

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

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

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

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

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

APPROVAL OF MINUTES:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Johnston commented that the ordinance was favorable overall and that there were three outstanding items, in her opinion, that still need to be changed. The first point she discussed involved definitions. She was concerned that the ordinance contained too many different terms

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

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

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

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

Mr. Breckenridge felt if the county deeded it off and issued a building permit, they can’t take back rights or refuse to allow an improvement on the lot. Ms. Johnston agreed that, generally, issuing a building permit means the county has deemed that lot buildable. Ms. Spitzer commented that the lot split process can be agreed upon within the family without giving the other split any rights,

and need the cooperation of all owners to accomplish the short plat process giving the new lot building rights. She felt this was a way to accommodate a person who has only one other person involved in the lot creation.

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

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

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

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

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

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

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

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

7:00 PM – Item #3 – Continuation of 5/10/2016 PUBLIC HEARING: 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.

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

VOTE: The motion was unanimously approved.

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

VOTE: The motion was unanimously approved.

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

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

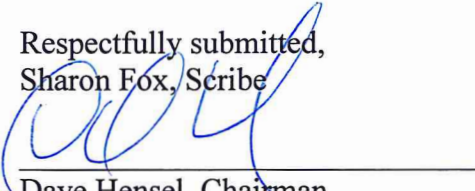
VOTE: The motion was unanimously approved to reopen the meeting.

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

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

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

Respectfully submitted,
Sharon Fox, Scribe


Dave Hensel, Chairman

Attachments:

1. PZC June 14, 2016 Meeting Packet


Sharon Fox, Scribe



AGENDA
PLANNING AND ZONING COMMISSION
WORK SESSION & PUBLIC HEARING
June 14, 2016
STARTING AT 4:00 PM

ATTACHMENT 1

DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from May 17, 2016
Main Courtroom (3rd floor), Driggs, ID

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

1. Approve Minutes
 - May 17, 2016
2. Chairman Business
3. Administrator Business

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

6:00 PM – Item #2 – Continuation of 5/17/2016 PUBLIC HEARING: Amendment to Title 9, Teton County Subdivision Ordinance – Proposing amendments to Title 9 to add CHAPTER 11 - BUILDING PERMIT ELIGIBILITY OF PREVIOUSLY CREATED PARCELS. This amendment is intended to establish procedures for placing purchasers of illegally split parcels on notice that such parcel split occurred in violation of the LLUPA (Idaho State Code 67-65) and the requirements of Teton County Code-Title 9, and to provide a means for certifying that the real property does comply with the provisions of LLUPA and Teton County Code-Title 9.

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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, June 7, 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 6-14-2016 Meeting Docs item in the Additional Information Side Bar.
- Comments may be emailed to pz@co.teton.id.us. Written comments may be mailed or dropped off at: Teton County Planning & Building Department, 150 Courthouse Drive, Room 107, Driggs, Idaho 83422. Faxed comments may be sent to (208) 354-8410.
- Public comments at 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.

VOTE: The motion was unanimously approved.

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Staff (Applicant) Presentation:

Mr. Boal explained the changes. The draft ordinance that was proposed on April 12 was modified to make it more comprehensive, to explain the reasons for the lack of building rights and the inquiry process to verify building right eligibility. Section 9-11-2, Criteria for Determination, was also clarified.

Mr. Larson asked if a "legally created parcel" meant a "buildable parcel". Mr. Boal explained that the term "legally created parcel" is used in the existing code to define a buildable lot. Ms. Spitzer commented that it may be a good idea to change the term or provide a definition in this section of the ordinance to define "legally created parcel". Ms. Spitzer wanted to clarify that a lot could be legally created without building rights, and we are only using the term "legally created parcel" because it is used in our existing code to define buildable parcels.

Ms. Spitzer explained that the processes in the code changed several times in the past, and the underlying zone is not a blanket. The Planning Administrator at the time signed off on these and no one contested it. People went through a process and thought it was right, and this ordinance would provide those with building rights. What's not okay and what this ordinance doesn't allow, is people splitting their property without going through a process.

Mr. Larson asked about ag splits after a certain date. Mr. Boal confirmed that some ag splits would be considered buildable. Lots created through a process are considered buildable, are lots created outside a process are not. Mr. Breckenridge asked how ag splits are identified. Mr. Boal explained that we rely on a survey or deed being labeled as an ag split. Ag splits that were created before 2003 are considered buildable. The code changed in 2003 to be more specific toward ag splits.

Mr. Boal commented that this ordinance, in his opinion, is the most equitable approach as it is protecting those that have a reasonable expectation that a process was followed and rights were obtained through a process. It also provides an opportunity to obtain building rights when the process wasn't followed.

Mr. Larson asked for clarification on a sort of hardship case, if someone does not qualify for one of the three criteria provided, are we hoping the new code will provide an option? Mr. Boal explained that section 9-11-8 provides different options to obtain building rights, but the underlying zone must still be met. There is also the option to go through the subdivision process. The new code may also provide new options.

COMMISSIONERS PRESENT: 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: Ms. Kathy Spitzer.

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

The meeting was called to order at 5:09 PM.

Approval of Minutes:

Ms. Robson asked that "It is important to remember private property rights during the code process." be added as a comment from the Commission during the Work Session.

Ms. Johnston asked that condition #3 of the Fin and Feather Zoning Map Amendment motion be updated to add "and restricting any subdivision under the R-1 zone."

Ms. Johnston asked that the discussion of the River Rim Subdivision Amendment be updated so it is clear that the hospitality units are called out as "two key" hospitality units instead of referring to the number of bedrooms.

MOTION: Mr. Arnold moved to approve the minutes of May 10, 2016, as amended. Ms. Johnston seconded the motion.

VOTE: The motion was unanimously approved.

Chairman Business:

Mr. Booker commented that he was filling in for Mr. Hensel while he was out of town.

Administrative Business:

Mr. Boal expressed his appreciation with the Commission and thanked them for their work. Mr. Booker commented that the Commission also appreciated Mr. Boal during his time with the County and wished him luck with the City of Victor.

Approval of Written Decision:

Ms. Johnston asked that condition #3 of the motion for the Zoning Map Amendment be updated to match the approved meeting minutes.

MOTION: Ms. Johnston moved to approve the 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, as amended. Mr. Larson seconded the motion.

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Ms. Robson commented that the proposed ordinance mentioned a violation of LLUPA. She asked for a clarification of LLUPA. Mr. Boal explained that LLUPA provides the opportunity for counties to have zoning and subdivision ordinances, and it talks about the processes that need to be followed, so if something doesn't follow those processes, it would be a violation of LLUPA.

Ms. Spitzer explained that LLUPA mandates that counties go through a subdivision process and zoning process with a public hearing and notice, and that is the only way we are allowed to zone. We need to be careful that we don't subdivision or zone without a public hearing that is noticed, that goes to Planning Commission first, then the Board of County Commissioners afterwards. That is why LLUPA is mentioned because if it is not a process that the county had, we can't retroactively create that process because there wasn't that noticed hearing. Planning Commission, and Board of County Commissioners process at that time. We can allow anything that had a process in our code at the time and if it followed our process, it's okay because it went through that process. If we retroactively created a process that wasn't in our code, it would be a violation of LLUPA.

Mr. Booker asked for clarification of what surveys would be recognized. Mr. Boal explained that if a survey was recorded with a county signature, or an ag split before 2003, it would be considered buildable. If there was a survey without a county signature or only a deed, it would not be considered buildable.

Mr. Booker references the map that was included in the staff report showing lots based on property inquiries. Mr. Boal explained that this is not a parcel specific ordinance. Mr. Booker said he understands that, but it helps him understand what examples there are and how to address them. Mr. Boal explained that this ordinance makes a lot buildable if it went through a process. Mr. Booker asked if there was potential that there are lots that may never obtain building rights. Mr. Boal explained that it could be a possibility if a lot wasn't created through a process and it can't meet the requirements of our ordinances. Ms. Spitzer explained that this ordinance doesn't take away any rights; it grants more rights that people did not have.

Ms. Robson asked about the voidability to void a deed or contract. Mr. Boal explained that state code provides this process. The county doesn't void it because they're not part of the contract. The property owner has that option. Ms. Robson also asked about a section of state code that discusses property rights. Mr. Boal explained that it requires that property rights are addressed in the Comprehensive Plan.

Ms. Johnston asked for the following clarifications:

- Section 9-11-2 – are all of the options listed considered individual options (one or the other), or are they cumulative? Mr. Boal said they are one or the other. The word "or" can be added after each of these.
- On the map provided, and it says one building right was associated with multiple RP numbers, is it correct that this means multiple parcels with one building right shared between them? Mr. Boal explained yes, this means multiple tax parcels sharing one building right. There are a multitude of reasons for having multiple tax parcels, even though a deed shows a piece of land as one parcel, it may cross taxing districts or township lines that would require a different RP number.
- Are there any statistics on the properties included on the map from property inquiries? How many parcels are probably affected by this or in subdivisions? Mr. Boal explained that the statistics of the property inquiries was not something included. The majority of

the parcels on the map are rural parcels. Probably less than 10% have no building rights, which is probably skewed somewhat because some lots were included in subdivisions. Some inquiries were submitted for parcels in subdivisions, but platted lots are not in question.

- Section 9-11-3-B: The “to develop” language seems to restrict all development such as future subdivisions and physical development. Does this only mean physical development? Mr. Boal explained it is only physical development not subdivisions, and this can be clarified.
- Section 9-11-2-C-b: Why are we putting a weight on the applicant having a recorded survey in the past? From a surveying and legal perspective, if you record a deed recorded with a metes and bounds description, it isn't different from a survey showing it graphically. Mr. Boal explained that the recorded survey has to be a One Time Only survey with a county signature, not just any survey. Ms. Johnston apologized; she was looking in the wrong section. Same question in the parcel rectification criteria section. Mr. Boal explained a survey is required there because it goes back to the expectation of how it was created. If there was a survey recorded when someone purchased it, there is a different expectation of how it was created than if there was just a deed. Ms. Johnston asked for clarification to ensure she was understanding correctly. To be eligible for this parcel rectification, part of the criteria is an existing survey, and the intent is because the expectation may be more likely that they thought they had a building right because of the survey versus just a deed. Mr. Boal explained yes, that is correct. It is not to say that processes are not available for parcels that were created by just being deeded off, but this parcel rectification process is geared toward those property owners that had that different expectation based on the survey recorded.
- Section 9-11-8-B-1: This says the parent parcel would be eligible for the One Time Only under the existing code – does this mean the current code now or the code that existed when the application was done. Mr. Boal explained this is the current code, as it exists now. Ms. Johnston asked that the language be clarified.
- Section 9-11-8-D-1: This section also says “eligible under the existing code”. Does this also refer to the current code? Mr. Boal said yes. Ms. Johnston asked that this language be clarified as well.
- Section 9-11-8-C: Is there an example of a situation when this parcel rectification process would be applied? Mr. Boal gave an example of a 40-acre parcel that had a survey recorded to create 2, 20 acre parcels without going through the process at the time. They would also be eligible for the retroactive One Time Only. Ms. Johnston asked if there was an example where someone would be eligible for the parcel rectification and not the retroactive One Time Only. Mr. Boal gave an example of a parcel that went through a One Time Only in the past and then a record of survey was recorded, so it would not be eligible for the retroactive One Time Only but would be for the parcel rectification.
- How long would this parcel rectification process take, realistically? Mr. Boal explained that once we get a completed application, it's a matter of getting it on the next agenda, so pretty quick. It is an administrative approval, not a public hearing.
- Section 9-11-8-B: Is the retroactive One Time Only something that gets turned in for the parent parcel or the resulting parcel? Mr. Boal explained that the parent parcel is the one being split, so the application is for the parent parcel, and both parcels would be identified

as buildable. Both property owners are required to participate, and if one does not, there may be the option to go through the parcel rectification process. Ms. Johnston and Mr. Boal continued to discuss different examples for going through the parcel rectification process. Mr. Boal explained that a de-facto subdivision cannot be created through this process. Language can be added to 9-11-8-B-4-i to clarify that no more than two buildable parcels are being created from the parent parcel.

Mr. Booker asked what the Fire District signature block was referring to under Section 9-11-8-B-C. Mr. Boal explained it was only for access. It is not required for fire protection because only two lots can be created through the process, and three or more lots triggers the need for fire protection.

Public comment was opened at 6:08pm

Public Comment:

In Favor:

Shawn Hill, representing Valley Advocates for Responsible Development, stated he is in support of the ordinance. I think this is a good attempt to restoring some order to the chaos of the past. There will probably never be a perfect solution to such a vexing problem. I think the planning staff and county prosecutor have done a good job exploring all possible solutions, and I think the best solutions are incorporated into this ordinance. I would prefer to use of the term Lot of Record because it is industry parlance, it's used in Driggs and Victor, and I believe the county draft code has a definition for this as well. I would suggest the criteria of Section 9-11-2 and use that as the definition for Lot of Record in the county's draft code.

