

TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from July 12, 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, Planning Administrator, Ms. Kathy Spitzer, County Attorney

ELECTED OFFICIALS: Mr. Bill Leake and Ms. Cindy Riegel.

The meeting was called to order at 4:10 pm.

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

Ms. Rader started with the Executive Summary that was requested. She felt a double sided one page summary would be more effective for a quick reference to mail out to property owners, and a longer more detailed summary could be done for the website. She put together a one page flyer for an executive summary with the why, how and what parts of the code are being updated on the front and compliance with the comp plan information on the back. It would have less information, but would be more reader friendly and could have multiple uses as a one page double sided flyer. Mr. Larson commented he liked the idea of a one page document, and Ms. Johnston agreed. Ms. Riegel wanted all the goals included so the public would not think any of the goals were being skipped.

Mr. Leake commented if the summary was 11 x 17 you could include the zoning map, which he believed was what most people were most interested in. He also suggested listing only the key goals rather than all of them and thought a scheduled for future meetings was a good addition.

Mr. Larson was in favor doing a one page small document and then another more detailed executive summary that would be available on the website. Mr. Breckenridge felt that a document any bigger than 8 1/2 x 11 would not be read and he felt the references to documents on the website would lead people there who wanted more information. Mr. Hensel wondered if the map on the back might be of more interest than the goal comparisons to the comp plan.

Mr. Larson suggested having the flyer printed by a professional printer so it would be really legible if a map were added. Mr. Hensel asked the group if they felt page 2 should be a map or the goal comparison. It was the consensus that it should be a map on the back and professionally printed to obtain the highest quality in regards to the map and identifying the different zone districts.

Regarding the first page, Mr. Leake suggested rather than using a meeting schedule on the flyer, it should refer to the most current schedule reflected on the website. Ms. Rader suggested a reference to the full timetable online to send them to the website in order not to clutter up the flyer. Ms. Riegel commented she wanted to see the word “draft” before the word “Code” so people wouldn’t think it was already adopted. Mr. Breckenridge suggested the density/lot size paragraph be revised to make it easier to understand.

Mr. Moyer asked about the scenario tool and if that would be used to bring people to the website. Ms. Rader commented she is still finishing up the scenario tool and will update it after the next meeting. Mr. Leake suggested some kind of banner ad on the county website home page to send people over to the Teton Valley Code website if that is the information they are looking for. Ms. Rader commented she could add something to the county website home page that would be bright and hard to miss that would direct people to the Teton Valley Code website to find the most current information and history about the process so far. Mr. Larson suggested archiving the old stuff so only the most relevant items appeared first. He offered some assistance with the process when he is in town.

Regarding the FAQ sheet, Ms. Rader explained that she designed it to be oriented to draft code questions and would also be adding a general planning & zoning FAQ page to the county website. Mr. Arnold asked about adding the land use table to the list somewhere. Ms. Rader suggested a paragraph that explains how the draft code meets the comp plan goals as another question that refers people to the code website. Mr. Leake suggested a questions on how the code changes affect my CC&Rs. Ms. Johnston suggested referring to the draft code rather than the new code in the Right to Farm Act question and a change to the tiny homes question referring to building code regulations. Mr. Breckenridge suggested a question about the wildlife overlays.

The next topic discussed was controlling short term rentals to try and support the long term rental market for employees of local businesses. Ms. Rader commented she felt it was a good idea to have some guidelines for safety reasons and some mechanism to collect a lodging sales tax. She suggested possibly requiring a CUP for short term rentals with conditions for inspections of the rental and some type of outdoor signage so that a code enforcement inspector could recognize from the street that the home had a permit. Ms. Rader was not suggesting banning short term rentals in every zone but adopting some type of permitting process to offer the option of a short term rental.

Ms. Riegel commented that the lodging tax collected goes to the state and they distribute it to the cities, but not the county. She wanted to know how the county could collect some income from that type of rental. Mr. Arnold commented that Fremont County and the city of Island Park both have a lodging tax for rentals. Mr. Arnold did not want to see the nightly rental market taken away, he felt it was a good option for the valley, but he also wanted to try and help the long term rental market. Ms. Riegel found some information online about short term or transient rentals and commented in Fremont county you have to get a permit that has conditions for health, safety and welfare that you can attach conditions to. The process also requires the applicant to provide their sales tax license information to prove they have registered with the state as a business.

Mr. Haddox asked who would do the inspections on short term rentals in Teton county to ensure maximum occupancy isn't exceeded and things like adequate parking provided and fire safety precautions addressed. Ms. Rader commented it would probably be done by the various departments at the same time through a joint inspection process. Mr. Arnold commented each permit in Fremont county has a maximum occupancy included in the permit conditions. Ms. Rader commented she could email the sheriff's office & fire marshal to ask if they would be able to enforce the maximum occupancy limit.

Mr. Booker commented a VRBO is a business and they can be disruptive to the neighbors. He commented he did not want to stop people from having short term rentals, but wanted to have some regulations in place to protect the owner and renters. Ms. Johnston suggested adding a parking requirement to the permit so as to minimize the impact on the neighbors. Ms. Riegel

commented she understands someone renting out their house through VRBO when they aren't in town, but wondered about the accessory dwelling unit and if the intent for that dwelling is to encourage long term rentals or would short term rentals be allowed as well.

Mr. Hensel suggested Ms. Rader write up something on the short term rental options to go along with the new draft code. Ms. Rader suggested adding it to Article 10. Mr. Leake was concerned with the impact on adopting the new code if short term rental restrictions are added and a lot of people are against the control of short term rentals. He believed that short term rental restrictions were worth pursuing, but thought it would be a good idea to wait until after the new code is adopted.

Mr. Hensel asked for a consensus of whether or not it should go in the new code. Mr. Arnold thought it might be easier to wait rather than add something new that is potentially controversial. Ms. Riegel thought now would be a good time and that it would be easy to add to the draft code. Mr. Breckenridge commented he felt if it isn't added to the draft code now, it would be a long time before it gets addressed. Mr. Leake then agreed that maybe now would be a good time to get it started and changed his mind about waiting. Mr. Leake wanted to also add something about ad hoc campgrounds like camping at the rodeo grounds, which is not legal, and include that in FAQ sheet as well about using your land for camping. Mr. Leake thought because of the event next summer with the eclipse, it would be a good idea if it could be done on a permit basis before then. Ms. Rader commented the temporary use permit section could be a spot for it. Mr. Hensel asked Ms. Rader to come up with a proposal for them.

Ms. Rader then discussed some of the points in the table of changes she put together for the draft code. Ms. Johnston wanted to see a "defined term" placed in italics so that it would stand out and you would know how to find it in the definition section, especially in the FAQ section. Mr. Hensel wanted to have more time to go over the proposed changes list and suggested another meeting to go over them. It was decided the next draft code work session meeting would be in August. Ms. Rader pointed out she would be leaving on the 9th so it will need to be sooner and that the public hearing in August will be on the 16th.

The Work Session was adjourned at 5:45 pm and the Public Hearing was called to order at 6:00 pm.

APPROVAL OF MINUTES:

Motion: Mr. Arnold moved to approve the Minutes from June 14, 2016, as amended. Mr. Booker seconded the motion.

Vote: The motion was unanimously approved.

CHAIRMAN BUSINESS: There was no Chairman's business.

ADMINISTRATIVE BUSINESS: Ms. Rader informed the Commission that Ms. Fox has been hired for the Planning Services Assistant position and that she has accepted the position of Planning Administrator.

6:00 PM - Item #2 – PUBLIC HEARING: Concept Approval for Mountain Legends Ranch Subdivision. Peacock Property LLC is proposing a subdivision on two parcels of land (approximately 197 acres) north of Driggs. The lots will be 2.5 acres, with approximately 100 acres in open space easements. These parcels are zoned A-2.5.

Legal Description: RP05N46E084500 - TAX #6485 SEC 8 T5N R46E FKA Mountain Legends Ranch; RP05N46E078250 - TAX #6484 SEC 7 T5N R46E FKA Mountain Legends Ranch

Mr. Hensel reviewed the process for the public hearing and the order of presenters. He also emphasized that the applicant has 15 minutes to present and that the public must limit their presentation to three minutes. Ms. Johnston recused herself from the hearing because she is working with the applicant.

Staff Introduction:

Ms. Rader reminded the Commissioners that if they have had any communication with anyone regarding the application or have gone to the site, that needs to be disclosed. The application is for a Concept Review for a subdivision on a property owned by Peacock Property, LLC. The property was formerly platted as Mountain Legends Ranch PUD in 2008 and vacated in 2012. The new application is for a subdivision of 76 lots, not a PUD.

Applicant Presentation:

Ms. Sarah Johnston with Arrowleaf Engineering, representing the applicant Harry Statter from Peacock Properties, LLC, gave an overview of the proposed subdivision and location of the project and commented the zoning for the site is Agricultural/Rural Residential 2.5 and the comp plan designates the area as a Rural Neighborhood area. She presented a map of the site showing existing roads, borders, ROWs and existing topography. She commented there is a sliver in the corner of the property that is in the wetlands and waterways overlay, approximately 700 sq. ft., because it is within 300' of the Dry Creek high water line, and there are no floodplains or designated wildlife habitat overlays on the property. Ms. Johnston next pointed out the layout of the lots and the roadways.

Mr. Harry Statter with Stateline Management, who is the manager for Peacock Properties, LLC, showed photos of the site and commented on the work done on the site in the past to maintain the agriculture use. He discussed the previous PUD approval with the concept of an agricultural subdivision that had all open space farmed, proposed defined building envelopes, placement of driveways, and continued ag use in open areas. He emphasized the farming component to manage the open space throughout the subdivision and noted that the property is designated in the comp plan as Rural Neighborhood which includes medium density single family neighborhoods. He also commented that the CIP assumes an average density of 50 to 80 units per 100 acres and the density proposed for Mountain Legends is 38.6 units per 100 acres. He discussed how the site is located in relation to the land use map, proposed phasing, his intent to work with the adjacent neighbors and previous contributions to numerous local non-profit organizations. He emphasized he was at the meeting to find out if the proposed development meets the requirements of a concept hearing only. Regarding the public comment letters received, Mr. Statter pointed out the property is not in any designated wildlife corridor or wetlands area and there are no trees on the property. It is completely agriculture land at this time. He commented on the studies that will be done for the preliminary approval phase and based on the findings of those studies they will have tangible data to use to further plan the development, even if it means reducing the density of the development or revising the design. Mr. Statter once again stated he felt that the concept plan requirements have been met.

Staff Presentation:

Ms. Rader gave an overview of the proposal and commented the access will be from Stateline Road and N 1500 E, which has access off Grand Teton Road that goes through Teewinot Subdivision. She identified some key issues like lot area which cannot include the road ROW, the number of lots proposed, road easements versus dedicated roads, the requirement for a driveway that accesses more than two parcels to have road names, and the various studies and plans that will be required at the preliminary phase. Ms. Rader also commented that the Public Works Director asked her to add a condition that the applicant address through the traffic impact study the distribution of vehicles on Grand Teton Road because it is a county road, not a private road. She commented that Teton County Wyoming is responsible for maintaining Stateline Road and were noticed as a political subdivision but did not provide formal comment. She did send the application to the Planning Dept. and the county engineer for review. The engineer, Shawn O'Malley, told Ms. Rader that he was interested in seeing the results of the traffic impact study on Stateline Road before he makes any official comments. Ms. Rader reviewed the staff conditions for approval and required studies for the preliminary review.

Mr. Hensel asked if there is a connection between the two phases. Ms. Rader commented there is road proposed across the easement that separates the two proposed phases. He also asked about a road adjacent to Teewinot and the western boundary of the property. Ms. Rader commented there is some type of ROW easement but it is unclear if it is an official easement and what it is for.

Mr. Booker asked Ms. Rader if the lots would be tax exempt because they have ag use besides the residential. Ms. Rader commented they need five acres or more to be tax exempt unless approved by the county commissioners. Ms. Spitzer commented if you can create more than five contiguous acres you could apply for an ag exemption.

Mr. Breckenridge asked if the open space provided was counted since it wasn't contiguous. Ms. Rader commented the subdivision process does not require open space so it is up to the applicant on how they want to locate it. Ms. Spitzer commented open space requirements only applied to PUD applications.

Mr. Moyer asked about the need for open space to be well defined. Ms. Rader pointed out open space was not a requirement of approval but the Commission could ask for clarification of any open space provided.

Mr. Hensel asked Ms. Spitzer to clarify the review process as it applies to the comp plan. She said the comp plan should be considered, but subdivisions are only required to comply with current zoning laws. She commented they could not deny a subdivision application based solely on not complying with the comp plan. She emphasized that current zoning laws were all that could be used to judge a subdivision application.

