing ecosystem connections and buffers for joining significant ecosystems.
This policy does not apply.
- 8.9 Designate and map lands within or buffering Teton River Canyon as an irreplaceable natural area, and work with private landowners and government agencies to protect and conserve the area's ecological resources, including wintering big game and cutthroat trout.
This policy does not apply.
- Goal CEF 1: Provide high-quality public and private services and facilities in a coordinated manner for the health, safety, and enjoyment of the community. *N/A*
- Goal CEF 2: Encourage the development and support of high-quality education facilities (primary, secondary and post-secondary) and diverse and affordable activities for all ages. *N/A*
- Goal CEF 3: Encourage an environment that fosters community involvement. *N/A*
- Goal CEF 4: Adequately fund existing and future public services and facilities. *N/A*
- Goal ARH 1: Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.
- 1.1 Ensure that planned growth maintains Teton Valley's rural character.
Dense development in rural areas does not maintain Teton Valley's rural character. The question is whether this proposal improves the situation, by adding a tourist & recreational component back in improves the situation over what was already approved.
- 1.2 Encourage vacation of subdivision plats where appropriate and viable.
This policy is not applicable.
- 1.3 Ensure that open spaces are managed responsibly. *The River Rim project has large amounts of open space that have been and will continue to be farmed. The golf course area, also counted as open space, will need to be managed in a responsible way moving forward.*

- b. **The application complies with all applicable County regulations.**
- With the calculations based on all of Division II the proposal appears to meet applicable Teton County Regulations, with the exception of the items identified in the Key Issue section.
- c. **If the application is for a PUD, it complies with any regulations applicable to PUDs under Chapter 5 of Title 9, including without limitation regulations controlling the types and locations of open space to be included in the development and the required design and size of development clusters. If the application is for a Planned Community PUD, the application adequately mitigates any impacts identified in those additional studies required by Section 9-3-2(C).**
- The proposal does appear to meet the open space and clustering requirements. Past studies and updated information has been provided. The PZC does have the ability to request additional studies.
- d. **The application includes trails and pathways as required by Section 9-4-2(B-4) to the maximum extent feasible.**
- Teton County has yet to adopt a trail/pathway plan, however I would encourage language be added to the Development Agreement that Trails/Pathways in the development be incorporated into that plan when it is developed.
- e. **The application is consistent with the results of any Nutrient-Pathogen Study required for the property and includes any conditions or changes required to avoid any potential degradation of surface or groundwater identified in that study.**
- This does not apply to this application because a Nutrient-Pathogen Study was not required.
- f. **The application is consistent with the recommendations of any report on the adequacy of the proposed sewage system for the development and includes any recommended mitigation measures identified in that report.**
- See comments from EIPHD above. There is concern about the maintenance of the system.
- g. **The application is consistent with any Traffic Impact Study required for the property and will not result in a decrease in the level of service (for example, from level of service B to C) on any State Highway or a maintained county road and includes any mitigation measures recommended in the Traffic Impact Study.**
- See comments from ITD above. It was previously permitted and this proposal is not significantly different from the original application.
- h. **If the application is for land that is not adjacent to a State Highway or a maintained county road, the applicant will bear the costs of constructing roads to connect the proposed development to at least one State Highway or a maintained county road, and adequate for anticipated traffic and will be constructed to County Road Standards.**
- N/A

- i. If a Natural Resources Analysis is required, the proposed development will avoid all mapped Overlay Areas (except the AV Airport Vicinity Overlay Area), or will minimize any unavoidable impacts to the mapped Overlay Areas to the maximum extent feasible and mitigate any unavoidable impacts. In the case of land located in the WH Overlay Area, the duty to avoid or mitigate impacts on habitat areas shall only apply if the wildlife habitat assessment reveals evidence of an indicator species or the presence of indicator habitat, and shall only apply to portions of the parcel where the evidence or habitat is found.
- Staff felt that this is an area without clarity in the code. The proposal is to "meet all current county regulations". However, the plat amend process was adopted to "ensure the revised plats, and Planned Unit Developments or recorded Master Plans comply with all applicable regulations but it is desirable to avoid unnecessary duplication of studies and analyses that may have been required as part of the initial plat application and approval." When Phase 1 was approved, there was no requirement for a Wildlife Habitat Assessment. Evidence of indicator species at this point would be impossible, as the native vegetation was removed from the site in the past as the golf course was originally sculpted and utilities installed. The previous approval the residential units has marginalized this area as Biota made clear in their 2013 review of the golf course reclamation- "The proposed open space areas can be expected to be used by a diverse suite of wildlife species, although it is understood that the long-term value of this area will be reduced as residential development of Division II, Phase I progresses." In 2013 IDFG submitted a letter restating their primary concern with River Rim was in Phase VI, the South Canyon Area (see attached IDFG letter). The PZC does have the ability to request a Wildlife Habitat Assessment, if it feels it would be necessary to make a decision on the proposal.
- j. The required Public Service/Fiscal Analysis shows that all public services provided to the proposed subdivision or PUD have adequate capacity to service it, or if they do not, the applicant has committed to mitigation or financing to ensure that those services and facilities will be provided within two (2) years after the first unit in the development is occupied and that any shortfall of tax revenues below the costs of providing the services or facilities will be covered without cost to the County.
- The subdivision will utilize private a private water and sewer system.
 - Access will be provided via State Highway 33 and County road 9400 West. The applicant has ITD approval for the access and will be improving the intersection to meet the demand. The developer has relocated and improved 9400 West for the County as required in the 2014 Development Agreement.
 - The developer is willing to dedicate a lot to the Teton County Fire District, if the Fire District is interested.
- k. The application is consistent with any capital improvements plan adopted by the County.
- There is no identified Teton County capital improvements in or near this development, other than 9400 West that has been completed.

- l. An adequate institutional structure has been created to ensure that long-term maintenance costs of roads, water, sewer, and drainage systems will be collected from within the development and used to maintain such items. If the chosen structure relies on payments of dues (for example, through a homeowners association) rather than taxes, the county shall be granted the institutional power to enforce payments of those dues in the event the organization fails to do so.
- The institutional structures (water, sewer, stormwater, etc.) have been designed and beginning phases installed. The development will be responsible for the long term maintenance of those systems. An institutional structure has not been created. Roads, water, sewer, and drainage systems on the property are all private.
- m. If land ownership boundaries or natural terrain features make it impossible for the application to meet all of the criteria outlined in Section 9-3-2(C-3), the application shall meet as many of the criteria as possible.
- This is not applicable.
- n. In addition to the above, for a Planned Community PUD, the application is consistent with the recommendations of any report on the adequacy of the school system to accommodate school aged children anticipated by the development, and includes any recommended mitigation measures identified in that study. If the applicant is obligated to pay an impact fee for schools, then mitigation measures identified in the report will not be required.
- This proposal would reduce the number of single family units and or convert them to "hospitality suites". There would be little impact on school age children in the development. I am awaiting comments from the School District. The PZC does have the ability to request a Public Service Analysis, if it feels it would be necessary to make a decision on the proposal.

PLANNING COMMISSION'S POSSIBLE ACTIONS:

- A. Recommend Approval of the Preliminary Plat, with the recommended conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Recommend Approval of the Preliminary Plat, with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. Recommend the Denial the Preliminary Plat application request and provide the reasons and justifications for the denial.
- D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

The following motion could be given:

Having concluded that all the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-B in conjunction with the criteria for a Substantial Change- Increase Scale, Impact found in Title 9-7-1 (B-2-b), can be satisfied (OR not satisfied) with the inclusion of the recommended conditions of approval, and

- having found that the considerations for granting the Preliminary Plat Approval for River Rim Division II, Phase 1 can be justified and have been presented in the application materials, staff report, and presentation to the Planning & Zoning Commission and the, and
- having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
- I hereby recommend APPROVAL (OR DENIAL) of the Preliminary Plat Amendment #7 for The River Rim Division II, Phase 1 as described in the application materials submitted April 5, 2016 and as supplemented with additional applicant information attached to this staff report.

Prepared by Jason Boal

Attachments:

- Application
 - Narrative
 - Conceptual sketch
 - Architect Letter
 - Preliminary Plat Amendment
 - Master Plan Amendment
 - Traffic Projections letter from project Engineer
 - ITD Permit
 - Amended and Restated Development Agreement
- DRC Post-Meeting Letter from Staff- 4/12/2016
- Applicant Response to Post-DRC Letter- 4/25/2016
 - Table 1. Revised Open Space Calculations
 - Table 2. Revised Open Space Summary
 - Table 3. Unit Identification
 - Table 4. Unit Summary
 - Table 5. Revised- Incidental Use Calculations
- Table 6. Revised- Incidental Use Summary
- Table 7. Revised- Wastewater Flow Comparison
- Table 8. Preliminary Golf Course Cost Estimate
- Gamble Sands example images
- Chalet Hospitality Unit concept
- Golf Club Hospitality Unit Concept
- Memo from Addressing DRC Corrections- 4/27/2016
- IDFG Letter – 2013/6/20
- Comment letter from Teton School District 401- 4/26/2013
- Adjacent Landowner Notification Map

End of Staff Report



Teton County Planning
150 Courthouse Drive, Room 107
Driggs, Idaho 83422
Phone: 208.354.2593

FROM: Teton County Planning & Building Administrator, Jason Boal, AICP
TO: GBCL Other Real Estate LLC, 211 West Rim LLC, Rendezvous Engineering & Focus Architects
RE: River Rim Ranch Plat Amendment #7- Post DRC Review Comments
DATE: April 12, 2016

Teton County has received your application for a Substantial Change (Increase Scale, Impact) Plat Amendment. In reviewing the application and supporting documents we have the following comments-

- PUD Definition- 9-5-1-A-2 Planned Community PUD:
A PUD or part of a PUD located outside the cities' areas of impact and containing more than one hundred (100) lots or dwelling units, which shall be designed to preserve the open, rural character of Teton County by minimizing the visual impacts of the development and preventing the appearance of large, scattered, free-standing communities in those areas.
 - Approval Process for Substantial Change (Increase Scale, Impact) Plat Amendment.
 - Definition (9-7-1 (B-2-b)-
Substantial Changes – Increase Scale, Impact are changes that increase the scale or scope of the platted subdivision, or increase the direct or indirect impacts on the immediate neighborhood, general vicinity of the subdivision or overall community. These substantial changes may include the following:
 - an increase in the number of lots;
 - the re-arrangement or relocation of lots that encroach further into natural resource areas or Overlay Areas as defined in Title 8 or Title 9 or move closer to neighboring property;
 - the relocation of parking facilities, buildings, or other elements of the development that encroach further into natural resource areas or Overlay Areas as defined in Title 8 or Title 9 or move closer to neighboring property; or
 - other changes of similar magnitude or projected impact.
 - Process for Approval (9-7-1 (B-4-b)-
Upon the Planning Administrator determining the application complete, and that the proposed changes are substantial, the application shall be reviewed as a revised Preliminary Plat and revised Final Plat pursuant to the procedures established for such applications. The Planning Administrator shall schedule the application for review by the Planning and Zoning Commission and Board of County Commissioners pursuant to the procedures established in this regulation for Preliminary and Final Plats*.
*There will be 3 public hearings- 1) PZC- preliminary approval, 2) BoCC- preliminary approval, and 3) BoCC final approval.
 - Criteria for Approval (9-7-1 (B-3-b)-
Substantial Changes – Increase Scale, Impact
 - The master plan and plat for a subdivision or Planned Unit Development, including the proposed changes, shall comply with all applicable criteria and standards of the current county regulations**.
 - Any proposed changes to a recorded plat or master plan that increase direct or indirect impacts may require additional mitigation pursuant to the criteria and standards of county regulations
- **The Plat Amendment approval will be based on meeting the criteria identified in the current code.

3. Application Comments-

a. Development Agreement:

- i. We would like a standalone development agreement for this Phase that does not rely on references to previous agreements. So, items like the public uses that were in the original agreement need to be carried forward.
- ii. We need timelines for the improvements that are being proposed. We are interested in the estimate time to complete each of the improvements proposed.
- iii. We need cost estimates for the improvements that are being proposed.
- iv. Every Tract/Block lot needs to be listed with the acreage, densities, and/or proposed uses on the Tract/Block

b. Plat, Exhibit D:

- i. Sheet 1- There is a measurement for Tract A (21.15) (east of the Farm/Ranch Residential Compound). None of the other Tracts have acreages called out. (It is also not aligned like the other Tract labels, along the boundary of the tract)
- ii. What is Tract O (7.57 acres)?
- iii. Sheet 4- call out on the Club Facility Lot references Sheet 7 instead of 5.

c. Open Space Calculations:

Division II Phase 1- Open Space Acreage				Division II Open Space			
Block/Tract	Total Acreage	"Calculated" Acreage	Phase	Total Acreage	"Calculated" Acreage		
Tract J*	278.38	139.19	1	871.19	737.92		
Tract M*	10.46	5.23	2	595.2	595.2		
Tract A	3.58	3.58	3	328.6	328.6		
Tract F (utility lot)***	-	-	4	422	422		
Tract I (Residential Lot)***	-	-	5	617.6	617.6		
Tract M****	68.95	68.95	6	522.6	522.6		
Tract M-1	1.38	1.38					
Tract O	7.57	7.57					
Tract P****	45.03	45.03					
Tract Q****	57.67	57.67					
Tract Q-1	1.78	1.78					
Tract R	3.99	3.99					
Tract S	4.32	4.32					
Tract T	2.69	2.69					
Tract Z1***	-	-					
Tract Z2	390.95	390.95					
Tract Z3	5.59	5.59					
Total	882.34	737.92		3368.34	3,223.92		

*(9-5-2 D)- If the designated open space is included in a golf course or other recreation facility, only one-half (1/2) of the open space acreage shall be counted towards the minimum required open space.

** based on changes from the 2-2014 Development Agreement # 231392

*** (9-5-2 E). The land designated as open space within a PUD must be committed to open space ... Open space may also be platted, and deed restricted to the satisfaction of the Board, as one or more large privately held lots) a minimum of 20 acres each, with specified building envelopes. The Board must be satisfied that the preservation of open space is viable and the entity to which the open space is deeded is a sound, independent and legitimate organization whose primary purpose is to protect and maintain open space.

**** Discrepancy in acreage on provided table and proposed plat.

i. Required Open Space 9-5-3 (D)- Planned Community PUD shall provide a minimum of seventy (70)

percent of the gross land area in the application as open space.

1. Phase 1 standalone - 70% * 1464.2 = 1,024.94 acres
 - a. Short 287.02 acres
2. All of Division II- 70% * 4476.5 = 3,133.55 acres
 - a. Over 90.3 acres

e. Incidental Use Calculations:

Incidental Use Calculations						
Division II Phase 1-				Division II- All Phases		
Lot/Tract	Lot/Tract	Acreage	Use	Phase	Total Acreage	
West Rim Village Park	B1-1	3.51	Equestrian Center*	1	23.91	
	B1-1A	1.96	Fire District Site	2	0	
	B1-2	2.78	Storage Units*	3	0	
	B1-7	2.92	Existing Farm Service*	4	0	
	B1-8	3.2	Headquarters*	5	0	
Golf Village	TE-1	3.32	Club Facilities*	6	0	
	TG- O&M	6.22	Golf Course O & M*			
Total		23.91		Total	23.91	

* Development Agreement 179247 pgs. 11-12 Identify the following as incidental uses-

- N. Incidental Uses. Commercial support uses are located in the following areas and include certain approved uses and restrictions:
- Teton Rim Golf Village (10 ac)
 - Golf Pro Shop/Storage/Restrooms/Office
 - Cart Barn/Storage/Multi-purpose/Office
 - Swimming Pool/Spa/Health Club/Tennis Facility
 - Nordic Skiing
 - Fishing Pond
 - Shop/Services/Office Space/Conference/Sales/Property Management
 - Farm and Golf Operations/Barn/Equipment
 - POA Operations/Barn/Equipment
 - General Storage/Multi-Purpose/Support Facilities
 - Equestrian Area (6 ac)
 - Outdoor riding facilities
 - Indoor riding arena facilities
 - West Rim Village (14 ac)
 - Incidental Use/Support Commercial Use
 - General Storage/Car Wash
 - Self Storage Units/Office - Storage Units
 - Call/Logo Shop
 - Bed and Breakfast with 30 Condominium Units
 - Multi-purpose Meeting/Conference Space
- 9-5-3-B: ...In a Planned Community PUD, nonresidential uses may include (a) non-commercial institutional uses such as schools, churches, or clubhouses, (b) commercial uses designed and sized to serve the daily needs of PUD residents, or (c) commercial operations related to the recreational, sports, cultural, or entertainment focus of the PUD (for example, equestrian-related facilities in an equestrian-themed PUD), which may be designed and sized to serve residents or visitors from outside the PUD.

i. Incidental Use Limitation- 9-5-3-B: The primary land use in a Planned Community PUD is residential. Non-residential uses may be included provided that the land area of the lots on which they are located does not exceed two (2) percent of the developed land area (excluding required open space) of the PUD.

1. Phase 1 standalone - 1464.2 (total acreage) - 1,024.94 acres (required 70% Open Space) = 439.26 acres (developable land area) * 2% = 8.785 acres of incidental uses.
 - a. Over 15.125 acres
 2. All of Division II- 4476.5 (total acreage) - 3,133.55 acres (required 70% Open Space) = 1342.95 acres (developable land area) * 2% = 26.859 acres of incidental uses.
 - a. Under 2.949 acres
- ii. Application/Master Plan stated Incidental Uses -
1. The application states 10.15 Incidental Use Acreage in Phase I - difference of 13.76 acres
 2. The application does not address incidental uses in all of Division 2

d. "Unit" Calculations:

Unit Calculations							
Lot/Tract	Division II Phase 1-			Division II- All Phases			
	Amendment 4 Units	2014 Units	Proposed Units	Phase	Amendment 4 Units	2014 Units	Proposed Units
Block 1 (Entry)	30	0	13	1	340	307	409
Blocks 2,3,4,5,6,7,8,9,10	159	166	160	2	43	18	18
Tract A	20	8	8	3	21	10	10
Tract B	24	10	10	4	25	8	8
Tract C	62	62	124*	5	24	6	6
Tract D	45	45	48*	6	55	55	55
Tract E	0	12	48*				
Tract G	0	3	0				
Tract I	0	1	1				
Total	340	307	412		508	404	506

*Indicates the "Hospitality Unit"- Need to clarify if Tract C will have 2 Hospitality Units per lot OR a 2-bedroom Hospitality Unit per lot.

i. The existing Brett Hoopes home site in West Rim Village does not seem to be included in the unit calculations.

ii. I calculated the following changes to the units (based on changes from the 2-2014 Development Agreement # 231392:

1. West Rim Village: +13 Units
 - a. +1- Existing Hoopes Residence
 - b. +12- Workforce Housing Units
2. Golf Village: +30 Units
 - a. + 3 Units on Tract D
 - b. +36 Units on Tract E (12 existing, total of 48)
 - c. -3 Units on Tract G (lots 26-28)
 - d. -6 Units Block 6 (lots 28-34)
3. Cluster Chalets: +52 Units (two Hospitality Units per lot)
4. Phase 1 Total Change = 412 - 307 (2014) = 105
5. Division 2 Total Change = 509 - 404 (2014) = 105

iii. Maximum Density 9-5-3-C - If the property is located in an area zoned A20 the maximum density shall be fifteen (15) dwelling units per one hundred (100) acres.

1. Phase 1 standalone - 1464.2 / 6.666 = 219 Units
 - a. Over 193 Units
2. All of Division II- 4476.5 / 6.666 = 672 Units
 - a. Under 166 Units

iv. Application/Master Plan stated Units -

1. The application states 349 Units in Phase I - difference of 63 Units
 - a. Hoopes residence + 2 Hospitality Units per chalet lot
2. The application states 446 Units in Division II - difference of 63 Units

f. Ownership- The following is summary of the owners of the different Phases-

- i. Phase 1- GBCI, 211 West and approx. 35 other owners.
- ii. Phase 2- Teton River Farms
- iii. Phase 3- Teton River Farms
- iv. Phase 4- John Hoopes
- v. Phase 5- Circle Dot Ranch
- vi. Phase 6- GBCI

As you can see there is some discrepancy in what we have calculated and what was presented in the application. The discrepancies seem to center on these issues:

1. Open Space-
 - a. 70% Open Space is required for Planned Community PUD under the current code
 - b. Only 50% of the acreage of open space parcels with recreational uses can be counted towards the required open space.
2. Units-
 - a. The Hoopes home was not counted in the unit density
 - b. Adding 2 "Hospitality Units" per chalet lot as opposed to 1 Chalet per lot
3. Incidental Use Calculation-
 - a. Certain uses were not included in the provided calculation...Equestrian, fire station, farm uses, golf course O & M, etc....these uses are either (or both): a) in line with the definition of incidental uses in the current code, or b) included in the original calculation of incidental uses.
4. DRC Comments-
 - a. Sewer/Septic
 - i. Development Agreement (and CC&R's) must identify a maintenance schedule, including the responsible entity of the privately owned septic tanks.
 - ii. Development Agreement (and CC&R's) must identify maintenance schedule, including the responsible entity for the leach field and community system.
 - iii. Applicant will revise the sewage calculations based on the revised type and number of units. This revised calculation will be provided to Idaho DEQ, EHP, and Teton County.
 - iv. Applicant will provide O&M records (since the system was installed) to Idaho DEQ and EIPH.
 - b. Fire Protection-
 - i. Applicant will determine whether the Teton County Fire District is interested in the identified lot.
 - c. Roads
 - i. ITD will review previous application and plans to ensure they meet current standards
 - d. Layout
 - i. Applicant will look at revising the West Rim Village layout to place incidental uses on the interior of the development, as opposed to being along the highway (i.e. storage units lot)
 - e. Units
 - i. Applicant will clarify what a "Hospitality Unit" is in reference to the Chalet lots and Lodge site.