Neutral:

Joanne Labelle, of Victor, stated she was neutral because she hadn't read enough of the revision, but she appreciated the work that had been put into it since the last meeting. It seems like a lot of the critical issues have been addressed. There will still be some hardship issues that will need to be considered. There will be people that purchased, inherited, or somehow got a parcel they were going to build in that doesn't fit in one of these boxes. We need to look out for those people. The map that shows how many inquiries there are; I just want to add that it looks like there are about 100 that had issues. There will be more than this, certainly. People are calling all the time that are not in subdivisions, and we just don't know. It is all over the place, and it is going to affect a lot of people. I spoke before on going back to we as citizens, we relied on the process and if there was a signature or a survey or plat, we relied on the surveyor to follow the proper procedures. The title companies, mortgage brokers, realtors, and citizens had belief they had building rights. Thanks for all you're doing, but I think we need to make sure that no one gets kicked under the bus because it was 2005 instead of 2003 because it was an ag breakoff.

Opposition:

Billie Siddoway, of Victor. I appreciate all of the work that has been done. I oppose the ordinance, some pieces in part and some in whole. I think that section 9-11-2 has the most issues and is not comprehensive enough. I have had the opportunity to talk to a lot of property owners, realtors, developers, and contractors, and we've been able to identify those issued. I'd like to go over those

with you and highlight those that are covered with this ordinance and those that aren't. I think the sentiment of the last meeting I attended was to allow someone that had a lot of record that had been approved, I thought that those would be grandfathered in. I think there's been an effort to do that, but I don't think this is quite comprehensive enough. Two of the general categories that we have examples of are where documents were signed by the county but by the wrong person and I think this could be read either way that a signature by the county is covered. I think this isn't clear where it says an authorized signature, so I think it should just say a county signature. Another example is if a lot of record was approved in Planning Commission minutes saying something was approved and a signature page wasn't provided, that should be approved. It's not clear to me if prior approved rights are covered. I think there are several situations where the county approved a building permit for a property and now they want to come back in and do a remodel. It's unclear if they can come in and get that permit. A related category is where there was a split, where there are two or more resulting rights and one of the property owners received a building right. Now, the other owner is being told that they can't get a building permit. I think these buyers should be treated the same way. Another category are the innocent purchasers. Some may come under the situation that it can be rectified, but we have people that don't have the money or time to pay for a survey. I think that's the kind of hardship that I think we seemed to have some kind of sentiment for correcting before. Those innocent purchases that acquired property of value; I was thinking of people that paid cash money, but you also heard from someone that was working on the farm to earn that piece of land. So recognizing some kind of innocent purchaser exception that may not be the original owner or developer that didn't follow the process, and maybe they have to pay a fee, but I think we should give building rights. Another category is adjudicated parcels. These are parcels made by a decision in a court by a judge that parcels should be split. It's not clear if these are allowed building rights, and I think this deserves recognition as a category. Finally, for a hardship, we already have a process in place to apply for a variance. I think we should have a process where people can plead their case and have consideration given to them through some administrative process. There was some discussion earlier about creating parcels that may not have building rights associated with it. I don't think that's recognized adequately in 9-11-3, which calls this a notice of violation. I think we could improve this by changing the name of it to a notice of no building rights. I think this is a great thing for the county to do. This could be recorded, and it doesn't necessarily mean they violated the law, they just don't have building rights. The Realtor's Association is not thrilled about subsection D. I think it would be appropriate to be struck out, and it puts a burden on the county to make a notice about a sale. There's a process for a purchaser to file a complaint. I think that 9-11-6 makes state code more confusing. It seems to imply that if there's a sale in violation of this title that it somehow becomes a fraudulent transfer. I think this could be deleted because anyone can go to their attorney if they think there was a fraudulent transfer. I also think 9-11-7 should be stricken because you can divide property without building rights. This would make every time we split something off without building rights that we're committing a misdemeanor. I support 9-11-8, but I don't think it is broad enough to include all of those exceptions I think should be in 9-11-2. I think having an expedited process is a good thing, but I don't think it is good enough for those innocent purchaser because of the time and expense involved. I realize that the time for the county can be swift, but there are only a few people here to create surveys, so that is where the time and expense comes in. That's all I have. I appreciate the willingness of the commission to work through this issue. We're working on our own document, but it was not ready for today. We can get it out to you as quickly as we can.

Roger Brink, of Tetonia. I would like to double everything Billie said. Those were my concerns. Conceptually, I would like to add that when this all came to light, it seemed to be unfair to the public. In my view, the County Commissioners and Teton County are in a place to aid the public,

and this whole process seemed quite unfair to me because most everyone bought land here expecting to have building rights felt that those parcels had building rights, legal building rights approved by the county, and no one sold those parcels with the intent of misleading anyone. My objection is conceptually that all of this came to light years after the fact in most cases. In fairness to the public, I think that should be an additional item to be weighed in this decision making process. I think the fees that are outlined, and I commend Jason and Planning & Zoning for taking another look at this and revising the whole thing. It seems they've done a great job trying to rectify most of the issues here. That aside, the fees are still fees, and they are expensive. People can't necessarily afford those fees; some won't want to. People may look into an attorney to look into those issues. It is still an expensive and time consuming process. I appreciate your time and effort you all put into this and your serious consideration.

Harley Wilcox, of Victor. Some simple math, it looks like of the 331 inquiries, there are 33 that have been deemed to be no building rights and need to go through a process. Three of those are not fixable. If you put that to the no inquiry of the 14,325, then that could be 4,727 lots.

It seems to me that this has been from a new interpretation of the rules. The rules have been interpreted over the last 20 years. They were granted building rights through different processes. I'm not talking about the person that created a deed without any process. I'm talking about the ones that went through a process. I was there through some of this and knew some of these guys that did it. Luckily I didn't sell any of these lots to anyone and tell them it was a great building site. When that stuff is pulled back out and shows that realtors and sellers were advertising these as the best building sites with tremendous views, they're going to get sued; the county is going to get sued. I'm tired of county law suits. I keep hearing expecting or what they thought, and I don't necessarily think that's the right choice of words. I think the more clear definition is best practice and directive. People would come to Planning and Zoning and say this is the parcel I have. This is what I want to do. What can I do to get what I want? They were given directive, and they went through a process. This document keeps getting bigger, and I think it needs to get smaller. I think what Billie is working on with other attorneys and other land professionals will shed a lot more light on this. Unfortunately, we weren't able to get it to you prior to this so you could look at it.

I want to remind you that our ag 2.5 and our ag 20 zones are called ag zones. Some of these ag splits were done by staff and by property owners with the understanding that they were creating building sites. Saying if you did an ag split, you don't get a building site is probably not the right way to go. I heard Shawn say this is a good attempt to put some order to the chaos created in the past. Maybe we did make some mistakes in the past. I don't think creating an ordinance to open up the process and look at it, see if we made a mistake, and then revoke approvals is the right way to go. I think that's what this gives someone the right to do.

I visited with the prosecuting attorney, and we were able to look up part of the statute. It calls out in our subdivision ordinance a minimum lot size of 1 acre. The idea of going back to an underlying density of either A-2.5 or A-20 is definitely not something that was explained or given as a directive when some of these came through. I think that needs to not be a part of this final draft. There was a date and time that I think a minimum lot size may have been added to the code, but it was not from the beginning of all of this. I think we all have a good understanding that there have been cases where lots were created, building permits were given, and some buildings were built. Now we're being told those buildings should not have been allowed to be issued and so there for you can't have a garage, shop, or your lot is unbuildable. Does that mean they can't do their

deferred maintenance? I don't know. There will be some cases out of the 14,000 lots we have in the county that there will be more than one home that was built on lots illegally and unfixable. We need some provision so that something that doesn't meet the cookie cutter will be heard by somebody. The reason the 1-acre minimum lot size was in our ordinance for so long is because that's what District 7 allows as a minimum lot size for a well and septic. I realize that staff has done the best they can to come up with something that is a workable solution. I think they're looking at it at a snapshot in time. Today's snapshot. They're saying regardless of what mistakes we made in the past, it doesn't matter because if we did something wrong, so we'll just go back on that. That's not the way we do. If we made an agreement with somebody, we stand by our word. These folks that went through the process and did their due diligence and used best practices as explained to them, we need to make it easy for them to move forward. Don't make them go through that whole thing again and try to prove that they followed the rules at the time. Hopefully you can see through that and make some a suggestion that if any administrative staff or working in P&Z that was directed to sign that plat, that it be honored. Thank you.

Applicant Rebuttal:

Mr. Boal encouraged those that testified to reread the ordinance. Some of the concerns brought up are things that have changed and are addressed. If there is a survey with a county signature on it, we are accepting those as buildable parcels. It seems that was the majority of the objection you just heard, and we are clearly in the ordinance recognizing those as buildable parcels. There were some suggestions as far as removing 9-11-6. We are okay with removing 9-11-6. It is a state code provision, so it is available there. 9-11-7 could be clarified. It is also addressed in chapter 1, section 4. In regards to the 1-acre lot size or the minimum lot size, if it was approved by the county before, this ordinance does recognize those as buildable lots. There's no question of that.

The hardship, the variance that was talked about, I don't know how you can legally hear someone's plea and make a sympathetic granting of building rights. There has to be a process. That's what LLUPA, state code, and our ordinance is. There has to be a process. It goes back to the equity issue. It is fair to those people who went through a process, paid to have the surveys done, who worked with staff and got those approvals. I think this ordinance tries to protect those innocent buyers and provide opportunities to those innocent buyers to obtain those building rights and to follow a process the same as anyone else who has obtained a building right in the county has done.

Commission Questions:

Mr. Arnold: What about 11-3-D? Mr. Boal said we can strike that. Just to clarify, I don't think there's any problem with renaming 9-11-3 to a notice of no building rights.

Ms. Johnston: Can we add an exception to 9-11-7 where someone creating a parcel they are acknowledging doesn't have building rights to follow something similar to 9-11-8-A, recording there are no building rights, that it's allowed. Mr. Boal: okay.

Mr. Breckenridge: Some people built subdivisions in the 1980s, and the minimum lot size could have been half an acre. Mr. Boal explained that if it was in a subdivision or created before 1999, it is considered a buildable parcel, regardless of size. Any parcel that went through a process, including the One Time Only, with a county signature, no matter the size, is considered a buildable parcel with this ordinance.

Mr. Booker closed the public comment at 6:53pm. The commission took a break and returned at 7:04pm.

Mr. Booker explained the public hearing was closed, so he is opening it up for discussion amongst the commission only.

Commission Deliberation:

Mr. Larson: We had a lot of questions and a lot of issues raised. I think this is a good start. We're close to addressing the problem. I too am an engineer and having done this for a long time, I would prefer we handle things legally versus a blanket style. The fees are something the BOCC can do. We have a few different directions. One is to kick it up stairs or do one more crank of the machine. I would like to take another crank, but I know others want to move it through. I'd like to hear from everyone. The only thing I haven't quite resolved are the hardship scenarios. We've talked about different scenarios, and I just don't know quite where they fall in.

Mr. Haddox: I think this is good. Maybe it needs one more iteration, but we need to do something. I feel for the people out there that unknowingly purchased these lots. I think Jason did a good job at addressing a lot of issues. We can't do straight math on this because it won't be proportionate. I'm comfortable.

Mr. Arnold: I agree with Chris. I want to ask a question. Will it be new info if I ask the administrator how time sensitive this is for the public? Is that new info? Mr. Booker said he did not think so. I think it needs to have a crank, whether it's us or the Board of County Commissioners. I would prefer we do it. If that's going to be a burden for the public, I don't have a feel for that. Mr. Boal explained that we do have several property owners that are waiting on building permits and this solution. His thought and preference was to get a fix in place, and if we need to fix it, we can always do that. Without it, it does leave property owners waiting. Mr. Arnold said that's a dilemma in his mind. He wasn't sure if it should be sent to the Board or keep working on it, if that would out a hardship on the public.

Mr. Booker said Mr. Larson had to leave soon, and he would like to throw something out. He's heard from three people saying they'd like another round at this. He would add himself to that list. There were a lot of changes, and he'd like to see those changes made before voting on it. At the same time, he didn't want to hinder anyone. It is important to get it right. Is a general consensus of the commission that they'd like to have another shot at this and continue this one more time?

Mr. Boal explained that the next meeting will be the second Tuesday in June. It can't be noticed for the Board until the Commission makes a recommendation, so it would be mid-July before going to the Board. Mr. Boal explained that he had made a list of changes by section. He offered to go through those changes if it would make them feel better to make sure it adequately addressed the changes discussed. Mr. Booker said he would personally like to see a final product. Ms. Johnston agreed. She felt there were a lot of changes, and she would like to see those revisions before recommending. Mr. Booker explained that there were a lot of changes, and he'd like to see it in a final format. Ms. Johnston said she felt other things may come up in the course of their discussion as well.

Ms. Robson: Will this go away with the new code or be incorporated into it? Mr. Boal said it would be incorporated into the new code.

Mr. Moyer: Lots that weren't created the right way and building permits were issued and buildings built. Are we opening the door for that process to continue? We've already allowed property to be built on that wasn't created legally. Is that an issue? Mr. Boal said in looking at the inquiries that have been done and the building permits that were issued, this ordinance is going to fix the majority of those problem. There may be some instances where a building permit was issued. Mr. Moyer asked if in the process of denying someone else, if we gave a building permit to someone else. Ms. Spitzer explained this isn't a problem legally. Doing something that violates the law once doesn't mean you have to keep doing it. It is more of an equitable issue.