Mr. Booker asked about page 10 of 10, about a statement that says there is no surface water on-site but there is some depicted on the site plan. Mr. Statter commented there is something identified in the wetlands inventory but stated there is no surface water on-site. He explained the remote sensing and topographical differences used to generate a wetlands inventory but insisted that there is no surface water on the site. Mr. Booker asked if that would mean it is a dry swell, and Mr. Statter agreed it was. Mr. Booker next asked about the ability to harvest the ag open space between the lots and how functional the space would really be. Mr. Statter commented he agreed

with the difficulties to farm some of the depicted areas, but did not expect houses to be built close to the lot lines and stated adjustments may be made in the next phase.

Public Comment:

In Favor:

There was no public comment in favor of the application.

Neutral:

Mr. Fred Dormeier, a Teewinot resident, commented he was speaking for the HOA Board of Directors and they are concerned about increased use on Grand Teton Road. It accesses all 32 existing structures in Teewinot and as a Board, they would like to be included in the traffic count since the road is the main access for Teewinot and all owners will be affected by the traffic increase.

Opposition:

Ms. Georgina Worthington, a Teewinot resident, commented that she cross country skis and walks throughout the adjacent property year round. She has elk grazing in her front yard and has followed their tracks right through the proposed subdivision, along with tracks from other various wildlife species. She was concerned what would happen to the wildlife using the land if the subdivision is developed.

Mr. John Greenwood, a Teewinot resident, commented that there are numerous wildlife species living on the site and felt it should be protected for their sake and for the economic value of the wildlife remaining in the area. He did not want to see his real estate values go down because a developer wants to build more lots.

Mr. Chuck Kunz, who is living in the old Peacock home, commented 1500 E. connects to Grand Teton Road, but needs improvements if it is going to be used as access to the proposed subdivision because of visual impairments and the narrow width of the road. He was also concerned that there was no open space required.

Mr. John Unland, adjacent property owner, commented on the legal, financial, and compatibility with Teton county. He referred to Title 9, Consideration for Approval, and felt the comp plan should be used in consideration for approval. He did not want to see more subdivisions approved or lose valuable wildlife habitat. He did not believe the application conformed with the comp plan and felt it should be denied.

Ms. Jan Betts, adjacent property owner, commented she and her husband have lived in their home for 30 years adjacent to Mountain Legends. She talked about the adjacent Bridger Ridge Subdivision that has lots that range from 9 to 20 acres which she felt set a precedence for larger lots in that area. She also had a problem with the two separate parcels being connected by a two track road, and with the open space proposed. She mentioned meeting with Mr. Statter during the PUD process and did not feel the applicant was listening to the neighbors he met with.

Mr. Robert Emerson, a Saddlehorn Subdivision resident, was concerned with the access being Grand Teton Road, which is a school bus route. He was concerned with the lack of buildout in Saddlehorn and Teewinot and did not understand the need to develop more lots. He was also concerned with the ag use adjacent to his property considering it to be disruptive to the residential neighbors. He also suggested a workforce housing fee be assessed.

Mr. Felix Zajac, a resident in nearby Darby Creek, commented his interest is in Teton County as a whole and wanted to support the comments of the adjacent property owners. He did not feel the application was consistent with the comp plan and he wanted to see the application denied because he did not approve of the layout proposed. He also did not feel the open space proposed was viable for farming.

Mr. Richard Welch, a Tetonia resident, commented he is not a neighbor but he did not want to see the project approved, and felt it should be denied based solely on the comp plan. He felt there were other reasons for denial such as increased traffic on existing roads, wildlife habitat destruction, and water quality issues due to the increase in wells in the area.

Ms. Linda Unland, adjacent property owner, commented her 52 acre property is directly adjacent to the subject property. She stated she believes the property is within a wildlife corridor because the overlays are within 300 feet of the northern portion of the site. She believes there is a raptor and songbird overlay as well because she has seen their nests and does not want to see the riparian corridor destroyed. She also commented on the lack of compliance with the comp plan.

Ms. Joy Sawyer Mulligan, a resident on N. Stateline Road for 25 years, urged the Commission to encourage open fields in this type of rural neighborhood and wanted to see the land left undeveloped.

Mr. Mike Mulligan, who lives on Cross Creek Ranch in Alta, commented he was concerned how the interior roads will be maintained and the damage construction equipment will do to Stateline Road and other county roads during construction. He also commented he did not support the use of open space between houses for farming.

Mr. Shawn Hill read a comment from Clint Van Syclen, a Tetonia resident who did not want to see high density housing in the rural areas of the county and wanted to see the comp plan upheld because he felt high density housing should be confined to the vicinity of the towns. Daniella Cotler from Victor also asked Sean to read her letter. She did not want to see a poorly designed subdivision that doesn't consider what is best for Teton Valley and was concerned with wildlife habitat, water quality, and the health of the Teton River. Mr. Hill emphasized that those letters did not reflect the views of VARD. He next discussed his position as Executive Director of VARD and the criterion for approval. His first criterion was with the application's non-conformance to the comp plan and did not feel the criteria expressed in the plan should be ignored. His next point was regarding the availability of public services. He stated on June 30th Teton County Idaho confirmed that Teton County, WY is responsible for maintaining the portion of Stateline Road that appears to be the primary access to the subdivision. He stated Mr. O'Mally told him that he was concerned with the number of units accessing Stateline Road with this application and felt that the improvements needed for Stateline Road to absorb the additional traffic were not in place or funded at this time. Mr. Hill felt it was an issue that should be addressed at the concept plan stage. His next criteria was the conformity with the Teton County Idaho Capital Improvements Plan and the fiscal impacts created by the development. He felt existing taxpayers are subsidizing the

developments that impact community services. His fifth criterion was to listen to the public testimony expressing their concerns as a way to gauge the impact on health, safety and welfare and as a reason to deny the application. He next voiced his concern with where exactly the wildlife boundaries lie and felt that the boundaries should be studied more thoroughly before approval of a concept plan. His last comment was that in his opinion a concept plan can be denied if it does not meet the all the criteria established in Title 9.

Ms. Rader read into the record five different statements in opposition who did not want to read it themselves. The first letter was from Mr. Robert Whipple who was concerned with 76 new septic tanks and the elevated N-P levels that will come with them. The second letter was from Lynn Lebolt who opposed the application based on the increased traffic on the road and the infrastructure. The next letter was from Kenneth & Diane Murphy who were concerned with plans, costs, projected buildout, and traffic on Stateline Road. In the letter he submitted he suggested a plan used in Ada County, Idaho to deal with road impacts and improvements as the project is built out. The fourth letter was from Mr. Michael Peters who was not in favor of the project based on density and wildlife corridor impacts and wanted to see the application delayed until after the Land Use Plan is finalized and made official. The last letter was from Jeri Lockman who was opposed based on impact on water, roads, water pollution (air & light) and wildlife impacts.

Mr. Tom Booth, living on Middle Teton Road, wanted to echo the comments of previous speakers. He was concerned with the water supply because of the 76 potential septic systems and additional traffic on the existing roads. He wanted to see the final application delayed until after the draft code is approved.

Applicant Rebuttal:

Mr. Herbert Heimerl, legal council representing the applicant, commented the concept application phase was not the place for the public to try and further their personal views and values. He pointed out there is no requirement for open space in the subdivision process and that it was included to improve the development. He also talked about Title 9 and references to the comp plan. He believed case law supports the fact that a subdivision application does not have to comply with the comp plan, only the existing zoning. He quoted the purpose of the conceptual review as stated in Title 9, which is to discuss in general the feasibility and possibility of the proposed subdivision in the conceptual stage. Mr. Heimerl also commented on the workforce housing tax suggested by someone and encourage people to take that concept to the BoCC. Regarding an existing wildlife corridor, Mr. Heimerl commented that the property is not within any established wildlife corridors and the applicant will be doing a natural resource analysis before the preliminary phase that will address wildlife and other natural resources issues at that time.

Ms. Megan Smith, wildlife ecologist, stated she was asked to write the natural resource analysis for the applicant and will do that once the application is approved. She emphasized that the natural resource analysis will be done at the next step because it requires an in-depth study. She pointed out there is a difference between designated habitat and areas that are used by wildlife, and all that will be considered in the natural resource analysis. She will investigate the public comments made, contact Fish & Game for their thoughts, and incorporate environmental priorities and analysis into the next phase of the plan. Ms. Smith also commented on the Dry Creek corridor and pointed out that the habitat is different than the habitat in the uplands agriculture meadow and that difference is significant between the two habitats.

Ms. Johnston addressed the right of ways question and the road issue. She stated she did not find any proof of an existing easement or right of way on the property for Grand Teton Road, which turns into 1500 E. A prior approval involved granting an easement there, but it was her understanding that the additional easement granted for 1500 E. was vacated with the original approval of Mountain Legends PUD. She commented the surveyor will verify the easements through a deed check at the next phase. In her opinion all lot areas shown do not include road easement areas. Regarding shared driveways needing to be roads, she commented they understand the need for the driveways not to access more than two parcels, so no driveways will need to be roads. She verified that 1500 E. is a county road and the applicant will work with the county engineer to meet all requirements at the next stage. Regarding the wetlands overlay, she commented that the amount of land in the overlay is only 700 sq. ft. of the property, which is only .008% of the project area, and that is why they are doing an N-P analysis and natural resources analysis to address any potential issues.

Mr. Statter commented he wanted to address zombie subdivisions. He agreed that there were a majority of lots in Teewinot and Saddlehorn subdivisions that are not built on, and pointed out there is not an open space management plan for either subdivision to address the weeds prevalent in the open spaces in either subdivision. He felt his proposed subdivision was a better plan because of the ag component of the open space alone. He pointed out that regardless of how many lots are sold in the subdivision, the remaining lots will be part of the open space management plan and will be taken care of. Mr. Statter commented he believes that his subdivision is in a unique area with full Teton views and he believed his subdivision would sell better than most areas on the north part of the valley because of the unique location. He emphasized the studies that will be undertaken before the preliminary application and insisted they will be adhered to based on their results. He stated he would reconfigure the application if all the studies indicate the need, but he cannot make decisions on changing the design until after more information is obtained.

Mr. Arnold asked how many acres are in the farming easement being designated as open space. Mr. Statter commented there are approximately 130 acres that could be farmed, but will not all be used for farming.

Mr. Breckenridge asked if there was an actual road easement through that bisects the property. Mr. Statter stated there was an access/utility easement in place when the property was purchased. Mr. Breckenridge then asked if someone could fence off their 2.5 acre completely. Mr. Statter stated they could not, and that is addressed in the CC&Rs.

Mr. Booker asked for clarification of the natural resource overlay not requiring a wildlife study. Ms. Rader commented that the wildlife habitat portion of the natural resource assessment is only required if they are in one of the habitat overlays, per Title 9. The natural resource assessment will not include the wildlife habitat section.

Mr. Moyer asked about the road overlapping the lot boundaries and possibly requiring some adjustments. Ms. Rader said more clarification is needed to determine if it is just a road easement through two lots or a dedicated ROW easement that would split the lots. The lots have to be a minimum of 2.5 acres and none of that can be part of the subdivision road.

Mr. Hensel asked the Commission how they wished to proceed. They agreed to take a break and come back and deliberate. They took a break at 8:25 pm and returned at 8:35 pm.

The Commission discussed how to proceed since there is a Scenic Corridor application to be heard as well. The consensus was to continue deliberations for Mountain Legends Ranch and then hear the Scenic Corridor application after that.

Commission Deliberation:

Mr. Arnold asked if the applicant would be required to do a wildlife study as part of the natural resources assessment. Ms. Rader said it is not required because the site is not in a habitat overlay area, but it could be requested. Mr. Arnold felt a wildlife study should be required as part of this application prior to the preliminary hearing due to the amount of wildlife in the area. He also did not feel the proposed ag use was compatible with the subdivision design. Mr. Arnold also commented that he didn't believe the site needed to be designed at maximum density.

Mr. Breckenridge commented he felt the application did meet the concept criteria, but he did not feel the ag part would work well as proposed. He suggested relocating some of the building envelopes in some of the more critical farming areas to create more workable ag space. Regarding the wildlife study suggested, he commented he was not concerned with studying the wildlife just because they are there, especially since it isn't in a currently designated wildlife overlay area. He was in favor of a natural resource assessment and the other studies recommended.

Mr. Moyer commented he understood the application was for a concept plan approval, but did not feel the application was in compliance with the comp plan that encourages more open space. He was concerned with the impact 76 individual home sites will have on the property and on the neighbors the way it is being proposed. He was also concerned with the difficult accesses off of 1500 N., Grand Teton Drive and Stateline Road. Mr. Moyer was also concerned with water quality issues because of so many individual wells and septic systems so close together and the fact that there are already documented high levels of nitrates in the soil along Grand Teton Drive. He felt the results of the N-P study alone would likely require a reduction in density and a redesign before the preliminary application is submitted.

Mr. Haddox commented he wanted to be sure information was obtained from Teton County, WY regarding the traffic study since Stateline Road will be the main access for the proposed Phase I. He asked about a fiscal analysis and wanted to see how it would tie into the capital improvement plan, and wanted to have a time frame for buildout. Mr. Haddox was also concerned about the N-P levels existing in that area. Regarding the open space easement for farming, he also did not think that was practical. His last comment was to request more information about the CC&Rs regarding fencing restrictions and open space management.