MEMORANDUM

DATE: 4-25-2016
TO: Jason Boal, Teton County Planning Administrator
FROM: Bob Ablondi 
RE: River Rim, Proposed Amendment No. 7
CC: Brett Potter, Sean Moulton, Sean Cracraft, David Choo, Don Chery
RDZ PROJECT NO: 15-037

Attached below are specific responses to the comments raised in your memo dated 4-12-2016 following the design review committee (DRC) meeting that took place on that same day. As noted, the calculations for open space, number of units allowed and incidental use satisfy current county requirements if the entire PUD is considered. We did have some questions and differences on how the open space and incidental use was calculated.

To help better explain the hospitality unit, Brett Potter has prepared some concepts plans that illustrate more specifically what these units may look like. It is important to note that the plan is for more affordable units to work with the overall economic model. Consequently the sized is expected to be less than a typical single family residence. These plans are still in the early planning stages.

Also we are including in Table 8 some preliminary cost estimates for the golf course construction prepared by Sean Cracraft of OB Sports. This estimate is based upon a "links" type course which is expected to require significantly less effort and cost to construct. Photos from a course recently completed by OB Sports. It is important to note that the irrigation pump station is in place, the mass excavation has been completed, rock excavation is not an issue and the natural areas have already been seeded all of which will help to control costs and keep with the economic model for this facility. Sean is also planning to attend the Planning and Zoning meeting to help answer questions about the golf design.

Also attached are some photos of a recently constructed links golf course in Brewster, Washington called Gamble Sands. This course has many of the same characteristics that would apply to the River Rim site including a remote location as a destination golf resort. This course also has few amenities and limited water features to save construction and operation costs.

25 South Gros Ventre Street - Post Office Box 4558 - Jackson, Wyoming 83001
Phone - 307.733.5252 Fax - 307.733.2334

1. Open Space.

a. Attached are updated Tables 1 and 2 showing overall open space calculations for Phase I and all of Division II per your comments. The key item is that with all phases, the project does comply with current PUD regulations for 70 percent open space. It should be noted that this project was planned more than 10 years ago and was based upon the standards in effect at the time which only called for 50% open space.

b. However, we had several comments about the calculations for five (5) of open space tracts as summarized below. We have provided our recommendations for open space next to your analysis as a comparison.

1) *Tract N, Entry Ponds.* Although this area is used occasionally for fly fishing lessons, allowing only 50% of the area to qualify as open space seems to discourage this type of an amenity, which we believe adds value to the project and the community as a whole. Plus this is a very minimal use of the land. As noted above this does not affect the overall calculation but is a more of a policy question for the current PUD regulations that may be counterproductive. We would suggest that this be included as 100% open space.

2) *Tract J, Golf Course.* With the change to more of a links type course, there will be considerably more native grass and natural areas compared to a more conventional design. The Gamble Sands course in Brewster Washington is an example of the intended design. This again raises the question about only allowing 50% of the golf area to be open space particularly with the greater emphasis on using and preserving natural grasses and vegetation. We would suggest 50% credit for the actual golf and 100% credit for the natural areas as a compromise.

3) *Tracts F, Z-3, Leach Fields Tanks.* One of the early concepts in the River Master Plan was to take advantage of the large open space areas to construct on-site leach fields as opposed to a more complicated mechanical plant with a point source discharge. These areas are currently being farmed as there are limited numbers of structures.

4) *Tract I, Agricultural Operations Lot.* Although there is a residential unit associated with this 60 acre tract, this use would only account for about 1 acre of disturbance. We would recommend that the remaining 59 acres be credited for open space.

2. Units.

a. We have revised Tables 3 and 4 to include the one unit currently owned by the Brent Hoopes family. This has always been an allowed use in the development agreement understanding that over time it will transition to another use. One possibility is for this to be purchased from the Hoopes and used for employee housing in some form. Based upon Table 3 for Phase 1, the change is still 42 units which include the 30 bed and breakfast units and 12 employee housing units discussed in the application narrative. As shown in Table 4 for the entire project, there is a total of 447 units associated with Amendment No. 7 with an allowed 671 units per current PUD requirements or an overall net surplus of 224 allowed units.

iii) See revised Table 7 which is a comparison of the original sizing and the current flow estimates. The original sizing was also included in the operations manual.

iv) There are limited records available due to the fact that use has been minimal. The wastewater use has essentially been the equivalent of one single family residence or about 300 gpd on a 30,000 gpd system - 1 percent of the design capacity. The flow monitoring and other O&M recording obligations are triggered at significantly higher flows.

b. Fire Protection.

i) We will send an email to Fire Chief Bret Campbell to again ask if there are any plans to use this site fire department site and at what time. This site can remain available however we would prefer that it not be considered part of the incidental use allowance as previously discussed given that it will likely be many years before any use takes place.

c. Road

i) ITD has our traffic estimates which show minimal change from the information submitted in 2014. The estimated traffic is still less than the original PUD estimate. However as noted there is still a plan to complete the turning lanes in accordance with the original access permit. However we will wait to see if ITD has any new issues that need to be addressed.

d. Layout

i) As previously noted, the storage units are not an integral part of the project but rather an amenity that benefits the local lot owners. There will be no need for the storage until there is a minimum of 50 homes or so completed and occupied. This may be 7 to 10 years into the future.

Also there would be additional design efforts for the units to make them fit the Idaho farm vernacular and be less obvious from the highway. There would also be landscaping and screening.

There would be a need to study of the site options and ownership situation before considering a move of these proposed storage units. This issue can be discussed later in the process as noted they are not an integral part of the overall development plan.

e. Units

i) The additional concept sketches for the Tract C Chalets and clustered units on Tract D and E should provide a better idea of what would be included in a two key hospitality unit. As previously noted, these units are smaller in overall size and impact compared to the luxury cabins and single family homes originally planned for these sites.

b. Attached is a concept plan of the Chalet units showing the two "key" concept designs that would be part of the short term rentals associated with the hospitality facility. These Tract C Chalet units have always been a part of the units allowed for short term rentals. At less than 2500 square feet, this concept shows a plan that is smaller in size than a comparable 4 bedroom luxury cabin planned for this site. Consequently we suggest that the unit count be based upon one unit per lot on Tract C. Revised Table 3 is based upon this assumption of one unit.

3. Incidental Use Calculation

a. We have updated the incidental use calculations in Tables 5 and 6 per your comments. However we wanted to note that many of these incidental uses that are included in the county definition could be eliminated as they are secondary to the overall intent of creating a financially viable golf resort as discussed below:

1) *Equestrian Area.* This area was included in the plan as an amenity to the property owners as an option to keep horses at the site. This is not directly related to golf and is not considered an essential use for this project. In addition the use was intended to be more of a pasture area with limited structures. This could be reduced to one acre or eliminated if it negatively affected the allowable incidental uses.

2) *Storage Unit Lot.* This is not an essential use but more of an amenity for the lot owners. This area can be reduced in size or eliminated however we believe that it would be prudent to allow this type of use.

3) *Fire Station.* The fire station lot was moved from Division I mostly to provide the fire department with a better alternative that had access to water, sewer and utilities. We do not believe that the allowable incidental use area should be reduced for providing this public facility. Also we would expect that the county would allow a fire station in about any zone if there was a need.

4) *Existing Farm Service Lot.* This lot was sold to Teton River Farms to support their ongoing effort keep the surrounding lands productive through a farming operation. This operation positively impacts a large portion of the open space area associated with this PUD. This is essentially the same use that has been on this property prior to the PUD and therefore should not be part of the incidental use allowance.

5) *Golf Operations Lot.* The entire lot is not required for the golf operation. We have estimated that this can be reduced to about 2 acres if necessary but would prefer to have the flexibility of a larger useable area.

4. DRC Comments

a. Sewer/ Septic

i) and ii) There is a suggested maintenance schedule for the wastewater system, domestic water and fire protection system that is included with the record drawing on file with the county. The wastewater manual discusses both the onsite septic tanks and the overall treatment system. This would be the initial responsibility of the developer but transitioning to the homeowners or a special district over time.

Attachments:

- Table 1 Division II, Phase I Open Space Calculations
- Table 2 Overall Division II Open Space Calculations
- Table 3 Division II Phase I Unit Calculations
- Table 4 Overall Division II Unit Calculations
- Table 5 Division II, Phase I Incidental Use Calculations
- Table 6 Overall Division II Incidental Use Calculations
- Table 7 Wastewater Flow Comparison, Amendment NO. 7
- Table 8 Preliminary Golf Course Construction Estimate (OB Sports)

- Figure 1 Chalet Unit Concept for Two Key Unit (Brett Potter)
- Figure 2 Multi-Unit Concept for Two Key Unit (Brett Potter)

- Photos Photos from Gamble Sands Links Type Golf Course

TABLE 1 (4-25-2016)
RIVER RIM RANCH
DIVISION II, PHASE I OPEN SPACE AREA COMPUTATIONS - AMENDMENT NO. 7
 4/25/2016

Block/Tract	Acres	Open Space, Original Method	County Calculation	Recommended Calculation
1	19.45	0.00	0.00	0.00
2	33.80	0.00	0.00	0.00
3	23.09	0.00	0.00	0.00
4	65.00	0.00	0.00	0.00
5	55.50	0.00	0.00	0.00
6	32.96	0.00	0.00	0.00
7	18.81	0.00	0.00	0.00
8	24.63	0.00	0.00	0.00
9	52.12	0.00	0.00	0.00
10	30.61	0.00	0.00	0.00
A	17.57	0.00	0.00	0.00
B	10.09	0.00	0.00	0.00
C	25.52	0.00	0.00	0.00
D	4.00	0.00	0.00	0.00
E	10.33	0.00	0.00	0.00
G	6.22	0.00	0.00	0.00
Q-2 Irrigation Pump House Lot	0.38	0.38	0.38	0.38
Division II Phase I Interior Roads	48.75	0.00	0.00	0.00
County Road ROW (Open Space)	28.30	28.30	28.30	28.30
F (Utility, leach field)	35.85	35.85	0.00	26.89
H	N/A	N/A	N/A	N/A
I (Agriculture, 1 unit)	60.34	60.34	0.00	59.34
J (Golf Course)	278.38	278.38	139.19	208.78
K	N/A	N/A	N/A	N/A
L	N/A	N/A	N/A	N/A
M	63.60	63.60	63.60	63.60
M-1	0.44	0.44	0.44	0.44
N (Entry Open Space)	10.46	10.46	5.23	10.46
O	7.57	7.57	7.57	7.57
P (east of county road)	33.63	33.63	33.63	33.63
Q	49.92	49.92	49.92	49.92
Q-1	1.78	1.78	1.78	1.78
R	3.99	3.99	3.99	3.99
S	4.32	4.32	4.32	4.32
T	2.69	2.69	2.69	2.69
Z-1 (Buried Water Tank)	3.33	3.33	0.00	2.50
Z-2	390.96	390.96	390.96	390.96
Z-3	5.59	5.59	5.59	5.59
A (Other Open Space)	3.58	3.58	3.58	3.58
TOTAL AREA	1464.15	985.10	741.17	904.71
% Open		67.3%	50.6%	61.8%

TABLE 2. RIVER RIM RANCH PUD - DIVISION II / UNIT / OPEN SPACE SUMMARY (4-25-2016)

PHASE	DESCRIPTION	TOTAL ACRES	OPEN SPACE, AMENDMENT NO. 4	OPEN SPACE, AMENDMENT NO. 5	OPEN SPACE, AMENDMENT NO. 7	COUNTY CALCULATION	RECOMMENDED CALCULATION
I	WEST RIM	1,464.2	942.9	969.0	985.10	741.17	904.71
II	NORMAN RANCH	768.7	335.8	595.2	595.2	595.2	595.2
III	CENTRAL PLATEAU	384.3	261.0	328.6	328.6	328.6	328.6
IV	WEST PLATEAU	493.7	279.9	422.0	422.0	422.0	422.0
V	NORTH PLATEAU	677.2	484.1	617.6	617.6	617.6	617.6
VI	SOUTH CANYON	688.5	512.7	522.6	522.6	522.6	522.6
TOTALS		4,476.5	2,816.3	3,455.0	3,471.1	3,227.2	3,390.7
			62.9%	77.2%	77.5%	72.1%	75.7%

TABLE 3. DIVISION II PHASE I UNIT SUMMARY (4-25-2016)

DESCRIPTION	AMENDMENT NO. 4		AMENDMENT NO. 5		PROPOSED AMENDMENT NO. 7		
	CURRENT USE	PREVIOUS NO. UNITS	PROPOSED USE	AMENDED NO. UNITS	DIFFER- ENCE #1	AMENDED NO. UNITS	DIFFER- ENCE #2
BLOCK 1 (Entry Area) Lots 2, 3, 4, 6, 8	Mixed Use, Bed and Breakfast / Hoopoes	31	Mixed Use, Lodge Units, Bed and Breakfast / Hoopoes	1	0	Employee Units, Local Convenience Commercial, Storage Units, HQ Building / Hoopoes	13
BLOCKS 2,3,4,5,6,7,8,9,10	Platted Single Residential Lots	159	Single Family Residential	159	0	Single Family Residential	159
BLOCK 5, LOT 1B	Golf Course	0	Single Family Residential	1	1	Single Family Residential	1
BLOCK 6 (South End)	Golf Course Driving Range	0	Single Family Residential	6	6	Driving Range, Open Space	0
TRACT A	Cluster Cabins	20	Single Family Residential	8	-12	Single Family Residential	8
TRACT B	Cluster Cabins	24	Single Family Residential	10	-14	Single Family Residential	10
TRACT C ¹	Cluster Chalets	62	Cluster Chalets	62	0	Hospitality Suites	62
TRACT D ²	Cluster Units	45	Cluster Units	45	0	Hospitality Suites	48
TRACT E ²	Golf Commercial	0	Single Family Residential	12	12	Hospitality Suites, Clubhouse, Restaurant, Miscellaneous	48
TRACT G	Golf O&M Site	0	Single Family Residential	3	3	Golf O&M Site support	0
TRACT I	Agriculture, Farm Operations	0	Agriculture, Farm Operations with 1 Residence	1	1	Agriculture, Farm Operations with 1 Residence	1
TOTALS		341		308	-33		350
							42.0

Notes:
 1) A total of 30 condominium units were originally included in Block 1 in association with the golf course. One additional lot reserved for Fire Department use per the amended development agreement is also created by Amendment No. 5 but is not included in the unit counts. Amendment No. 7 proposes 12 employee housing units along with the other units listed.
 2) Tract D and E would each have 48 two key "cluster" hospitality suites to be individually owned.

TABLE 6. RIVER RIM RANCH PUD - DIVISION II / INCIDENTAL USE CALCULATION (4-25-2016)

PHASE	DESCRIPTION	TOTAL ACRES	REQUIRED OPEN SPACE, 70% AREA	REMAINING DEVELOPMENT AREA	2% INCIDENTAL USE AREA
I	WEST RIM	1,464.2	1024.9	439.2	8.78
II	NORMAN RANCH	768.7	538.10	230.61	4.61
III	CENTRAL PLATEAU	384.3	268.98	115.28	2.31
IV	WEST PLATEAU	493.7	345.59	148.11	2.96
V	NORTH PLATEAU	677.2	474.01	203.15	4.06
VI	SOUTH CANYON	688.5	481.93	206.54	4.13
TOTALS		4,476.5	3,133.5	1,342.9	26.86

TABLE 4. RIVER RIM RANCH PUD - DIVISION II / UNIT SUMMARY (4-25-2016)

PHASE	DESCRIPTION	TOTAL ACRES	AMENDMENT NO. 4 UNITS	AMENDMENT NO. 5 UNITS	AMENDMENT NO. 7 UNITS	CURRENT TITLE 9 ALLOWED UNITS ¹	UNITS OVER(+) OR UNDER (-)
I	WEST RIM	1,464.2	341	308	350	219.6	130.4
II	NORMAN RANCH	768.7	43	18	18	115.3	-87.3
III	CENTRAL PLATEAU	384.3	21	10	10	57.6	-47.6
IV	WEST PLATEAU	493.7	25	8	8	74.1	-66.1
V	NORTH PLATEAU	677.2	24	6	6	101.6	-95.6
VI	SOUTH CANYON	688.5	55	55	55	103.3	-48.3
TOTALS		4,476.5	559	405	447	671.5	-224.5

Notes: ¹ Based upon 15 units per 100 acres.

TABLE 7 RIVER RIM DIVISION II / PHASE I - WASTEWATER FLOW COMPARISON (4-25-2016)

Category	Blocks / Tract	Unit	Unit Flow, Gal per Unit ¹	ORIGINAL DESIGN FLOW ESTIMATE			UPDATED FLOW ESTIMATE, 4-25-2016			
				Occupancy	Total Unit Flow, gpd	Wastewater Total, gpd	Occupancy	Total Unit Flow, gpd	Wastewater Total, gpd	
Luxury Cabin	Tracts A, B and C	Person	75	4	300	37,800	4	300	20	6,000
Hospitality Unit	Tract C Only	Person	75	4	300	37,800	5	300	62	18,600
Single Family Residence, 4.5 BR ²	Blocks 2, 4, 5, 7, 8 and 9	Each	325		151	49,075			151	49,075
Cluster Residential Unit, 3.5 BR	Tract D	Each	275		45	12,375				
Hospitality Unit	Tracts D and E									
Pro Shop	Tract E	Employee	3		6	18			3	9
Golf Operations	Tract G	Employee	15		25	375			15	225
Club House, non-resident members	Tract E	Person	25	200		5,000			75	975
Club House, employee	Tract E	Employee	15		30	450			20	300
Commercial Area	Block 1	Employee	15		30	450			15	225
Bed & Breakfast Motel, West Rim Commercial	Block 1	Bed space	60	4	240	7,200				
Commercial Area Food Service	Block 1	Meal	13		100	1,300			100	1,300
Public Restroom - Commercial Area, Toilet Waste	Block 1	Person	5	200		1,000			5	1,000
Employee Housing		Person	75	4	300	12			4	300
TOTALS						115,043			115,043	110,709

NOTE: Wastewater system designed for four phases at 30,000 gallons per day per phase, total of 120,000 gallons per day

TABLE 5
RIVER RIM RANCH
DIVISION II, PHASE I -- INCIDENTAL USE AREA COMPUTATIONS - AMENDMENT NO. 7
4/25/2016

Block/Tract	Total Acres	County Calculation	Recommended Calculation	Recommended without Storage Lot, Equestrian Area
1	19.45			
B1-1 (Equestrian)		3.51	1.00	0.00
B1-1A (Fire District)		1.96	0.00	0.00
B1-2 (Storage Lot)		2.78	2.78	0.00
B1-7 (Farm Service)		2.92	0.00	0
B1-8 (HQ, Multi-use)		3.20	3.20	3.20
2	33.80			
3	23.09			
4	65.60			
5	55.50			
6	32.96			
7	18.81			
8	24.63			
9	52.12			
10	30.61			
A	17.57			
B	10.09			
C	25.52			
D	4.00			
E	10.33	3.32	3.32	3.32
G (Golf Operations)	6.22	6.22	2.00	2.00
Q-2 Irrigation Pump House Lot	0.38			
Division II Phase I Interior Roads	48.75			
County Road ROW	28.30			
F	35.85			
H	N/A			
I	60.34			
J	278.38			
K	N/A			
L	N/A			
M	63.60			
M-1	0.44			
N	10.46			
O	7.57			
P	33.63			
Q	49.92			
Q-1	1.78			
R	3.99			
S	4.32			
T	2.69			
Z-1	3.33			
Z-2	390.96			
Z-3	5.59			
A (Other Open Space)	3.56			
TOTAL AREA	1464.15	23.91	12.30	8.52
Required Open Space	1024.91			
Development Area	439.25			
Allowed 2% Incidental Use	8.78			

**TABLE 8 -- RIVER RIM PRELIMINARY GOLF COURSE CONSTRUCTION ESTIMATE -
4-25-2016 (PROVIDED BY OB SPORTS)**

ITEM	ESTIMATED COST
1 GENERAL REQUIREMENTS	\$ 25,000
2 SITE CLEARING	n/a
3 EARTHWORKS, STORMWATER DRAINAGE & SHAPING	\$ 245,150
4 GREENS	\$ 427,980
5 TEES	\$ 245,000
6 BUNKERS	\$ 130,000
7 LABOR	\$ 183,730
8 GRASSING	\$ 71,800
9 HARD LANDSCAPE	\$ 216,000
10 IRRIGATION	\$ 750,000
11 MISCELLANEOUS	\$ 100,000
12 LANDSCAPING	\$ 382,500
13 GOLF COURSE ARCHITECT	\$ 100,000
SUB TOTAL	\$ 2,877,160
CONTINGENCIES (15%)	\$ 431,574
TOTAL - PRELIMINARY COSTS	\$ 3,308,734



Photo 1. Overview photo of Gamble Sands golf course near Brewster Washington, located along the banks of the Columbia River. This was recently designed and constructed as a links type course. The total 18-hole golf course construction was in the range of \$3,500,000.