Ms. Johnston: Where does this leave people who own a home on an unbuildable lot as far as maintenance, additions, or moving forward? Ms. Spitzer explained that the majority of them should be taken care of because they went through some process that we are going to recognize. If someone was able to build on a parcel that was just deeded off without going through some kind of recognized county process at all, that's where the parcel rectification process would come in. Ms. Johnston asked if they chose not to go through that process, then where would they be left? Mr. Boal said it would come down to what the building code requires building permits for. If they wanted to do something that doesn't require a building permit, then they could do it.

Ms. Robson: If someone who has a house and comes in to get a permit to add a garage, and they're told they can't get a building permit. Is there anything they can do? Mr. Boal explained that this ordinance lays out several processes to make lots legally created lots to obtain building permits. Ms. Robson asked if there would be any cases where they're told no. Mr. Boal explained that there could be, but this ordinance is intended to be fairly comprehensive. The majority of the issues we've seen did go through a process. It is possible, but not very probable. Ms. Robson said she knew of a house that was deeded to a child, and they were told they couldn't get a building permit. Mr. Boal said he doesn't know the specifics of that property, but it sounds like there are options of fixing that. Ms. Robson commented that things like that happen, and it doesn't seem right to me that someone can't remodel their house.

Mr. Moyer: Asked to clarify the difference between the types on the map (multiple RP numbers with one building right, one building right with multiple RP numbers). Mr. Boal and Ms. Rader explained the difference.

Ms. Robson wanted to clarify that the piece she was talking about was able to be rectified, but it was expensive. It just seems wrong that they couldn't get a building permit. Ms. Spitzer asked if it was a house on a large lot that was cut into a smaller piece. She explained that on the large piece, they only had one building right. When they went through the process, that created a new building right for the new lot.

Mr. Haddox: What Ms. Siddoway brought up about a court splitting a property. Would a court order supersede this? Mr. Boal explained that there have been numerous cases like this that we have dealt with. It depends on how they divide it. Sometimes they split up the interest in a deed, sometimes they go through a subdivision, and sometimes someone sells their interest. There are processes that they go through. There are also cases that they only use it for ag.

Mr. Larson explained that he thought they were doing a better job if they looked at it another time. Time is sensitive. Mr. Arnold commented that it may be more of a benefit to the public for them to continue it.

Mr. Larson left at 7:17pm.

Mr. Johnston commended staff on the background clarification on this and putting together a much more standalone ordinance that defines and clarifies the whole process. One thing that would make her understanding better would be the lot of record definition. We've had different terms floating around for parcels that are and aren't buildable, which adds confusion to this. The first thing that pops up when I google legal lot of record is from Deschutes, Oregon. It says "Not all tax lots are legal 'lots of record.'" Deschutes County will not issue any permits on a lot or parcel until it is determined that it is a legal lot of record. If your parcel is not in an approved subdivision/partition, has not been issued a building or septic permit, or has never been determined to be a lot of record, you will need to file an application for a lot of record verification." That makes it very clear, and I would like to see us have something very similar if not verbatim. She also commented that if a lot was split, then a septic or building permit was issued, it would become a lot of record. That is something she would advocate for. She also commented that she was not very comfortable with 9-11-8-C. She did not have a clear understanding of the extent of this. How could this be applied and where? She felt the next iteration of this will clarify that. Also, she was not convinced that having a recorded survey being in existence should be a deciding factor for the parcel rectification. When a deed is recorded, the survey is neither here nor there unless it's a map attached to some kind of process like a lot split. She felt the ordinance might be better without this part until she has a better understanding of what that part does.

Mr. Haddox asked Ms. Johnston if she would be okay with just a legal description instead of a legal description and a survey? Ms. Johnston said she felt that the deed, whether or not there was a plat, she does not see the plat as being an important distinction. She would lean toward removing section C completely. She did not feel there was justification to allow this for people with surveys versus without surveys. Mr. Haddox said he would agree with that because historically the federal government has just used deeds. Ms. Johnston said she did not want to open this up to everyone and make it more broad. She would rather see it go away. If it stays, she would like to have justification for why it is there and what it's doing for only surveys. She would also like to see how this applies to the comp plan. We've already said different dates mean building rights, so I'm not seeing a clear argument for why this section is needed.

Mr. Moyer asked how many more parcels are going to fall under this. I'm sure you can't come up with a flat 10%. I'm betting we're still looking at quite a few more lots that we'll have to deal with in the future. He felt the easier we can make the process, the better off we'll be.

Ms. Johnston commented that the map was based on the property inquiry requests, and this ordinance has very different policies. She would anticipate that the number of affected lots would go down significantly. She would be interested in seeing some kind of analysis to see what kind of numbers we're looking at. Again, she commented that she was not convinced that the parcel rectification process was justified or needed, and she would like it better if C was removed.

Mr. Breckenridge said he would leave that up to the administration to see if they like it or why they need it. If they have a good reason for it. His opinion was that this document gives the public everything they want if anything the county said okay on now gets a building right. There were

some examples discussed that couldn't get a building permit, and he said he'd like to know those circumstances as to why they couldn't get one.

Ms. Robson commented that she agreed and would like to continue to give it another try.

Mr. Booker said he agreed with what everyone has said, and he would entertain a motion to continue.

Motion: Mr. Arnold moved to continue the meeting for the Amendment to Title 9, Teton County Subdivision Ordinance to add Chapter 11 – Building Permit Eligibility of Previously Created Parcels to the next available meeting time, June 14th. Ms. Johnston seconded the motion

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

WORK SESSION: Draft Code. Discussion of the Draft Land Use Development Code.

Mr. Boal explained the Board will provide comments on the code to discuss on the 14th. Mr. Breckenridge said he would rather schedule the public hearing first, with the Board discussion after, so it didn't get ended early. Mr. Boal asked how long the Commission would like to take for the continuation of this public hearing. Different meeting dates and times were discussed. It was decided to start the meeting on June 14 earlier, with the work session from 4pm-6pm, the continued public hearing on the ordinance amendment from 6pm-7pm, and the continued public hearing for River Rim at 7pm. If the Board can't meet at 4pm, then start the ordinance public hearing at 4pm, the work session at 5pm, with River Rim still at 7pm.

Motion: Ms. Robson moved to adjourn the meeting. Mr. Breckenridge seconded the motion.

Vote: The motion was unanimously approved.

The meeting was adjourned at 7:40 pm.

Respectfully submitted,
Kristin Rader, Scribe

Cleve Booker, Vice-Chairman

Kristin Rader, Scribe

Attachments:

1. May 17, 2016 Public Comment
2. PZC May 17, 2016 Meeting Packet

Board of County Commissioners' Work Session

Staff's Notes from the Draft Land Use Code Discussion | 5-31-2016

In general, the Board agreed that the current draft was a good beginning and that it was important to collect public comment before deciding whether revisions are needed. However, we should move forward with an open mind that the draft code is changeable if needed.

Concerns & Comments

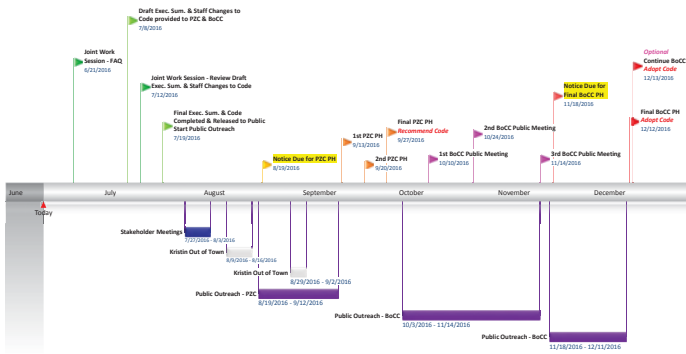
- **Wildlife Protection**
 - How will this section work County-wide?
 - Is there enough in this section to protect wildlife habitat? (i.e. the map does not include the entire county)
- **Water Quality/Quantity**
 - What are the impacts to our water?
 - The Nutrient Pathogen Analysis helps with this concern, but is that enough?
 - Should we look at the number of existing wells and septic systems, the number of possible new ones, and the number that could occur while maintaining good water quality/quantity?
- **Lot Size/Density**
 - The 1 acre minimum lot size is too small, especially with an accessory dwelling unit.
 - There is concern that even though the PUD process is being removed, the 1 acre lot size is allowing a similar impact.
 - Having the densities the same through all rural zones is not effectively moving development toward the cities.
- **Goals/Policies of the Comprehensive Plan**
 - The Property Development Plan does a good job at making sure development address concerns, i.e. natural resources, agriculture, views, etc., but this may be too subjective. Is it accomplishing everything we want it to? Is there proof that the Draft Code will successfully accomplish the goals of the Comp. Plan?
 - Having the densities and land split options the same in each rural zone makes it hard to envision how they are actually different based on the character areas.
- **User Friendliness**
 - The Draft Code includes a lot of information. Is it actually easy to use?
 - A preliminary PDP is required for a pre-application meeting, which implies someone has to know what they want before they come in, instead of coming in to talk with staff and come up with something that works in the County.
 - The Scenario Tool helps someone understand what they can or cannot do with their property, but someone should be able to read the code and know exactly what can or can't be done.

- Having plans in Article 13 required and possibly required does not make it easy to identify everything that will be needed and how much it might cost.
- **Missing Pieces**
 - Some maps are missing from the Draft Code
 - Zoning, workforce overlay, Transferred Development Rights areas
 - Descriptions of each zone with specifics about its character, not just the intent of the zone.
 - Descriptions of what went into choosing the boundaries of the zones, like the different maps, and what went into creating those maps.
- **Other**
 - What are the zoning implications to existing parcels?
 - Does the public feel there is anything fundamentally wrong with the Draft Code that can't be fixed?

Suggestions

- Provide an Executive Summary (5-10 pages) with graphics to explain the major points of the code
- Seeing supplemental documents with the Draft Code may make it easier to understand
 - Buildout Analysis with the proposed densities versus existing
 - Comp. Plan matrix showing how the Code is addressing the policies, goals, and objectives
- Provide a Q&A session for the Board and Planning Commission members to learn the basics of the Draft Code, zoning language, density examples, etc. – this can be used to create a Frequently Asked Questions component for the Executive Summary and public outreach

DRAFT



Schedule to Adopt a New Land Use Development Code – December

Joint PZC/BoCC Work Session | 6-14-2016

DRAFT

ACTIVITY	START	END	NOTES
Joint Work Session on FAQ	6/21/2016	6/21/2016	Identify Frequently Asked Questions - Staff Changes to Code
Draft Executive Summary Complete/Staff Changes to Draft Code	07/08/2016	07/08/2016	Submit to PZC/BoCC - make revisions as needed
Joint Work Session on Executive Summary & Staff Changes to Code	07/12/2016	07/12/2016	Discuss Draft Executive Summary - Identify changes
Final Executive Summary Complete - Start Public Outreach	7/19/2016	7/19/2016	Release Executive Summary to the public. Start outreach to notify public the process is starting and staff is available to answer questions. This will be done through Facebook ads and posts on County & community pages, news letter & email blasts, newspaper ads/article, local news coverage, radio coverage, flyers around town, comment boxes set up throughout the county.
Stakeholder Meetings	7/27/2016	8/3/2016	*Meetings with specific groups - i.e. engineers/surveyors, farmers, realtors, owners of commercially zoned parcels being changed
Kristin Out of Town (Wedding)	08/09/2016	08/16/2016	Public outreach efforts will continue without specific activities by using Facebook, newspaper, flyers around town, comment boxes, etc. If Kristin's staff, or if PZC/BoCC want to do it on their own, more activities could take place this week.
Notice PZC Public Hearing	8/19/2016	8/19/2016	Notice sent to paper
Outreach Efforts to Boost Public Comment	8/19/2016	9/12/2016	Vamp up outreach efforts. Continue Facebook ads and posts on County & community pages, set up social media Q&A sessions; newspaper ads/article, e-news letter & email blasts; local news coverage; radio coverage; flyers around town; mailers; comment boxes set up throughout the county. Schedule open houses (one in each city + F&E). Provide times for people to schedule neighborhood meetings as desired. Attend local events (i.e. the Spud, Pierre's, Farmers' Market, Music on Main, rodeos, high school sports, etc.).
Kristin Out of Town (FEMA Training)	8/29/2016	9/2/2016	Public outreach efforts will continue without specific activities by using Facebook, newspaper, flyers around town, comment boxes, etc. If Kristin's staff, or if PZC/BoCC want to do it on their own, more activities could take place this week.
1st PZC Public Hearing	9/13/2016	9/13/2016	Hear public comment and discuss
2nd PZC Public Hearing	9/20/2016	9/20/2016	Continue public comment and discussion - make revisions as needed
Final PZC Public Hearing	9/27/2016	9/27/2016	Make a recommendation to the Board
Outreach Efforts to Boost Public Comment	10/3/2016	11/14/2016	Vamp up outreach efforts to notify that the PZC made a recommendation & BoCC is reviewing it. Continue Facebook ads and posts on County & community pages, set up social media Q&A sessions; newspaper ads/article, e-news letter & email blasts; local news coverage; radio coverage; flyers around town; mailers; comment boxes set up throughout the county. Schedule open houses (one in each city + F&E). Provide times for people to schedule neighborhood meetings as desired. Attend local events (i.e. the Spud, Pierre's, Farmers' Market, Music on Main, rodeos, high school sports, etc.).
1st BoCC Public Meeting	10/24/2016	10/24/2016	BoCC review the recommended Code from the PZC. The BoCC is not required to have a public hearing until they may material changes to the recommended code. The public meetings are intended for the BoCC to review and decide if any material changes are needed. Once those changes are made, a public hearing will be noticed.
2nd BoCC Public Meeting	11/7/2016	11/7/2016	Continue reviewing recommended Code and make changes as needed
3rd BoCC Public Meeting	11/14/2016	11/14/2016	Continue reviewing recommended Code and make changes as needed
Notice BoCC Public Hearing	11/18/2016	11/18/2016	Notice sent to paper
Outreach Efforts to Boost Public Comment	11/18/2016	12/13/2016	Vamp up outreach efforts that a decision is about to be made. Continue Facebook ads and posts on County & community pages; set up social media Q&A sessions; newspaper ads/article, e-news letter & email blasts; local news coverage; radio coverage; flyers around town; mailers; comment boxes set up throughout the county. Schedule open houses (one in each city + F&E). Provide times for people to schedule neighborhood meetings as desired. Attend local events (i.e. the Spud, Pierre's, Farmers' Market, Music on Main, rodeos, high school sports, etc.).
Final BoCC Public Hearing	12/12/2016	12/12/2016	Hear public comment, discuss, then Adopt Code by resolution
OPTIONAL - Continue BoCC Public Hearing	12/13/2016	12/13/2016	Continue public comment & discussion as needed, then Adopt Code by resolution

Joint PZC/BoCC Work Session | 6-14-2016

Draft Land Use Development Code - Executive Summary Outline

The purpose of this Executive Summary is to provide the public with an overview of the Land Use Development Code update. This will be done by providing a brief history of the Comprehensive Plan update and code revision process, examples of specific changes from the existing code to the new code, including an explanation of what those changes mean on a county-wide and parcel level, and an overview of how the Code complies with the goals and policies of the Comprehensive Plan. The Executive Summary will include a Frequently Asked Questions section to help educate the public on the basics of the Land Use Development Code. The Scenario Tool will be included to allow members of the public try out the process on their own.