Mr. Larson commented he was disappointed in the application because of how it does not relate to the comp plan and the new draft code. He agreed with the previous comments regarding the proposed ag operation's potential for success, and felt the site would need some redesign to make it work. His last comment was to encourage the applicant to try and be more in compliance with the comp plan going forward.

Mr. Booker commented he did appreciate the developer's plan from a business standpoint wanting to make a profit on his land, but he still believed the application should be more in line with the comp plan. He supported asking for studies that will help with the final design at the preliminary stage, but wasn't sure a wildlife study was necessary. He felt the wildlife will adapt to their environment. He was also concerned with the ag use proposed on open space areas because he

did not feel it was functional farm ground. Regarding fencing, he commented he would not want to have restrictions preventing him from putting up fencing on his property, and with the proposed ag use it cannot be fenced.

Mr. Hensel commented he felt the application was a bad concept plan. He was troubled by the road layout and would not be able to vote in favor of a subdivision laid out in the manner proposed. Regarding open space usage for farming, he felt that it was a good idea using a management plan to maintain open space before the subdivision reaches buildout. He also voiced concern for the fiscal viability for the proposed design because it was no different than existing subdivided property that has yet to sell. He felt they had a responsibility to the tax payers and other residents to look at the fiscal viability of the project when considering approval. He was disappointed that Teton County, WY did not provide comments since they are responsible for maintaining Stateline Road in that area and he felt they should be actively involved in the review process. Regarding fencing, he did not want to see any on individual lots and he was in favor of a wildlife study. He wanted to make sure the road ROWs and easements were identified correctly before the preliminary phase. He restated his biggest concern was the fiscal responsibility concerns approving another large subdivision in this area.

Mr. Larson commented he did not have a big problem approving the concept plan but wanted to make sure the developer has listened to their comments going forward. Mr. Booker was concerned the developer would be wasting his time going forward unless he is willing to address the concerns of the Commission and consider redesigning the site based on the results of the studies required, especially the access and traffic concerns with Stateline Road.

Mr. Statter commented he heard what the Board is saying, and committed that the work will be done at the preliminary plat stage if he can get a concept approval to move forward. He stated he believed he would be able to address the concerns voiced if he is allowed to move forward. If major redesign is warranted, especially after a fiscal analysis is done, he insisted he will do what is necessary to develop a quality subdivision.

Ms. Rader reminded the Commission that whatever decision they make it must be followed by a reason statement addressing the approval criteria in the code. A wildlife study is not part of the approval criteria in Title 9 because it is not in an overlay area, and in the existing code it would not be required but could be requested.

Mr. Hensel commented they do have the ability to ask for additional studies that are not required by Title 9 and he would like not only to see a wildlife study done, but also a fiscal analysis showing the viability of the project and a project buildout timeline.

MOTION: Mr. Larson moved that having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) can be satisfied with the inclusion of the following conditions of approval:

1. Provide an updated plan with the public road right of ways of N. Stateline Road and N 1500 E shown and removed from the lot areas, show the addition to the subdivision road with the road surface removed from the lot area, and include an updated number of lots proposed for this subdivision.
2. Provide an open space management plan as part of the preliminary plat application stating how much open space will be dedicated to agriculture, wildlife habitat, and pedestrian use.

Also include a map of where these uses will be located and elaborate on what pedestrian use means. Include in this plan how the open space easements will be managed. If no open space is proposed a management plan will be provided for all vacant lots.

3. Obtain access approval from Teton County, ID Road & Bridge for N 1500 E and N. Stateline Road.
 4. Begin working with EIPH for septic approval.
 5. Begin working with Teton County Fire District for fire suppression approval.
 6. Conduct/update required studies/plans for Preliminary Review: Traffic Impact Study, Public Service/Fiscal Analysis, Landscape Plan, Stormwater and Infrastructure Plans, Phasing Plan (if required), Natural Resource Analysis, and Nutrient Pathogen Study. The traffic impact study will include the distribution of traffic on Grand Teton Road.
 7. We request a year round wildlife study and a fiscal viability analysis.
- and having found that the considerations for granting the Concept Plan Approval to Peacock Property LLC can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
 - and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
 - I move to APPROVE the Concept Plan for Mountain Legends Ranch Subdivision as described in the application materials submitted June 7, 2016 and June 21, 2016 and as supplemented with additional applicant information attached to this staff report.

Mr. Arnold seconded the motion.

VOTE: After a roll call vote the motion was approved 6-1 with Mr. Moyer voting no.

Mr. Hensel closed the public hearing at 9:45.

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

Legal Description: RP03N45E134210; TAX #6795 SEC 13 T3N R45E

Ms. Rader stated it is a Scenic Corridor application and Mr. Halsey Hewson is requesting to build a storage shed on his property south of Victor, in the Victor Area of Impact, located at the corner of Highway 33 and E 9500 S. The property is completely within the Scenic Corridor Overlay and borders the city limits. Mr. Hewson submitted a completed scenic corridor design review application on June 28, 2016, and is currently working on getting his building permit application together. Before the building permit can be approved, a scenic corridor design review must occur and be approved for the structure. The proposed storage shed will be 50 feet from the outer edge of Highway 33's right of way, and this proposal complies with all required setbacks. Construction of the addition has not begun. Some photos of design options were included in the application and Mr. Hewson has submitted his two color choices for the building as well.

Applicant Presentation:

Mr. Hewson, applicant, commented he is aware of how high profile the property is and stated he wants to build a storage shed in a spot with as little visual impact as possible. He explained he will be building a Mormon style barn/house on the sagebrush flats after the new Comp Plan is

adopted and will be building the shed tucked away in the trees. He has located it in the trees for screening, and will plant additional landscaping once water is installed. He explained his color selection for the shed was based on colors that will blend well in the trees. He also pointed out that the shed will be around 5' to 6' below the surface of the road so it will be well hidden.

Commission Deliberation:

Mr. Larson asked if there were any water concerns on the site. Mr. Hewson commented there is an irrigation ditch on the site that flows in the spring. Mr. Hensel asked Mr. Hewson if he will be putting in additional landscaping when he builds his house. He stated he would once he has water available. Ms. Rader explained the shed didn't require additional landscaping and his building plans will be reviewed when he is building the house so landscaping could be a condition of approval at that time.

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

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

Mr. Larson Seconded the motion.

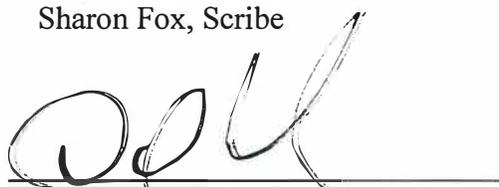
VOTE: After a roll call vote the motion was approved 7-1 with Mr. Moyer voting to deny.

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

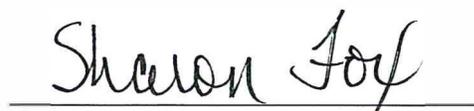
VOTE: The motion was unanimously approved.

The meeting was adjourned at 10:05 pm.

Respectfully submitted,
Sharon Fox, Scribe



Dave Hensel, Chairman



Sharon Fox, Scribe

Attachments:

1. PZC July 12, 2016 Meeting Packet
2. July 12, 2016 Public Comment
3. Written Decision for Mountain Legends Ranch



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

Amended on
6-29-2016 to
add item #3

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

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

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

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

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

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

The River Rim Public Hearing has been canceled. The applicant withdrew this application on June 24, 2016.

7:30 PM – Item #3 – Continuation of 5/10/2016 PUBLIC HEARING: Application for River Rim Ranch PUD Division II to amend the Phase I Plat and Development Agreement. GBCI Other Real Estate, LLC & 211 West Rim, LLC, is proposing an amendment to the River Rim Ranch PUD Division II, Phase I, Final Plat that would return the golf course portion of the PUD and the "incidental uses" associated with the golf course. The proposed amendment includes the following changes to the West Rim Village (entrance) Area: office, conference space and spa uses in the existing headquarters building; a commercial support center with a gift shop, office shops, and convenience store uses; a recreation center; 12 two-unit housing units and storage facility. The proposed amendment also includes the following changes to the Golf Village Area: Modifying Tract D from 45 Cluster Chalets to 48 two-room Hospitality Suites; Modifying Tract E from 12 residential lots to 48 two-room Hospitality Suites; and Pro Shop, dining and spa uses; eliminating the 3 residential lots on Tract G for the O&M facilities; removing the 6 lots from Tract J for the driving range. The Development Agreement would be modified to allow the golf course and associated incidental uses, identify the uses of each lot/tract in Phase I, and update the cost estimate and timelines.

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

ADJOURN

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

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

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

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

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

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

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

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

Continuation of 5/17/2016 PUBLIC HEARING: 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 there were three outstanding items in the ordinance, in her opinion. The first point she discussed involved definitions. She was concerned that the ordinance contained too many different terms that were confusing on their meaning. She felt there was a need to clarify

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.

Planning & Zoning Commission Hearing 6/14/2016

1 of 5

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sharon Fox, Scribe

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

Documents to Review

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



WHAT YOU NEED TO KNOW

about the Teton County, Idaho Land Use Development Code Update

Why is the Code being Updated?

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

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

How does the Code Update get Approved?

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

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

What parts of the code are being updated?

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

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

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

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

How You Can Be Involved

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



Compliance with the Comprehensive Plan Goals & Policies

natural resources + outdoor recreation

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

economic development

- Encourage, promote and support locally-owned businesses and create a hospitable and attractive environment for businesses and tourists.
This code allows for a variety of uses in the county in Article 10. This code also allows for a hospitable and attractive environment by protecting agricultural lands and natural resources, defoliar trees, allowing recreational uses, and lodging.
- Preserve our rural character and heritage and promote local agricultural industries.
This code has rural zoning districts with a reduced density and open space requirements that identify agricultural lands as a priority. Agricultural uses are permitted in all zoning districts. There are also agricultural building types and agricultural specific design standards, such as the scenic corridor.
- Recognize that tourism and lifestyle are fundamental components of our economy and are dependent on healthy natural resources.
The updated code addresses this in different ways. One step is through Article 13, by requiring a Property Development Plan that includes appropriate studies for each development type (public services & fiscal impact, traffic impact), density is reduced throughout the county, open space is required for subdivisions. Transferred Development Rights is an option, and commercial travel is limited.
- Accommodate additional population by supporting development that is economically responsible to the County and the community.
The updated code addresses this in different ways. One step is through Article 13, by requiring a Property Development Plan that includes appropriate studies for each development type (public services & fiscal impact, traffic impact), density is reduced throughout the county, open space is required for subdivisions. Transferred Development Rights is an option, and commercial travel is limited.
- Support the development of a communications Master Plan
A land use code would not include a communications Master Plan, but the code does allow for wireless telecom facilities and utilities.

agriculture + rural heritage

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

transportation

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

community events + facilities

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

Land Use Development Code Update FREQUENTLY ASKED QUESTIONS

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

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

Can I subdivide my land?

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

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

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

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

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

What is the difference between density and lot size?

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

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

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

Is open space required?

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

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

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

Are home businesses allowed?

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

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

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

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

Did the scenic corridor regulations change?

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

May I rent out my property?

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

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

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

What is the Right to Farm Act?

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

Can I have two residences on my property?