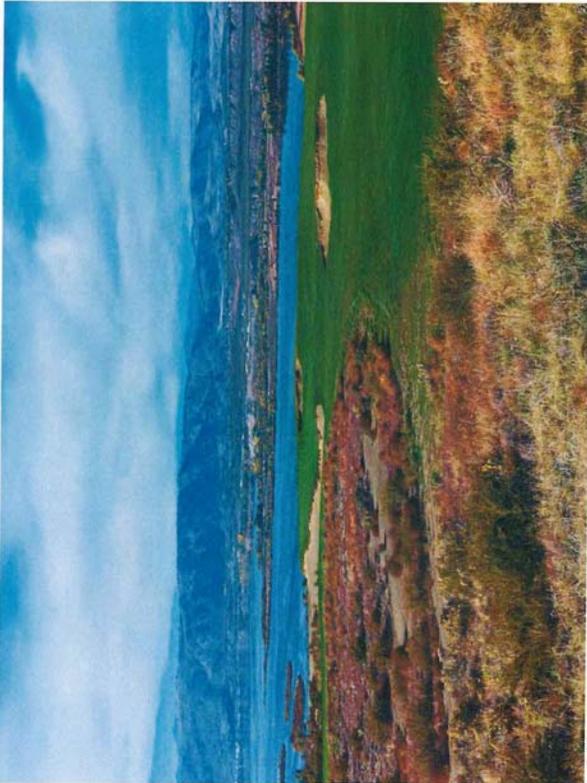


Photo 2. View across course to Columbia River.

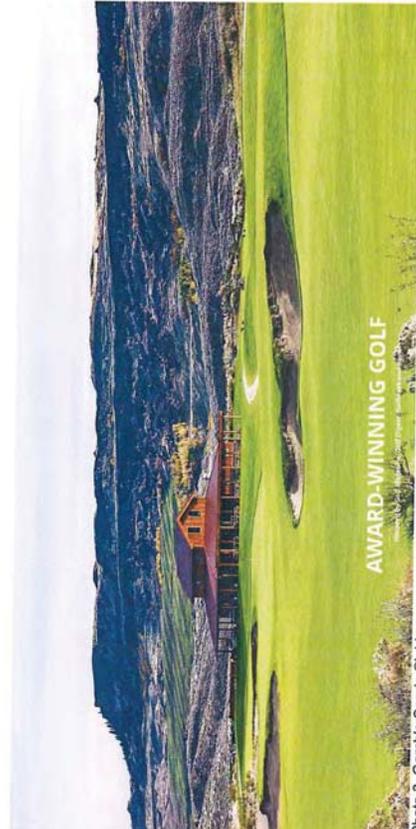


Photo 3. Gamble Sands Clubhouse.



Photo 4. Artist Rendition of proposed Inn at Gamble Sands



Teton County Planning
 150 Courthouse Drive, Room 107
 Driggs, Idaho 83422
 Phone: 208.354.2593

FROM: Teton County Planning & Building Administrator, Jason Boal, AICP
TO: GBCI Other Real Estate LLC, 211 West Rim LLC, Rendezvous Engineering & Focus Architects
RE: River Rim Ranch Plat Amendment #7- Supplemental Documents
DATE: April 27, 2015

Please see the response to your questions/comments below.

1. Open Space.

b. However, we had several comments about the calculations for five (5) of open space tracts as summarized below. We have provided our recommendations for open space next to your analysis as a comparison.

1) *Tract N, Entry Ponds.* Although this area is used occasionally for fly fishing lessons, allowing only 50% of the area to qualify as open space seems to discourage this type of an amenity, which we believe adds value to the project and the community as a whole. Plus this is a very minimal use of the land. As noted above this does not affect the overall calculation but is a more of a policy question for the current PUD regulations that may be counterproductive. We would suggest that this be included as 100% open space.

I do understand your point, however the code specifically says that if the lot/parcel contains recreation facility only 50% of the open space shall be calculated. The intent of the ordinance was to preserve large intact open lands.

9-5-2-D- "If the designated open space is included in a golf course or other recreation facility, only one-half (1/2) of the open space acreage shall be counted towards the minimum required open space."

2) *Tract J, Golf Course.* With the change to more of a links type course, there will be considerably more native grass and natural areas compared to a more conventional design. The Gamble Sands course in Brewster Washington is an example of the intended design. This again raises the question about only allowing 50% of the golf area to be open space particularly with the greater emphasis on using and preserving natural grasses and vegetation. We would suggest 50% credit for the actual golf and 100% credit for the natural areas as a compromise.

Here again it is staffs opinion that the code is very clear, especially when it specifically calls out golf courses. If you would like to amend the plat to reflect larger dedicated open spaces and specific golf course tracts we could adjust the calculation.

9-5-2-D- "If the designated open space is included in a golf course or other recreation facility, only one-half (1/2) of the open space acreage shall be counted towards the minimum required open space."

3) *Tracts F, Z-3, Leach Fields Tanks.* One of the early concepts in the River Master Plan was to take advantage of the large open space areas to construct on-site leach fields as opposed to a more complicated mechanical plant with a point source discharge. These areas are currently being farmed as there are limited numbers of structures. This lot needs to be called out as "Open Space" if the intent is to include it in the calculation.

4) *Tract I, Agricultural Operations Lot.* Although there is a residential unit associated with this 60 acre tract, this use would only account for about 1 acre of disturbance. We would recommend that the remaining 59 acres be credited for open space.

A specific building envelope and restricting development outside that envelop would be needed to include it as open space as you suggested.

9-5-1-E-1- "Open space may also be platted, and deed restricted to the satisfaction of the Board, as one or more large privately held lot(s) a minimum of 20 acres each, with specified building envelopes."



2. Units.

a. We have revised Tables 3 and 4 to include the one unit currently owned by the Brent Hoopes family. This has always been an allowed use in the development agreement understanding that over time it will transition to another use. One possibility is for this to be purchased from the Hoopes and used for employee housing in some form. Based upon Table 4 for Phase 1, the change is still 42 units which include the 30 bed and breakfast units and 12 employee housing units discussed in the application narrative.

If it will be used for a residential lot, either now or in the future, it needs to be included in the unit calculations.

As shown in Table 4 for the entire project, there is a total of 447 units associated with Amendment No. 7 with an allowed 671 units per current PUD requirements or an overall net surplus of 224 allowed units.

There may be 671 units "allowed" by calculations, but the approval and agreement in 2014 limited the number of units for all of Division II to 404 (It was only 559 units in the approval before that). Furthermore the current approved units for Phase 1 is 307 units (308 if you count the Hoopes Property), and you are seeking approval for 350 units.

b. Attached is a concept plan of the Chalet units showing the two "key" concept designs that would be part of the short term rentals associated with the hospitality facility. These Tract C Chalet units have always been a part of the units allowed for short term rentals. At less than 2500 square feet, this concept shows a plan that is smaller in size than a comparable 4 bedroom luxury cabin planned for this site. Consequently we suggest that the unit count be based upon one unit per lot on Tract C. Revised Table 3 is based upon this assumption of one unit. It is staff's opinion that these could be calculated as one unit.

3. Incidental Use Calculation

a. We have updated the incidental use calculations in Tables 5 and 6 per your comments. However we wanted to note that many of these incidental uses that are included in the county definition could be eliminated as they are secondary to the overall intent of creating a financially viable golf resort as discussed below:

1) *Equestrian Area*. This area was included in the plan as an amenity to the property owners as an option to keep horses at the site. This is not directly related to golf and is not considered an essential use for this project. In addition the use was intended to be more of a pasture area with limited structures. This could be reduced to one acre or eliminated if it negatively affected the allowable incidental uses.

Staff would be comfortable excluding this from the "non-residential use" calculation as long as it is clear in the Development Agreement that it shall not be used as a commercial operation, and only for the residents of the PUD.

2) *Storage Unit Lot*. This is not an essential use but more of an amenity for the lot owners. This area can be reduced in size or eliminated however we believe that it would be prudent to allow this type of use.

Staff is not concerned with the use. Staff is concerned with the location. 9-5-3-B *Non-residential uses shall be located within the interior of the PUD, and not along State Highways or maintained county roads bordering the PUD*

3) *Fire Station*. The fire station lot was moved from Division I mostly to provide the fire department with a better alternative that had access to water, sewer and utilities. We do not believe that the allowable incidental use area should be reduced for providing this public facility. Also we would expect that the county would allow a fire station in about any zone if there was a need.

9-5-3-b specifically states that "non-commercial institutional" uses be included in this calculation.

In a Planned Community PUD, non-residential uses may include (a) non-commercial institutional uses such as schools, churches, or clubhouses.

4) *Existing Farm Service Lot*. This lot was sold to Teton River Farms to support their ongoing effort keep the surrounding lands productive through a farming operation. This operation positively impacts a large portion of the open space area associated with this PUD. This is essentially the same use that has been on this property prior to the PUD and therefore should not be part of the incidental use allowance.

Staff would argue that this lot has a use that is a "commercial operation" and is related to the PUD (it is as much of an agricultural PUD as golf course PUD). If there was a way to be further identify this lot on the Plat and in the development agreement as a non-commercial agriculture only lot staff would feel much more comfortable

removing it from the incidental use calculations. There is concern that the buildings could be removed and replaced with a commercial venture.

5) *Golf Operations Lot*. The entire lot is not required for the golf operation. We have estimated that this can be reduced to about 2 acres if necessary but would prefer to have the flexibility of a larger useable area. If you would like to amend the Plat to show only the lots size needed, that is fine. As the code is written the total lot area of a lot with a non-commercial use must be used in the calculation.

9-5-3-B: *Non-residential uses may be included provided that the land area of the lots on which they are located does not exceed two (2) percent of the developed land area (excluding required open space) of the PUD.*

4. DRC Comments

a. Sewer/ Septic

i) and ii) There is a suggested maintenance schedule for the wastewater system, domestic water and fire protection system that is included with the record drawing on file with the county. The wastewater manual discusses both the onsite septic tanks and the overall treatment system. This would be the initial responsibility of the iii) See revised Table 7 which is a comparison of the original sizing and the current flow estimates. The original sizing was also included in the operations manual.

We need to make sure that this Development Agreement is a standalone document. That is why we need the Development Agreement to address those things.

iv) There are limited records available due to the fact that use has been minimal. The wastewater use has essentially been the equivalent of one single family residence or about 300 gpd on a 30,000 gpd system – 1 percent of the design capacity. The flow monitoring and other O&M recording obligations are triggered at significantly higher flows.

DEQ and Public Health seemed to think otherwise. They stated that there should have been operation and maintenance records regardless of the use. I will follow up with them.

b. Fire Protection.

i) We will send an email to Fire Chief Bret Campbell to again ask if there are any plans to use this site fire department site and at what time. This site can remain available however we would prefer that it not be considered part of the incidental use allowance as previously discussed given that it will likely be many years before any use takes place. Discussed above.

c. Road

i) ITD has our traffic estimates which show minimal change from the information submitted in 2014. The estimated traffic is still less than the original PUD estimate. However as noted there is still a plan to complete the turning lanes in accordance with the original access permit. However we will wait to see if ITD has any new issues that need to be addressed.

We received comments from ITD. There doesn't seem to be a concern here.

d. Layout

i) As previously noted, the storage units are not an integral part of the project but rather an amenity that benefits the local lot owners. There will be no need for the storage until there is a minimum of 50 homes or so completed and occupied. This may be 7 to 10 years into the future.

Also there would be additional design efforts for the units to make them fit the Idaho farm vernacular and be less obvious from the highway. There would also be landscaping and screening.

There would be a need to study of the site options and ownership situation before considering a move of these proposed storage units. This issue can be discussed later in the process as noted they are not an integral part of the overall development plan.

Not sure what you mean by "later in the process". The application is required to meet count standards, and although there may be landscaping, non-commercial uses are not allowed to be adjacent to state highways. 9-5-3-B *Non-residential uses shall be located within the interior of the PUD, and not along State Highways or maintained county roads bordering the PUD*



IDAHO DEPARTMENT OF FISH AND GAME
UPPER SNAKE REGION
4279 Commerce Circle
Idaho Falls, Idaho 83401

C.L. "Butch" Otter / Governor
Virgil Moore / Director

June 20, 2013

Angie Rutherford
Teton County Planning and Building Department
150 Courthouse Drive
Driggs, ID 83422

RE: Proposed Amendments to Master Plan & Final Plat of River Rim Ranch PUD Division II

Dear Angie:

Idaho Department of Fish and Game (Department) received a request from Teton County to review an application submitted by River Rim Ranch to amend their Planned Unit Development (PUD) Master Plan and the Phase I Plat (River Rim Ranch Amendment). We understand the original PUD Master Plan was approved in 2006 prior to adoption of Teton County Wildlife Overlay regulations and ordinances. The Department is familiar with the River Rim Ranch PUD and provided a comment letter to Teton County on March 7, 2006 concerning potential wildlife effects and recommendations to avoid and minimize those effects. Since that time development has occurred but in areas where there has not been development, our 2006 comments are still relevant.

Fish and wildlife are property of all Idaho citizens, and the Department and the Idaho Fish and Game Commission are expressly charged with statutory responsibility to preserve, protect, perpetuate and manage all fish and wildlife in Idaho (Idaho Code 36-103 (a)). In fulfillment of our statutory charge and direction as provided by the Idaho Legislature, we offer the following comments and recommendations. The purpose of these comments are to assist the decision-making authorities in Teton County by providing technical information addressing potential effects on wildlife and wildlife habitat and how any potential effects might be avoided, minimized or mitigated. It is not the purpose of Idaho Department of Fish and Game to support or oppose this proposal.

The Department's primary concern with the proposed River Rim Ranch Amendment deals with the South Canyon Area (Division II, Phase VI) which overlaps a big game migration corridor and seasonal range area (big game overlay). As mentioned above, we understand that residential lots and roads were already platted and approved within this narrow big game overlay and greatly appreciate Teton County in seeking additional comments. The River Rim Ranch Amendment depicts a similar residential housing and road footprint within the big game overlay. We recognize and also appreciate the attempt of River Rim Ranch to incorporate a small wildlife corridor within the existing big game overlay as described in Biota's Wildlife Habitat Overlay and Landscape Management Assessment that accompanied the application. However, we do not

agree that proposed development within the big game wildlife overlay would not adversely impact migration of deer and elk through the subdivision. We conclude that reducing the size and width of the migration corridor and having residential housing pressures (e.g. pets, use of ATVs, snowmobiles, roads, and other human activities) may adversely affect deer and elk migration through the PUD. Much time and collaboration went into identifying sensitive and critical wildlife areas for the County approved wildlife overlay. The existing agriculture land provides an unimpeded path of migration as compared to roads and a residential subdivision. Consequently, by recognizing the needs of wildlife and implementing proper planning the River Rim Ranch is likely to preserve some of the wildlife characteristics currently observed. We recommend that Teton County officials work with the applicant to help maintain as much of the migration corridor as possible to provide a buffer for migrating deer and elk and help minimize effects on migration. We also recommend mitigation aimed at enhancing existing migration corridor habitats, particularly agriculture land, with native shrub, grass and tree species to help provide security cover and forage in the corridor. We believe a balance can be struck between development and wildlife by maintaining at least a 2000 foot wide corridor that is properly planted, irrigated and monitored for vegetation survival.

The Department recognizes canyon rim habitats as very important for wildlife. Intensive housing development on the canyon rim, without setbacks, may pressure big game animals away from forage and migration areas and decrease available wildlife habitat. The Department recommends a minimum setback (e.g. 500 feet) on all buildings from the edge of the canyon where natural vegetation begins. This will help minimize adverse effects to wildlife and allow increased movement and utilization along the canyon rim. To help mitigate development along canyon rim areas, we recommend planting native trees and shrubs to offer security cover and forage.

We provide these comments and recommendations in hope that wildlife continues to perpetuate within the River Rim Ranch PUD and surrounding area. Deer and elk rely on a network of connected habitats to migrate from winter to summer range as identified in the Big Game Migration Corridors and Season Range Maps approved in Teton County Developmental Code. Please contact our Environmental Staff Biologist, Tom Bassista, if additional technical information is required by Teton County concerning this proposal. Thank you for providing us with an opportunity to comment on the River Rim Ranch PUD Amendment.

Sincerely,

Steve Schmidt
Regional Supervisor

SLS:TPB:jms

cc: Terry Thomas, IDFG
Doug Petersen, IDFG
Robert Cavallaro, IDFG

RIVER RIM RANCH DIVISION II PHASE I PUD AMENDMENT NO. 7
 NARRATIVE TO ACCOMPANY AMENDED PLAT APPLICATION
 April 5, 2016

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

• Applicant Signature: Don M. Cragg Date: 4/5/2016

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

• Owner Signature: Don M. Cragg Date: 4/5/2016

SECTION II: ADMINISTRATOR DETERMINATION

The Planning Administrator has reviewed the amended plat and/or recorded documents and proposals in accordance with Teton County Subdivision Ordinances Title 9, Chapter 7. The Planning Administrator has determined the changes are:

() Insignificant: The application will be reviewed administratively and approved, approved with conditions or denied. The plat or recorded documents for a subdivision or Planned Unit Development, including the proposed changes, shall comply with all applicable criteria and standards of the county regulations, conditions of approval established in the previous approval, and the development agreement approved as part of the previous approval.

(X) Substantial Changes – Increase Scale, Impact: The application will be reviewed under any applicable current ordinances and a staff report prepared and sent to the Planning and Zoning Commission for preliminary review and noticed as a public hearing at their next available regularly scheduled meeting. Substantial changes will require amended CCR's and Development Agreement and may or may not require additional studies or application materials. After a hearing before the Planning and Zoning Commission, the Commission shall recommend to the Board of County Commissioners approval, approval with conditions or denial of the amended plat and/or recorded documents. A public hearing before the Board of County Commissioners for the final review will then be scheduled and the Board will approve, approve with conditions, or deny the amended plat and/or recorded documents.

() Substantial Changes – Decrease Scale, Impact: The application will be reviewed under the code of original approval and a staff report prepared and sent to the Planning and Zoning Commission for concept review and noticed as a public hearing at their next available regularly scheduled meeting. Substantial changes will require amended CCR's and Development Agreement. No additional studies or application fees will be required. After a hearing before the Planning and Zoning Commission, the Commission shall recommend to the Board of County Commissioners approval, approval with conditions or denial of the amended plat and/or recorded documents. A public hearing before the Board of County Commissioners for the final review will then be scheduled and the Board will approve, approve with conditions, or deny the amended plat and/or recorded documents.

SECTION III: ITEMS REQUIRED ON THE AMENDED PLAT OR IN AMENDED RECORDED DOCUMENTS

- Narrative explaining the changes that are being proposed. See attached Plat, if applicable, is labeled correctly as "Amended Final Plat". See attached Recorded documents, if applicable, are labeled as "Amended".
- Itemize briefly the amendments on the original plat and/or recorded documents and the amended plat and/or recorded documents.
- The following items may also be required, as applicable:
 - Letter of Credit or Bond for financial guarantee of public improvements
 - Engineers cost of public improvements
 - Three (3) Sets of "Final Stamped" construction drawings for public improvements
 - Final approval letter from Eastern Idaho Public Health
 - Final approval letter from Teton County Fire District
 - Acceptance letter from city for sewer hookup from the providing community, if applicable

1. PURPOSE. The primary purpose of this amendment is the re-introduction of the golf course amenity into the River Rim PUD with the ultimate goal of providing higher property values and more viable development that fulfills the intent of the original master plan. Features such as a club house/pro-shop, restaurant, spa and other resort services are also planned for re-introduction at the Golf Village area. In addition limited local convenience commercial uses such as a coffee shop, café, small grocery store, fly fishing shop are planned for the West Rim Village area at the north entrance to the project in this amendment.

Following the recession that began in 2008, developments like River Rim experienced significant financial impacts as sales and interest in resort properties plummeted nationwide. This led the execution of Plat Amendment No. 5 (recorded 2-7-2014 as instrument # 231394) which eliminated the golf course as a required financial commitment of the PUD. The 270 acre open space lot planned for the 18-hole golf course was however reclaimed and the major golf course grading left intact. Infrastructure including the extensive irrigation pump station storage pond and pump station and transmission lines that convey water from the Teton River to the Division II Phase I were also left fully operational.

To make these proposed changes economically feasible, this amendment also proposes to incorporate high quality privately owned two-bedroom hospitality suites into Golf Village Tract E and adjacent Tract D. These units would be available for long and short term rental and cater to prospective golfers who would in turn be able to provide the necessary financial resources to operate the River Rim course. With an excess of undeveloped single family lots surrounding a large open space tract, there is limited potential for sufficient development activity in the near term to support a golf operation. In contrast the hospitality units, which would be designed as a destination resort to attract outside guests to visit River Rim and Teton Valley with the amenity package described, could provide the impetus much more quickly.