- I. Introduction to the Code Process
- II. History of the Comprehensive Plan Update
- III. History of the Code Writing Process
 - a. HUD Sustainability Grant & Code Studio
 - b. Public Outreach
 - c. Planning & Zoning Commission Work Sessions
- IV. Examples of Specific Code Changes
 - a. Zoning District Changes
 - i. Maps that went into creating these new boundaries
 - b. Land Split Options
 - c. Density Options
 - i. Build-Out Analysis
 - d. Use Changes
 - e. Sign Changes
- V. Compliance with the Comprehensive Plan
 - a. U of I analysis
- VI. Frequently Asked Questions
- VII. Scenario Tool

ORDINANCE NO. 2016-9-11

AN ORDINANCE OF THE COUNTY OF TETON, STATE OF IDAHO, ADDING TETON COUNTY CODE TITLE 9, CHAPTER 11 TO ADDRESS THE BUILDING RIGHT ELIGIBILITY OF PREVIOUSLY CREATED PARCELS.

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

CHAPTER 11

BUILDING PERMIT ELIGIBILITY OF PREVIOUSLY CREATED PARCELS

SECTION:

- 9-11-1 PURPOSE AND INTENT OF PROVISIONS.
- 9-11-2 LEGALLY CREATED PARCELS – REQUIRED FOR GRANTING OF CERTAIN PERMITS – CRITERIA FOR DETERMINATION.
- 9-11-3 NOTICE OF VIOLATION – REQUIRED WHEN – CONTENTS – EFFECT.
- 9-11-4 CERTIFICATE OF COMPLIANCE – REQUEST FOR DETERMINATION AUTHORIZED.
- 9-11-5 CERTIFICATE OF COMPLIANCE – APPLICATION PROCEDURE – DOCUMENTS TO BE SUBMITTED – FEE.
- ~~9-11-6 VOIDABILITY OF DEEDS OR CONTRACTS VIOLATING PROVISIONS.~~
- ~~9-11-7 FAILURE TO COMPLY AND ILLEGAL DIVISION OF LAND DEEMED MISDEMEANOR – PENALTY.~~
- ~~9-11-8 NONCOMPLYING PARCELS – PROCESSES FOR OBTAINING BUILDING RIGHTS.~~
- ~~9-11-9 DENIAL OF APPLICATION.~~
- ~~9-11-10 APPEAL OF FINAL DECISIONS.~~

9-11-1 PURPOSE AND INTENT OF PROVISIONS.

In accordance with the provisions of the LLUPA (Idaho State Code 67-65), it is the purpose and intent of the Board of County Commissioners to establish procedures for placing purchasers of illegally split parcels on notice that such parcel split occurred in violation of the LLUPA and the requirements of Teton County Code- Title 9, and to provide for a means of certifying that the real property does comply with the provisions of LLUPA and Teton County Code- Title 9.

9-11-2 LEGALLY CREATED PARCELS – REQUIRED FOR GRANTING OF CERTAIN PERMITS – CRITERIA FOR DETERMINATION.

No building permit, grading permit nor any other permit may be issued, nor any approval granted necessary to develop any property, unless and until said property has been determined to have been

legally created; provided further, such permits may be denied if the applicant was the owner of the real property at the same time of the violation or currently owns the property with the knowledge of the violation as provided through a notice of violation pursuant to the procedures set forth herein.

For a parcel to be considered a legally created parcel, its specific boundaries must have been established or set forth by one of the following means:

- A. A signed & recorded subdivision plat;
- B. If the parcel was created BEFORE June 14, 1999:
 - a. A deed describing the parcel by a metes-and-bounds description recorded prior to June 14, 1999 (contiguous sub-"lots" or sub-"parcels" described on a single deed are considered a single parcel);
 - or
 - b. A record of survey recorded prior to June 14, 1999 showing the existing boundaries;
- C. If the parcel was created AFTER June 14, 1999:
 - a. A recorded "One-Time-Only" survey with a Teton County authorization signature (these may also be labeled as "Lot Split", "Land Splits", or something similar);
 - or
 - b. A recorded "Agricultural Exemption" survey recorded prior to September 22, 2003 (these may be labeled as an "Ag. Split", "Ag. Break-off" or something similar);
 - or
 - c. A recorded survey identifying the legal process in Title 9 and the created parcels met the requirements of the identified process in Title 9 at the date of creation;
- D. Any of the above means combined with a County-approved and recorded boundary adjustment survey or amended plat;
- E. Any parcel that was approved by the Planning and Zoning Commission or Board of County Commissioners and there are minutes verifying the approval;
- F. Signed & recorded "Parcel Rectification Plat", in compliance with 9-11-87.

9-11-3 NOTICE OF VIOLATION NO BUILDING RIGHTS – REQUIRED WHEN – CONTENTS – EFFECT.

If the Planning Director/Administrator becomes aware of any parcel which has not resulted from a legal division or consolidation of property in compliance with LLUPA and applicable County Codes, he/she will send to the property owner, or owners, of said property written notice notifying them of the violation. This written notification will advise the property owner(s) that:

- A. The Planning Director/Administrator has determined that subject property together with other contiguous property has been divided or has resulted from a division in violation of LLUPA and applicable County codes;
- B. No building permit, grading permit nor any other permit may be issued, nor any approval granted necessary to physically develop said property (this does not include subdividing), unless and until an identified approval process 9-11-8 is completed, approved, and recorded in full compliance with the LLUPA and provisions of this Chapter, adopted pursuant thereto.

who subdivides or causes to be subdivided land without complying in all respects with the provisions of this title shall be subject to prosecution for a misdemeanor as defined hereinafter as define in Teton County Code Title 1, Chapter 4. Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this title is a misdemeanor, and any person, firm or corporation, upon conviction thereof, shall be punishable by a fine of not more than \$10,000, or imprisonment for a period of not more than one year, or by both such fine and imprisonment.

EXCEPTION: Parcels created for bona-fide agricultural purposes in conformance with Teton County Code, Title 9-2-2, definition of "Agricultural Exemption" or parcels created without building rights, where a "Notice of No Building Rights" has been recorded referencing the property, shall not be found to be in violation of this title.

9-11-8.7 NONCOMPLYING PARCELS – PROCESSES FOR OBTAINING BUILDING RIGHTS.

The owner, purchaser, or his successor in interest, of a parcel which is the result of a division of land that did not comply with the provisions of Title 9 may utilize the following provisions to bring the parcel/parcels into compliance:

- A. Recordation of no building rights: If the illegal split resulted in two (2) parcels, but there was only one (1) building right and the property owners of the two lots agree that one of the lots will remain unbuildable, they may record an official document clarifying which parcel would receive the building right and which one would not.
- B. Retroactive One-Time-Only:
 1. Applicability-The parent parcel of the illegal split would be eligible for a One-Time-Only under the existing current code.
 2. Process-The process for a One-Time-Only split must be followed, and the required fees for that process shall be submitted as well. The property owners of both parcels must sign the application.
 3. Criteria for Approval- All requirements and submittals for the One-Time-Only shall be followed.
- C. Parcel Rectification Plat:
 1. Applicability-The parcel would not qualify for a retroactive One-Time-Only, yet can meet the criteria found in 9-11-87-C-4.
 2. Application-

A property owner(s) of parcel(s) receiving a notice of violation, that does not qualify for a Retroactive One-Time-Only can complete and submit the "Parcel Rectification Plat" application provided by the Planning and Building Department. Application to this process does not guarantee approval. In addition to the complete application form, the following is required:

 - i. Fees (Application and Survey/Plat review fee);
 - ii. Narrative outlining how, when, and by whom the parcels were originally created;
 - iii. Approval letter from Eastern Idaho Public Health;
 - iv. Approval letter from Teton County Fire District;
 - v. Acceptance letter from the city for sewer hookup, or from the providing community, if applicable;

- C. The Planning Director/Administrator will cause a notice of violation to be recorded in the office of the county recorder within 15 days of notification to property owner(s) which will describe the violation and the property and name the owner(s) thereof. This notice when recorded will be constructive notice of the violation to all successors in interest of said property;

~~D. If subject property was purchased through a licensed real estate salesman or broker after the adoption of this ordinance and it is felt that the property was misrepresented, the Idaho Real Estate Commission shall be notified.~~

9-11-4 CERTIFICATE OF COMPLIANCE BUILDING PERMIT ELIGIBILITY – REQUEST FOR DETERMINATION AUTHORIZED.

Any person owning real property may apply for a Certificate of Compliance Building Permit Eligibility, and the County shall determine whether said property was created in a way that complied with the provisions of Title 9, and thus constitutes a legal and buildable parcel.

9-11-5 CERTIFICATE OF BUILDING PERMIT ELIGIBILITY – COMPLIANCE – APPLICATION PROCEDURE – DOCUMENTS TO BE SUBMITTED – FEE.

- A. Application.
 1. Application for a "Certificate of Compliance Building Permit Eligibility" shall be made with the Planning and Building Department in accordance with the following specifications:
 - i. A completed application form must be filled out
 2. Each plat shall contain the following information:
- B. A notice stating the following shall be signed:

This certificate relates on to issues of compliance or noncompliance with LLUPA and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased or financed without further compliance with LLUPA or any local ordinance enacted pursuant hereto. Development of the parcel may require issuance of a permit or permits, or other grants of approval.

- C. The required filing fee(s).

9-11-6 VOIDABILITY OF DEEDS OR CONTRACTS VIOLATING PROVISIONS.

Any deed of conveyance, sale or contract to sell made contrary to the provisions of this title may be voidable in accordance with Idaho State Code 55-9.

9-11-7.6 FAILURE TO COMPLY AND ILLEGAL DIVISION OF LAND DEEMED MISDEMEANOR – PENALTY-A VIOLATION

Those parcels of land which are subdivided contrary to the provisions of this title shall not constitute legal building sites and no permit shall be issued for the installation of fixtures or equipment or for the erection, construction, conversion, establishment, alteration, or enlargement of any building, structure or improvement thereon unless and until an identified approval process (9-11-87) is completed, approved, and recorded in full compliance with the LLUPA and provisions of this Chapter. Any person

- vi. Plat created by a surveyor, licensed in the State of Idaho which includes:

- a. Vicinity Map, Date of Survey, and North Arrow
- b. Map scale adequate to depict all adjusted lots (show Bar Scale)
- c. Legend with a description for all line weights and symbols used
- d. All bearings and distances for all property lines. Include Basis of Bearing and CP&F Reference
- e. All known easements shown with their instrument numbers
- f. All existing physical access points shown
- g. Legal access points shown or possibility for future County Road access permits established
- h. Property Legal Descriptions
- i. Surveyor's Certification – Signature block with statement
- j. County Treasurer's Certification
- k. County Assessor's Certification
- l. Eastern Idaho Public Health Certification
- m. Teton County Board of County Commissioners Chair Certification
- n. Fire District – Signature block with approval statement
- o. Certificate of Survey Review – Signature block with approval statement
- p. Owner's Certificate – Signature block with approval statement. MUST BE NOTARIZED
- q. Recorder's Certificate
- r. Certificate of Acceptance of Mortgagee, if applicable. MUST BE NOTARIZED

3. Process

Once a completed "Parcel Rectification Plat" application is made, the process for approval is as follows:

- i. Staff Review: Any proposed application shall first be reviewed by the Planning Administrator to determine if the application meets the criteria of this Chapter and the intent of the Comprehensive Plan. The Planning Administrator has the discretion to schedule a meeting with the applicant to review possible modifications of the application. Once the Planning Administrator has reviewed the application and finds it does or does not meet the criteria of this Chapter and the intent of the Comprehensive Plan, a letter will be sent to the applicant outlining the findings. If the application does meet the criteria of this section and the intent of the Comprehensive Plan, it will be scheduled on the next available Board of County Commissioner Agenda.
- ii. Board Review: The Board will review staff's findings and the application during a regularly schedule public meeting. The Board will approve, deny, or table the application to another meeting if additional information is needed. Approvals will only be granted if the application meets the criteria found in 9-11-4.
- iii. Survey Review: Once the Board has approved the application, the County Surveyor will review the submitted plat. Any changes needed to the plat will be forwarded to the applicant.
- iv. Recording: Once the plat has been reviewed and approved by the County Surveyor, the following shall be submitted to the Teton County Planning and Building Department for recording:
 - Two mylar copies of the Final Plat with approval signatures



Rendezvous Project No: 15-037

June 7, 2016

Ms. Kristin Rader
Interim Teton County Planning Administrator
150 Courthouse Drive - Room 107
Driggs, ID 83422

HAND DELIVERED

RE: River Rim Amendment No. 7 / Response to Comments from May 10, 2016 Planning and Zoning Commission Meeting

Dear Kristin:

Attached are the following documents that were prepared in response to the comments and questions raised by the Planning and Zoning Commission meeting held on May 10, 2016. Also, Brett Potter, Sean Moulton, Sean Cracraft and I will be discussing this information at the upcoming June 14th meeting.