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

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

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

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

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

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



A REQUEST FOR A CONCEPT PLAN REVIEW APPROVAL
 By: Peacock Properties LLC
 For: Mountain Legends Ranch Subdivision
 Where: NE of Driggs, along N. Stateline Rd.
 Prepared For: Planning & Zoning Commission
 Public Hearing of July 12, 2016

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

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

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

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

LEGAL DESCRIPTION: RP05N46E084500 - TAX #6485 SEC 8 T5N R46E FKA Mountain Legends Ranch;

RP05N46E078250 - TAX #6484 SEC 7 T5N R46E FKA Mountain Legends Ranch

LOCATION: Northeast of Driggs, Southeast of Teton, along N. Stateline Road

ZONING DISTRICT: A-2.5

PROPERTY SIZE: 197.05 acres

VICINITY MAP:



PROJECT DESCRIPTION:

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

PROJECT BACKGROUND:

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

OVERVIEW OF CONCEPT APPROVAL:

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

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

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

KEY ISSUES:

Lot Area & Number of Lots

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

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

Roads & Addressing

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

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

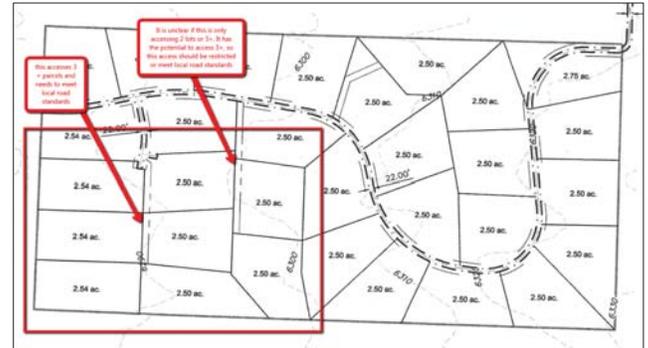


Figure 1: South parcel - Driveways that must meet local road standards or could be required to meet local road standards

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

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

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

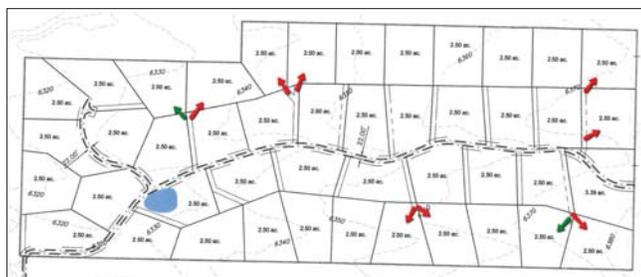


Figure 2: North parcel - shared driveways

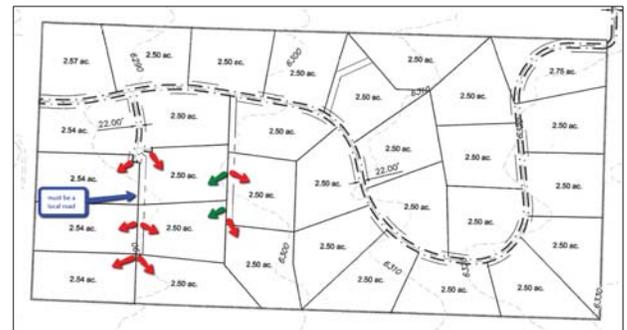


Figure 3: South parcel - shared driveways

Phasing

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

Studies/Plans Required to Preliminary Plat Application

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

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

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

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



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

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

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

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

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

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

INTER-AGENCY AND DEVELOPMENT REVIEW COMMITTEE COMMENTS

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

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

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

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

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

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE:

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

COMMENTS FROM NOTIFIED PROPERTY OWNERS & PUBLIC AT LARGE:

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

CONSIDERATION OF APPROVAL:

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

1. The conformance of the subdivision with the comprehensive plan.	
Applicant Comments	The property is within the Rural Neighborhood area on the Framework Map. See Attachment 2 for the list of Comprehensive Plan goals that applicant felt applied to this development.
Staff Comments	<ul style="list-style-type: none"> ▪ This property is identified as a Rural Neighborhood area, which includes medium density, single family neighborhoods, clustered development, amenity based neighborhoods, large open space, safe and convenient street and pathway connections, and a clear distinction between residential development and open space/agricultural areas. ▪ This proposal does not really cluster development, but it has created building envelopes to limit buildable space and added open space easements to allow for open space and agriculture. The open space easements do not include all of the space outside of the roads and building envelopes though, so it does not necessarily create corridors of open space. ▪ There is not currently a distinction between which open space is designated for agriculture, wildlife habitat, or pedestrian use, so it is unclear how much of each space is being preserved. The applicant also states there is no critical wildlife habitat on the property, so it is unclear what wildlife habitat would be protected. It is also unclear how this is an amenity based neighborhood. The applicant references nearby towns and Grand Targhee Resort, but the open space easements have the potential to create on site amenities. The open space is identified as being for pedestrian use, but it is not identified if this means trails or park areas, or if it will just be an open field or grassy lawn. The narrative states the development provides pedestrian recreation opportunities through the open space, but it does not say how. ▪ I think this proposal has the potential to be a rural neighborhood as described in the Comprehensive Plan if the open space was clearly defined for uses. Clustering could be somewhat accomplished with the minimum lot sizes and building envelopes, but the number of lots would need to be reduced to do this.
2. The availability of public services to accommodate the proposed development.	
Applicant Comments	This subdivision will utilize private well and onsite septic systems. There are entities in the area to provide public services to this development. A Fiscal Impact Analysis will be prepared with the Preliminary Plat application.
Staff Comments	The subdivision will access from public roads N. Stateline Road and N 1500 E. The applicant is proposing an onsite fire suppression system for this development. A Public Service/Fiscal Impact Analysis is required with the Preliminary Application, which will provide more information on the impacts to the service providers.
3. The conformity of the proposed development with the capital improvements plan (CIP).	
Applicant Comments	The Capital Improvements Plan assumes an average density of 50-80 units per 100 acres for the area of the proposed subdivision. The density of this development is 38.6 units per 100 acres. All required impact fees will be paid in accordance with the CIP in effect at the time of building permit issuance.
Staff Comments	This development is proposing a lower density than was assumed in the Capital Improvements Plan. If this development is phased, the demand on the County will be spread out over time. Impact fees will be paid during the building permit process to offset the impact of this development. The subdivision road will be private, so the County will not be responsible for maintaining that road.

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

POSSIBLE CONDITIONS OF APPROVAL

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

PLANNING & ZONING COMMISSION ACTION:

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

POSSIBLE MOTIONS

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

APPROVAL

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

1. Provide an updated plan with the public road right of ways of N. Stetline Road and N 1500 E shown and removed from the lot areas, show the addition to the subdivision road with the road surface removed from the lot area, and include an updated number of lots proposed for this subdivision.
 2. Provide an open space management plan as part of the preliminary plat application stating how much open space will be dedicated to agriculture, wildlife habitat, and pedestrian use. Also include a map of where these uses will be located and elaborate on what pedestrian use means. Include in this plan how the open space easements will be managed.
 3. Obtain access approval from Teton County, ID Road & Bridge for N 1500 E and N. Stetline Road.
 4. Begin working with EIPH for septic approval.
 5. Begin working with Teton County Fire District for fire suppression approval.
 6. Conduct/update required studies/plans for Preliminary Review: Traffic Impact Study, Public Service/Fiscal Analysis, Landscape Plan, Stormwater and Infrastructure Plans, Phasing Plan (if required), Natural Resource Analysis, and Nutrient Pathogen Study.
- and having found that the considerations for granting the Concept Plan Approval to Peacock Property LLC can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
 - and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
 - I move to APPROVE the Concept Plan for Mountain Legends Ranch Subdivision as described in the application materials submitted June 7, 2016 and June 21, 2016 and as supplemented with additional applicant information attached to this staff report.

DENIAL

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

1. ...

Prepared by Kristin Rader

Attachments:

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

End of Staff Report

ATTACHMENT 1

ATTACHMENT 1



SUBDIVISION/PLANNED UNIT DEVELOPMENT APPLICATION

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

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

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Peacock Property LLC

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

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

City: Jackson State: WY Zip Code: 83002

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

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

Location and Zoning District: RP05N46E084500

Address: N Stetline Rd & N 1500 E Parcel Number: RP05N46E078250

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

Proposed Units/Lots: 78 7/16 Proposed Open Space Acres: -100 acres

Proposing a Subdivision Zoning: A 2.5 R A 20

Proposing a Planned Unit Development Planned Community Rural Reserve

Latest recorded deed to the property Affidavit of Legal Interest

Development name approved by GIS Pre-application conference completed

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

Total fee = \$6322.00
10% = \$632.20

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

- Applicant Signature: *[Signature]* Date: 6/7/16
- Owner Signature: *[Signature]* Date: 6/7/16

SECTION II: CONSIDERATION FOR APPROVAL

Please submit narrative referencing the following:

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

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

1. Number of Plan:
 - Two (2) Plans (11" X 17" or 18" X 24") and digital copy prepared by a professional land Surveyor/Engineer
2. Items on Plan/Plat:
 - Plat is labeled "Concept Master Plan" in the lower right corner
 - Open space, as required
 - Neighboring property boundaries and owners within 300 feet
 - Date prepared and date of any revisions
 - Scale of drawings
 - North arrow
 - Vicinity map
 - Section(s), Township, Range
 - Specific phase, if any, has been labeled
3. Topographical Information:
 - Contour lines
 - Flood hazard area, if any
 - Overlay areas
4. Design Requirements:
 - Total acreage
 - Number of lots and size
 - Street layout including width and designation of county road access with notation of approaches, if applicable, no closer than 300 feet to one another
 - Existing streets and names within 200 feet
 - Easements for irrigation, water, sewer, power and telephone

SECTION IV: CHECKLIST OF REQUIRED ITEMS

Please submit narrative or renderings addressing each of the following categories:

1. Water Issues:
 - Description of irrigation system
 - Description of culinary water system
 - Water rights
 - Description of waste system
 - Natural drainage channels
 - Storm and surface water drainage
2. Maps Required:
 - Soil types
 - Geographical hazards
3. Availability and capability of public services:

These topics are to be addressed in a general way. A Public Services/ Fiscal Analysis may be required at the Preliminary Plat stage, at which time these items will be addressed in detail.

 - Fire protection
 - Police protection
 - Public road construction and maintenance
 - Central water
 - Central sewer
 - Parks and open space
 - Recreation
 - Infrastructure/open space maintenance
 - Schools
 - Solid waste collection
 - Libraries
 - Hospital
 - Estimate of tax revenue
4. Zone Change, if any:
 - Current Zoning District
 - Proposed Zoning District
 - Submit completed Zone Change Application
5. Other Land Use Applications, if any:
 - Scenic Corridor
 - Conditional Use Permit
 - Variance
 - Other: _____

SECTION V: PLANNING ADMINISTRATOR/DESIGNEE REVIEW/ACTION

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

Planning Administrator/Designee Signature: [Signature]

Teton County, Idaho Concept Application 2.3.2011



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

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

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Peacock Property LLC
 Applicant: Peacock Property LLC E-mail: hetatter@firm
 Phone: (307) 732-3986 Mailing Address: PO Box 10586
 City: Jackson State: WY Zip: _____
 Engineering Firm: Arrowleaf Engineering Contact Person: Sarah Johnston Phone: _____
 Address: 55 S 5th E, Driggs ID 83422 E-mail: arrowleafengine

Location and Zoning District: _____ RPI
 Address: N Stateline Rd & N 1500 E Parcel Number: RPI
 Section: 7 & 8 Township: 5 N Range: 16 E Total Acreage: 19
 Proposed Units/Lots: 78 Proposed Open Space Acres: ~10

Proposing a Subdivision Proposing a Planned Unit Dev
 Zoning: A 2.5 RR A 20 Planned Community Rural
 Latest recorded deed to the property Affidavit of L
 Development name approved by GIS Pre-application
 10% of total base fee (see current fee schedule)
 total fee = \$16322.00
 10% = \$1632.20

1542 RECEIVED
 6/7/2016
 Pay to the Order of Teton County \$1632.20
 One thousand six hundred thirty-two and 20/100 Dollars \$1632.20
 Sarah Johnston
 Planning Administrator

MOUNTAIN LEGENDS RANCH SUBDIVISION PROJECT NARRATIVE

Teton County, ID

June 21, 2016

PREPARED FOR:
 Peacock Property LLC
 PO Box 10586
 Jackson, WY 83002

PREPARED BY:



INTRODUCTION

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

PROJECT COMPONENTS

Access & Circulation

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

Setbacks & Building Envelopes

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

Open Space and Density

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

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

Irrigation Water

The proposed development property has three water rights:

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

Domestic Water

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

Stormwater

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

Wastewater

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

Fire Protection

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

CONFORMANCE WITH THE COMPREHENSIVE PLAN

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

Rural Neighborhood Desired Characteristics

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

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

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

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

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

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

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

2.4 *Encourage and attract businesses that are economically and environmentally friendly, and promote stewardship and accountability in business.*
This policy is not applicable.

2.5 *Encourage development that adheres to environmental standards.*
This development adheres to environmental standards and best practices.

2.6 *Encourage policies and resources which enable farms to adapt to changing paradigms.*
This development enables farms to adapt to a changing paradigm by preserving farmable land in the subdivision open space.

Goal ED 3: Recognize that tourism and lifestyle are fundamental components of our economy and are dependent on healthy natural resources.
This development site was chosen because it is does not contain unique natural resources. There are NO natural resource overlays on the property.

3.1 *Encourage economic development through the promotion of recreational opportunities and natural resources.*
The development’s open space provides pedestrian recreation opportunities for residents. The development promotes the protection of natural resources by providing housing opportunities in an area outside the mapped Natural Resource Overlays.

3.2 *Conserve Teton County’s natural resources in order to enhance economic development.*
There are no unique or sensitive natural resources on the site.

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

4.1 *Assess the public service requirements of new developments and weigh their off-site impacts against projected changes in revenue before approving new developments.*
A detailed Fiscal Impact Analysis will be prepared and submitted with the Preliminary Plat Application.

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

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

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

4.4 *Utilize a variety of regulatory and incentive-based tools to reduce density in sensitive areas and encourage density in areas where services exist.*
The proposed development is not located in a sensitive area. The proposed density is comparable to that of other neighborhood-type developments in the area.

4.5 *Limit commercial retail business to Driggs, Victor and Tetonia.*
The proposal supports this policy; there are no commercial retail uses proposed in the development.

4.6 *Provide a variety of housing types that are accessible to a socially and economically diverse population.*
The proposal supports this policy by allowing smaller homes than many existing subdivisions in rural neighborhoods.

4.7 *Encourage creative economic solutions such as live-work opportunities and appropriate home businesses.*
This policy is applicable to planning policy, but is not applicable to this proposal.