2. PROJECT VISION. The vision for this proposed amendment is best described in the March 2016 worksheet drawings prepared by Focus Architects for the Golf Village area and West Rim Community Center, Exhibit A and B to this plat amendment. These drawings show conceptually the types of development that would be incorporated into the project. Additional descriptions of the facilities project vision are also provided in the March 3, 2016 memo from Brett Potter to Jason Boal.

As noted in these concept drawings and descriptions, the overall non-residential component has been scaled back significantly from the original approved PUD from 2007. The objectives are to make the project a better fit with the rural landscape, encourage more environmentally friendly development, and build a small, attractive, outdoor-oriented community while keeping the end product financially viable.

Details regarding the specific structures, sizes, allowed uses, and timing for construction will be further refined as this amendment process unfolds. What is most critical at this time is the solicitation of feedback from the Teton County regarding these changes to determine if the proposed vision and concept are feasible and acceptable.

3. SPECIFIC PLAT CHANGES. As noted in the summary table below, changes are proposed to five (5) specific areas of the current record plat to accomplish the objectives of this amendment. As noted, most of these changes actually involve the re-introduction of components that were part of the original 2007 PUD before the golf course requirement was eliminated in Amendment No. 5.

TABLE 1. PLAT AMENDMENT NO. 7 LEGEND	
A.	Modify Block 1 Lots 2, 3, 4, 6, 8 to allow for 12 employee housing units and incidental uses described in the amended development agreement.
B.	Eliminate Block 6 Lots 29-34 in exchange for use as golf practice area and open space, Tract J.
C.	Eliminate Tract G lots 26-28 in exchange for use as golf operations and maintenance area.
D.	Modify Tract D cluster cabins to allow for use of hospitality suites in combination with Tract E.
E.	Eliminate Tract E Lots 1-12 in exchange for use as hospitality suites and miscellaneous golf resort uses in combination with Tract D.
Note: See amended River Rim Ranch development agreement for descriptions of incidental uses, golf resort uses and for the specific numbers of units permitted.	

In terms of units and density, the principal changes proposed with this plan are:

- The re-introduction of 30 bed and breakfast units previously planned for the West Rim Village area to be placed in this plan within the Golf Village area; and
- The inclusion of 12 employee housing units within the West Rim Village area, Block 1.

The bed and breakfast units have been moved to the Golf Village area to help centralize the visitor activities in a less visible area and location more compatible with guest services. Plus the additional units are important to making the hospitality suite concept viable in terms of the minimum recommended size and scale of operation. The original PUD had these 30 units included with the West Rim Village which were to be allowed with the golf course construction.

The employee housing units are a new addition that responds to current issues facing Teton County and this region concerning the lack of affordable workforce housing. The units are shown schematically on these plans and would be incorporated into the West Rim Village community area and provide additional vitality to this portion of the development.

Table 2 details the specific changes being proposed, comparing densities associated with the two prior amendments. With the lots being eliminated in Block 6, Tract E and Tract G, there is a net increase of 42 units which as described are the 30 bed and breakfast units and the 12 employee units, resulting in a total unit count for Division II Phase I of 349. Even with these additions, it is important to note that this is a net increase from Amendment 4 when the golf course was a part of the plan of nine (9) units.

It should be also noted that only Phase I of Division II will change with this amendment. All other phases will remain as shown on the River Rim Master Plan document, instrument # 231393.

Also there will be an amended development agreement to accompany this amended plat application, similar to the amendment required with Plat Amendment No. 5. The county attorney has requested for the sake of clarity that the amended development agreement be a standalone document. The initial drafts however will focus on the proposed changes. A draft amended development agreement appears as Exhibit 1.

4. INCIDENTAL USE CALCULATION. The current Teton County Subdivision regulations indicate that the primary land use of PUDs is for residential. As described in Title 9-5-3 (C):

"PERMITTED LAND USES: The primary land use in a Planned Community PUD is residential. Non-residential uses may be included provided that the land area of the lots on which they are located does not exceed two (2) percent of the developed land area (excluding required open space) of the PUD."

Consequently an updated incidental use calculation was prepared for this amendment. Based upon pre-application meetings with the county planner and county attorney, the non-residential components associated with this plan would include uses such as the clubhouse, pro-shop, spa, restaurant, fitness center, etc. in the Golf Village, all typical uses associated with similar resort developments. Also the administration building, multi-purpose commercial building, recreation center and storage units would also be incidental non-residential uses subject to the 2 percent restriction. These uses are also seen as typical for a larger PUD and primarily serve local needs, building upon the golf and fishing theme that has been associated with River Rim since its inception.

Table 3 represents an updated block by block calculation of the "developed" land area within Phase I. In this calculation we have also identified developed land associated with roads and road easements, including County Road 9400 West, and easements associated with the main irrigation pump station. These latter examples are located on an open space lots but could be created as separate lots if required for this analysis. They have been left as easements for simplicity and flexibility as the open space areas

within River Rim allow for these types of facilities. The following summarizes the results of this calculation:

INCIDENTAL USE SUMMARY (See Table 3 for details)		
DESCRIPTION	ACREAGE	PER CENT
Total River Rim, Div. II Phase I	1,464.15	100%
Open Space Portion	956.42	65.3%
Developed Portion by Lot or Easement	507.73	34.7%
Maximum allowable Incidental Use, Div. II Phase I	10.15	2% (of development area)

Based upon the current concept plan, about 3.32 acres of incidental use area have been identified for the Golf Village area and 5.98 acres within the West Rim area for a total of about 9.30 acres. The areas of incidental use included in these calculations appear in Exhibits C and D. Because the current buildings and site plans are conceptual and subject to change as the plan is refined, it is suggested that a note be added to the plat that the final incidental use area not exceed 10.15 acres within both village locations combined.

The allowable incidental use area will increase as other phases within Division II of River Rim are platted. This calculation only pertains to Phase I.

4. INFRASTRUCTURE. As noted in earlier project descriptions, River Rim invested more than 30 million dollars in infrastructure prior to the 2008 recession. This included potable water supply and distribution, fire suppression and irrigation water supply and distribution, sewerage collection and treatment, power and communications and road and site preparation. Since this time the current owner, GBCI Other Real Estate, LLC, has worked extensively with the various agencies to secure final permits and approvals for all of these improvements. In addition the owners have also completed additional infrastructure work and now have a majority (about 55%) of their current \$ 3.8 million obligation associated with the Amended Development Permit (Instrument # 231392) completed. The largest remaining item is the paving of the main subdivision roads which will not be required until local traffic exceeds 200 trips per day.

Water and Sewer Systems. Both water and sewer systems were designed for the original PUD plan from 2007 which had a total of 358 units in Division II Phase I and considerably more non-residential development. No changes are anticipated for these systems which have ample capacity and can accommodate the proposed changes. Copies of the record drawings for these systems and documentation of the approvals are on file in the county engineer's office.

Fire Suppression / Irrigation. The fire suppression and irrigation system was also designed for much higher flows and heavier irrigation use on the golf course. The current golf plan involves more of a links type design which will reduce water needs while simplifying operations. Consequently the current system has excess capacity and will not be affected by the proposed changes. Copies of these plans as approved by the county Fire Marshall are on file with the county engineer's office.

Power / Communications. The main systems are in place. Minor extensions are scheduled for this spring. However no major changes are anticipated with these amendments as the level of development is equal or less in intensity compared to the original Golf Village Plan in terms of power needs.

Roads. No changes are planned. The same requirements for paving when reaching 200 ADT would remain in place. Also, there is also an ITD approved plan and letter of credit in place for turning lanes at the main entrance. These plans have also been submitted to the county.

Attached with this plat amendment is an update to the traffic analysis previously done for Teton County in November of 2013. This update recalculates traffic estimates based upon the changes proposed in the five areas described. Compared to the 2013 analysis, total traffic increases by about 4.7% from an estimated buildout number of 3,292 ADT with the previous plan to 3,455 ADT with the current plan.

One large required road improvement was the relocation and upgrade of County Road 9400 West. This work has been completed and is ready for partial release of the performance bond.

Summary. Based upon the infrastructure in place and letters of credit currently held by Teton County no new engineering drawings or cost estimates are anticipated for this amendment.

5. ENVIRONMENTAL REVIEW. No additional environmental review is anticipated for this amendment. The proposed changes will occur within existing platted lots that were part of the original PUD. No wetlands or other environmentally sensitive areas are associated with these changes.

6. OWNERSHIP / APPLICANT. Four out of the five areas where changes are proposed with this plat amendment No. 7 are currently owned by GBCI Other Real Estate, LLC, a subsidiary of Glacier Bancorp and represented by executive vice president Don Chery. Glacier Bancorp took ownership of this property in 2008 when the original developers ran into financial difficulties and has since been working to complete development agreement obligations that will enable future owners to finalize the project. GBCI has previously completed amendments 3 through 6 which included a major revision to the development agreement with Amendment No. 5.

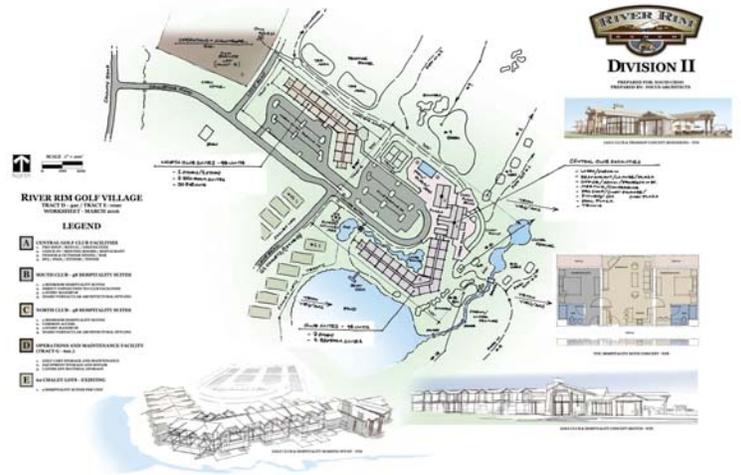
Tract D is currently owned by 211 West Rim LLC, represented by principle David Choo. 211 West Rim also owns Tract C and therefore has entitlements for 107 total units in River Rim Division II Phase I. The owners of 211 West Rim LLC have signed a

purchase agreement with GBCI Other Real Estate, LLC which is contingent upon a formal acceptance by Teton County of this revised plan, or similar mutually agreed to plan. It is also contingent upon a comprehensive financial analysis of the plan's viability.

Consequently until formal transfers of ownership or other agreements take place, the amended plat and related documents will include signatures from both property owners. More details in this potential transfer process are expected to be available once additional feedback regarding this plan is obtained from county officials.

7. DOCUMENTS TO ACCOMPANY PLAT AMENDMENT The following is a summary of the documents that are to be included with this final plat amendment application. Three copies of most documents, except as noted, are being submitted at this time along with a DVD with PDF files of all documents. Additional larger format copies of the plat maps and additional copies will be submitted upon request.

DESCRIPTION	COPIES	FORMAT	EXHIBIT
Amendment Application with filing fee	1	8-1/2 by 11	
Narrative describing plat amendment	15	8-1/2 by 11	
Concept Worksheet for Golf Village	15	11 by 17	A
Concept Worksheet for West Rim Village	15	11 by 17	B
Memo to County Planner discussing project Vision	15	8-1/2 by 11	C
Plat Amendment No. 7, draft	15	11 by 17	D
River Rim Master Plan Amendment, draft	15	11 by 17	E
Golf Village Incidental Use Exhibit	15	11 by 17	F
West Rim Village Incidental Use Exhibit	15	11 by 17	G
Updated Traffic Memo – stand alone	15	8-1/2 by 11	H
Updated Traffic Memo	3	8-1/2 by 11	H
2013 Traffic Memo	3	8-1/2 by 11	Included with H
ITD Access Permits for River Rim Div.II Phase I	3	8-1/2 by 11	Included with H
Draft Development Agreement Changes	15	8-1/2 by 11	I
DVD with PDF files of all documents	1	DVD	



Jason Boal - Planning Administrator,

FOCUS Architects is pleased to present a new vision for River Rim Ranch to the Teton County Planning Department for feedback and this package includes:

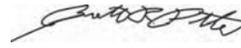
1. A new River Rim Ranch PUD Master Plan with a detailed list of proposed entitlements.
2. A new detailed golf club village site plan with proposed building concepts.
3. A new detailed entry village site plan with "small scale" community support functions.

This new vision for River Rim Ranch is consistent with the Teton County Comprehensive Plan and includes:

1. The creation of a connected outdoor community where people can arrive, park their cars, and walk, bike, or jump in an electric golf cart to do almost everything.
2. The creation of a "small scale" neighborhood community center at the entry village that balances the community by allowing residents to buy a gallon of milk, pick-up the mail, and drop off the dry cleaning close to home.
3. The creation of a reduced water consumption "links style" golf course that increases property values and creates neighborhood connectivity with pathway design.
4. A continuation of the River Rim Ranch architectural styling that draws inspiration from local farm, agricultural, railroad, and small town shapes and forms which capture the simple rural beauty of the surrounding area.
5. The continuing commitment to maintaining large parcels of open space which will be used as active farm land in perpetuity.
6. A focus on outdoor amenities including river access, trail access, plaza space, park space, and open space.
7. Supporting the economic vitality of Teton County by raising the tax base, creating full time and seasonal job opportunities where employees will have the option to live on-site, energizing the local construction industry while increasing regional land appraisal values, boosting the equity of current property owners, and providing ownership opportunities for families.

Thank you again for the opportunity to discuss this new vision for River Rim Ranch and feel free to contact myself at (406) 579-8450 with any questions.

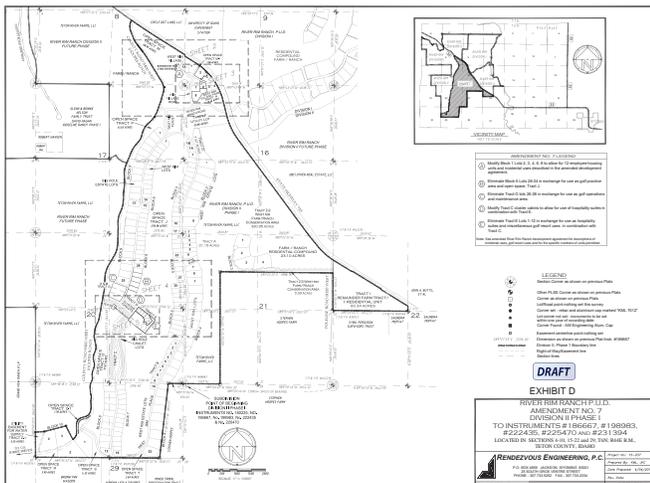
Sincerely

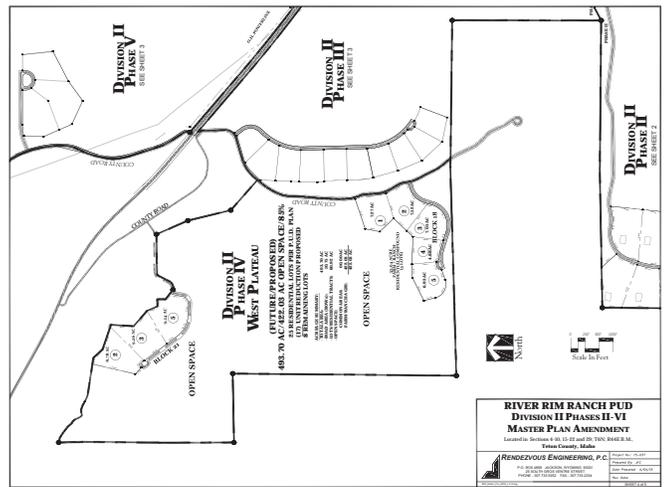
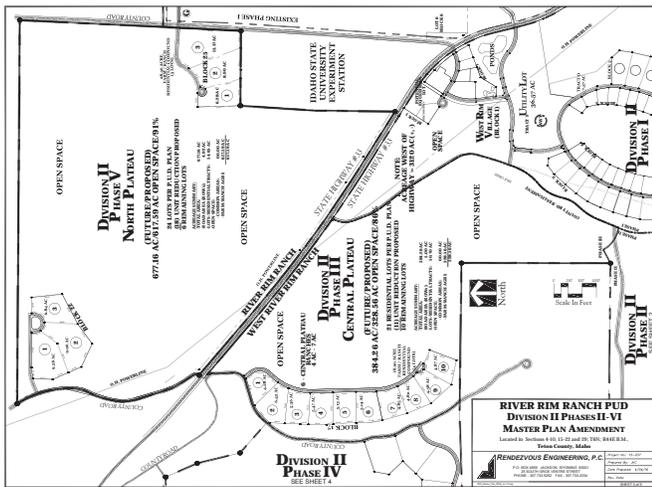
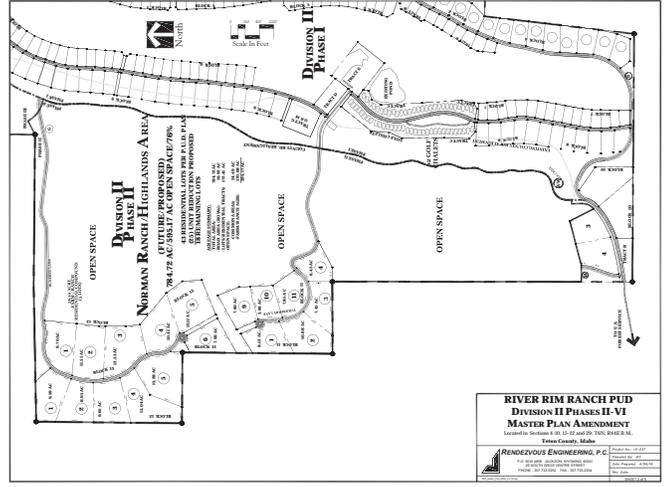
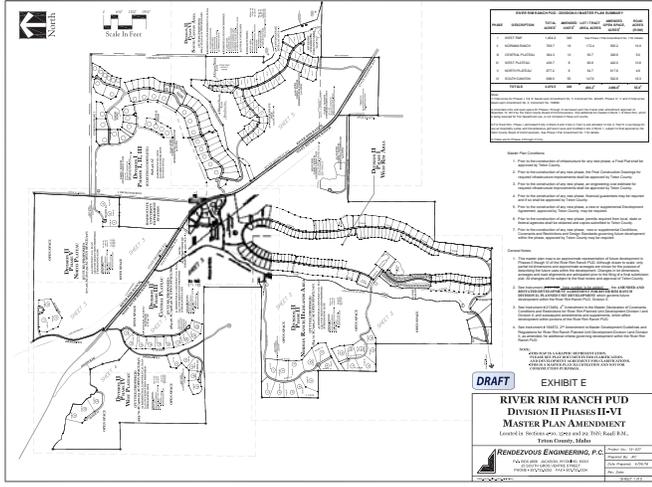


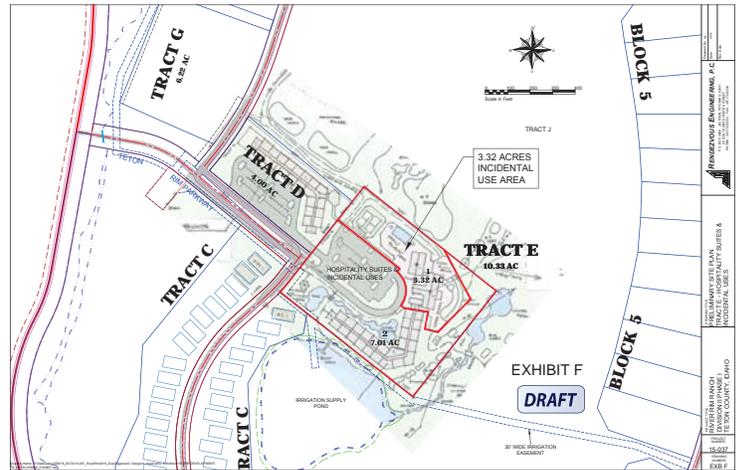
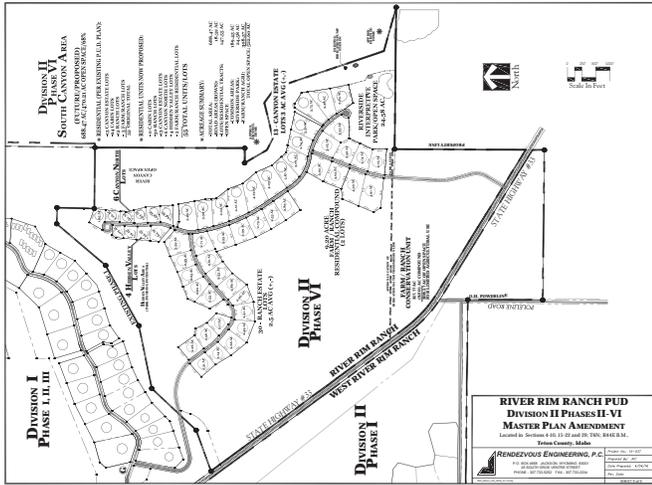
Brett R. Potter, AIA LEED AP
Principal
FOCUS Architects

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

MEMORANDUM

DATE: April 2, 2016
TO: Darryl Johnson, P.E., P.L.S.
FROM: Bob Ablondi, Idaho P.E. 5994 
RE: River Rim / Traffic Projections / Proposed Amendment No. 7

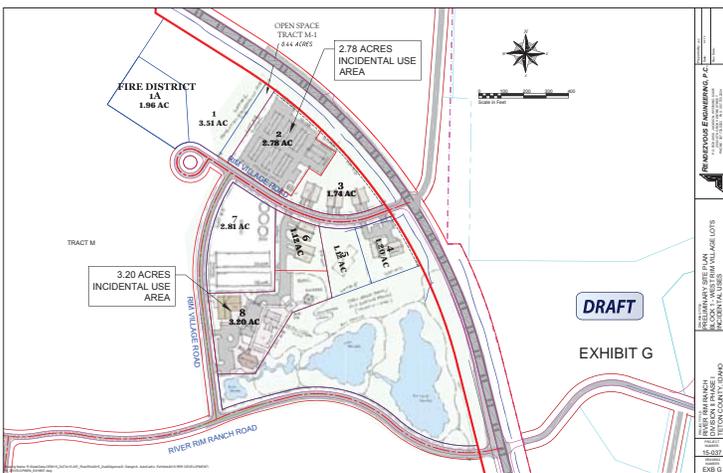
Attached are updated traffic projections for River Rim Ranch based upon a previous analysis prepared in October of 2013. Although the primary purpose of the 2013 traffic analysis was to investigate traffic impacts to County Road 9400 West, the same approach applies to this update which is intended to determine traffic impacts for proposed Amendment No. 7. A copy of the 2013 information is attached for reference.