1) Response to Comprehensive Plan Goals. The attached table provides a detailed response to the specific goals that Jason Boal presented in his original staff report. We have listed each of the relevant comprehensive plan goals, Jason's comments and our responses. We will also present an abbreviated summary at the public meeting to help digest the key points discussed in this lengthy table.

2) Fiscal Feasibility Study. Attached is a brief discussion prepared by Sean Cracraft about the financial feasibility of the golf course which the prospective buyers are currently looking to re-introduce. This is based upon a more comprehensive model developed by OB sports for this facility as well as their intimate knowledge of the golf business in Teton Valley. It should also be noted that in the attached timeline there is a substantial period allocated to "financing". The owners need to have a clear picture of what they will be allowed to do and then present this to potential investors before they can truly answer all the questions about financial feasibility. This is also addressed in the development agreement with a "sunset" provision where the project would revert to the current status after a specified date if the golf course is not constructed.

3) Alternative Site Plans. Brett Potter has provided updated site plans for the West Rim Village, Golf Village and overall Phase I Master Plan. In this latest update, there will only be 16 additional units that are being "reinstated" from the original development plan compared to the 30 requested in the original Amendment 7 application. This reduction is in response to some of the general comments received at the May 10th meeting and reflects an understanding of the County's sensitivity to density. The 16 units were also identified as

25 South Gros Ventre Street - Post Office Box 4866 - Jackson, Wyoming 83001
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an acceptable level of development by the Division I owners in their June 2014 letter to the current owner (copy also attached).

The 12 employee units have also been listed as "optional" and would only be added to the development if the County felt they were appropriate at this location. While we believe that the employee units make sense from a planning perspective, we do not believe that they should negatively impact the density discussions. We look for further guidance on this issue from the County and their staff.

The revised plan for the West Rim Village has also reduced the incidental use area significantly with the updated site plan for the storage units and the removal of most commercial use at this site. The current administration building could serve as a temporary site for local convenience commercial until there are options at the Golf Village. Also included are concepts of the storage units to help answer some of the questions about this proposed use.

4) Detailed Timeline. Attached is a general timeline that identifies the major steps and represents the best estimate of dates for the overall project schedule. There is a financing phase and detailed design phase that must come before the golf course construction which itself is expected to take about two years. This pushes the completion of the golf course into the year 2021 assuming all steps happen according to plan.

5) Justification of Unit Density Conversions. Brett Potter has put together a detailed comparison of the impacts associated with the hospitality units as they compare to typical resort single family residence, similar to what currently exists in Division I. Brett will be prepared to discuss his assumptions and conclusions in more detail at the meeting. Separate side by side comparisons are provided for the two bedroom hospitality units associated with the golf village area and the hospitality units that would potentially be associated with Tract C.

6) Draft Stand Alone Development Agreement. Also attached is a "draft" of the development agreement for discussion purposes. It should be understood that this is a work in progress as the prospective buyers are still reviewing and updating. However all parties agree that it is helpful to have this document available early in the process for the benefit of the Board of County Commissioners who will ultimately be reviewing these details in the upcoming public meetings.

Without being contrary to the request of the Planning and Zoning Commission, a discussion about density in the South Canyon is not within our purview or authorization at this time. As you are aware, the number of units allowed was determined after a protracted legal mediation between the County and Glacier Bancorp. The units that are currently shown on the master plan for this phase were located based upon a wildlife analysis, reviewed by the County and Idaho Fish and Game Department, and the regulations that were applicable at the time. This resulted in a reduction in the allowable number of units and increase in the required setback from the river compared to the approved original plan. Plus development of the South Canyon, as stated in the current development agreement, cannot occur until infrastructure in Division II Phase I has been completed. This is expected to be several years away as outlined in the proposed schedule for Phase I.

The discussion of possible "conservation options" for this South Canyon site should occur at the time this project comes before the County as a final plat. In the future there is hope that the River Rim development will be profitable providing options and incentives for potential tax relief benefits that could support a conservation plan. Currently River Rim is a distressed property with an uncertain future that the prospective buyers are looking to revitalize with this new plan and reintroduction of the golf course.

We are also attaching copies of recent letters submitted by Division I and Division II owners at River Rim. They typically express the same support and excitement for this new vision after experiencing many years of falling prices, lack of progress and uncertainty.

Please let us know if you or members of the Planning and Zoning Commission have any specific questions or issues regarding this proposed amendment they would like to see discussed at the upcoming meeting on June 14th.

Sincerely,

Robert T. Ablondi, P.E.

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



RENDEZVOUS ENGINEERING, P.C.
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PZC Meeting 6/14/2016



RENDEZVOUS ENGINEERING, P.C.
Page 3 of 3

Meeting Minutes

CONSISTENCY WITH THE COMPREHENSIVE PLAN GOALS – RIVER RIM PROPOSED AMENDMENT NO 7

REF	GOAL	JASON BOAL COMMENT	RESPONSE
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	This amendment would increase tourist traffic to the Teton Valley area and provide economic benefits to the local economy outside of River Rim. This would include additional business for local outfitters, restaurants, retail shops, transportation companies and other tourist support.
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.	The important issue is that this amendment would provide the financial model for the local agriculture operation to continue successfully for the long term at River Rim. Only about 50 percent of the golf area is currently being farmed with the remainder native grasses. The large majority of viable farm operation would continue in concert with the golf operation.
ED 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	The current development is economically unsustainable which could ultimately jeopardize the farming operation. A viable long term plan is needed for the success of the entire PUD which will help sustain the large percentage of open space used for the farming operation. Also the new golf course plan will be designed to be more family friendly and take advantage of the exceptional views and large open space that is a key element of River Rim.
ED 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.	The proposal would not change the current farming operation but provide a sustainable financial model that would allow it to continue once the current owner, Glacier Bancorp, eliminates the current subsidies. Additional tourism related business would be generated with the golf operation and hospitality operation.
ED 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.	Given that River Rim is an existing development designed more than 10 years ago, this proposal does promote rural character by preserving the open space and concentrating the main development at the golf village area within a smaller footprint while providing additional business opportunities as discussed.

ED = Economic Development; T = Transportation; NROR = Natural Resources and Outdoor Recreation; CEF = Community Events and Facilities;
ARH = Agriculture and Rural Heritage

1

CONSISTENCY WITH THE COMPREHENSIVE PLAN GOALS – RIVER RIM PROPOSED AMENDMENT NO 7

REF	GOAL	JASON BOAL COMMENT	RESPONSE
ED 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	The golf and related hospitality business proposed with this plan would be environmentally friendly while helping to grow the local tourist economy. The tourist businesses promoted would be sustainable over the long term while providing the economy necessary to sustain the large open spaces associated with River Rim.
ED 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.	The discussion should start with the fact the River Rim does exist but is not economically sustainable in its current state. The proposed plan will involve a golf design that is better integrated into the existing environment and will be more environmentally sensitive than the historic agricultural operations. Also the proposed changes are relatively minor and can be accommodated within a smaller development footprint.
ED 2.6	Encourage policies and resources which enable farms to adapt to changing paradigms	This proposal does not support this policy	Contrary to this comment, the plan does enable the PUD, which has a major farming element, to continue over the long term on a more economically sustainable basis.
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.	The new golf design will foster native vegetation to a much greater extent than the current plan and the previous golf design. The native vegetation will cover more than half of the 280 acre open space. Plus the new plan will encourage more compact development and less auto use with the creation of a centralized Golf Village.
ED 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	This is more than just the golf course as there would also be a fishing and offsite tourism element that would take advantage of the local natural resources and recreational opportunities in a low impact and sustainable manner.
ED 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	This is not the case as the golf would be concentrated in the areas that are currently used for agriculture. All of the native areas would remain and overall increased with the proposed links design.

ED = Economic Development; T = Transportation; NROR = Natural Resources and Outdoor Recreation; CEF = Community Events and Facilities;
ARH = Agriculture and Rural Heritage

2

CONSISTENCY WITH THE COMPREHENSIVE PLAN GOALS – RIVER RIM PROPOSED AMENDMENT NO 7

REF	GOAL	JASON BOAL COMMENT	RESPONSE
ED 4.0	Accommodate additional population by supporting development that is economically responsible to the County and the community.	-no comment-	River Rim is in place and to date has not created a significant burden to the county relative to the amount of taxes paid. This is in large part due to the fact that there are a proportionally fewer number of school aged children, one of the largest local costs, associated with this type of recreational development. As shown in other surrounding communities, there is positive economy generated from higher priced homes that are only occupied a fraction of the time on an annual basis.
ED 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), etc.).	This should be looked at more closely as River Rim has not to date been a burden on the county as it pays in much more than it costs. This has been the case since the bank took this over in 2007. Also the new development plan will focus on the hospitality suites rather than individually owned units which will generate fewer school aged children which is one of the largest economic impacts to the community.
ED 4.2	Support local retail by placing adequate residential density in close proximity to businesses	This policy is not supported	River Rim will not create competing business, only local convenience business designed to reduce traffic and auto use. The tourists who visit River Rim will seek out other recreational and tourism opportunities that will enhance the local economy.
ED 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.	Overall the net effect is limited compared to what is currently allowed. Plus the emphasis on hospitality units provides diversity compared to single family residences. The 12 employee units are a positive addition not previously a part of the development and will help offset any employment demands created by the new plan.
ED 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	The slight increase in density is in an area that has services in place should be considered a positive development.
ED 4.5	Limit commercial retail business to Driggs, Victor and Teton	This policy is not supported if commercial is allowed in this area.	The commercial proposed is not designed to compete but to reduce car trips for incidental uses and will be catered to the basic incidental needs of the River Rim owners and guests.

ED = Economic Development; T = Transportation; NROR = Natural Resources and Outdoor Recreation; CEF = Community Events and Facilities;
ARH = Agriculture and Rural Heritage

3

CONSISTENCY WITH THE COMPREHENSIVE PLAN GOALS – RIVER RIM PROPOSED AMENDMENT NO 7

REF	GOAL	JASON BOAL COMMENT	RESPONSE
ED 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.	The proposed workforce housing is a significant positive change affecting this goal as noted.
ED 4.7	Encourage creative economic solutions such as live-work opportunities and appropriate home businesses.	This policy is not supported	The project, unlike the current plan, would provide opportunities for small meetings, weddings and other similar public gatherings which could lead to various business development options.
ED 4.8	Encourage the development of low-density, high-quality neighborhoods adjacent to existing cities.	This policy is not supported	Again when the existing River Rim development is taken into consideration, the hospitality units would be clustered in a smaller area that has the essential services in place.
ED 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	The main farming and agricultural element will remain and with this plan be more sustainable over the long term.
ED 5	Support the development of a communications Master Plan	N/A	Agree that this does not directly apply. However River Rim has installed high quality fiber communications lines to maximize internet access and opportunities within the development.
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.	The paths are intended for the local residents. However there will be interconnections with any regional pathways to further enhance the overall pathway network. River Rim has also done major upgrades to County Road 800 West that serves as a major access to Forest lands.
T 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	The paths would be completed with this project which addresses this goal. Contrary to this comment, the only major infrastructure – other than buildings and golf course completion– left after this spring would be the paving of the roads.
T 1.2	Identify and implement financing mechanisms to pay for needed transportation maintenance and improvements	The proposed amendment is not applicable to this policy	The proposed amendment provides the financial basis for maintaining the roads and pathways within River Rim on a long term basis.