4.8 *Encourage the development of low-density, high-quality neighborhoods adjacent to existing cities.*
This development is located in the Rural Neighborhood area of the Framework Map due to its proximity to Driggs and the established land use pattern in the area.

4.9 *Maintain rural areas that encourage farming and ranching and support low density residential development.*
The development incorporates agricultural open space that will help foster the rural character of the site and allow continued farming.

Goal ED 5: Support the development of a communications Master Plan.
This policy is not applicable.

Goal T 1: Provide well-maintained transportation infrastructure including roads, paved pathways and sidewalks.
The HOA will maintain all subdivision infrastructure including roads.

- 1.1 *Improve the conditions and safety for vehicles, bicycles and pedestrians of existing transportation infrastructure, especially roads important for agriculture.*
This policy is not applicable.
- 1.2 *Identify and implement financing mechanisms to pay for needed transportation maintenance and improvements.*
This policy is not applicable.
- 1.3 *New development will provide adequate transportation facilities to accommodate needed services.*
A Traffic Impact Study will be completed and submitted with the Preliminary Plat Application.
- 1.4 *Adopt a variety of design standards for all transportation infrastructure.*
This policy is not applicable.
- 1.5 *Provide/promote off-road transportation corridors to and from Public Lands suitable for both motorized and non-motorized vehicles.*
The proposed development is not adjacent to Public Lands.
- 1.6 *Educate and inform the public regarding transportation goals, costs and benefits; road construction and maintenance; and plowing schedules and policies.*
This policy is not applicable.
- 1.7 *When key infrastructure (roads, bridges, pathways, etc) is damaged or destroyed by naturally occurring events, including deterioration due to age and use, it should be replaced within as short a timeframe as feasible to avoid disruption of service to the public.*
This policy is not applicable.
- Goal T 2: *Create convenient, safe, timely, financially sustainable and efficient options for multi-modal* transportation that satisfies a multitude of needs.*
This policy is not applicable.
- Goal T 3: *Provide a well-connected transportation network within Teton Valley and within the region.*
This policy is not applicable.
- Goal T 4: *Develop transportation appropriate for a rural community, respectful of the unique character of Teton Valley.*
This policy is not applicable.
- Goal T 5: *Support continued improvements to the Driggs Memorial Airport to support Teton County's aviation needs.*
This policy is not applicable.

- Goal NROR 1: *Conserve our public lands, trail systems, and natural resources (air, water, wildlife, fisheries, wetlands, dark skies, viewsheds, soundscape, soils, open space, native vegetation).*
The proposed development uses easements and building envelopes to conserve open space. Building envelopes are proposed to enhance the quality of meaningful farmable ground, as well as to further protect views. The site has been farmed with a palette of native and agricultural vegetation; the current perennial hay mix used on the site is a mix of native and non-native species with commercial and forage value. There are no unique or sensitive natural resources on the site. There are no trail systems in the area. Public Lands are not affected by the proposal.
- Goal NROR 2: *Enhance and preserve access to public lands and recognize the need to accommodate different user groups in a way that minimizes user conflict and damage to natural resources.*
There are no Public Lands adjacent to the site; this policy is not applicable.
- Goal NROR 3: *Provide and promote exceptional recreational opportunities for all types of users (including but not limited to biking, skiing, fishing, off-highway vehicle use, target practice, hunting, trail users, equestrians, boating, non-motorized flight) as a means for economic development and enhanced quality of life.*
This policy is not applicable.
- Goal NROR 4: *Balance private property rights and protection of our natural resources.*
- 4.1 *Ensure that development regulations balance natural resources protection, viewshed protection and growth, are clear and predictable, and preserve the economic value of the land.*
The proposed development provides a balance of housing opportunities and agricultural open space in a way that preserves the economic value of the land.
- Goal NROR 5: *Recognize, respect and/or mitigate natural hazards, including but not limited to flooding, earthquakes, landslides, radon and fires.*
The site is not located in a high-hazard area.
- Goal NROR 6: *Promote natural resource protection by a variety of means including financial compensation for willing buyer/willing seller agreements that promote open space acquisition and land and water easements.*
This development is voluntarily including open space easements.
- Goal NROR 7: *On public lands and accesses, balance recreation with protection of natural resources.*
This policy is not applicable.
- Goal NROR 8: *Respect sensitive habitat and migration areas for wildlife.*
The site does not have any migration corridors or sensitive areas.

- Goal CEF 1: *Provide high-quality public and private services and facilities in a coordinated manner for the health, safety, and enjoyment of the community.*
This policy is not applicable.
- Goal CEF 2: *Encourage the development and support of high-quality education facilities (primary, secondary and post-secondary) and diverse and affordable activities for all ages.*
This policy is not applicable.
- Goal CEF 3: *Encourage an environment that fosters community involvement.*
This policy is not applicable.
- Goal CEF 4: *Adequately fund existing and future public services and facilities.*
This policy is not applicable.
- Goal ARH 1: *Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.*
- 1.1 *Ensure that planned growth maintains Teton Valley's rural character.*
The development is maintaining the rural character of the area by implementing agricultural open space easements, while also providing moderate residential density where residential density has been identified as a community value.
- 1.2 *Encourage vacation of subdivision plats where appropriate and viable.*
This policy is not applicable.
- 1.3 *Ensure that open spaces are managed responsibly.*
The CCR will include language that will make management of the open space easements the responsibility of the HOA.
- 1.4 *Maintain the County's rural heritage through the scenic corridors.*
The site is not in a scenic corridor; this policy is not applicable.
- 1.5 *Support the preservation of open space, farmland, natural beauty, and critical environmental areas.*
The development is using open space easements to help promote farmland and natural beauty on the site. There are no critical environmental areas on the site.
- 1.6 *Encourage higher density development in the cities of Driggs, Victor, and Teton.*
The density of this proposal is consistent with the vision of the Comprehensive Plan for this area.
- Goal ARH 2: *Balance property rights and rural character.*
This development provides residential housing opportunities and preserves the rural neighborhood character of the area.
- Goal ARH 3: *Support and enhance agriculture and ranching.*
This proposal supports agriculture by using agricultural open space easements.

- Goal ARH 4: *Respect cultural heritage sites.*
This policy is not applicable.
- Goal ARH 5: *Reduce infestation/introduction of invasive species.*
Control of invasive species will be addressed in the CCR.

AVAILABILITY AND CAPACITY OF PUBLIC SERVICES

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

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

CONFORMANCE WITH THE CAPITAL IMPROVEMENTS PLAN

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

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

OTHER HEALTH, SAFETY, OR GENERAL WELFARE CONCERNS

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

181457

RECEIVED
OCT 18 2006
TETON CO. ID
CLERK OF RECORDS

File Number: 50383
RECORDING REQUESTED BY:
Teton County Title
AND WHEN RECORDED MAIL TO:
Teton County Title
PO Box 338
Victor, ID 83455

WARRANTY DEED

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

the Grantor, hereby grants, bargains, sells, conveys and warrants unto
Peacock Property, LLC, A Delaware limited liability company
the grantee, whose current address is PO Box 10586, Jackson, WY 83002
the following described premises, to wit:
The North 1/2 of the Southeast 1/4 of Section 7, Township 5 North, Range 46 East of the Boise Meridian, Teton County, Idaho

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

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

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

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

Dated: October 17, 2006

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

[Signature]

File Number: 50383 Teton County Title, LLC
Warranty Deed - Trust
Page 1 of 2

Instrument # 181487
DRIGGS, TETON, IDAHO
2006-10-18 03:48:10 No. of Pages: 2
Recorded for: TETON COUNTY TITLE
NOLAN G. BOYLE
Ex-Officio Recorder/Deputy
Teton County, Idaho

181457

2 7 9251 0N

800180 101 WEE3: 9002 91 44N

180623

File Number: 50383
RECORDING REQUESTED BY:
Teton County Title
AND WHEN RECORDED MAIL TO:
Teton County Title
PO Box 338
Victor, ID 83455

RECEIVED
OCT 27 2006
TETON CO. ID
CLERK OF RECORDS
Instrument # 180623
DRIGGS, TETON, IDAHO
2006-09-27 03:48:10 No. of Pages: 2
Recorded for: TETON TITLE
NOLAN G. BOYLE
Ex-Officio Recorder/Deputy
Teton County, Idaho

WARRANTY DEED

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

the Grantor, hereby grants, bargains, sells, conveys and warrants unto
Peacock Property, LLC, a Delaware Limited Liability Company
the grantee, whose current address is P.O. Box 10586 Jackson, WY 83001
the following described premises, to wit:
See attached exhibit "A"

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

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

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

Dated: September 21, 2006

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

STATE OF Idaho)
) ss.
COUNTY OF Bonneville)

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

WITNESS MY HAND AND OFFICIAL SEAL.

[Signature]
Notary Public
Resides at: Teton, ID
My commission expires: 01-23-2007

180623

File Number: 50383 Teton County Title, LLC
Warranty Deed - Trust
Page 1 of 2

File Number: 50383

STATE OF Idaho)
) ss.
COUNTY OF Bonneville)

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

[Signature]
Notary Public
Residing at: Teton, ID
My commission expires: 03-08-07



181457

2 7 9251 0N

800180 101 WEE3: 9002 91 44N

EXHIBIT "A"

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

Commencing at the NE corner of said Section 8; thence S 00° 06' 34" E along the East line of said Section 8, also being the state line between Idaho and Wyoming, a distance of 845.12 Feet; thence N 89° 50' 38" W along the South Boundary of that Parcel of land identified as Tax No. 3236 in the Records of said Teton County a distance of 623.20 Feet to a found 1/2 inch Rebar being the POINT OF BEGINNING; thence along the boundary of Prime and Griggs parcels as identified at Tax No. 3015 and at instrument No. 107904 in said Teton County Records for the following two courses:
1.) S 00° 06' 34" E a distance of 1397.61 Feet;
2.) S 89° 47' 03" E a distance of 623.30 Feet;
thence S 00° 06' 34" E along east line of Section 8 a distance of 60.01 Feet;
thence N 89° 47' 03" W a distance of 2405.10 Feet to a 1/2 inch Rebar with plastic cap bearing the PLS No. 5717;
thence N 89° 47' 12" W a distance of 1315.76 Feet;
thence N 00° 03' 32" W along the West line of said Section 8 a distance of 975.27 Feet to the NW corner of the SW 1/4 NW 1/4 of said Section 8, being a 5/8 inch Rebar with aluminum cap bearing the PLS No. 2860;
thence N 00° 07' 11" W along said West line of Section 8 a distance of 230.54 Feet to a 1/2 inch Rebar with plastic cap bearing said PLS No. 5717;
thence S 89° 49' 02" E a distance of 1316.06 Feet to a 1/2 inch Rebar with plastic cap bearing said PLS No. 5717;
thence N 00° 04' 17" W a distance of 249.26 Feet to a point, from which the NW corner of the NE 1/4 NW 1/4 of said Section 8 bears N 00° 04' 17" W 843.86 Feet distant;
thence S 89° 50' 38" E along the South boundary of said parcel identified as Tax No. 3236 a distance of 1780.60 Feet to the POINT OF BEGINNING.

180623

File Number: 50383 Teton County Title, LLC
Warranty Deed - Trust
Page 2 of 2

RECORDING REQUESTED BY:
Teton County Title
Instrument # 180626
DRIGGS, TETON, IDAHO
AND WHEN RECORDED MAIL TO:
2006-09-22 03:57:02 No. of Pages: 2
Teton County Title Recorded for: TETON TITLE
PO Box 338 NOLAN G. BOYLE
Victor, ID 83455 Ex-Officio Recorder Deputy
Fees to DEED: WARRANTY Fee: 6.00



WARRANTY DEED

FOR VALUE RECEIVED

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

GRANTOR(S), hereby grants, bargains, sells, conveys and warrants unto Peacock Property LLC, A Delaware limited liability company

GRANTEE(S), whose current address is: P.O. Box 10586, Jackson, WY 83001 the following described premises, to wit:

See "Exhibit A" attached hereto

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

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

Dated this 21st day of September, 2006.

Michael T. Prime *Robyn Prime*
Michael T. Prime Robyn Prime

STATE OF Idaho)
COUNTY OF Teton) ss.

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

Paula M. Harau
Notary Public
Residing at: Teton, ID
My commission expires: 01-23-2007



180626

File Number: 50531

EXHIBIT "A"

Parcel 1:

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

Parcel 2:

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

180626

File Number: 50531

180625

RECORDING REQUESTED BY:
Teton County Title
Instrument # 180625
DRIGGS, TETON, IDAHO
AND WHEN RECORDED MAIL TO:
2006-09-22 03:54:44 No. of Pages: 2
Teton County Title Recorded for: TETON TITLE
PO Box 338 NOLAN G. BOYLE
Victor, ID 83455 Ex-Officio Recorder Deputy
Fees to DEED: WARRANTY Fee: 6.00

WARRANTY DEED

FOR VALUE RECEIVED

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

GRANTOR(S), hereby grants, bargains, sells, conveys and warrants unto Peacock Property LLC, A Delaware limited liability company

GRANTEE(S), whose current address is: P.O. Box 10586, Jackson, WY 83001 the following described premises, to wit:

See "Exhibit A" attached hereto

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

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

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

Dated this 21st day of September, 2006.