Attached Table 1 shows the five areas within the project where changes are proposed. We have assigned traffic trips based upon our best judgement of the land use type within the ITE manual and consideration of the remote location of River Rim. As previously noted, the ITE standards would allow a lower number of trips for recreational homes which would apply here however we have kept with the 9.5 trips per day for the residential portion of the development for comparison to the 2013 projects.

Based upon this analysis, the predominant traffic impact is expected to occur at the main entrance where more than 91 percent of the trips expected to enter and exit. This analysis projects that about 4.5% of the traffic would enter and exit at the County Road 9400 West intersection and the remainder or about 4.2% at the north entrance to the Rim Village intersection.

We have also attempted to project traffic growth over time. In this example we use a 2.4 percent annual growth for the residential traffic (an average of about 6 units per year) but have elected to add larger blocks of traffic for the non-residential portion to simulate the introduction of a group of units associated with the golf village and hospitality suites. There is no specific schedule for the hospitality suite construction. However we took this approach instead of a regular annual growth rate given the method in which these units are typically completed. The data used to make these projections are attached as Table 2.

Although this approach may accelerate the actual projected traffic, the end result in not significantly different nor is the conclusion that turning lanes will be needed at this main entrance. As you are aware, the east/south bound portion of the turning lanes were previously completed in association with the work that took place in 2007. There is already a letter of credit for the west/north bound portion which is currently planned to be



constructed with the main road paving. This main loop paving is required when the development reaches 200 ADT currently estimate for about 2018.

Also based upon these projections there does not appear to be need for turning lanes at the north entrance or County Road 9400 West unless required by ITD. Given the current level of use and speed assigned to this section, only the turning lanes at the main entrance would appear necessary.



TABLE 1. RIVER RIM RANCH - FUTURE TRAFFIC PROJECTIONS - BASED UPON PROPOSED AMENDMENT NO. 7 (April 1, 2016 update)

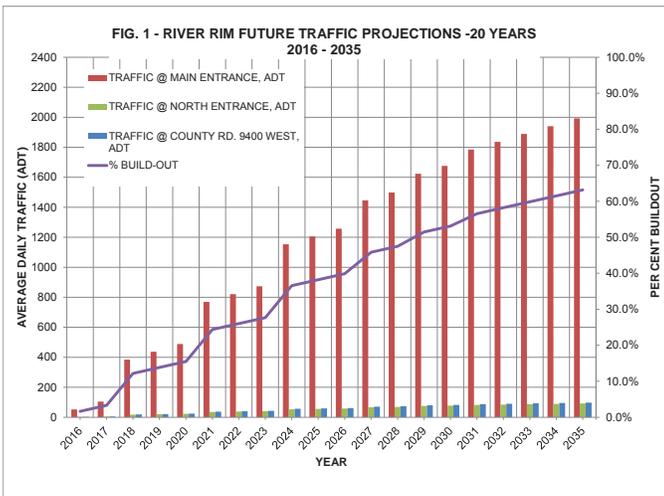
DESCRIPTION	PROPOSED USE	RESIDENTIAL UNITS	OTHER UNITS	ADT PER UNIT	TOTAL ADT	% TRAFFIC ASSIGNED TO 9400 WEST	TRAFFIC @ COUNTY RD. 9400 WEST, ADT	% TRAFFIC ASSIGNED NORTH ENTRANCE	TRAFFIC @ NORTH ENTRANCE, ADT	TRAFFIC @ MAIN ENTRANCE, ADT
BLOCK 1 (West Rim Commercial)	Employee Units		12	6.0	72	2%	1	50%	35	35
	Miscellaneous				100	2%	2	50%	49	49
BLOCK 2	Single Family Residential	8		9.5	76	5%	4	2%	1	71
BLOCK 4	Single Family Residential	22		9.5	209	5%	10	2%	4	195
BLOCK 5	Single Family Residential	41		9.5	390	5%	19	2%	7	363
BLOCK 6	Single Family Residential	28		9.5	266	5%	13	2%	5	248
BLOCK 6 (South End)	Driving Range /Open Space	0		9.5	0	5%	0	2%	0	0
BLOCK 7	Single Family Residential	16		9.5	152	5%	8	2%	3	142
BLOCK 8	Single Family Residential	12		9.5	114	5%	6	2%	2	106
BLOCK 9	Single Family Residential	25		9.5	238	5%	12	2%	5	221
BLOCK 10	Single Family Residential	4		9.5	38	10%	4	2%	1	34
TRACT A	Single Family Residential	8		9.5	76	5%	4	2%	1	71
TRACT B	Single Family Residential	10		9.5	95	5%	5	2%	2	88
TRACT C	Cluster Cabins	62		9.5	589	5%	29	2%	11	548
TRACT D	Hospitality Suites		48	5.0	240	2%	5	2%	5	230
TRACT E ²	Employees		75	3.0	225	2%	5	2%	4	216
	Miscellaneous				75	2%	2	2%	1	72
	Hospitality Suites		48	5.0	240	2%	5	2%	5	230
TRACT G ⁴	O&M, Employees		30	3.0	90	5%	5	2%	2	84
NORMAN RANCH	Single Family Residential	18		9.5	171	10%	17	1%	2	152
TOTALS		254			3,455	4.5%	155		145	3155



TABLE 2. RIVER RIM -- TRAFFIC PROJECTIONS

TOTAL RESIDENTIAL UNITS	254
UNITS PER YEAR	6
% PER YEAR	2.4%
Residential Traffic	2413
Other Traffic	1042
TOTAL TRAFFIC	3455
RESIDENTIAL TRAFFIC INCREASE PER YEAR	57

NO.	YEAR	TOTAL ADT	100%	4.48%	91.3%	4.2%	OTHER TRAFFIC, ADT	% BUILD-OUT
			TRAFFIC @ COUNTY RD. 9400 WEST, ADT	TRAFFIC @ MAIN ENTRANCE, ADT	TRAFFIC @ NORTH ENTRANCE, ADT			
1	2016	57	3	52	2			1.6%
2	2017	114	5	104	5			3.3%
3	2018	421	19	384	18	250		12.2%
4	2019	478	21	436	20			13.8%
5	2020	535	24	489	23			15.5%
6	2021	842	38	769	35	250		24.4%
7	2022	899	40	821	38			26.0%
8	2023	956	43	873	40			27.7%
9	2024	1263	57	1153	53	250		36.6%
10	2025	1320	59	1205	56			38.2%
11	2026	1377	62	1257	58			39.9%
12	2027	1584	71	1446	67	150		45.8%
13	2028	1641	73	1499	69			47.5%
14	2029	1778	80	1624	75	80		51.5%
15	2030	1835	82	1676	77			53.1%
16	2031	1954	87	1784	82	62		56.6%
17	2032	2011	90	1836	85			58.2%
18	2033	2068	93	1888	87			59.9%
19	2034	2125	95	1940	89			61.5%
20	2035	2182	98	1993	92			63.2%
21	2036	2239	100	2045	94			64.8%
22	2037	2296	103	2097	97			66.5%
23	2038	2353	105	2149	99			68.1%
24	2039	2410	108	2201	101			69.8%
25	2040	2467	110	2253	104			71.4%
26	2041	2524	113	2305	106			73.1%
27	2042	2581	116	2357	109			74.7%
28	2043	2638	118	2409	111			76.4%
29	2044	2695	121	2461	113			78.0%
30	2045	2752	123	2513	116			79.7%
31	2046	2809	126	2565	118			81.3%
32	2047	2866	128	2617	121			83.0%
33	2048	2923	131	2669	123			84.6%
34	2049	2980	133	2721	125			86.3%
35	2050	3037	136	2773	128			87.9%
36	2051	3094	138	2825	130			89.6%
37	2052	3151	141	2877	133			91.2%
38	2053	3208	144	2929	135			92.9%
39	2054	3265	146	2981	137			94.5%
40	2055	3322	149	3034	140			96.2%
41	2056	3379	151	3086	142			97.8%
42	2057	3436	154	3138	145	1042		99.5%



Note: Traffic increase assumes average of five new units per year. See Table 1 for trip generation data at build-out.

MEMORANDUM

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FROM: Bob Ablondi, Idaho P.E. 5994
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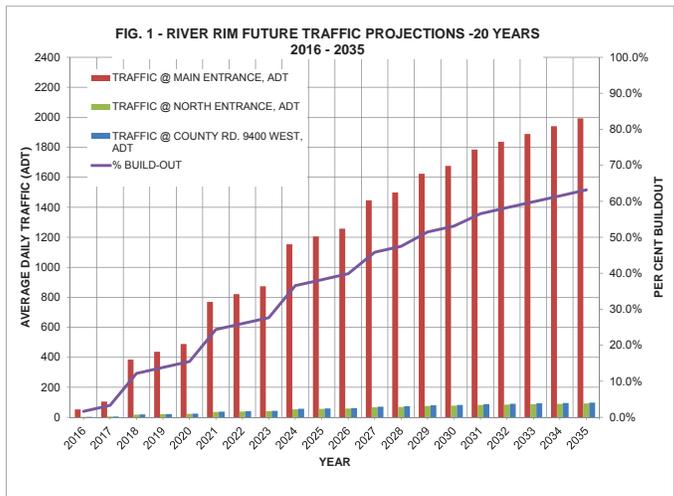
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BLOCK 1 (West Rim Commercial)	Employee Units	12		6.0	72	2%	1	50%	35	35
	Miscellaneous				100	2%	2	50%	49	49
BLOCK 2	Single Family Residential	8		9.5	76	5%	4	2%	1	71
BLOCK 4	Single Family Residential	22		9.5	209	5%	10	2%	4	195
BLOCK 5	Single Family Residential	41		9.5	390	5%	19	2%	7	363
BLOCK 6	Single Family Residential	28		9.5	266	5%	13	2%	5	248
BLOCK 6 (South End)	Driving Range /Open Space	0		9.5	0	5%	0	2%	0	0
BLOCK 7	Single Family Residential	16		9.5	152	5%	8	2%	3	142
BLOCK 8	Single Family Residential	12		9.5	114	5%	6	2%	2	106
BLOCK 9	Single Family Residential	25		9.5	238	5%	12	2%	5	221
BLOCK 10	Single Family Residential	4		9.5	38	10%	4	2%	1	34
TRACT A	Single Family Residential	8		9.5	76	5%	4	2%	1	71
TRACT B	Single Family Residential	10		9.5	95	5%	5	2%	2	88
TRACT C	Cluster Cabins	62		9.5	589	5%	29	2%	11	548
TRACT D	Hospitality Suites		48	5.0	240	2%	5	2%	5	230
TRACT E ¹	Employees		75	3.0	225	2%	5	2%	4	216
	Miscellaneous				75	2%	2	2%	1	72
TRACT G ²	Hospitality Suites		48	5.0	240	2%	5	2%	5	230
	OBM, Employees		30	3.0	90	5%	5	2%	2	84
NORMAN RANCH	Single Family Residential	18		9.5	171	10%	17	1%	2	152
TOTALS		254			3,455	4.5%	155		145	3155



Note: Traffic increase assumes average of five new units per year. See Table 1 for trip generation data at build-out.

TABLE 2. RIVER RIM -- TRAFFIC PROJECTIONS

TOTAL RESIDENTIAL UNITS	254
UNITS PER YEAR	6
% PER YEAR	2.4%
Residential Traffic	2413
Other Traffic	1042
TOTAL TRAFFIC	3455
RESIDENTIAL TRAFFIC INCREASE PER YEAR	57

MEMORANDUM

DATE: October 30, 2013

TO: Jay Mazalewski, P.E.

FROM: Bob Ablondi, Idaho P.E. 5994



RE: River Rim / Traffic Projections and Need for Paving North Section of County Road 9400 West

CC: Teton County Board of Commissioners

Future use of the north section of County Road 9400 West (See attached Exhibit 1) by homeowners in the River Rim development is expected to be limited. A number of key factors contribute to this expectation as described below:

- 1) Availability of a shorter, paved road to access Highway 33 along River Rim Ranch Road.
- 2) Superior access with good site distance and turning lanes at the River Rim Ranch Road - Highway 33 intersection.
- 3) Primary destinations of Teton, Driggs, Victor and other principal attractions for residents of River Rim located to the south.
- 4) Reluctance by most drivers to select a gravel road that requires a slower speed and longer distance to access Highway 33.

Although it is difficult to specifically quantify how the above factors will affect actual use, there is a strong rationale to assign only a limited proportion of the traffic from River Rim to the north section of the county road. This also includes traffic from the south section of County Road 9400 West which is also more likely to access Highway 33 along River Rim Ranch Road

For purposes of this analysis we have assigned 5% of the total projected trips from lots that are located along the West Rim Place Loop Road (East and West) to the north county road section. These lots will access the paved roads within River Rim and will link directly with River Rim Ranch Road and Highway 33. We have assigned a smaller 2% of total traffic to the properties within the West Rim Commercial Village area (Block 1) given their close proximity to Highway 33 and presence of two access points to the state highway. In addition, access along the north County Road to any destination from the West Rim commercial area would be longer and less convenient. We have assigned a higher percentage of the traffic from the 18 future lots in the Norman Ranch (Phase II) and four

25 South Gros Ventre Street - Post Office Box 4558 - Jackson, Wyoming 83001
Phone - 307.733.5252 Fax - 307.733.2334

NO.	YEAR	100%	4.48%	91.3%	4.2%	OTHER TRAFFIC, ADT	% BUILD-OUT
1	2016	57	3	52	2		1.6%
2	2017	114	5	104	5		3.3%
3	2018	421	19	384	18	250	12.2%
4	2019	478	21	436	20		13.8%
5	2020	535	24	489	23		15.5%
6	2021	842	38	769	35	250	24.4%
7	2022	899	40	821	38		26.0%
8	2023	956	43	873	40		27.7%
9	2024	1263	57	1153	53	250	36.6%
10	2025	1320	59	1205	56		38.2%
11	2026	1377	62	1257	58		39.9%
12	2027	1584	71	1446	67	150	45.8%
13	2028	1641	73	1499	69		47.5%
14	2029	1778	80	1624	75	80	51.5%
15	2030	1835	82	1676	77		53.1%
16	2031	1954	87	1784	82	62	56.6%
17	2032	2011	90	1836	85		58.2%
18	2033	2068	93	1888	87		59.9%
19	2034	2125	95	1940	89		61.5%
20	2035	2182	98	1993	92		63.2%
21	2036	2239	100	2045	94		64.8%
22	2037	2296	103	2097	97		66.5%
23	2038	2353	105	2149	99		68.1%
24	2039	2410	108	2201	101		69.8%
25	2040	2467	110	2253	104		71.4%
26	2041	2524	113	2305	106		73.1%
27	2042	2581	116	2357	109		74.7%
28	2043	2638	118	2409	111		76.4%
29	2044	2695	121	2461	113		78.0%
30	2045	2752	123	2513	116		79.7%
31	2046	2809	126	2565	118		81.3%
32	2047	2866	128	2617	121		83.0%
33	2048	2923	131	2669	123		84.6%
34	2049	2980	133	2721	125		86.3%
35	2050	3037	136	2773	128		87.9%
36	2051	3094	138	2825	130		89.6%
37	2052	3151	141	2877	133		91.2%
38	2053	3208	144	2929	135		92.9%
39	2054	3265	146	2981	137		94.5%
40	2055	3322	149	3034	140		96.2%
41	2056	3379	151	3086	142		97.8%
42	2057	3436	154	3138	145	1042	99.5%

Block 10 lots because these properties access directly onto County Road 9400 West and are less connected to the internal roads within River Rim. The majority of traffic from these lots is still expected to turn off the County Road onto River Rim Ranch Road rather than the north section of County Road 9400 West for the same reasons mentioned above.

Future traffic for River Rim Division II Phase I is projected in Table 1 based upon the updated units proposed for the most current amendment (Amendment No. 5 currently under consideration by the Board of County Commissioners). This includes all development areas except Block 3 and Tract I which do not impact County Road 9400 West and instead access directly on to Poleline Road. The projections were based upon a 9.5 trip per day per unit, which represents the standard Institute of Transportation Engineers (ITE) trip generation factor for a conventional single family detached dwelling¹. This same factor was used for all unit types including the bed and breakfast units associated with the West Rim commercial area. An additional 100 ADT was also included for the miscellaneous uses associated with this area. The overall results project that at full build-out, a total of 3,292 trips would occur in Phase I with a total of 167 trips or about 5.1% projected to use the north section of County 9400 West. This is based upon a total buildout of 336 units as summarized in Table 1.

Equally important to the analysis of road impacts is the timing of the traffic and anticipated long term buildout period for River Rim. Although there are many variables affecting future growth, attached Figure 1 projects traffic on the basis of adding an average of five (5) units per year over the next twenty years. At this sustained rate, total trips are projected to reach 980 in twenty years (2014-2033). Trips on the north section of County Road 9400 West from River Rim development are projected to reach 50. Although the use percentages, trip generation rates and growth rates are all variables in this analysis, the projections show that it will be many years -- if ever -- before average daily traffic on the north section of 9400 West approaches the 200 ADT minimum threshold recommended for asphalt pavement. Bonding for such a long time period creates a financial hardship and significantly impacts the ability to sell the overall project to new owners.

Given that the difficulties in projecting traffic patterns in a new development, lack of existing data and the uncertainties with future growth patterns, we would recommend that actual trip counts be performed in the future to determine if paving will be required. Attached Exhibit 1 shows the proposed location of where the trips should be measured. Only when ADT reaches the 200 total trips per day, should there be consideration of paving the north section of the county road.