ED = Economic Development; T = Transportation; NROR = Natural Resources and Outdoor Recreation; CEF = Community Events and Facilities;
ARH = Agriculture and Rural Heritage

4

CONSISTENCY WITH THE COMPREHENSIVE PLAN GOALS – RIVER RIM PROPOSED AMENDMENT NO 7

REF	GOAL	JASON BOAL COMMENT	RESPONSE
T 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	There is opportunity to provide transit from River Rim to other parts of the valley and regional airports to limit vehicle traffic and enhance the overall experience for tourists. This would be a part of the hospitality suite development plan.
T 1.4	Adopt a variety of design standards for all transportation infrastructure.	The proposed amendment is not applicable to this policy	Not related to this project
T 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.	As noted, County Road 9400 West was significantly upgraded by River Rim as a part of this project.
T 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.	Not related
T 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.	Not related
T 2	Create convenient, safe, timely, financially sustainable and efficient options for multi-modal transportation that satisfies a multitude of needs.	n/a	Pathways have always been a part of River Rim and can be completed with the improved financial model provided by this amendment.
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	River Rim would look to opportunities to connect to regional transportation systems as appropriate. This would also be a net positive for the tourism promoted by this project.
T 4	Develop transportation appropriate for a rural community, respectful of the unique character of Teton Valley.	n/a	n/a

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ARH = Agriculture and Rural Heritage

5

CONSISTENCY WITH THE COMPREHENSIVE PLAN GOALS – RIVER RIM PROPOSED AMENDMENT NO 7

REF	GOAL	JASON BOAL COMMENT	RESPONSE
T 5	Support continued improvements to the Driggs Memorial Airport to support Teton County's aviation needs	n/a	Not applicable. However future residents and visitors are likely to be users of the Driggs Airport as air transportation opportunities grow in the future.
NROR 1	Conserve our public lands, trail systems, and natural resources (air, water, wildlife, fisheries, wetlands, dark skies, view sheds, 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	Most native areas will remain with this revised plan as the golf will focus on agricultural areas. It should also be noted that this proposal will not impact any other environmentally sensitive lands such as wetlands, high water table areas, floodplains, etc.
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.	County Road 9400 West was upgraded for this specific purpose and is a significant improvement from what was in place prior to the River Rim PUD.
NROR 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.	Agreed as noted above
NROR 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.	Not applicable
NROR 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.	Again County Road 9400 West provides this opportunity
NROR 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.	Not applicable
NROR 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	The new 9400 West provides much better year round access to adjacent Forest Service lands.

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6

CONSISTENCY WITH THE COMPREHENSIVE PLAN GOALS – RIVER RIM PROPOSED AMENDMENT NO 7

REF	GOAL	JASON BOAL COMMENT	RESPONSE
NROR 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	The main development in River Rim has been located on lands that were previously disturbed through historic agricultural operations and no not involve environmentally sensitive areas such as wetlands, floodplains, high groundwater areas or sensitive wildlife areas.
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	There is extensive potential for cross-country skiing and hiking trails within the River Rim development that help promote this objective.
NROR 4	Balance private property rights and protection of our natural resources	No comment	River Rim has gone to extensive efforts since its inception to provide balance between development and the preservation of open space and viable farm lands. This amendment will continue and enhance this effort as the new development will be more compact and confined to areas already disturbed.
NROR 4.1	Ensure that development regulations balance natural resources protection, view shed 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.	As noted, River Rim does provide balance which is an important goal of the overall PUD to preserve open space and agriculture while focusing development in the least constrained portions of the site. This amendment will enhance this effort through the long term preservation of farming and open space and through the promotion of a more compact development footprint.
NROR 5	Recognize, respect and/or mitigate natural hazards, including but not limited to flooding, earthquakes, landslides, radon and fires	n/a	River Rim was originally designed to avoid potential natural hazards. This amendment builds upon these basic criteria.

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7

CONSISTENCY WITH THE COMPREHENSIVE PLAN GOALS – RIVER RIM PROPOSED AMENDMENT NO 7

REF	GOAL	JASON BOAL COMMENT	RESPONSE
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	The original RR PUD does protect significant open space and is able to achieve 70 percent overall open space with a plan that was first development more than 10 years ago when development standards for PUDs only required 50% open space. A successful Division I Phase II also provides greater opportunities for further open space preservation in future phases.
NROR 7	On public lands and access, balance recreation with protection of natural resources	n/a	Not Applicable
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	Most of the areas associated with the developed portions of RR were previously disturbed as part of an intensive agricultural operation. No new disturbance but more areas of native grass to be created with the links type golf course.
NROR 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	The additional units are all proposed in areas previously planned for development. No new areas will be disturbed.
NROR 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.	Extensive efforts were completed for previous plat filings to address these issues.

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8

CONSISTENCY WITH THE COMPREHENSIVE PLAN GOALS – RIVER RIM PROPOSED AMENDMENT NO 7

REF	GOAL	JASON BOAL COMMENT	RESPONSE
NROR 8.3	Minimize the cumulative impacts of development on wildlife and wildlife habitat.	This policy needs to be weighed when reviewing this application	The amendment proposal has been specifically designed to limit impacts to match what has been previously approved. Most noteworthy is the clustering of units at the golf village and now new areas to be disturbed.
NROR 8.4	Protect and/or improve the diversity of native vegetation.	This proposal does not support this policy.	There is significant opportunity to enhance native vegetation with the links course design. Only about 100 acres out of 280 acres would actually be developed with the links type golf design.
NROR 8.5	Protect and improve riparian and aquatic habitats.	This proposal does not support this policy.	"Not applicable" is more accurate response as the areas in question for this amendment do not involve riparian or aquatic areas.
NROR 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.	It again should be noted that this plan will <u>not</u> involve new areas of development and that the current areas of development were analyzed in previous plat filings. In addition, the areas proposed for development were a part of historic commercial farming operations. The PUD has also incorporated special wild life friendly covenants (fencing, pet control, maintenance of corridors for movement, etc.) based upon previous comments received from the Idaho Fish and Game.
NROR 8.7	Provide incentives for voluntary habitat buffers, seasonal use restrictions, and aquatic connectivity along key drainages	This policy does not apply	The River Rim PUD does through the overall planning and project design address buffer and use restrictions. This proposed amendment will not increase but rather reduce the overall area of impact. There will also be a slight increase in open space.
NROR 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	Not Applicable to this amendment. Much of this was accomplished in the planning of the overall River Rim PUD.

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9

CONSISTENCY WITH THE COMPREHENSIVE PLAN GOALS – RIVER RIM PROPOSED AMENDMENT NO 7

REF	GOAL	JASON BOAL COMMENT	RESPONSE
NROR 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	Much of this has already been done with the initial PUD planning and planning for the South Canyon area that was extensively discussed in Amendments 4 and 5. Future changes to the South Canyon area should be addressed with future phases that are only allowed to be initiated once Division II Phase I infrastructure is completed and accepted by the County.
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	River Rim is providing a quality site with full road utility access for a future fire station at no cost to the county.
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	Not Applicable to this amendment, however there would be future opportunities for various educational activities with a more viable River Rim development
CEF 3	Encourage an environment that fosters community involvement	n/a	River Rim has encouraged community involvement in this process which is seen as an overall positive in the potential success for this development.
CEF 4	Adequately fund existing and future public services and facilities	n/a	Financial sustainability is a key objective of this amendment to re-introduce the golf course so as to not create a future burden on local property owners and tax payers.
ARH 1	Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity	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	Not directly applicable to this amendment however the proposed architecture can emphasize these rural and small-town attributes to make this project a better fit for this site.
ARH 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	The number of units to be added is relatively small in the overall plan which will actually be more compact by constructing smaller units placing them within the same village area. Proper architectural measures can also offset impacts and help the development fit better into the existing rural landscape.

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10

CONSISTENCY WITH THE COMPREHENSIVE PLAN GOALS – RIVER RIM PROPOSED AMENDMENT NO 7

REF	GOAL	JASON BOAL COMMENT	RESPONSE
ARH 1.2	Encourage vacation of subdivision plats where appropriate and viable	This policy is not applicable	Vacations are appropriate for dormant projects with minimal improvements completed. River Rim has the majority of its infrastructure in place and is owned by a diverse group of property owners who have a stake in seeing this project succeed at some reasonable level.
ARH 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.	River Rim has been actively managing the open space even through the project has been dormant since 2007. They have spent nearly \$1.3 MM reclaiming the golf course area. They have spent another \$1.0 MM on the upgraded County Road 9400 West and reclamation of the old county road. They also have a significant annual budget to control weeds.
ARH 1.4	Maintain the County's rural heritage through the scenic corridors	This policy is not applicable	River Rim helps achieve this goal with the dedication of open space with the overall PUD at the level of 70 percent plus.
ARH 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.	It should be noted that about 50% of the 280 acres or more will be left in native vegetation. The links design is focused on making the course better fit the existing environment.
ARH 1.6	Encourage higher density development in the cities of Driggs, Victor, and Teton	This proposal does not support this policy	Again it is important to note that River Rim was first approved for development in 2006. The revised plan is still much less dense than what was originally allowed. The current amendment is now only requesting 16 additional hospitality units to help make the project viable economically. Also to help with ongoing housing shortages, this amendment also includes 12 units dedicated to employees. This employee component was never a part of any of the previous River Rim development scenarios.
ARH 2	Balance property rights and rural character	Should be discussed and determined by the Commission	We believe that the current Amendment 7 is a balance of what works financially without major changes to density or other facets of the development.
ARH 3	Support and enhance agriculture and ranching.	This proposal does not support this policy.	We believe the project does support and enhance agriculture with the preservation of open space and allowance for agriculture in the CC&Rs

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11

CONSISTENCY WITH THE COMPREHENSIVE PLAN GOALS – RIVER RIM PROPOSED AMENDMENT NO 7

REF	GOAL	JASON BOAL COMMENT	RESPONSE
ARH 4	Respect cultural heritage sites	n/a	Not applicable to this amendment
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.	As previously noted, River Rim spent \$1.3 MM on golf course reclamation work in addition to the annual weed spraying. Also the farming operation has taken control of portions of the land and is controlling weeds in these areas. This will ultimately transfer over to the golf operation which will also continue to control weeds both from a practical manner relative to the golf course operation and aesthetics. A financially successful project will enable this work to continue.
ARH 5.1	Support on-going efforts to map current noxious weed infestations.	A weed management plan could include mapping of weed infestations	River Rim has undertaken a comprehensive effort to control weeds in all locations, even vacant lots as much as possible. Additional mapping of problem areas can be included in the overall control strategy as appropriate.
ARH 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	River Rim will over the long term desire to become a part of this effort to control weeds on an area wide basis.
ARH 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	This may be of interest to the private landowners who want to take additional measures on their properties and to the River Rim property managers as all parties understand that weed management is an ongoing process.
ARH 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	River Rim has shown a willingness to comply with county weed control regulations and will continue to do so in the future. A economically sustainable project with a golf component, key elements of this amendment, will have a greater probability to succeed in this ongoing effort.
ARH 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	This policy is not applicable	As noted above, River Rim continues in its efforts to comply with county regulations and will do so in the future so long as it has the economic ability provided by this proposed amendment.

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12

PZC Meeting 6/14/2016

TRAFFIC USE

2010 2015

Mode	2010	2015
Single Occupant Vehicle	10	5
Two Occupant Vehicle	10	5
Three Occupant Vehicle	10	5
Four Occupant Vehicle	10	5
Bicyclist	10	5
TOTAL	40	22

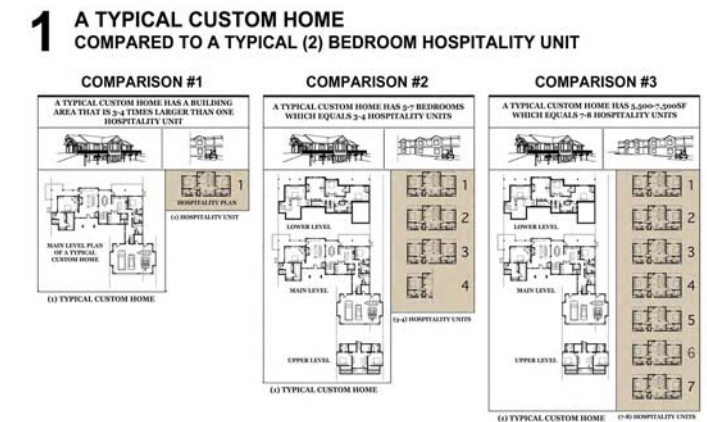
44% REDUCTION

MULTI-MODAL NEIGHBORHOOD

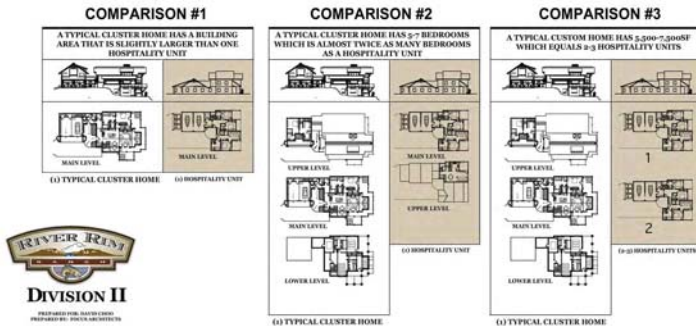
2010 2015

Mode	2010	2015
Single Occupant Vehicle	10	5
Two Occupant Vehicle	10	5
Three Occupant Vehicle	10	5
Four Occupant Vehicle	10	5
Bicyclist	10	5
TOTAL	40	27

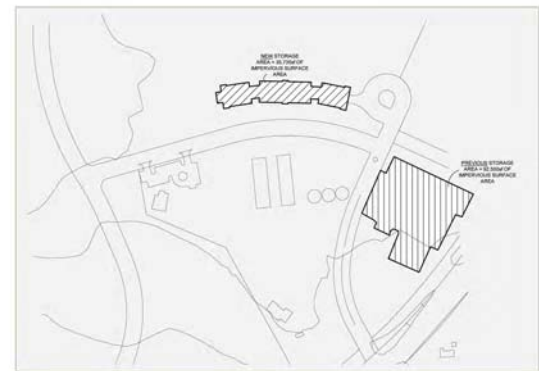
33% REDUCTION



2 A TYPICAL RIVER RIM CLUSTER HOME COMPARED TO A TYPICAL (4) BEDROOM HOSPITALITY UNIT



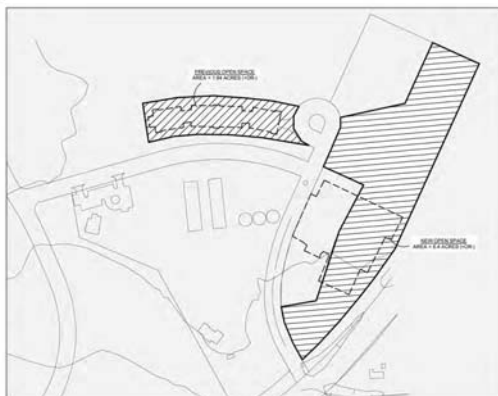
River Rim Div. 2 Storage Units
Impervious Surface - nts



FOCUS
ARCHITECTURE



River Rim Div. 2
Open Space - nts



FOCUS
ARCHITECTURE

River Rim Ranch Golf Course

Operations/Financial Summary

In 2016 there is no question that the business environment for golf is difficult to say the least. That said, there are examples all over the country of courses and clubs that are doing well financially. Although no 2 facilities are identical, there are proven strategies that can lead to financial results that make the business model more realistic. From our experience of being involved in over 100 projects of all types, we believe that River Rim Ranch possesses several of these advantages from its first day of operations.