Neil R. Griggs
Neil R. Griggs

Virginia Griggs
Virginia Griggs

STATE OF Idaho)
COUNTY OF Bonneville) ss.

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

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



180625

ATTACHMENT 3

File Number: 50531

EXHIBIT "A"

Parcel 1:

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

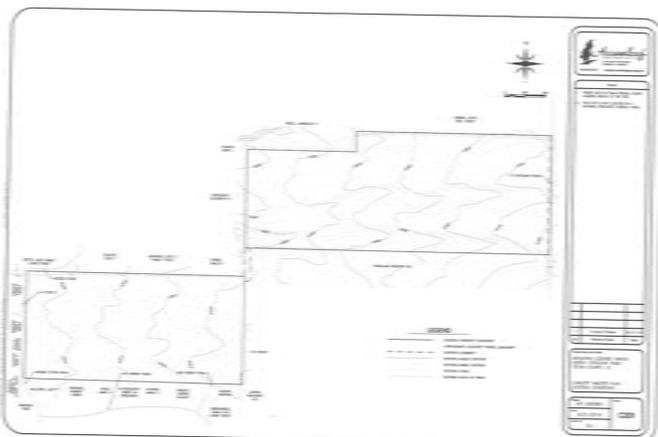
Parcel 2:

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

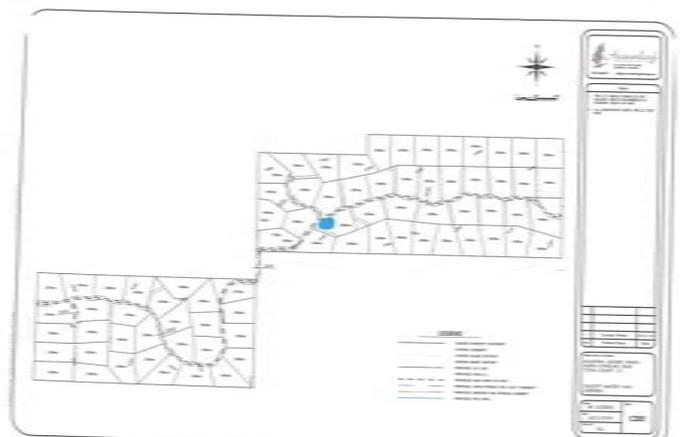
ATTACHMENT 4

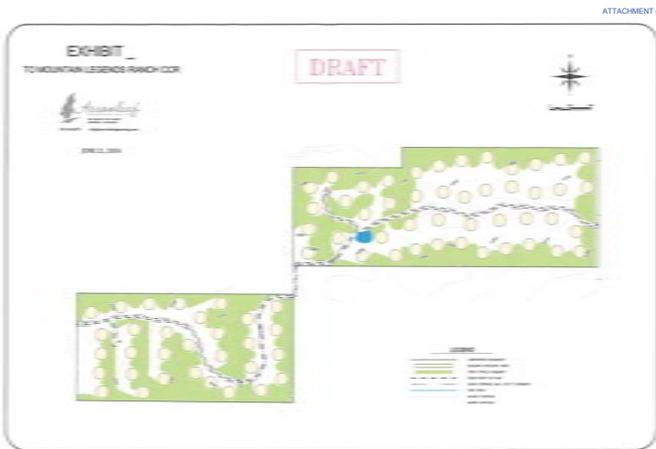


ATTACHMENT 4

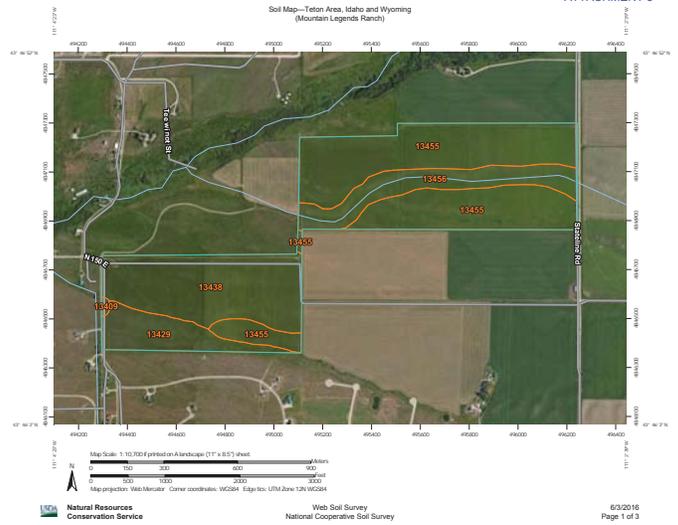


ATTACHMENT 4





ATTACHMENT 4



ATTACHMENT 5

Soil Map—Teton Area, Idaho and Wyoming

ATTACHMENT 5

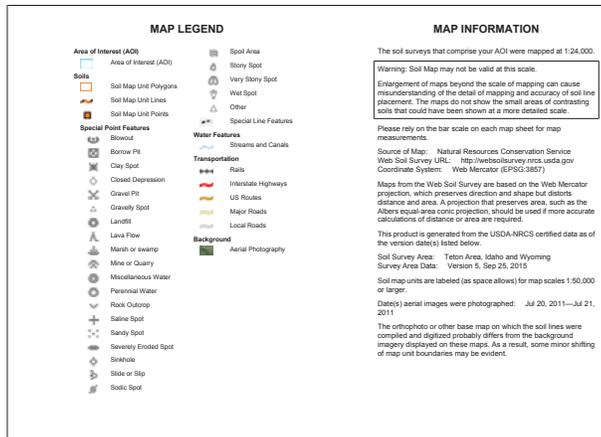
Mountain Legends Ranch

Map Unit Legend

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

ATTACHMENT 5

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





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

ATTACHMENT 6

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

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

Roads & Utilities

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

Fire Protection

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

Sewer/Septic

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

Plans & Studies

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

ATTACHMENT 1

ATTACHMENT 6

- Nutrient Pathogen Evaluation:** There are three triggers that may apply to this development. If one of these exist, the Nutrient Pathogen Evaluation will be required for Preliminary Review.
 - There is evidence that ground water, at some time of the year, comes within ten feet of the ground's surface at any location on the proposed development parcel; or
 - There is evidence that soil depth to fractured bedrock is ten feet or less anywhere on the proposed development; or
 - The proposed development is within an area where the concentration of nitrate-nitrogen in ground water is five (5) mg/L or higher
- More information on the required studies can be found in the [Teton County Code, Title 9](#).

Public Hearing Information:

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

ATTACHMENT 7

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

June 24, 2016

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

Dear Property Owners:

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

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

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

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

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

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

PUBLIC HEARING

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

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

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

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

ATTACHMENT 7



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



June 30, 2016

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

Dear Property Owners:

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

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

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

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

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

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

Sincerely,

Kristin Rader
Interim Planning Administrator

PUBLIC HEARING

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

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

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

Kristin Rader

From: Joy Sawyer-Mulligan
Sent: Friday, July 01, 2016 4:43 PM
To: PZ
Subject: Mountain Legends Concerns

TETON COUNTY PLANNING & ZONING
JUL 01
RECEIVED

Dear Members of the P&Z committee:

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

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

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

Thank you for your thoughtful approach to what is ahead.

Respectfully,

Joy Sawyer-Mulligan
Alta

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

1

Comment 1



TETON COUNTY PLANNING & ZONING
ATTACHMENT 8
JUL 01
RECEIVED



To: Kristin Rader

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

Dear Kristin,

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

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

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

- The proposed development is within an area where the concentration of nitrate-nitrogen in groundwater is five mg/l or higher.
There is evidence that groundwater comes within ten feet of the ground surface on the proposed development parcel some time of the year.

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

Sincerely,

2

Comment 2

Amy Verbeten

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

Well Address	City	Test Results	Additional info
Yellow Rose Dr.	Alta	-	Wyoming
W. Teton Hiikeway	Alta	-	Wyoming
Leigh Lane	Alta	-	
Greenville Rd	Alta	0	Wyoming
N Bustle Creek Rd	Alta	5	Wyoming
Alta North Rd	Alta	-	Wyoming
E. Ski Hill Rd	Alta	0	Wyoming
Perimeter Drive	Alta	0	Wyoming
E Bustle Creek Drive	Alta	-	Wyoming
	Alta	0.5	
Bates Rd.	Driggs	0.5	faucet
S. Main St.	Driggs	0.5	B-1
Bates Rd.	Driggs	0.5	Filtered
Little Ave	Driggs	0.5	
Aspen Meadows Dr.	Driggs	-	
S. Deer Springs Rd	Driggs	-	
Buttermilk Drive	Driggs	0	
West Ridge Ranch	Driggs	5	
341 Hill Rd	Driggs	0	
Deer Springs Rd	Driggs	5	
Wild Cat Canyon Loop	Driggs	-	
S. Stateline Rd.	Driggs	0	
Higby Rd	Driggs	5	
E. 1000 S.	Driggs	-	
Table Rock Dr.	Driggs	0.5	
Honeybee Lane	Driggs	0.5	
Mt. Washburn	Driggs	0.5	
Mt Davidson	Driggs	0.5	
Grand Teton Rd.	Driggs	5	
Cobblecrist	Driggs	0	
E 5600 N	Driggs	0.5	
S 385 E	Driggs	0.5	
Middle Teton Rd	Driggs	-	
E 2000 South	Driggs	0	Darby Canyon PWS
N Hwy 33	Driggs	-	
Old Highway Rd	Driggs	0.5	
Talain Cr	Driggs	0	
Fall line dr	Driggs	-	
Brand Street	Driggs	0.5	
W 4000 N	Driggs	-	
W 1000 S	Driggs	0.5	
S 5000 S	Driggs	0.5	
S Agate	Driggs	0	
S Agate	Driggs	0	
S 500 W	Driggs	0	
S 500 W	Driggs	0	
N 5500 W	Driggs	0	
S Bates	Driggs	0.5	
S 1333 W	Driggs	0	
Mtn Meadows Dr	Driggs	-	
Grand Teton Rd	Driggs	5	
Teton High School	Driggs	0	
Packadiddle	Driggs	0.5	
S 70 West	Driggs	0	
South 500 West	Driggs	-	
S Aspen Drive (Packadiddle Estates)	Driggs	0	
Butler Lane	Driggs	-	

Deer Springs Lane	Driggs	-	
N Highway 33	Driggs	-	Wyoming
South 3500 West	Driggs	0	
South 2000 East	Driggs	0	
Wildcat Canyon rd	Driggs	-	
Deer Springs Rd	Driggs	-	
Fall Line Drive	Driggs	0.5	
Targhee Ranch Subdivision	Driggs	0.5	
Black Bear Drive	Driggs	-	
North State Line Rd	Driggs	-	
Clearview Drive	Driggs	0	
Table Rock Drive	Driggs	-	
Mt Davidson Drive	Driggs	0	
MT Meadow	Driggs	5	
Wildcat Canyon Loop	Driggs	0	
Targhee Ranch Subdivision	Driggs	0	
Westend Woodrush Lane	Felt	-	
	Swan Valley	0.5	
E. 1000 N.	Tetonia	0	
River Rim Ranch Rd.	Tetonia	0	
Chauche Vista Dr.	Tetonia	0.5	
8200 W.	Tetonia	0	
W. 13000 N.	Tetonia	5	
Blue Ridge Ln.	Tetonia	5	
Fischer Lane	Tetonia	-	
Fischer Lane	Tetonia	0.5	
N. 500 E.	Tetonia	-	
W. 4000 N.	Tetonia	-	
W. 7000 N.	Tetonia	0	
N 3000 W	Tetonia	0	city water
N 3000 W	Tetonia	-	
N 1985 E Staghorn Dr	Tetonia	-	
Brown Drake Ct	Tetonia	-	
River Rim	Tetonia	-	
Leigh Creek Estate Rd	Tetonia	0.5	
Beaver Blvd	Tetonia	0	
Renegade Dr	Tetonia	0.2	
N 2250 E	Tetonia	-	
N. 700 W	Tetonia	0	
Badger Creek Rd	Tetonia	0	
Aptaroka Ln	Tetonia	0	
Wolverine Way	Tetonia	0	
Moonlight Ln	Tetonia	-	
Quartz Drive	Tetonia	0.5	
Ramona Mt Rd	Tetonia	-	
W 6000 N	Tetonia	-	
N 500 W	Tetonia	-	
W Highway 33	Tetonia	-	
W Highway 33	Tetonia	-	Cabin
W 8750 N	Tetonia	-	
W 8750 N.	Tetonia	0	
Broken Arrow Rd	Tetonia	0	
N 6600 W	Tetonia	0.5	
N 500 W	Tetonia	-	
Thistle Creek	Victor	-	
S. 5000 W.	Victor	0	
Raid Eagle Dr.	Victor	0	
E. 4500 S.	Victor	-	
E. 5500 S.	Victor	0	