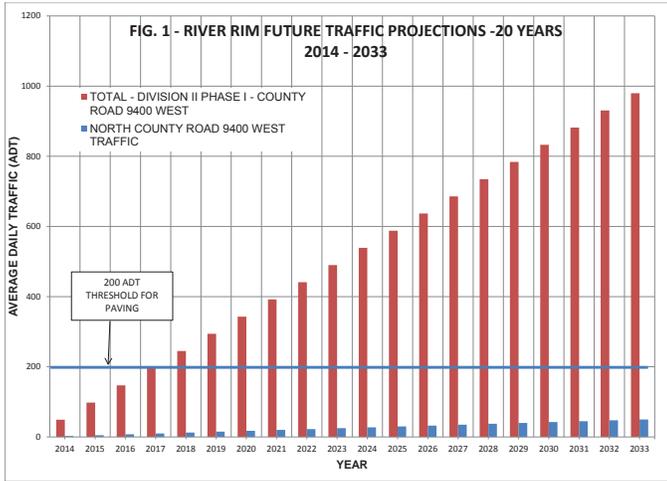


TABLE 1. RIVER RIM RANCH - FUTURE TRAFFIC PROJECTIONS - COUNTY ROAD 9400 WEST

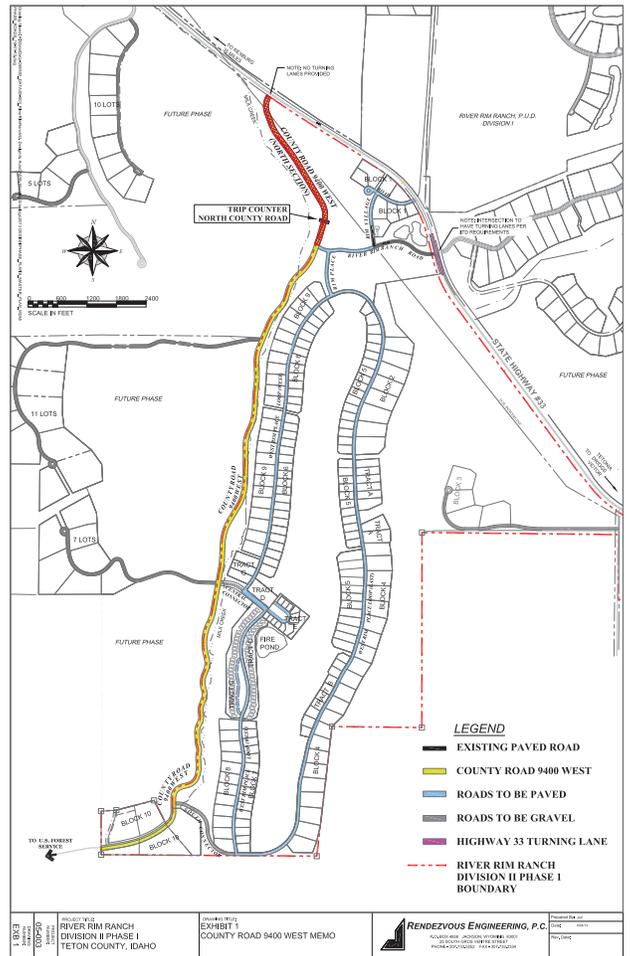
DESCRIPTION	PROPOSED USE	PROPOSED NO. UNITS	ESTIMATED ADT PER UNIT ²	TOTAL ADT	PER CENT TRAFFIC ASSIGNED TO 9400 WEST, NORTH SECTION	TOTAL ESTIMATED ADT - 9400 WEST NORTH SECTION
BLOCK 1 (West Rim Commercial) ¹	Lodge, Bed and Breakfast	16	9.5	152	2%	3
	Miscellaneous			100	2%	2
BLOCK 2	Single Family Residential	8	9.5	76	5%	4
BLOCK 4	Single Family Residential	22	9.5	209	5%	10
BLOCK 5	Single Family Residential	40	9.5	380	5%	19
BLOCK 5, LOT 1B	Single Family Residential	1	9.5	9.5	5%	0
BLOCK 6	Single Family Residential	28	9.5	266	5%	13
BLOCK 6 (South End) ²	Single Family Residential	6	9.5	57	5%	3
BLOCK 7	Single Family Residential	16	9.5	152	5%	8
BLOCK 8	Single Family Residential	12	9.5	114	5%	6
BLOCK 9	Single Family Residential	25	9.5	238	5%	12
BLOCK 10	Single Family Residential	4	9.5	38	10%	4
TRACT A	Single Family Residential	8	9.5	76	5%	4
TRACT B	Single Family Residential	10	9.5	95	5%	5
TRACT C	Cluster Cabins	62	9.5	589	5%	29
TRACT D	Cluster Cabins	45	9.5	428	5%	21
TRACT E ²	Single Family Residential	12	9.5	114	5%	6
TRACT G ²	Single Family Residential	3	9.5	29	5%	1
NORMAN RANCH (PHASE II)	Single Family Residential	18	9.5	171	10%	17
TOTALS		336		3,292	5.1%	167

¹ Note: Trip generation, ADT, for "Recreational Homes" per ITE standards (Trip Generation) is only 3.2 per dwelling unit. This is due in part to having fewer school age children and typically fewer residents per unit which would apply to a significant portion of the River Rim units.

Notes:
1) Miscellaneous uses limited by development agreement
2) The proposed lots in Block 6, Tract E and Tract G, total of 21 units, would be converted to cluster units located on Tract E if the golf course is constructed.
3) Standard detached residential factor of 9.5 ADT per unit per ITE Trip Generation data.



Note: Traffic increase assumes average of five new units per year. See Table 1 for trip generation data at build-out.



ITD 2109 (Rev. 06-04)

Right-Of-Way Encroachment Application And Permit Approaches And Other Encroachments

Permit Number # 06-06-109	Application Date Jan 12, 2006	Project Number SR-RS-6830 (17)
Route New 33	Segment 002460	C/L Milepost 125.538
City/County New 33	Right/Left Right	Dist. From Nearest Approach (both directions, both sides of roadway) - Show on Plan
Sight Distance	Right (ft)	Left (ft)
GPS Coordinates 11° 16' 39"	Latitude	Longitude 43° 51' 04"
Posted Speed 65 MPH	Application Fee \$ 50.00	Elevation (ft) 6130
<input type="checkbox"/> Inspection Fee Req'd \$	<input type="checkbox"/> Performance Bond Req'd \$	<input type="checkbox"/> Traffic Impact Study Req'd
<input type="checkbox"/> Other Permits Required (Specify Type)	<input type="checkbox"/> Appraisal Req'd	
Access Control Type (I-V)	Roadway Type (Urban, Rural)	Number of Lanes
Access Permit Type <input checked="" type="checkbox"/> New Approach	Modification to Existing Approach (Select all that apply)	Location <input type="checkbox"/> Width <input type="checkbox"/> Use <input type="checkbox"/>
Approach Max 1	Width / Size 30' wide	Multiple Approaches <input type="checkbox"/> Yes - Attach page for each additional approach
Culvert (if req'd) one	24" x 60"	Est. Volume (Vehicles/Day) 1000 V/D
Approach Type <input checked="" type="checkbox"/> Residential (SF, MF)	<input checked="" type="checkbox"/> Lt. Commercial	<input type="checkbox"/> Heavy Commercial <input type="checkbox"/> Agricultural <input type="checkbox"/> Joint Use
Remarks small commercial area being developed to serve subdivision		

Attach the following:

- A completed Encroachment Checklist, applicable ownership documents, multiple approach permit sheets.
- Written authorization from the owner (if needed).
- Plans or drawings (3 sets) showing proposed work, approach locations, drainage details, landscaping, striping plans, and traffic control. (Include Department roadway alignment or project plans when available.)
- Special Provisions and Traffic Control Plans.

I certify that I am the Owner or Authorized Representative of the property to be served and request permission to construct the above facilities within the State Highway Rights-of-Way in accordance with the General Provisions printed on the reverse side of this form, the Special Provisions, and the Plans made a part of this permit. This permit SHALL BE VOID if all work is not completed and the Department has not made final inspection and approval within one year of the issuance date.

Owner's Name (Printed) West Rim LLC	Address P.O. Box 337	City TETONIA	State ID	Zip 83455
Owner's Signature Roger Hoopes	Owner's Phone 208-456-8300	Owner's Fax same		
Authorized Representative's Name (Printed) Arnold Wiestenhilme	Address Box 139	City Lector	State ID	Zip 83455
Authorized Representative's Signature Arnold Wiestenhilme	Representative's Phone 208-787-9953	Representative's Fax 787-2957		

Subject to all terms, conditions, and provisions shown on this form or attachments, permission is hereby granted to the abovementioned applicant to perform the work described.

Local Government Approval When Required		Department Approval	
Government Official's Signature	Title	Chief / District Engineer's Signature	Date
		Tom Cole by VRT	4/20/06

Note: Permit will be considered Temporary until final inspection and approval by a Department representative.

ITD 2109 (Rev. 06-04)
Reverse Side

General Provisions

- During the progress of all work, traffic control devices shall be erected and maintained as necessary or as directed for the protection of the traveling public. All traffic control devices shall conform to the Manual on Uniform Traffic Control Devices for Streets and Highways, as adopted by the State. Parked equipment and stored materials shall be as far from the main traveled way as feasible. Items left overnight within 30 feet of the main traveled way shall be marked and/or protected.
- By signing this permit, the permittee, his designated representative or successors, agree to indemnify, save harmless, and defend regardless of outcome the State from the expenses of and against all suits or claims, including costs, expenses, and attorney fees that may be incurred by which is the subject of this permit.
- Approaches shall be for the bona fide purpose of securing access and not for parking, conducting business, or servicing vehicles on the highway right-of-way.
- Any disturbance of the highway and/or traffic control devices shall be restored to the satisfaction of the District Engineer.
- If the work done under this permit interferes in any way with the drainage of the state highway, the permittee shall, at his sole expense, make such corrections as necessary or as directed by the District Engineer.
- Upon completion of the permitted work, all rubbish and debris shall be immediately removed from the work area to the satisfaction of the District Engineer.
- All work herein permitted shall conform to current government and industry standards under the supervision and to the satisfaction of the District Engineer, and the entire expense of said supervision shall be borne by the permittee.
- This permit or privilege granted under ITD 02109 shall not be deemed or held to be an exclusive one and shall not prohibit the State from using any of its highways, streets, or public places or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered. The State reserves the right to make at any time such modification, addition, repair, relocation, or removal of an existing encroachment(s) or its appurtenances or any encroachment(s) or subject(s) authorized by this permit within the highway right-of-way as may be on or adjacent to the highway.
- Any modification, relocation, or removal required due in part to negligence of the permittee shall be made at the sole expense of the permittee. All such modifications, relocation, or removal by the permittee shall be done in such a manner as will cause the least interference with the traveling public or any of the State's work.
- The State may revoke, amend, amplify, or terminate this permit or any of the conditions herein enumerated if the permittee fails to comply with any or all of its provisions, requirements, or regulations as herein set forth or through willful or unreasonable neglect, fails to heed or comply with notices given, or if the approach, structure, or subject herein granted is not installed or operated and maintained in conformity herewith.
- The permittee shall maintain at its sole expense the encroachment for which this permit is granted.
- Inspection of the permitted work may be performed at any time to ensure compliance with the requirements of this permit. The State shall be reimbursed by the permittee for any additional inspection required under the Special Provisions of this permit.
- The permittee shall furnish all material, labor, and equipment involved in the construction of the approach and its appurtenances. This shall include furnishing drainage pipe of a size specified on the permit (12-inch minimum), curb, gutter, concrete sidewalk, etc., where required. Materials and workmanship shall conform to current government and industry standards and are subject to inspection by the State.
- No work shall commence until the permittee is given notice to proceed by an authorized representative of the State. The permittee shall notify the State five (5) working days prior to commencing the permitted work, if work does not commence immediately upon notice by the State.
- The original permit or a copy must be kept on the jobsite whenever work is taking place. Any modification, relocation, or removal of an encroachment or subject granted by this permit shall require a new permit prior to commencement of such work.

Headquarters Staff Review

Review	Reviewer	Date	Recommendation
			Yes No*
Traffic			<input type="checkbox"/> <input type="checkbox"/>
Bridge			<input type="checkbox"/> <input type="checkbox"/>
Utilities			<input type="checkbox"/> <input type="checkbox"/>
Right-of-Way			<input type="checkbox"/> <input type="checkbox"/>
Design			<input type="checkbox"/> <input type="checkbox"/>
Environmental			<input type="checkbox"/> <input type="checkbox"/>
Review	Reviewer	Date	Recommendation
			Deny Approve
DTE			<input type="checkbox"/> <input type="checkbox"/>
DE			<input type="checkbox"/> <input type="checkbox"/>
STE			<input type="checkbox"/> <input type="checkbox"/>

***Attach reason(s) for denial and/or recommendations**

District Staff Review Permit # 06-06-109			
Review	Reviewer	Date	Recommendation
			Yes No*
Traffic	P. Richardson	6-26-06	<input checked="" type="checkbox"/> <input type="checkbox"/>
Maintenance	W.B. Kern	1/30/06	<input checked="" type="checkbox"/> <input type="checkbox"/>
Design			<input type="checkbox"/> <input type="checkbox"/>
Right-of-Way			<input type="checkbox"/> <input type="checkbox"/>
Planner	Mark Zepke	6-26-06	<input checked="" type="checkbox"/> <input type="checkbox"/>
Review	Reviewer	Date	Recommendation
			Deny Approve
CE			<input type="checkbox"/> <input type="checkbox"/>
Hearing Offr			<input type="checkbox"/> <input type="checkbox"/>
Director			<input type="checkbox"/> <input type="checkbox"/>

October 17, 2006

RDZ Project No. 05-003

Idaho Transportation Department – District 6
P.O. Box 97
Rigby, ID 83442-0997

Attn: Tony Black
TTS Traffic

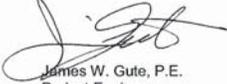
Re: River Rim Ranch – Highway Turning Lanes

Tony:

Attached are revised design drawings and traffic control plans for your use. These documents were updated based on review comments received from IDT.

Thank you for your project approval. If you require any additional information or further clarification, feel free to contact me at any time.

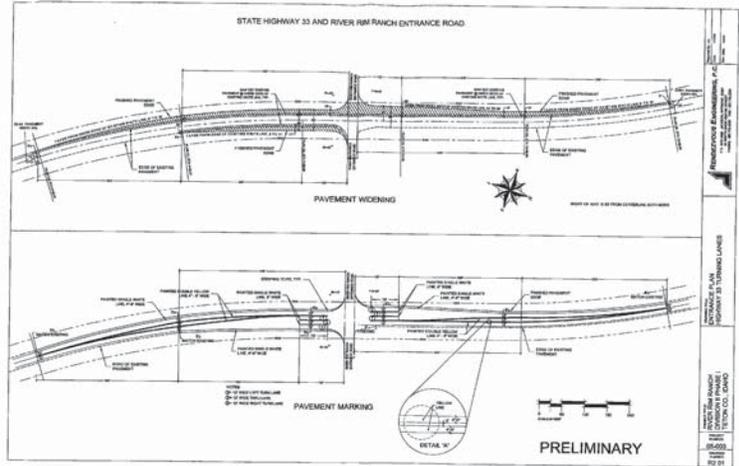
Sincerely,
RENDEZVOUS ENGINEERING, P.C.



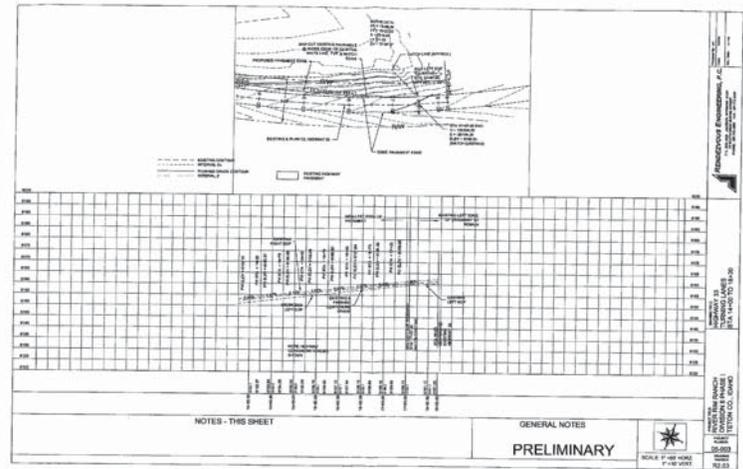
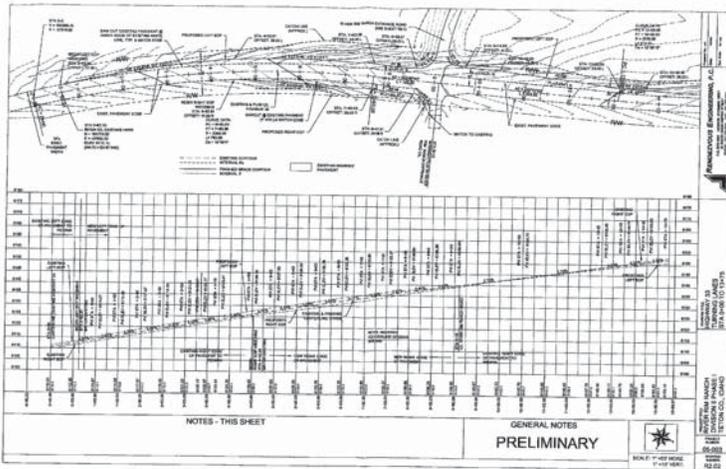
James W. Gute, P.E.
Project Engineer

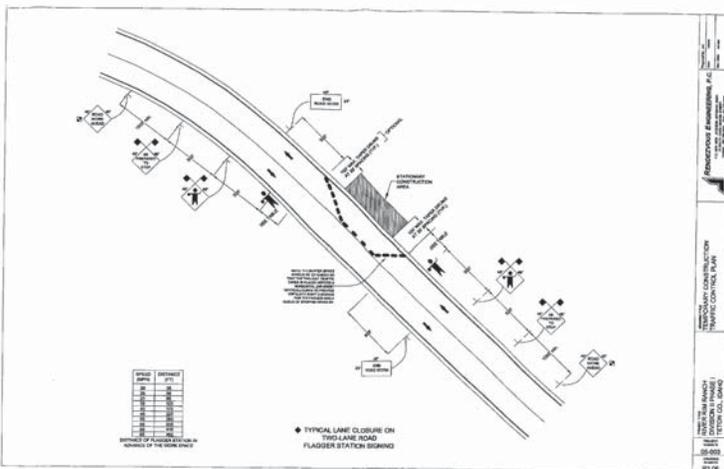
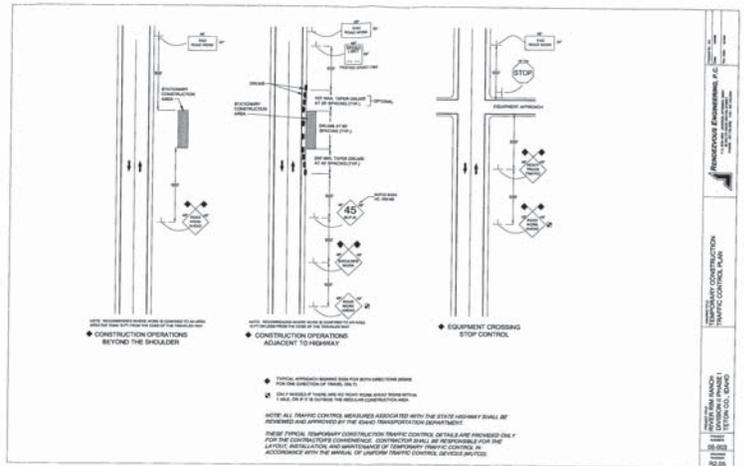
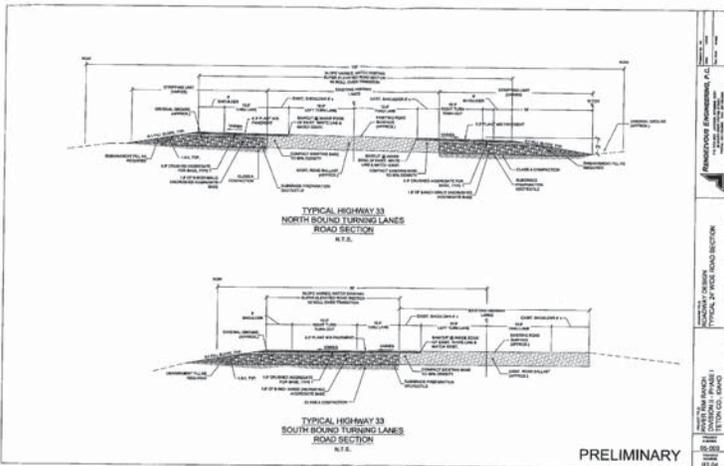
Attachments: 11x17 Intersection Design Drawings & Traffic Control Plan

Cc: David Owen, Owen-PC Construction
Mike Piker, Rendezvous Engineering, P.C.
Robert T. Ablondi, P.E., Rendezvous Engineering, P.C.



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





From: ITD 06 MAIN OFFICE 208 745 8735 12/09/2010 14:23 #639 P.002/003

Right-Of-Way Encroachment Application and Permit Approaches and Other Encroachments

Project Number (From ITD Highway Plan)	Application Date	Number of Encroachments	Permit Number
Highway 33	September 27, 2007	1	06-08-032
Route Segment	C/L Milepost	Right <input checked="" type="checkbox"/> Left <input type="checkbox"/>	C/L Station
Highway 33	125.9		
City and/or County	Township; Range; Section	Right <input type="checkbox"/> Left <input type="checkbox"/>	Access Control Type (A-C)
Teton County, Idaho (north of Tetonla)	Township 0N, Range 44E, Section 9	Roadway Type (Urban, Rural)	1
Median Type (Raised, Painted, etc.)	Traffic Impact Study Required	Appraisal Required	Application Fee
None	<input type="checkbox"/>	<input type="checkbox"/>	\$ 50.00
		Inspection Fee (if Req'd)	Performance Bond (if Req'd)
		\$	\$

Encroachment Type (When permitting multiple encroachments, attach additional sections on Page 3)

Existing Approach	Location	Width	Use	30' wide	Length	80'	Diameter	24"
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Approach Type	Commercial	Agricultural	Joint Use					
<input type="checkbox"/> SF Residential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Distance From Nearest Approach (both directions, both sides of roadway) - Show on Plan	Approach Volume							
	Vehicle Trips Per Day	1,000						
Sight Distance	Posted Speed	65	Latitude	111° 16' 29"	Longitude	43° 51' 04"	Elevation (ft)	6,130
Right (ft)	Left (ft)							
Remarks (Attach additional sheets if needed)								
Turn out will serve commercial area being developed to in turn serve the River Rim subdivision								

Other Encroachments Specify Type (i.e.: Landscaping, Benches, Bus Turnout, etc.)