One key operating advantage will be the fact that the main operations team will be involved in the construction and development of the course and amenities every step of the way. Everything we do during the planning and construction phase will have an eye toward operational efficiencies. This will range from the small things like making sure that every irrigation head is in the right place to larger items such as making sure that the club facilities are designed to intentionally need less people to operate in our slow seasons. This kind of forethought can truly be the key to the long term success of the entire facility.

We also have some major advantages in the actual 'format' of the club. Our positioning of being a resort course, as well as having a membership base, gives us tremendous operational advantages, especially in the early years of the club. Most truly 'private' clubs struggle financially until they are able to gain enough members to cover operating costs. Although our membership will start out small as well, the ability to augment the membership with local and resort play will be a huge advantage for River Rim Ranch. The quality and playability of the course will also make it very attractive to people from the region and around the country. While sometimes it is good to be the first course in a market, it can also be said that many times it is best to come into a market that already has quality, established courses. We believe that adding River Rim's course to the Valley's existing golf portfolio will help all of us. It is well known that golf travelers need several quality courses at their disposal in order to travel to an area specifically for golf. River Rim's course will be another great venue that will help attract avid golfers to our valley.

Probably the most important component of ensuring the financial success of the club is the fact that much of the "heavy lifting" has already been done, not just on the course, but in the facilities themselves. From a course perspective, all of the major dirt work, the main irrigation pond, the irrigation pump station and the maintenance building are already in place. We also have an interim operations facility that is extremely efficient in nature because it will also house most of our key personnel. In theory, our main real estate sales team will also be able to double as operations help during our slower times. This is just one of many cost savings strategies that we will have at our disposal.

One last point, but a very important one, is the fact that much of our available real estate abuts or overlooks the golf course. Although the premiums commanded on the real estate sales side may not be as significant as they have been in the past, there is no question that the home sites on the course will command a premium compared to other locations within the development or region.

The following is a brief summary of a comprehensive business plan provided by OB Sports. Key assumptions include rounds comparable to local courses early in their history, average greens fees that are initially on the low end of the competitive set, and membership sales mostly related to real estate sales projections as well as capturing a percentage of River Rim's existing property owners through an attractive initial offering. We believe that these financial goals are in line with like developments around the region and other like facilities we manage. We also have the advantage in our plan to have a significant resort component that will do nothing but help the long term financial success of the golf operations.

Financial Summary

Operating Forecast	Operating Year 1	Operating Year 2	Operating Year 3
Rounds	3500	5300	6750
Total Revenue	675,000	1,240,000	1,630,000
Total Expenses	1,365,000	1,440,000	1,480,000
Net from Operations	(690,000)	(200,000)	(150,000)
Membership Sales	1,170,000	950,000	675,000
NOI	480,000	750,000	525,000

June 3, 2016

Mr. Brett Potter
Focus Architects, Inc.
312 Accola Drive
Bozeman, MT 59715

Dear Brett,

My wife, Penny, and I are homeowners in Division I of River Rim Ranch, Teton, ID. We were one of the first to purchase a lot, one of the first to build a home and the first to become full time residents at River Rim. We have now lived in our River Rim Ranch home for 7 years and we love it here.

We have reviewed the new proposal (which is currently under consideration by the Planning and Zoning Commission) for Division II at River Rim and would like you to add our names to your list of supporters. We are encouraged by the possibility of "resurrecting" Division II and bringing some life, jobs, economic development and excitement to the north end of the Teton Valley.

We view this proposal as a very reasonable and responsible solution to the past challenges at River Rim and the Teton Valley. We hope others share our view.

Best wishes for success with this endeavor. Please don't hesitate to let us know if we can be of further assistance.

Respectfully,

Dave and Penny Abbott

Dave and Penny Abbott
9685 River Rim Ranch Road
Tetonia, ID 83452

June 3, 2016

Mr. Brett Potter
Focus Architects
312 Accola Drive
Bozeman, MT 59715

Re: River Rim Ranch Division II Planned Unit Development

Dear Brett,

My wife and I have owned a cabin lot at River Rim Ranch Division I since 2007. We visit the Teton Valley throughout the seasons, enjoying recreational activities, natural beauty, many fine restaurants, and most importantly its citizens whom we have met, with lasting friendships made along the way. Our recent visit was especially satisfying. There was a spirit of renewal. Most everyone we spoke with was more upbeat and sincerely proud to call the Teton Valley their home. The Valley appears to be transforming as a diverse but inclusive community while sustaining and retaining its inherent splendor and wonder.

It was with interest that we learned about your plans for River Rim Ranch Division II. We support your efforts wholeheartedly. In fact, we view it as an improvement over the earlier model given its objective of creating and maintaining a sustainable community. We are especially appreciative of the drive towards creating a quality of life that emphasizes a healthy, safe environment with energy conserving practices.

Given your background and expertise, we suspect that much thought has been given as to how the amenities as a feature of the project will tie in with the surrounding agriculture and small town feel, while improving the surrounding land values. This project among all the other transformative features occurring in the Teton Valley will reverberate through the Teton Valley with recreational and commercial benefits while maintaining its unique character.

What we most appreciate is the opportunity to create a vibrant community with sustainable values that will be enjoyed by generations to come.

By including a revised River Rim Ranch Division II, the Teton Valley will continue to retain its valued heritage while transforming in a socially meaningful way.

Oh and did I mention, that not having to drive 13 miles for a cup of coffee or a gallon of milk is a small but meaningful step in the right direction.

Respectfully,

Rick and Pat Katz
1141 Quince Avenue
Boulder, CO 80304



June 01, 2016

Planning and Zoning Commission of Teton County, Idaho
150 Courthouse Drive, Room 107
Driggs, Idaho 83422

I am an owner of 4 pieces of property at River Rim Ranch, Teton County, Idaho. In division I, I own one cabin overlooking the Teton River. 2. One undeveloped cabin lot. In division II, two undeveloped lots, 12 and 22.

My wife and I strongly support the development goals of Mr. Brett Potter, and would strongly recommend that the planning and zoning commissioners approve his recommendations. River Rim Ranch certainly has the best vistas of any development community in Teton County. In addition, the Teton River is right there. It is a very walkable community and has all the services to enjoy the outdoors. In my opinion, further development of River Rim Ranch would add to the real estate value of Teton County.

Thanks for your support,

Tom and Janet Reich

Tom and Janet Reich

Mark Streit
130 Providence Oaks Circle
Milton, Georgia 30009

Mr. Brett Potter, LEED, AIA
Yellowstone Architects
Bozeman, MT 59715

Dear Mr Potter,

In response to your recent letter re: River Rim development efforts (golf course and amenities) in Teton, ID here is our opinion:

River Rim Ranch is the perfect place for an outdoor living/recreational community. With the natural beauty of the Teton Range as the backdrop, and the incredible weather in the Teton Valley, this "walkable" outdoor recreational proposal is a must. Having this infrastructure complete will only increase property values of the land, but will also increase interest in future property and home ownership. As property owners who bought property 5 years ago, we have been waiting patiently for someone to come along and move the development forward so that we may build.

Regards,

Mark and Laura Streit
770 855 8211

June 19, 2014

Teton County Commissioners
Teton County Courthouse
150 Courthouse Drive
Driggs, ID 83422

Dear Commissioners:

The purpose of this letter is to express the support of the lot owners listed below for certain additional incidental uses to be allowed on the commercial lots in Division II of River Rim Ranch P.U.D. The support of the lot owners listed below is limited to the following incidental uses:

1. Use of the building on Lot 8, Block 1 of Division II (commonly known as the Sales Office) as a lodge facility.
2. Sixteen (16) overnight stay units
3. A health club facility
4. An equestrian facility
5. A self-storage facility (provided that the self-storage facility is completely fenced in by a privacy fence at least six (6) feet tall, built in accordance with the current Design Guidelines and subject to the approval of the Committee for Design Review for Division II, which will ensure that the construction is harmonious with the existing development)
6. Real estate office
7. Property management office
8. Meeting conference space

Teton County Commissioners
June 19, 2014
Page 2

Approval of the foregoing additional incidental uses is supported by the Division I lot owners listed below. Thank you for your consideration.

Sincerely,

John Fedders
6-23-14

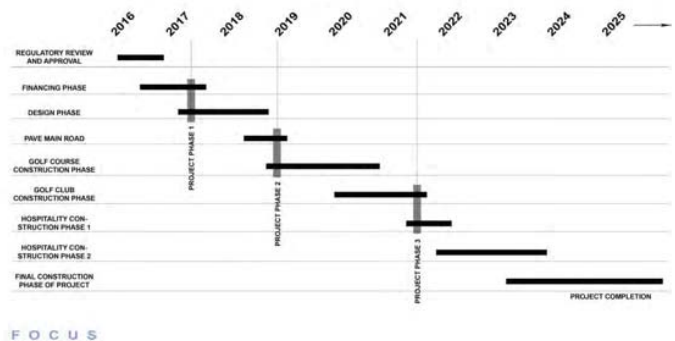
David Abbott

List of Division I owners who support the approval of the above-listed additional incidental uses:

JOHN FEDDERS
DAVID ABBOTT
PENELOPE ABBOTT
LINDSAY W. BREHM
KRISTY BREHM
LOUIS CARAVELLA
PATRICIA CARAVELLA
ROBERT BURKE
SHARON MOORE
DWAYNE MOORE
LANCE GUNDERSON
BERT O'NEAL
PATRICIA SAYLOR
ROGER SAYLOR
MIKE THORTON
NONA THORTON
TXM, INC.

Proposed Timeline

Estimate only subject to revision



FOCUS

**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, Phase I, Planned Unit Development (this "Agreement") is made this ____ day of _____, 2016, by and between Teton County (the "County") and GBCI Other Real Estate LLC and 211 West Rim, LLC (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."

AMENDMENT TO RECORDED DEVELOPMENT AGREEMENT - Page 1

- Cart Barn/Storage/Multipurpose/Office
- Reception Center/Hospitality 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
- Community Center/Neighborhood Grocery Store/Coffee Shop/Post Office Service/Dry Cleaning/Office Space/Small outdoor retail shop (e.g., fishing, biking, golfing, etc.)

The incidental uses within the Golf Village (Tracts D and E combined) shall occupy a maximum of 3.5 acres.

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

The hospitality suite on Tracts D and E shall have a maximum of two (2) bedrooms.

(C) Tract G. The Operation and Maintenance lot ("O&M lot") will be converted from three (3) single family residential lots to lots used exclusively for the operation and maintenance of the golf course per the attached plats and those plats associated with this Agreement. Uses of the O&M lot shall include golf cart storage, equipment storage and repair shop, landscape material storage and other operations reasonably related to the operation and maintenance of the golf course. The three (3) single family lots shall be transferred to Tract E and converted to three (3) hospitality suites.

(D) Block 6 (south). Lots 28 through 34, total of six (6) single family lots, shall be transferred to Tract E and this area vacated and converted to golf course and open space. The six (6) single family lots shall be converted to six (6) hospitality suites.

(E) Tract C. This tract is platted for 62 individual chalet units. These units may be individually owned residential units or individually owned hospitality suites associated with the guest facilities on Tract E. The hospitality suites on Tract C shall have a maximum of four (4) bedrooms.

(F) West Rim Village (Block 1). Reinstatement of 16 of the 30 Bed and Breakfast Condominium Units, previously approved in the 2006 Development Agreement and associated plats, which units are to be transferred to Tract E and converted to hospitality suites.

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- E. This Agreement shall supersede and replace the Prior Development Agreements solely as applicable to the changes made hereafter to the River Rim Ranch - Division II, Phase I, Planned Unit Development.