Country Club Dr	Victor	-	
Thistle Cr. Dr.	Victor	0.5	
E. 4000 S.	Victor	5	
E. 5000 S.	Victor	0	
S. 1000 W.	Victor	0	
Oliver Rd.	Victor	0	
S. 4500 W.	Victor	-	
W. 4500 S	Victor	0	
Diamond T Trl	Victor	-	
S 500 W	Victor	0.5	
Stellar East	Victor	-	
S Hwy 33	Victor	-	
Avalanche Rd	Victor	5	
S 60 E	Victor	5	
Sweet Home Dr	Victor	0	
village way	Victor	0	
Larkspur Meadows	Victor	0.5	
Riverbend Ln	Victor	5	
S 500 W	Victor	0.5	
S 700 W	Victor	0	
S 600 W	Victor	0	
Running Horse Trail	Victor	0.5	
W 7000 S	Victor	0.5	
Sorenson Creek	Victor	0	
W 7000 S	Victor	0	
Mustang Trail	Victor	5	
Thistle Cr Dr	Victor	-	
Storm View Loop	Victor	0.5	
E 4500 S	Victor	-	
8500 South	Victor	0	
South Highway 31	Victor	0	
West Birch Street	Victor	0.5	
Sorenson Creek Rd	Victor	0	
West 4000 South	Victor	0.5	
S 500	Victor	0	
Taylor Ridge Lane	Victor	0.5	
Running Horse Trail	Victor	0	
W 9600 S	Victor	0.5	
Shadowmoun #323	Victor	-	
Line View Ln	Victor	0.5	

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

June 30, 2016

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



Dear Ms. Rader,

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

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

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

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

Comment 3

Page: 2

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

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

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

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

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

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

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

Sincerely,
KC. Murphy MD. Diane Murphy

Addendums on next page:

Page: 3

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

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

The screenshot shows the website for the Ada County Highway District. The header includes the ACHD logo and navigation links: HOME, ABOUT ACHD, CONTACT US, MEETINGS, ROADWORK, TRAFFIC, EMPLOYMENT. The main content area is titled "Projects" and features a search bar. A project titled "Cartwright Road Reconstruction" is highlighted. Below the title, there is a "General Description" section with the following text: "Cartwright Road from the intersection of Dry Creek Road to Pierce Park Lane will be reconstructed over the next six months to create a wider, safer road. The developers of Cartwright Ranch are doing the estimated \$1.6 million project, which was required by Ada County Highway District. The road will be closed during construction, which starts on April 14, 2008 and will end in early October. Cartwright will be expanded from a 22-foot-wide road to a 32-foot-wide road with two, 11-foot-wide vehicle lanes and two, 4-foot-wide paved shoulders, which will greatly increase safety for cyclists, pedestrians and stalled cars. The new road will also have one-foot-wide gravel shoulders. Extensive earth moving forced the road closure. The Cartwright hill between Dry Creek and Pierce Park will be reduced by about 15 feet and the grade reduced from 12 to 14 percent to 10 percent. The Cartwright/Pierce Park intersection will also be rebuilt to eliminate the current, sharp angle and create a more traditional T-shaped intersection. A second segment of Cartwright Road, the section from the future 36th Street extension to the entrance of the Owyhee Motorcycle Club, is also likely to be widened as part of this project. The current road section ranges from 20 to 25 feet in width and will be reconstructed to the 32-foot-wide section mentioned above, two, 11-foot-wide vehicle lanes, two, 4-foot-wide paved shoulders and two, 1-foot-wide gravel shoulders. This second phase of the work would eliminate the last of the narrow sections of the road and has received preliminary approval from the impacted property owner. The second phase will likely occur in the summer. The road work is being done in advance of the construction of the Cartwright Ranch Planned Community, which is located on Cartwright Road almost mid way between Dry Creek Road and Pierce Park Lane. The planned community eventually will have 820 homes. The subdivision will be capped at 275 units until the nearby extension of 36th Street to Cartwright Road is made, and that project has not been scheduled. (Until the second segment of Cartwright Road improvements is completed, the subdivision will be limited to 200 homes.) Cartwright Ranch was originally approved as Neville-Nordling Ranch subdivision in June 2001 but was subsequently modified extensively and approved by ACHD and Ada County in early 2008." There is also a "Subscribe for updates to this project to be sent to your email" form with fields for "Your Name:" and "Your Email:" and a "Submit" button.

Next Page → Page 1 of 2

Kristin Rader

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

TETON COUNTY PLANNING & ZONING
JUL 01 2016
RECEIVED

To the P and Z,

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

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

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

We must protect these vulnerable animals.

Sincerely,

Georgina Worthington

Mountain Legends Subdivision
A Dozen Wrongs Don't Make a Right

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



From State Line Rd of Mt Legends: Scenic Ag Land

Teton Valley's Own Elk Refuge



running near Mt Legends property

Illustration 1: The Elk Herd

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

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

Sincerely,
Tom & Suzanne Arden
Tetonia

TETON COUNTY PLANNING & ZONING
JUL 01 2016
RECEIVED

Comment 5

Comment 4

1

Kristin Rader

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

TETON COUNTY PLANNING & ZONING
JUL 02 2016
RECEIVED

Dear Teton County Planning,

I am property owner at 1623 Mt. Moran Road (Teewinot subdivision.) Regarding proposed Mt Legends subdivision: This proposed subdivision is directly across from my home. I appreciate that this proposal will include 2.5 acre lots which will maintain property values in the area. Because Teewinot HOA pays for plowing and maintaining road and because of likely increased traffic, it is important that proposed subdivision have their own independent access road. (and not Grand Teton rd) I would like to know proposed set backs of new homes.

This will certainly impact my view and property values. A larger question is : Does Teton Valley truly need another subdivision. There are so many subdivisions that currently have no homes built. There are so few places left in the west that have the kind of open space and views of Teton Valley. It would seem important for planning commission to preserve these increasingly rare qualities. Thank you kindly,

Howie Garber

HOWIEGARBER | IMAGES
www.HowieGarberImages.com

Kristin Rader

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

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

TETON COUNTY PLANNING & ZONING
JUL 02 2016
RECEIVED

Comment 7

Comment 6

1

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

Larry and Kim Redd

July 1, 2016

Teton County Planning Department
150 Courthouse Drive, Room 107
Driggs, ID 83422



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

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

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

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

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

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

Thank you for your consideration of this matter.

Sincerely,

Larry and Kim Redd



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



Dry Creek, which runs throughout the year.



Native flowers flourish throughout the Dry Creek area,



as do aspen, willows, and native grasses.



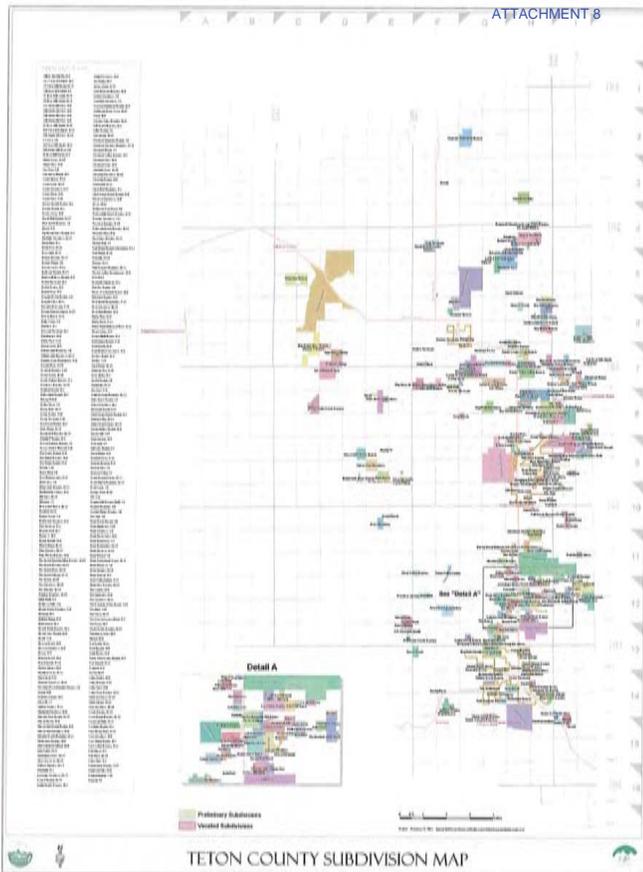
Multiple species of birds, including owls are living and breeding in the Dry Creek natural area.



A young owl in flight.



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



July 2, 2016
 Teton County
 89 N Main St #6
 Driggs, ID 83422
 pz@co.teton.id.us
 commissioners@co.teton.id.us

TETON COUNTY
 PLANNING & ZONING
 JUL 02 2016
 RECEIVED

Dear County Commissioners and Planning and Zoning Commission,

I am writing to you in regards to the proposed development: Mountain Legends (RPO5N46E08B4500 and RPO5N46E07B250), a 197.05 acre parcel located between State Line Road and N 1500 E in Driggs.

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

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

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

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

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

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

Thank you for your consideration,

Renee Seidler

Local Wildlife Biologist and Conservationist



July 4, 2016

Re: Mountain Legends Concept Review

Dear Ms. Rader:

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

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

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

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

9-3-2(B-4)

4. Consideration for Approval: In determining the acceptance of a proposed subdivision or PUD, the County shall consider the objectives of this Title, in addition to the specifics required in the checklist for this phase, and in a general way at least the following:

a. The compatibility of the subdivision PUD with the comprehensive plan. Title 9 Revised 05/16/2013 Teton County Idaho Page 23 of 87 9-3-2(B-4)

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

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

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

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

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

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

Respectfully,

John Unland

1933 E 4000 N

Driggs, ID 83422

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

1. Almost everybody in the community agrees that additional, poorly-planned subdividing of land will not help the Valley's economy or character. Poorly planned growth is contributing to falling housing prices, the continuation of high foreclosure rates and unsustainable costs to taxpayers to maintain infrastructure. In addition to economic hardships, poorly planned growth also contributes to environmental degradation including habitat fragmentation, pressure on natural resources, and increased reliance on fossil fuels which contributes to climate change. Most agree planning guidance is warranted. (pg.10)
2. As a result of these conditions and a somewhat flexible regulatory environment, thousands of lots were created in subdivisions that now lie empty. The overabundance of undeveloped, platted residential lots (over 7,000) make economic recovery even more difficult by saturating an already weak real estate market. There has been a decline of investment into the community and many storefronts lie empty. The County government is financially limited due to Idaho's tax cap and an abundance of entitled developments with no means for mitigating the fiscal impacts to the roads, schools, emergency services and weed management."
3. And so most residents of Teton Valley would agree that what we are doing now under the current 2004-2010 Comprehensive Plan has not worked and it is in the

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

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

- 4. *8.1:* Teton County recognizes that wildlife and wildlife habitats provide economic, recreational, and environmental benefits for the residents and visitors of Teton County. Land development decisions will strongly weigh the needs of wildlife to protect the inherent values that they provide.
- 5. *8.2:* Work with landowners, the Idaho Department of Fish and Game, other state and federal agencies, non- governmental organizations, and other natural resources professionals to utilize wildlife habitat and species information and other tools (such as Western Governors Association Crucial Habitat Assessment Tool and the Wildlife Overlay Map), including new information as it becomes available, to make land use and site planning decisions.
- 6. *8.3:* Minimize the cumulative impacts of development on wildlife and wildlife habitat.
- 7. *8.4:* Protect and/or improve the diversity of native vegetation.
- 8. *8.5:* Protect and improve riparian and aquatic habitats.
- 9. *8.6:* A Wildlife Impact Mitigation Plan shall be developed for any development project which impacts an important habitat or which presents concerns of detrimental human-wildlife interaction. Requirements and performance standards for the mitigation plan shall be clearly established in the Zoning and/or Subdivision Ordinance and shall be the basis for approval of the plan. (pg.42)

Where Do We Want to Go?

- 10. Conserved and enhanced functional habitats

Tools

- 11. Subdivision and Zoning Ordinance

Key Actions

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

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

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

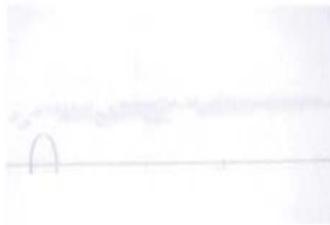
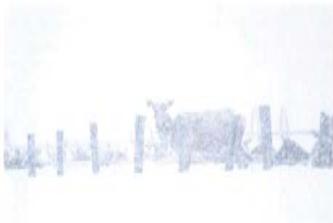
- 15. Create/amend ordinances and programs to promote Large Lot Subdivisions. Subdivisions (pg. 67)

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

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

Where Are We Now?