None

- Include the following:**
1. A completed Encroachment Checklist, applicable ownership documents, multiple approach permit sheets.
 2. Written authorization from the owner or signature of joint user (when required).
 3. Plans or drawings (3 sets) showing proposed work, approach locations, drainage details, landscaping, striping plans, and traffic control. (Include department roadway alignment or project plans when available.)
 4. Special Provisions, Traffic Control Plans, Environmental documents and any other required permits.

I certify that I am the owner or authorized representative of the property to be served and request permission to construct the above facilities within the State Highway Rights-of-Way in accordance with the general provisions specified on page 2 of this form and any special provisions or plans made a part of this permit. I further certify that I have obtained and provided a copy to the Idaho Transportation Department (ITD) of all other required governmental approval to perform the work authorized under this permit.

I further understand that this permit shall be void if all work has not been completed within one year of permit issuance and a final inspection and approval from ITD has not been obtained.

Owner's Name (Printed)	Address	City	State	Zip
West Rim LLC	PO Box 337	Tetonla	ID	83452
Owner's Signature	Phone Number	Fax Number		
<i>[Signature]</i>	(208) 458-6300	Same		
Authorized Representative or Joint User (Printed)	Address	City	State	Zip
Randszovous Engineering, P.C.	PO Box 4858	Jackson	WY	83001
Authorized Representative or Joint User's Signature	Phone Number	Fax Number		
<i>[Signature]</i>	MIKE PIKER (307) 733-6252	(307) 733-2335		

Local Government Approval When Required			Department Approval		
Signature	Title	Date	Signature	Issue Date	
			<i>[Signature]</i>	11/15/07	

Note: Permit will be considered **Temporary** until final inspection and approval by a department representative.

ITD 2109 (Rev. 09/06)

General Provisions

- During the progress of all work, traffic control devices shall be erected and maintained as necessary or as directed for the protection of the traveling public. All traffic control devices shall conform to the most current edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways*, as adopted by the state (ITD). Equipment or materials within the highway right-of-way shall be delineated and protected at all times with appropriate approved traffic control devices.
- By signing this permit, the permittee, his designated representative or successors, agree to indemnify, save harmless, and defend regardless of outcome ITD from the expenses of and against all suits or claims, including costs, expenses, and attorney fees that may be incurred by reason of any act or omission, neglect, or misconduct of the permittee or its contractor in the design, construction, and maintenance of the work, which is the subject of this permit.
- Approaches shall be for the bona fide purpose of securing access and not for parking, conducting business, or servicing vehicles on the highway right-of-way.
- Any disturbance of the highway, right of way, and/or traffic control devices shall be restored to the satisfaction of ITD.
- If the work done under this permit interferes in any way with the drainage of the state highway, the permittee shall, at his sole expense, make such corrections as necessary or as directed by ITD.
- Upon completion of the permitted work, all rubbish and debris shall be immediately removed from the work area to the satisfaction of ITD.
- All work herein permitted shall conform to current government and industry standards and be performed and completed to the satisfaction of ITD. The expense of any required supervision of work performed under this permit shall be borne by the permittee.
- This permit or privilege granted under ITD 2109 shall not be deemed or held to be an exclusive one and shall not prohibit the state from using any of its highways, streets, or public places or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered. ITD reserves the right to make at any time such modification, addition, repair, relocation, or removal of an existing encroachment(s) or its appurtenances or any encroachment(s) or subject(s) authorized by this permit within the highway right-of-way as may be necessary to permit the relocation, reconstruction, widening, and maintenance of the highway and/or to provide proper protection to life and property on or adjacent to the highway.
- Any modification, relocation, or removal required due in part to negligence of the permittee shall be made at the sole expense of the permittee. All such modifications, relocation, or removal by the permittee shall be done in such a manner as will cause the least interference with the traveling public or any of the state's work.
- ITD may revoke, amend, amplify, or terminate this permit or any of the conditions herein enumerated if the permittee fails to comply with any of all of its provisions, requirements, or regulations as herein set forth or through willful or unreasonable neglect, fails to heed or comply with notices given, or if the approach, structure, or subject herein granted is not installed or operated and maintained in conformity herewith.
- The permittee shall maintain at its sole expense the encroachment for which this permit is granted.
- Inspection of the permitted work may be performed at any time to ensure compliance with the requirements of this permit. ITD shall be reimbursed by the permittee for any additional inspection required under the special provisions of this permit.
- The permittee shall furnish all material, labor, and equipment involved in the construction of the approach and its appurtenances. This shall include furnishing drainage pipe of a size specified on the permit (12-inch minimum), curb, gutter, concrete sidewalk, etc., where required. Materials and workmanship shall conform to current government and industry standards and are subject to inspection by ITD.
- No work shall commence until the permittee is given notice to proceed by an authorized representative of ITD. The permittee shall notify ITD five (5) working days prior to commencing the permitted work if work does not commence immediately upon notice by ITD.
- The original permit or a copy must be kept on the job site whenever work is taking place. Any modification, relocation, or removal of an encroachment or subject granted by this permit shall require a new permit prior to commencement of such work.



RDZ Project No. 05-003

October 4, 2007

Idaho Transportation Department - District 6
P.O. Box 97
Rigby, ID 83442-0997

Attn: Derk Williams
TTS Traffic

Re: River Rim Ranch - Highway Turning Lanes

Dear Derk:

Enclosed are design drawings and a traffic control plan for a new intersection at the River Rim Ranch project on State Highway 33, MP-125.9, as requested. All construction will be in conformance with the Idaho Standards for Public Works Construction, as well as the Idaho Transportation Department Standard Drawings.

Please review these documents at your earliest convenience. If you require any additional information or further clarification, feel free to contact me at any time.

Sincerely,

Michael Piker

Michael Piker
RENDEZVOUS ENGINEERING, P.C.

Attachments: 11x17 Intersection Design Drawings and Traffic Control Plan

cc. David Owen, Owen-PC Construction
Robert T. Ablondi, P.E., Rendezvous Engineering, P.C.

District Staff Review

Review	Reviewer	Date	Recommendation	
			Yes	No*
Design	<i>M.Piker</i>	<i>11/5/07</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maintenance	<i>W. Williams</i>	<i>11/5/07</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Planner			<input type="checkbox"/>	<input type="checkbox"/>
Right-of-Way			<input type="checkbox"/>	<input type="checkbox"/>
Traffic			<input type="checkbox"/>	<input type="checkbox"/>

Headquarters Staff Review *Permit # 442004*

Review	Reviewer	Date	Recommendation	
			Yes	No*
Bridge			<input type="checkbox"/>	<input type="checkbox"/>
Design			<input type="checkbox"/>	<input type="checkbox"/>
Environmental			<input type="checkbox"/>	<input type="checkbox"/>
OHOS			<input type="checkbox"/>	<input type="checkbox"/>
Right-of-Way			<input type="checkbox"/>	<input type="checkbox"/>
Utilities			<input type="checkbox"/>	<input type="checkbox"/>

District Appeal Review

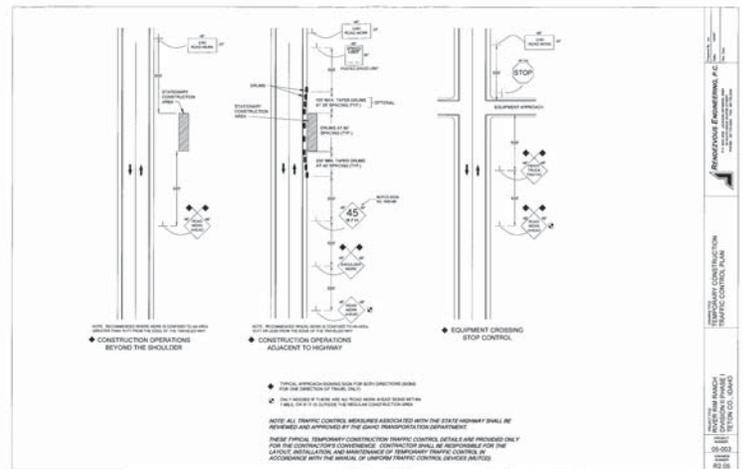
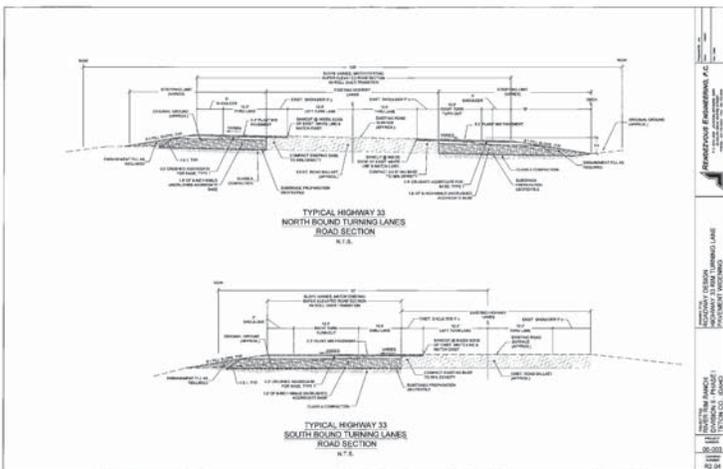
Review	Reviewer	Date	Recommendation	
			Approve	Deny*
DTE			<input type="checkbox"/>	<input type="checkbox"/>
DE			<input type="checkbox"/>	<input type="checkbox"/>

Headquarters Appeal Review

Review	Reviewer	Date	Recommendation	
			Approve	Deny*
HOSE			<input type="checkbox"/>	<input type="checkbox"/>
Hearing Officer			<input type="checkbox"/>	<input type="checkbox"/>
Director			<input type="checkbox"/>	<input type="checkbox"/>

Attach reason(s) for denial and/or recommendations

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

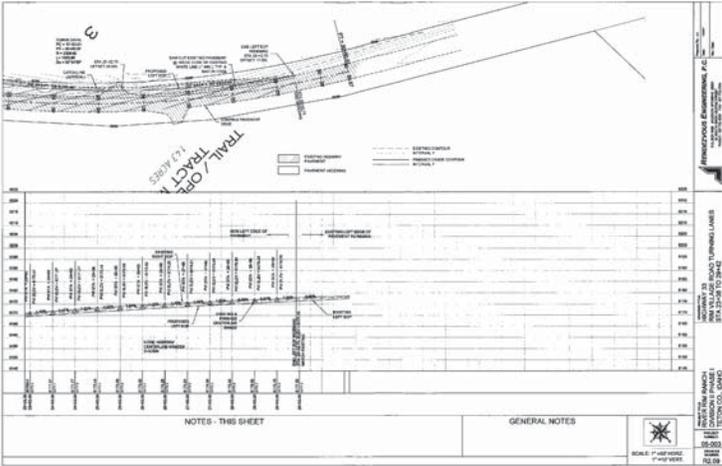


**“EXHIBIT I”
AMENDED AND RESTATED DEVELOPMENT AGREEMENT
FOR RIVER RIM RANCH DIVISION II- PLANNED UNIT DEVELOPMENT**

This Amended and Restated Development Agreement for River Rim Ranch Division II Planned Unit Development (this “Agreement”) is made this ___ day of _____, 2016, by and between Teton County (the “County”) and Big Sky Western Bank (the “Owner” which term shall include any successors and assigns of the Owner to the ownership of River Rim Ranch PUD) (collectively referred to herein as the “Parties”).

STIPULATION OF FACTS

- A. This Agreement pertains to Division II of the River Rim Ranch Planned Unit Development (“River Rim”) which was approved by the County and recognized as a master planned unit development.
- B. On July 27, 2006, a Development Agreement for Division II was made between West Rim LLC (“West Rim”) as developer and the County. The Development Agreement was recorded on August 7, 2006, as Teton County Recorder’s Instrument No. 179247.
- C. On or about June 30, 2009, the Owner acquired River Rim Ranch property (the “Project”) from West Rim pursuant to a non-merger Warranty Deed in Lieu of Foreclosure recorded on July 14, 2009, as Teton County Recorder’s Instrument No. 205788.
- D. The 2006 Development Agreement was amended by: (i) that certain Amendment to Recorded Development Agreement for the River Rim Ranch - Division II Planned Unit Development, dated November 18, 2011, recorded on December 13, 2011, as Teton County Recorder’s Instrument No. 220042 (the “2011 Amendment”); (ii) that certain Administrative Amendment to Development Agreement for River Rim Ranch Division II Planned Unit Development, dated May 14, 2012, recorded on May 17, 2012, as Teton County Recorder’s Instrument No. 222136 (the “Administrative Amendment”); by (iii) that certain Administrative Amendment to Development Agreement for River Rim Ranch Division II Planned Unit Development, dated November 13, 2012, recorded December 14, 2012, as Teton County Recorder’s Instrument No. 225471 (the “Second Administrative Amendment”); and by (iv) that certain Amended and Restated Development Agreement for River Rim Ranch Division II Planned Unit Development, dated February 7, 2014, as Teton County’s Recorder’s Instrument No. 231392 (the “2014 Amendment”). Unless specifically indicated otherwise, the 2006 Development Agreement as amended by the 2011 Amendment, the Administrative Amendment, the Second Administrative Amendment, and the 2014 Amendment are collectively referred to herein as the “Prior Development Agreements.”



- E. The Owner and the County hereby amend and restate the Prior Development Agreements into this Agreement. This Agreement shall supersede and replace the Prior Development Agreements. Provisions contained in the Prior Development Agreements that are no longer applicable are not included in this Agreement.

AMENDED AND RESTATED DEVELOPMENT AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Parties hereby stipulate and agree as follows:

- 1. **Subdivision Description.** This Development Agreement pertains to and includes that property which is designated and identified as River Rim Ranch Division II (Div. II), Phase I (including Tracts C, D, E, G and Block 6(south) with reinstated uses), as described in the Illustrative Master Plan attached as **Exhibit A and incorporated herein by reference.**
- 2. **Division II Phase I.** The Division II Phase I phases are amended and restated as more specifically described below and in the Exhibits attached hereto and incorporated herein by reference.

(a). **Lot/Unit Reinstatement.**

- (1) The Lots/Units are restated as follows:

(A) **Tract D.** This tract will be converted from 45 chalet units to 48 hospitality suites and may be combined with Tract E to optimize site planning

(B) **Tract E.** (Teton Rim Golf Village). This tract will be converted from 12 residential lots to 48 hospitality suites in two structures (total of 96 suites with Tract D), which will feature a mixed use club village and “incidental commercial” uses to serve the River Rim community and Golf Course including:

- Clubhouse/Golf Pro Shop/ Rental Shop
- Restaurant/Bar/Lounge/ Indoor-Outdoor Dining
- Cart Barn/Storage/Multipurpose/Office
- Reception Center/Check In/Property Management
- Multi-purpose pavilion/Plaza/Lawn commons
- Meeting Rooms / Conference Area
- Wedding Pavilion/BBQ/Community Activity
- Pool-Jacuzzi area/Tennis Courts/Fitness Center

Tract E may be combined with Tract D to optimize site planning

(C) **Tract G.** The Operation and Maintenance lot (“O&M lot”) will be converted from 3 single family residential lots back to the entitlements found in the 2006 Development Agreement and shall include golf cart storage, equipment storage and repair shop, landscape material storage and other operations specifically related to the operation and maintenance of the golf course.

(D) Block 6 (south) Lots 28 through 34, total of 6 units, shall be transferred to Tract E and this area vacated and converted to golf course and open space.

(E) Tract C. This tract is platted for 62 individual chalet units. These units may be individually owned residential units and / or hospitality suites associated with the guest facilities on Tract E.

(F) **West Rim Village (Block 1).** Reinstatement of the Bed and Breakfast with 30 Condominium Units found in the 2006 Development Agreement, which units are to be transferred to Tract E and converted to two bedroom hospitality suites. In addition to the uses currently permitted, the following “incidental commercial” uses to Serve the River Rim community will include:

- Local Convenience General Store/Post Office
- Café/Coffe Shop
- Dry Cleaners / Fly Fishing Shop/ Pro Shops
- Multi-purpose Meeting/Conference Space
- Recreation Center
- Recreational Facilities including pool, spa, BBQ, gazebo, park area, wedding venue, patios, decks
- Employee Housing, maximum of 12 units and a maximum total of ___ square feet, maximum of two stories
- Additional General Storage for the residents of River Rim up to a maximum total of ___ square feet

- (b) **Exercise of Option to to construct golf course area (Tract J).** The Owner is exercising its option to construct and reinstate the golf course area, which is open space Tract J (about 270 Acres) of Phase I in accordance with the provisions and guarantees found in the 2006 Development Agreement. The entire 18 holes of the golf course shall be finished by (timing / phasing plan pending – subject to allowable uses and formal application)

- (c) **Remaining Infrastructure (Division II Phase I).** The Owner shall be responsible for the completion of the following infrastructure items.

Financial guarantees shall be required for the road paving. No financial guarantee shall be required for the future wastewater modules which will be paid for with tap fees.

Road Paving.

- 1) Loop Road. Asphalt paving of the Loop Road shall be completed by December 31, 2026, or when 30 residential building permits, or equivalent, are issued within River Rim, whichever is sooner.
- 2) Turning Lanes. Asphalt paving for the turning lanes on State Highway 33 (**main entrance**) shall be completed by either December 31, 2026; mandate of the Idaho Transportation Department; the issuance of 30 building permits in Division II Phase I; or when the Average Daily Traffic (ADT) exceeds 200 ADT, whichever is sooner.
- 3) The North - West entrance turning lanes will be required prior to the occupancy of the 12 employee housing units.

Future Wastewater Modules

- 1) The previous requirements for the construction of future wastewater modules shall remain in effect.
- (d) Financial guarantee. The Owner will provide to the County an updated Financial guarantee in an amount equal to one hundred twenty-five percent (125%) of the engineers estimated costs for construction of each of the remaining infrastructure items described in section (c) of this Agreement. No Financial guarantee will be required for the golf course construction. However, a Financial guarantee for the reclamation of the golf course, will stay in place in the event the golf course is not completed by (*timing / phasing plan pending – subject to allowable uses and formal application*). The estimated costs, on a line item basis, and a description of the items excepted from coverage under the financial guarantee, is attached hereto as **Exhibit B and incorporated herein by reference**. The specific financial guarantee shall be provided at or before the recordation of the final plat amendment.
- (e) County Acceptance of Completed Infrastructure. The Owner may submit a request to the County for approval of completed infrastructure on a line-item basis as completions are accomplished. The Owner shall also provide documentation from an Idaho Registered Engineer certifying that the improvements have been completed in general compliance with the design. Upon the County's acceptance of the infrastructure, the County shall provide written acceptance of the completed infrastructure and release any financial guarantee, or portion thereof, for that specific

infrastructure/line-item. The County shall retain for draw on the financial guarantee twenty-five percent (25%) of the amount of the original line item until acceptance of the entire phase associated with a specific infrastructure line item and the one year warranty period for the entire phase has expired, at which time said amount will be released from any financial guarantee to the Owner.

- (f) Phasing Plan. The proposed phasing plan for the completion of infrastructure as described in the preceding paragraphs is attached hereto as **Exhibit C, and incorporated herein by reference**.
3. Guarantee of Improvements. The Owner warrants that each completed improvement will operate in accordance with its intended use for one year from the date that the phase is accepted by the County.
 4. Building and Occupancy Permits. Building permits and certificates of occupancy shall be issued by Teton County in accordance with Exhibit C of the Phasing Plan found in the 2014 Development Agreement.
 5. Public Benefits. The following public benefits shall be provided:
 - (a) Golf course, guest accommodations and other related facilities shall be open for public use.
 6. Density. The modifications to density by phase are amended as more specifically described in **Exhibit D** attached hereto.
 7. Inspection. Representatives authorized by the County shall have the right to enter upon the property at any reasonable time to inspect and determine whether the Owner is in compliance with this Agreement. The Owner shall permit the County and its representatives to enter upon and inspect the property at any reasonable time.
 8. Final Inspection and Approval of Improvements. The Owner shall notify the County when it believes any improvements have been fully and properly completed and shall request final inspection, approval, and acceptance of the improvements by the County. Upon approval the County shall give its written acceptance of the improvements.
 9. Default. If the Owner defaults in or fails to fully perform any of its obligations in accordance with this Agreement, or fails or refuses to correct any defect or deficiency in the improvements required by the provisions of this Agreement and such default or failure shall continue for a period of thirty (30) days after written notice specifying the default is deposited in the United States mail addressed to the Owner, without being completely remedied, satisfied and discharged, the County shall have, and the Owner hereby grants to the County, in addition to all

other rights afforded to the County in this Agreement and by law, the right, at the County's option, to complete the construction of the improvements or to correct such defect or deficiency. The County may draw on the financial guarantee/financial guarantee pursuant to the specific terms of the Financial guarantee and this Agreement, that amount required to complete the improvements on a line-item basis. The County must commence the work within 365 days of drawing the funds from the Financial guarantee. Notwithstanding any provisions in the Financial guarantee or this Agreement, the Financial guarantee shall be automatically extended, renewed and remain binding on owner until such time as the improvements are completed and accepted by Teton County. The County may enforce any other remedy provided by law. These remedies are cumulative in nature. In addition, if the Owner is in breach of this Agreement, that is uncured after any applicable cure period, the most recently approved Master Plan may be vacated for all unplatted phases of the project (Phases II-VI) and all applicable subdivision and zoning regulations in effect at the time shall govern the future use of this land. Prior to the expiration of the time limitations above, and without causing a breach of this Agreement, the Owner may apply to vacate all or a portion of any platted phase or amend the design of the platted lots in accordance with applicable subdivision and zoning regulations.