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 Redistribution and Reinstatement.
 - (1) The Lots/Units are restated as follows:

(A) Tract D. This tract will be converted from 45 chalet units to 41 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 41 hospitality suites and may be combined with Tract D to optimize site planning. The additional 29 hospitality suites would be transferred from the following blocks/tracts:

SOURCE	DESCRIPTION	UNITS
BLOCK 1	Reinstatement of Bed and Breakfast Units	16
BLOCK 6 (South End)	Proposed Golf Driving Range Site and Open Space	6
TRACT D	Optimize Site Planning	4
TRACT G	Proposed Golf O&M Site	3
TOTALS		29

Tract E will feature a mixed use club village and incidental non-residential uses to serve the River Rim community and Golf Course including:

- Clubhouse/Golf Pro Shop/ Outdoor Recreation Shop
- Restaurant/Bar/Lounge/ Indoor-Outdoor Dining

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The following additional "incidental uses" within Block 1 will include:

- Multi-purpose Meeting/Conference Space (within existing administration building)
- Outdoor lawn area to serve as wedding and special event venue with patios and decks
- General storage facility to serve the residents of River Rim only up to a maximum site area of two (2) acres.
- Interim general store facility, in existing administration building, to serve the residents of River Rim only and to be allowed until construction of a store at the Golf Village area
- Future Teton County Fire Station lot, maximum of two (2) acres.
- Wedding Pavilion
- Locker room, fitness/gym facilities

The incidental uses within the West Rim Village shall occupy a maximum of five (5) acres not including the Fire Department Lot 1A or the agricultural uses on Lot 7.

West Rim Village will also include optional employee housing, maximum of 12 units and a maximum total of 2,200 square feet per unit, maximum of two stories. The employee units are to be included only if specifically requested to be part of the River Rim PUD by Teton County.

- (b) **Hospitality Units.** Each hospitality suite or unit, as mentioned throughout this Agreement, shall consist of a two to four (2-4) bedroom unit with a dual-key configuration allowing each "key" to be managed as a separate part of the hospitality operation as two separate subunits or as one complete two to four (2-4) bedroom hospitality suite, however, each "key" will not be considered a legally divided lot. Further, each "key" may be managed for short-term rentals, including, but not limited to, overnight rentals.

The hospitality suites may be operated by one or more hotel/hospitality/resort operators or developers or management companies and individual units may be sold as timeshare or other forms of joint ownership. Each of the two "keys" in each of the hospitality suites may be rented to separate parties at any given night or other time period and may be advertised for hospitality accommodations on various marketing mediums including signs, the internet (including Airbnb and VRBO and other internet marketing platforms) and other forms of advertising.

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- (c) **Exercise of Option to construct golf course area (Tract J).** If and when the Owner exercises its option to construct and reinstate the golf course area, pursuant to its option to do so as set forth in the 2014 Amendment, Owner will construct the golf course on open space Tract J (approximately 270 Acres) of Phase I in accordance with the following public benefits, provisions, and guarantees:

- 1) Owner will open the golf course to public play by residents of Teton County, Idaho. County residents shall be entitled to play a maximum of two rounds per year and shall receive a twenty five percent (25%) discount from the publish local greens fees. Such public play shall be limited to Tuesdays and Wednesdays of each week.
- 2) Should the Owner exercise its option to construct the golf course pursuant to its right to do so under the 2014 Amendment, the entire 18 holes of the golf course shall be constructed, finished, and playable by 2023.

- (d) **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 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.

- (e) **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.

- (f) **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.

- (g) **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. **Expiration of Agreement and Reversion to "2014 Amendment".** In the event the owner does not exercise the right to exercise the option to construct the golf course on or before July 1, 2021, this Agreement and associated plats shall expire, become null and void, and revert back to the 2014 Amendment (Instrument No. 231392) and associated plats.
4. **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.
5. **Building and Occupancy Permits.** Building permits and certificates of occupancy shall be issued by Teton County in accordance with the Phasing Plan attached as Exhibit C.
6. **Public Benefits.** The following public benefits shall be provided:

- (a) Golf course, guest accommodations and other related facilities shall be open for public use.

7. **Density.** The modifications to density by phase are amended as more specifically described in **Exhibit D** attached hereto.

8. **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.

9. **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.

10. **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 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.

11. 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. The County acknowledges (accepts) that what has transpired before with respect to the previous Development Agreements for the River Rim subdivision, supplements and addendums and the various Declarations, amended declarations, other amendments and supplements are accepted by the County and that the County, in exchange for this indemnification from Owner, agrees that the subdivision as it is presently platted as exists is not in violation of, or is not consistent with, County law, statutes or its interpretation of all these various agreements, understanding and previous events that have taken place with the River Rim subdivision.

12. **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.
13. **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.

14. **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, or notified subsequently by written notice by Owner, 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

15. **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.

16. **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. 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.

17. **Golf Course – Open Space Area (Tract J).** Should Owner exercise its option to construct the Golf Course – Open Space Area (Tract J), as shown on **Exhibit E**, it will be managed by the Owner, Property Owners Association, subassociations, club operations or the private owners to whom title to such area is conveyed.

18. **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.

19. **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.

20. **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

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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.

21. **Adjacent Neighbor Provisions.** Owner agrees to maintain a 200' separation from all building envelopes to adjacent property in Phases II-VI.
22. **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.
23. **Filing.** The Owner may record this Agreement in the office of the Teton County Clerk and Recorder.
24. **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.
25. **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.
26. **Time is of the Essence.** Time is of the essence in the performance of all terms and provisions in this Agreement.
27. **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.
28. **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.
29. **Amendments.** All amendments to this Agreement shall be in writing and shall be approved by the Owner and the County.

30. **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.

31. **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.

32. **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.

33. **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]

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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)
)
 County of _____) ss.

On this ____ day of _____, 2016, 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.

(SEAL)

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

BOARD OF COUNTY COMMISSIONERS
TETON COUNTY, IDAHO

By: _____
 William Leake, Chairman

STATE OF IDAHO)
)
 County of _____) ss.

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: _____

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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



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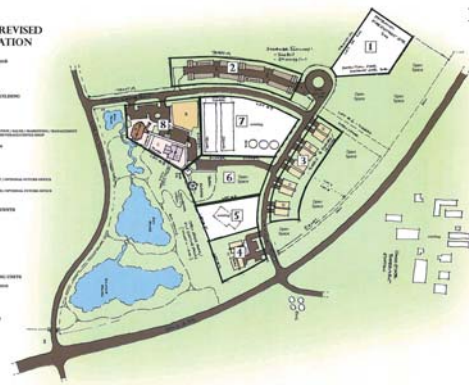


INCIDENTAL USE:
LOT 8 3.20 AC (WATER)
LOT 1 3.05 AC (STORAGE)

OTHER INCIDENTAL:
LOT 1 1.96 AC (HIRE)
LOT 7 3.38 AC (AGRICULTURE)

INCIDENTAL USE REVISED
LOT CONFIGURATION
LEGEND

- A. EXISTING AND PROPOSED BUILDINGS**
- EXISTING BUILDINGS
 - PROPOSED BUILDINGS
 - PROPOSED BUILDINGS (HIRE)
 - PROPOSED BUILDINGS (AGRICULTURE)
 - PROPOSED BUILDINGS (STORAGE)
 - PROPOSED BUILDINGS (WATER)
- B. WATER FLOW OF INTERSECTING WATER**
- EXISTING WATER FLOW
 - PROPOSED WATER FLOW
- C. WATER FLOW OF INTERSECTING WATER**
- EXISTING WATER FLOW
 - PROPOSED WATER FLOW
- D. STRUCTURES AND MAINTENANCE FACILITY**
- EXISTING STRUCTURES
 - PROPOSED STRUCTURES
- E. PROPOSED WATER FEATURES**
- PROPOSED WATER FEATURES



River Rim Ranch PUD – Historical Information

- A concept plan for River Rim Ranch PUD was submitted in 2002.
- The Final Plat and Master Plan were approved by the BoCC in 2004.
- Between 2005 and 2015, several amendments were requested and approved.

An amended and restated development agreement was recorded February 7, 2014. Provisions contained in the Prior Development Agreements that are no longer applicable are not included in this Agreement. This new development agreement allowed for the following:

- The number of units in Division II Phase I shall be reduced by 3 units. Of the 360 units originally approved, 155 units have been sold.
- West Rim Village possible incidental uses are:
 - Fire Substation on Lot 1, Block 1 (6 acres). If no substation is constructed by December 31, 2026, the reservation shall be withdrawn and the lot returned to the then current owner of Lot 1.
 - Real Estate Office
 - Property Management Office
 - Existing Agricultural Buildings
 - Existing Storage
 - Brent Hoopes Residence
- Tract I shall be used as an ongoing farm and farming operation. There may be only one residential unit on Tract I
- Utility Stubs and Extensions from existing infrastructure to Tract A, B, E, G, Lot 1B/Block 5 and Block 6 shall be completed in any order on or before the earliest of: completion of road paving in Phase I, Issuance of building permits for any of these lots or tracts, or December 31, 2016.
- Block 10 Lots 1-4, a fire suppression and hydrant(s) for Lots 1-4 I Block 10 shall be completed on or before the earliest of: December 31, 2016, or Issuance of building permits for any lot.
- Reclamation of Golf Course area (Tract J). The golf course area which is open space Tract J (about 270 Acres) of Phase I, shall be reclaimed to agricultural land and native grasses along with the construction of an internal trail system, and water features (the "reclamation"). The reclamation shall be completed on a phased plan as follows:
 - Weed Eradication-Summer 2013
 - Site grading/top soiling-Fall 2014
 - Agricultural practices-Spring 2015
 - Native grass seeding-Fall 2014
 - Trail system-Fall 2016
 - Water features/ponds-Fall 2016
- Option to construct golf course. The Owner, if applicable, shall retain the option to construct a golf course until December 31, 2026.
- Road Improvements
 - County road 9400 West. The relocation and widening of this road to a 22 foot surface shall be completed from Hwy 33 to the SW corner of Division II Phase I to Teton County crushed gravel standard by December 31, 2014.

- West Rim Loop. This road and the roads in Block 1 shall be completed to Teton County crushed gravel standards on or before December 31, 2016, or prior to the issuance of any building permits.
- Road Paving
 - Loop Road. Asphalt paving of this road shall be completed by December 31, 2016, or when 30 residential building permits are issued within RRR, whichever is sooner.
 - Turning Lanes. Asphalt paving for the turning lanes on State Hwy 33 shall be completed by either December 31, 2026; mandate of the ITD; the issuance of 30 building permits in Division II Phase I; or when the Average Daily Traffic exceeds 200 ADT, whichever is sooner.
- Changes to other Phases
 - Division II Phase II (Norman Ranch/Western Highlands) will be reduced by 25 lots.
 - Division II Phase III (Central Plateau) will be reduced by 11 lots.
 - Division II Phase IV (West Plateau) will be reduced by 17 lots.
 - Division II Phase V (North Plateau) will be reduced by 18 lots.
 - Division II Phase VI (South Canyon) will remain at 55 units which is the number of units originally approved in 2006. The Width of the wildlife migration corridor will be increase to minimum of 1150 feet between building envelopes.
- Platting and Improvements for Divisions II, III, IV, V and VI. Improvements shall be completed by December 31, 2026.
- Required Public Benefit
 - Acreage adjacent to the Teton River shall be used as an interpretive river park. The park will be finished upon completion of the South Canyon Development (Phase VI), or December 31, 2026 whichever occurs first.
 - Snowmobile access along County Road 9400 West.
 - Owner shall provide a cash sum of \$1000 per lot at the time of final plat recording of each phase of Division II which will be paid to Teton County for use as determined by BOCC.

NOTE: The public comment was closed at the 5/17/2016 meeting for Agenda Item #2, so public comment was not taken. Agenda Item #3 was continued before public comment was opened, so no public comment was heard.

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 12

Date: June 14, 2016

PLEASE PRINT LEGIBLY

Name: Candace Runyan

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

2006 E. 3000 S.

Driggs, ID. 83422

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: ~~5/17~~ 6/14, 2016

PLEASE PRINT LEGIBLY

Name: Mark Stewart

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

5391 Needle Leaf Ln.
Victor, Id.

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: #42

Date: June 14, 2016

PLEASE PRINT LEGIBLY

Name: JOANNE LABELUE

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

VICTOR - 579 Candy Horse Way

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: 6/14/16, 20

PLEASE PRINT LEGIBLY

Name: Patti Saylor

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

Tetonia -

Choose one:

☒ Support the application ☐ Neutral ☐ Oppose the application

Do you wish to testify? ☒ Yes ☐ No

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

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: #3

Date: 6/14, 2016

PLEASE PRINT LEGIBLY

Name: _____

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

1178 S. DESERT ROCK DR
REXBURG ID 83440

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: June 14, 2016

PLEASE PRINT LEGIBLY

Name: Roger Saylor

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

Teton

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: 6-14-16, 2016

PLEASE PRINT LEGIBLY

Name: SANDY MASOW

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

8260 N 6600 West
Tetonia, ID 83452

Choose one:

A bit of all

Support the application Neutral Oppose the application

Do you wish to testify? X 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: #3Date: 06/14/16, 2016**PLEASE PRINT LEGIBLY**Name: BRENDAN CONROY

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

145 N. MAIN STDRIGGS, ID 83422**Choose one:**☐ Support the application☐ Neutral☒ Oppose the applicationDo 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.

Brendan Conroy
Written signature (only if not testifying)