10. Liability and Indemnity of County.

- (a) No Liability for County Approval. The Owner acknowledges and agrees (1) that the County is not, and shall not be, in any way liable for any damages or injuries that may be sustained as the result of the County's issuance of any approvals or acceptances of the improvements or use of any portion of the improvements, and (2) that the County's issuance of any approvals or acceptances does not, and shall not, in any way be deemed to insure the Owner, or any of its successors, assigns, tenants, or licensees, or any third party, against damage or injury of any kind at any time.
- (b) Indemnification. The Owner agrees to, and does hereby, hold harmless and indemnify the County, and all of its elected and appointed officials, officers, employees, agents, representatives, engineers, and attorneys from any and all claims, costs and liability of every kind and nature that may be asserted at any time against any such parties for injury or damage received or sustained by any person or entity in connection with (1) the development, construction, maintenance or use of any portion of the improvements and, (2) the performance by the Owner of its obligations under this Agreement and all related Agreements. The Owner further agrees to aid and defend the County in the event that the County is named as a defendant in an action concerning the improvements provided by this Agreement except where such suit is brought by the Owner. The Owner is not an agent or employee of the County. This indemnification does not extend to claims, costs and liability asserted by the Owner or any third person in the event the County fails in its duties and

obligations to Owner or any third person as set forth in this Agreement or by law.

11. No Waiver of Rights. No waiver of any provision of this Agreement will be deemed to constitute a waiver of any other provision nor will it be deemed to constitute a continued waiver unless expressly provided for; nor will the waiver of any such default under this Agreement be deemed a waiver of any subsequent default or defaults of the same type. The County's failure to perform any obligation under this Agreement will not constitute the approval of any wrongful act by the Owner or the acceptance of any improvement.
12. Assignment. It is expressly agreed that the Owner may assign this Agreement, in whole or in part, to any third party, without prior written consent of the County.
13. Notices. All notices in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof (1) when delivered in person on a business day at the address set forth below or (2) on the third day after being deposited in the United States mail, for delivery by properly addressed, postage prepaid, certified or registered mail, return receipt requested, at the address set forth below.

Unless notified otherwise, notices to the County shall be addressed to, and delivered at, the following address:

Teton County Commissioners
Attn: Planning Administrator
Teton County Courthouse
150 Courthouse Drive
Driggs, Idaho 83422

Unless notified otherwise, notices to the Owner shall be addressed to, and delivered at, the following address:

Don Chery
Executive Vice President and Chief Administrative Officer
Glacier Bancorp, Inc.
49 Commons Loop
Kallispel, Montana 59901

14. Enforcement. The parties hereto may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement.
15. Other Requirements.

- (a) **Certificate of Occupancy.** Except as otherwise provided herein, building permits shall be issued in accordance with Exhibit C of the Phasing Plan found in the 2014 Development Agreement. However, Certificates of Occupancy for residential units will not be issued by the County, until the applicable infrastructure is complete for each phase, or other arrangements have been made and agreed to in writing by the Owner and the County.
 - (b) **Acknowledgment of Other Permitting Requirements.** The Owner acknowledges the requirement for approvals and permitting from the State Department of Environmental Quality ("DEQ") for sewer and water improvements, District 7 for septic systems, Corp. of Engineers for Wetlands permitting, Idaho Department of Transportation for Route 33 intersection upgrades; Idaho Department of Water Resources for wells and irrigation and other State or Federal requirements. DEQ approval is required prior to sewer and water improvements. Construction activities subject to these permitting requirements will not commence until permits are received and permit copies provided to the County Planning Office.
 - (c) **Right to Farm Provision.** The Owner acknowledges the Right to Farm Act contained in Idaho Code Chapter 45, Sections 22-4501 through 22-4504 or as may be amended.
16. **Golf Course – Open Space Area (Tract J).** The Golf Course – Open Space Area (Tract J), as shown on Exhibit E, will be managed by the Owner, Property Owners Association, subassociations, club operations or the private owners to whom title to such area is conveyed.
 17. **Teton Pipeline Association.** The Project falls within the jurisdiction of Teton Pipeline Association, Inc. (TPA), for surface irrigation water and the Owner will abide by the Bylaws, Operating Agreements, pro rata cost sharing provisions, and other mutual agreements within TPA jurisdiction. Shares of TPA stock or water rights pertaining to the River Rim Ranch property will be held as follows. The Property Owners Association or subassociations may hold TPA stock in common for lots and common areas that are subject to phased Final Subdivision Plats. The Property Owners Association, subassociations, or private property owners may hold TPA stock for open areas and farm/ranch areas and for areas that are not yet subject to a phased Final Subdivision Plat. Notwithstanding the foregoing, it is understood that, with respect to open areas and farm/ranch areas that are subject to a Final Subdivision Plat, the private owner of such parcel(s) may continue to hold TPA stock and exercise all rights associated therewith. A single "Water Master" for River Rim Ranch will be appointed to work with the Board of Directors of TPA.

18. **Public Improvements Provision.** The Owner shall be responsible for public improvements and shall not transfer initial construction obligations and the responsibility for completion of public improvements to the lot owners. Improvement District assessments, Owner's Association assessments, sewer and water company or district assessments, etc., are not encumbered by this provision.
19. **Open Space Provisions.** The Golf Course – Open Space Area (Tract J), and all other Open Space associated with River Rim Ranch Divisions II, Phase I, as shown on Exhibit E. The Owner will maintain all open space free of noxious weeds, free of fire hazards or other nuisances under the administration of the POA. The Master Declaration of Protective Covenants, Conditions and Restrictions for River Rim Ranch and the amendments and supplements thereto set forth these provisions. There shall be no restriction placed on any such Open Space which would prohibit the use of the Open Space for agricultural and/or farming purposes. These areas (including farm/ranch areas) will be managed by the Property Owners Association, subassociations, club operations, or the private owners to whom title to such areas is conveyed.
20. **Adjacent Neighbor Provisions.** Owner agrees to maintain a 200' separation from all building envelopes to adjacent property in Phases II-VI.
21. **Sharing of Development Costs.** The County has approved a Letter of Notification to the County, regarding Sharing of Development Costs (Teton County Subdivision Regulation Section 9-4-2 (G) as revised on May 12, 2011) submitted to the County which entitles the Owner to collect a pro-rata share of compensation for a portion of the costs of the public improvements required by the Teton County Subdivision Ordinance from adjacent property owners outside of River Rim.
22. **Filing.** The Owner may record this Agreement in the office of the Teton County Clerk and Recorder.
23. **Binding on Successors.** This Agreement shall be binding, inure to the benefit of, and be enforceable by the parties hereto, their respective successors and assigns and runs with the land.
24. **Entire Agreement.** This Agreement constitutes the entire understanding among the Parties hereto in connection with the subject matter, and except as otherwise provided herein, supersedes and replaces all prior negotiations, agreements, understandings, or representations whether oral or written. The terms of this Agreement may be modified only in writing, by the authorized signature of all of the Parties.
25. **Time is of the Essence.** Time is of the essence in the performance of all terms and provisions in this Agreement.

26. **Waiver of Claims.** Each of the Parties hereby waives and releases any and all claims or causes of action they have or may have against the other, and their respective officers, directors, employees, agents and attorneys, resulting from any claims or causes of action occurring prior to the execution of this Agreement.
27. **Statement of Fact.** The statements set forth in the Stipulation of Facts above are facts upon which the parties agree and are not to be construed as mere recitals. Said statements of fact are incorporated into this Agreement by reference as if set forth fully.
28. **Amendments.** All amendments to this Agreement shall be in writing and shall be approved by the Owner and the County.
29. **Severability.** The invalidity or unenforceability of any provision of this Agreement shall not affect the other provisions hereof and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.
30. **Authority to Execute.** The Parties hereby warrant and represent each to the other, without any limitation or qualification that (i) they are duly authorized and empowered to enter into and sign this Agreement; (ii) the persons executing this Agreement on behalf of the Parties are authorized to do so; and (iii) this Agreement is valid, binding and enforceable on the Parties in accordance with its terms.
31. **Governing Law.** This Agreement shall be governed by and construed under the laws of the State of Idaho and jurisdiction and venue for any litigation of this Agreement shall be in the state or federal courts of the State of Idaho.
32. **Attorney Fees.** Should any litigation be commenced between the Parties concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorneys' fees as determined by a court of competent jurisdiction.

IN WITNESS WHEREOF the Parties have hereunto set their hands on the date first above written.

[Signatures on next page]

BIG SKY WESTERN BANK

By: _____
 Don Chery
 Executive Vice President and
 Chief Administrative Officer of
 Glacier Bancorp, Inc., owner of
 Big Sky Western Bank

STATE OF IDAHO)
)
) ss.
 County of _____)

On this ____ day of _____, 2013, before me, a Notary Public, personally appeared Don Chery, known to me to be the person whose name is subscribed to the within instrument as the authorized representative of Glacier Bancorp, Inc., and acknowledged to me that he subscribed his name thereto as such.

 Notary Public for IDAHO
 Residing at: _____
 Commission expires: _____

(SEAL)

BOARD OF COUNTY COMMISSIONERS
TETON COUNTY, IDAHO

By: _____
William Leake, Chairman

STATE OF IDAHO)
)
) ss.
County of _____)

On this ____ day of _____, 2016, before me, a Notary Public, personally appeared William Leake, known to me to be the person whose name is subscribed to the within instrument as the Chairman of the Teton County Board of Commissioners, and acknowledged to me that she subscribed her name thereto as such.

(SEAL) _____
Notary Public for IDAHO
Residing at: _____
Commission expires: _____

EXHIBIT A: Illustrative Master Plan dated _____, prepared by Focus Architects

EXHIBIT B: Engineer's Estimate for Financial guarantee

EXHIBIT C: Phasing Plan

EXHIBIT D: Density Table by Phase

EXHIBIT E: Reinstated Golf Course – Open Space Area (Tract J) Plat

Jason Boal

From: Gregory.Eager@deq.idaho.gov
Sent: Friday, April 29, 2016 10:24 AM
To: Jason Boal; mdronen@eiph.idaho.gov
Subject: RE: River Rim Records-

The should be monitoring and reporting. I included below citations from Idaho onsite rules. In addition, the Health Department sent out a reminder letter which I will email shortly.

20. Large Soil Absorption System. A large soil absorption system is a subsurface sewage disposal system designed to receive two thousand five hundred (2,500) gallons of wastewater or more per day, including where the total wastewater flow from the entire proposed project exceeds two thousand five hundred (2,500) gallons per day but the flow is separated into absorption modules which receive less than two thousand five hundred (2,500) gallons per day.

f. An annual "Large Soil Absorption System Report" shall be filed with the Director no later than January 31 of each year for the last twelve (12) month period and shall include section on operation, maintenance and monthly and annual monitoring data.

From: Jason Boal [mailto:jboal@co.teton.id.us]
Sent: Wednesday, April 27, 2016 6:56 PM
To: Mike Dronen; Gregory Eager
Subject: RE: River Rim Records-

I received this response from Bob-

There are limited records available due to the fact that use has been minimal. The wastewater use has essentially been the equivalent of one single family residence or about 300 gpd on a 30,000 gpd system – 1 percent of the design capacity. The flow monitoring and other O&M recording obligations are triggered at significantly higher flows

Thoughts?

-Jason

From: Mike Dronen [mailto:mdronen@eiph.idaho.gov]
Sent: Wednesday, April 27, 2016 2:37 PM
To: Jason Boal <jboal@co.teton.id.us>; Gregory Eager (gregory.eager@deq.idaho.gov) <gregory.eager@deq.idaho.gov>
Subject: RE: River Rim Records-

I have not received any of the information yet.

Mike Dronen
Mike Dronen
Environmental Health Specialist II
p.208.354.2220
mdronen@eiph.idaho.gov



From: Jason Boal [mailto:jboal@co.teton.id.us]
Sent: Wednesday, April 27, 2016 2:13 PM
To: Mike Dronen; Gregory Eager (gregory.eager@deq.idaho.gov)
Subject: River Rim Records-

I was wondering if you have received any of the records you requested from River Rim at the DRC meeting?

Jason Boal – AICP, CFM
Planning & Building Administrator
Teton County, Idaho
150 Courthouse Drive # 107 Driggs, ID 83422
208-354-2593 x204



ATTENTION: Our e-mail and web addresses have recently had a domain change to **EIPH.Idaho.gov**. Please update any e-mail contacts and browser bookmarks accordingly.

The information contained in this e-mail is confidential, privileged, or otherwise protected from disclosure. It is intended only for the use of authorized individuals. Any unauthorized disclosure, copying, distribution or taking of any action based on the contents of this material is strictly prohibited and may result in civil or criminal penalties.

If you have received this e-mail in error, please delete it immediately.

To learn more about Eastern Idaho Public Health, please visit www.EIPH.Idaho.gov

RECEIVED

APR 28 2016

DEQ-IDAHO FALLS

April 25, 2016

River Rim Ranch Division 1
Homeowners' Association
PO Box 2282
Jackson, WY 83001-2282

RE: ANNUAL REPORT NEEDS

To whom it may concern:

This letter is being sent as the THIRD and final reminder to you about the Annual Report needed for the large soil absorption system (LSAS) under your management. The second reminder sent to you in early March requested that the report be submitted by March 31, 2016.

Please forward your 2015 annual report to the following contact person and address.

Charlie Mazzone
Department of Environmental Quality
900 North Skyline
Idaho Falls, ID 83402

This Department is in hopes that you will follow the proper operation and maintenance requirements of your LSAS. Failure to submit a report by May 31, 2016, will result in a referral package to the Department of Environmental Quality for enforcement action.

Please contact me if you have questions. The phone number to call is (208) 523-5382.

Sincerely,



Kellye Eager, REHS
Environmental Health Director

Cc: Geri Rackow, EIPH- District Director
EIPH County Environmental Health Staff
Erick Neher, DEQ- Idaho Falls Regional Administrator
Charlie Mazzone, DEQ- Idaho Falls Regional Office
Tyler Fortunati, DEQ- Boise

2016/5/2

Jason Boal

From: Thursday, April 28, 2016 8:50 AM
To: Jason Boal
Subject: Re: River Rim PUD

No we don't, thanks for checking.
Monte

Monte R. Woolstenhulme, Ed.S.
Superintendent, Teton School District 401 208-228-5923
P.O. Box 775, 445 N. Main St.
Driggs, Idaho 83422
<http://tsd401.org>

On Wed, Apr 27, 2016 at 5:09 PM, Jason Boal <jboal@co.teton.id.us> wrote:

Monte, I was wondering if the School District might have any comments on River Rim PUD? They are looking to bring back the golf course and add "hospitality suites" at a lodge. The proposal would not impact the number of single family home out there.

[16-reduced.compressed.pdf](#)

The application and documents can be found here-
http://www.tetoncountyidaho.gov/pdf/additionalInfo/River_Rim_Ranch_PUD_Division_II_Amend_7_4-5-

Thank you for any thoughts you might have.

Jason Boal - AICP, CFM

Planning & Building Administrator

Teton County, Idaho

150 Courthouse Drive #107 Driggs, ID 83422

208-354-2593 x204



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

Rendezvous Project No: 15-037

April 29, 2016

Mr. Jason Boal
Teton County Planning Administrator
150 Courthouse Drive - Room 107
Driggs, ID 83422

RE: River Rim Amendment No. 7

Dear Jason:

We sincerely appreciate your comprehensive analysis of the River Rim Ranch Amendment No. 7 proposal. It is very helpful to the applicant to have all the planning issues for this proposal identified in detail as we go forward and consider options for this complex and multi-faceted project.

The project team, led by designer Brett Potter, plans to make a thorough and informative presentation at the upcoming planning and zoning meeting where we hope to answer any outstanding questions that you, commission members or members of the public may have about this concept. We also look forward to gathering valuable feedback about what may be possible under the current county regulations for a development that has obviously continued to struggle since the post 2007 economy. We are excited about this opportunity, which is still in the very early planning and feasibility phase that would bring back a golf option that is a better fit environmentally and financially for this specific area.

Team member Sean Cracraft will also be participating in the presentation to talk about the construction of a "links type" course that has many parallels to one of his company's recent golf projects in a remote area of central Washington. This will be an opportunity for commission members to ask Sean about the Gamble Sands development and how this experience can potentially benefit River Rim. It is important to note that with this plan, many of the natural grass areas that were recently reclaimed by the current owner will remain. Only of portion of the 280 acre golf property will be disturbed in this new model which has attracted much attention from golf enthusiasts.

Brett Potter will be able to describe the two "key" hospitality unit concept that is also becoming more common within resort developments. This provides an opportunity for guest accommodations and individual ownership in compact development plan. The prospective buyer of this development is looking for feedback on this proposal as an opportunity to make the golf financially viable in today's market. The new plan maintains all the original open space and density requirements and only asks for the re-introduction of the previously allowed 30 bed and breakfast units that were eliminated in Amendment 5 with the elimination of the golf course. This is one of the changes seen as an important part of the plan's economic viability. The new plan also includes a much more scaled down

and compact clubhouse facility which compared to previous plans for this project will ultimately result in fewer overall impacts.

The plan also includes a number of components, some of which were part of the previous plan, such as a small local convenience commercial facility and multiuse building at the West Rim Village, added for the benefit of the local homeowners. This concept also includes employee housing and storage for local residents. These elements all provide support to the project but are less important to its overall economic success.

Please let us know if there are any other issues that we should be prepared to discuss at the planning commission meeting or if you or members of the commission have any specific questions for the project team.

Sincerely,



Robert T. Ablondi, P.E.

Cc: Brett Potter
Sean Cracraft
Sean Moulton
David Choo
Don Chery



May 3, 2016

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

Re: 2016 River Rim Ranch PUD Amendment

Dear Commissioners:

Over the last 12 years, our organization has consistently tracked the evolution of this Planned Unit Development (PUD) and its numerous amendments since Division 1 was first platted in 2004. As this Commission knows very well, processing all of these amendments has placed an enormous administrative burden on Teton County over the years. There is no obligation to recommend approval here; the applicants must first provide a compelling case as to why a particular amendment provides a public benefit to the citizens of Teton County.

The Planning & Zoning Administrator's (PZA's) report provides a thorough analysis of the issues at stake; we concur and support the numerous issues raised therein. Furthermore, any amendment to this PUD requires the review of the entire PUD. This is clearly established by the plain language of the current Development Agreement, and the applicant has enjoyed a significant increase in development potential by virtue of River Rim Ranch being a "planned community PUD" pursuant Section 9-5-3 of the Teton County Code. As such, any changes proposed to the PUD must be considered in the context of the entire PUD, and must fulfill the purpose and intent of the PUD ordinance. Specifically, any change to the PUD must conform to the purpose and intent established in Sections 9-5-1-B and 9-7-1-B-1. **In other words, any amendment to a PUD must reduce its intrusion into sensitive natural areas and result in a more compact development footprint.**

Issue #1: Protection of South Canyon

The applicant has requested a significant increase in density for Phase 1 while retaining established density in other phases, particularly in the highly sensitive Phase 6 (South Canyon) of the development. This 55-unit phase is a tendrill of development that extends to the rim of Teton River Canyon, one of the most scenic and wildlife-rich areas of Teton County. **An offset to the density/intensity of the River Rim Ranch through the elimination or substantial redesign of South Canyon phase should be seriously considered.**



Issue #2: Expansion of incidental uses along Highway 33

Furthermore, the applicant is requesting an increase in the number of commercial uses in the West Rim Village area, including a "gift shop," "coffee shop," and "convenience store." Since the West Rim Village is located on Highway 33, the introduction of these uses violates Section 9-5-3-B, which requires all nonresidential uses to be located "within the interior of the PUD, and not along state highways..." The current development agreement limits uses to "real estate office," "property management office," "existing agricultural buildings," "existing storage," and the "Brent Hoopes Residence." Prior approvals of highway-oriented uses seem to have been made in error, and opening the door to them again will not only violate the intent of the PUD, but could set an undesirable precedent for PUDs elsewhere in Teton County.

Issue #3: Conformance with the 2030 Comprehensive Plan.

Finally, all development applications, especially discretionary approvals such as this PUD amendment, are subject to 2030 Teton County Comprehensive Plan. As noted in the PZA's report, the proposed PUD amendment conflicts with many goals and policies of the plan, which was the result of unprecedented public involvement and is basis of which future land use decisions shall be made.

Conclusion

Due to its lack of conformance with Title 9 and inconsistency with the Teton County Comprehensive Plan, we agree with the conclusions made in the PZA's report and recommend denial of the River Rim Ranch PUD Amendment as proposed.

Thank you for this opportunity to provide comments.

Respectfully,

Shawn W. Hill
Executive Director
Valley Advocates for Responsible Development