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



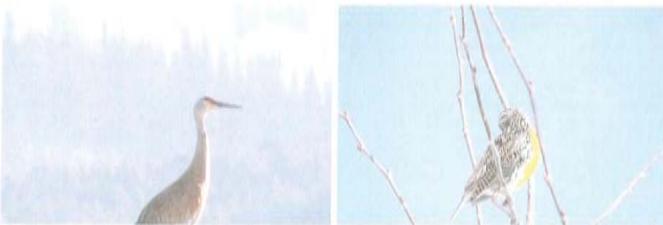
ATTACHMENT 8



ATTACHMENT 8



ATTACHMENT 8



ATTACHMENT 8

Kristin Rader

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

TETON COUNTY
 PLANNING & ZONING
 JUL 05 2016
 RECEIVED

Teton Planning and Zoning Commission
 Attention: Kristin Rader

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

Sincerely,

Todd Dompier
 Teewinot homeowner



TETON ATTACHMENT 8
PLANNING & ZONING

JUL 05 2016

RECEIVED

GIVENS PURSLEY LLP
Attorneys and Counselors at Law

601 W. Burnrock Street
P.O. Box 2220
Basis, ID 83401
Telephone: 208-286-1200
Facsimile: 208-289-1200
www.givenspursley.com

Gary G. Allen
Peter G. Benson
Christy K. Johnson
Jason A. Shirley
Chae E. Bahner
Erik J. Bahner
Jill W. Sawin
Phyllis M. Carter
Jeremy C. Chou
William C. Cook
Nicholas C. Cucinieri
Andrew M. Dixon
Bridget J. Dixon
Thomas E. Dennis
Anthony C. Fennelley
Kathleen C. Handrickson

Blair J. Haldrup
Elizabeth Kowalsky
Don E. Klockner
Nancy A. Klockner
Deborah K. Klockner
Michael P. LaMotta
Tara M. Lee
David R. Lombardi
Kimberly D. McKinney
Kathleen R. McCune
Kelly Osorno McConville
Allan P. McLaughlin
Melissa A. McCusker
Christopher J. Meyer
L. Edward Miller
Patrick J. Miller

Audrey B. Montgomery
Deborah F. Nelson
W. Hugh O'Connell, LL.M.
Michael G. Rice
James Carlton Smith
F. Mark Thompson
Jeffrey A. Wae
Robert A. Wynn
Angela M. Wood, of counsel
Kathleen J. Purley (916-2016)
James A. McCusker (916-2016)
Raymond D. Covert (916-2016)

July 5, 2016

Via E-Mail

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

Re: Mountain Legends Concept Plan

Dear Commissioners:

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

1. Overview

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

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

Comment 11

Doc. 14-114

ATTACHMENT 8

ATTACHMENT 8

Teton County Planning and Zoning Commission
July 5, 2016
Page 3

3. Transportation Impacts

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

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

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

4. Fiscal Impacts

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

Teton County Planning and Zoning Commission
July 5, 2016
Page 2

nearly fifty undeveloped lots more than 40 years after it was platted (84 lots platted, 35 constructed, platted in 1973).

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

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

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

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

2. Conformance with lot size, access and addressing requirements

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

Teton County Planning and Zoning Commission
July 5, 2016
Page 4

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

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

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

5. Water Quality Impacts

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

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

The project relies on individual septic tanks and water wells for 76 lots only 2 1/2 acres in size, which is marginal from the standpoint of protecting water quality. The Unlands concur with the staff's assessment that the property is within 300 feet of a Waters and Wetlands overlay area, which triggers a nutrient pathogen study for the project. In addition, the Friends of the Teton River has taken samples in the area showing groundwater with nitrate levels above 5 mg/L, which separately triggers the NP study requirement. The data is in the P&Z's record.

6. Natural Resource Impacts

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

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

Teton County Planning and Zoning Commission
July 5, 2016
Page 5

- Goal NR08, Policy 8.5: Protect and improve riparian and aquatic habitats. (Comp. Plan at 5-25)

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

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

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

7. Open Space and Agricultural Protection and Amenities

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

Desired future character and land uses for the Rural Neighborhoods include:

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

Comprehensive Plan at 5-4 (emphases added).

Additional Comprehensive Plan policies also support these goals:

Teton County Planning and Zoning Commission
July 5, 2016
Page 6

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

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

8. Conclusion

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

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

Teton County Planning and Zoning Commission
July 5, 2016
Page 7

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

Sincerely,

Gary G. Allen

cc: John & Linda Unland

Kristin Rader

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

TETON COUNTY
PLANNING & ZONING
JUL 05 2016
RECEIVED

I feel that this development is bad for wildlife on the area. Many deer, elk and moose call the corridor home.


Ron Steckler
3202 Alta Vista Dr.
Driggs, Idaho

Kristin Rader

From: John Hansford [REDACTED]
Sent: Tuesday, July 05, 2016 12:45 PM
To: PZ
Subject: Proposed Mountain Legends Ranch

TETON COUNTY
 PLANNING & ZONING
 JUL 05 2016
 RECEIVED

My name is John Hansford, I live at 3540 Black Bear Dr, Driggs, in the vicinity of this proposed subdivision. I am writing in opposition to this for a variety of reasons.

First
 This is a very well used wildlife corridor especially in the winter. Elk, moose, deer and many other wild animals winter there. I will send pictures under separate email of the elk herd that wintered there last winter.

Second
 The developer is proposing to use our access road, Grand Teton Rd as the main thoroughfare to the development. This road is wholly inadequate for an additional 75 homes with attendant deliveries etc. UPS as it is, speeds through the neighborhood endangering people and pets. The county NEVER patrols this road.

Third
 The additional septic introduction to this sensitive area would be destructive to the ecosystem, not to mention the water requirements for so many homes. This whole area contributes to the headwaters of the Teton/Snake/Columbia watershed and introducing so many more homes at this critical headwaters is irresponsible to say the least. I urge the county to deny the applicant his motion. If granted, I would fully expect the developer to be responsible for PAVING AND MAINTAINING Grand Teton Rd to the development. I would also expect the developer to be responsible for using the most current and eco friendly systems for cooperative water supply and sewage/septic use. These responsibilities I would fully expect the county to insist upon.

Respectfully submitted.

John Hansford

Photos to be sent under separate email.

Sent from my iPad
John Hansford



1

Comment 13

Kristin Rader

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

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

Steven Toblason,
 Ronald Steckler
 Lot 20
 3202 Alta Vista Drive

Kristin Rader

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

TETON COUNTY
 PLANNING & ZONING
 JUL 05 2016
 RECEIVED

Dear Commissioners,

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

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

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

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

Thank you,

Lynn (Carolyn) Sandmann

1

Comment 14

1

Comment 15

JUL 05 2016

RECEIVED

July 5, 2016

To the Teton County, Idaho Planning and Zoning Commission,

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

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

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

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

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



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

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

Thank you for your time and consideration about this issue.

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



Comment 16

Kristin Rader

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



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

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

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

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

Thank you for your consideration

Eric and Michelle Johnson

Kristin Rader

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



On Tuesday, July 5, 2016 5:16 PM, Frank Finetto <[redacted]> wrote:

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

Sincerely
Frank Finetto

Comment 17

1

Comment 18

Kristin Rader

From: Cavallaro, Rob
Sent: Tuesday, July 05, 2016 3:51 PM
To: Kristin Rader
Cc: Faulkner, Paul
Subject: Mountain Legends Ranch



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

Dear Kristin,

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

Fish and wildlife are property of all Idaho citizens. The Department and the Idaho Fish and Game Commission are expressly charged with statutory responsibility to preserve, protect, perpetuate, and manage all fish and wildlife in Idaho (Idaho Code 36-103 (a)).

The Department is concerned about potential effects associated with the proposed development on wildlife resources. The Mountain Legends Ranch lies just south of Dry Creek, which provides high quality wildlife habitat.

Dry Creek and vicinity support a variety of wildlife including species with high economic value and species that have special conservation status. The area supports mule deer fawning habitat and winter and transitional habitat for mule deer and elk.

It is our understanding that part of the county review/approval process includes a fiscal analysis that requires the project applicant to calculate and reveal the costs of the project to Teton County and its citizens.

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

Rob Cavallaro, Regional Wildlife Habitat Manager

1

Comment 19

2

Kristin Rader

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



Comments on proposed Mountain Legends Subdivision

The other day - June 21st, the first day summer, to be precise - I was sitting on my deck watching the colors of the Tetons change as the sun went down.

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

The people behind "Mountain Legends" assert the land in question has no natural resources. They haven't been paying attention. Since the 2012 vacation of the original subdivision proposal, a herd of elk numbering well over a hundred animals has taken up winter residence there.

You want natural resources? How about the harrier hawks, the red tails, the Swainson's, the kestrels and the falcons? Want more? In winter the rough-legged hawks arrive. These birds are predators, feeding on an abundance of voles, ground squirrels and other little creatures.

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

Just over a year ago Georgina Worthington found a young, injured harrier hawk in the fields. Its parents were trying unsuccessfully to encourage it to fly. It was too badly hurt. Although Georgina wrapped it in a hat to take it home, she was still clawed for her efforts.

One autumn morning I could see my breath as I walked out the front door. Half awake, it dawned on me that there was a very large wolf in my yard looking straight at me. I suppose people react oddly in odd situations.

I'll tell you what would be a real mountain legend: if a group of passionate people could halt the building of seventy six houses no one needs in this, the zombie subdivision capital of the Rockies.

To The Teton County Planning & Zoning Commission,

We are residents of the Alta Vista subdivision, and are writing to oppose the subdivision planned by Peacock Property, LLC on the east side of Grand Teton Road.

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

The road and utility infrastructure cannot handle the activity from that many homes in such a small area. This proposed development will mean we must vigorously monitor the safety of our children and dogs with such an influx of traffic.

Not to mention the noise and disruption caused by such a scaled development project. One of the reasons we love this area so much is the peace and tranquility it offers. This proposed subdivision will certainly disrupt the quiet, obstruct the view that we paid significantly for, and will impact our property value.

MOST importantly, is the impact to the environment and to wildlife. Moose and elk herds are just two of the animals utilizing this space in the winter time, as well as significant bird life.

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

Sincerely,

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

1

Comment 20

2

ATTACHMENT 8
RECEIVED
JUL 08 2016
TETON COUNTY
PLANNING & ZONING

July 5, 2016

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

RE: Proposed Mountain Legends Ranch Subdivision

Dear Commission:

We write today as concerned adjacent property owners.

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

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

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

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

- 1. Wildlife Corridor: Attached are two pictures showing the very large elk herd that winters here. One has to look closely as a hundred or more are in the back of each photo. These were taken in the winter of 2015-16. In the summertime, we often see numerous whitetail deer and red fox in the area of Dry Creek. This area, around Dry Creek, is excellent habitat and I believe meets the Commission's definition of a wildlife corridor.
- 2. Road Infrastructure: The capacity of the existing roads is a great concern. County road 1500 East as it proceeds through this area is currently a narrow, unpaved road. This route is much like a greenbelt, with runners, cyclists, walkers, equestrians, and of course vehicle traffic and farm machinery. Two approaching vehicles cannot pass without taking caution, requiring that they come to a slow crawl for safe passage. As the road passes in front of our residence, there is a lazy S-curve which includes a sharp rise in the terrain with associated visual obstructions. At the top of the hill there are two tight 90-degree turns in the road as you enter

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

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

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

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

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

Kind regards,

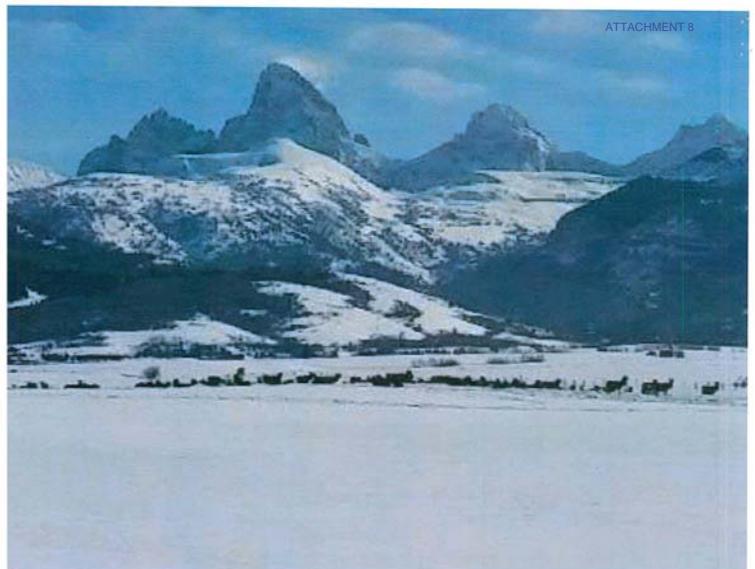
Chuck and Janet Kunz
3630 North 1500 East
Driggs, ID 83422

Attachments: Two wintertime wildlife photos

Comment 22



ATTACHMENT 6



ATTACHMENT 8

TETON COUNTY
PLANNING & ZONING
ATTACHMENT 8
JUL 01 2016
RECEIVED

July 3, 2016

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

Concerning: Mountain Legends Ranch Subdivision

Dear Ms. Rader and Commissioners,

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

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

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

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

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

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

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

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

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

Comment 23

ATTACHMENT 8

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

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

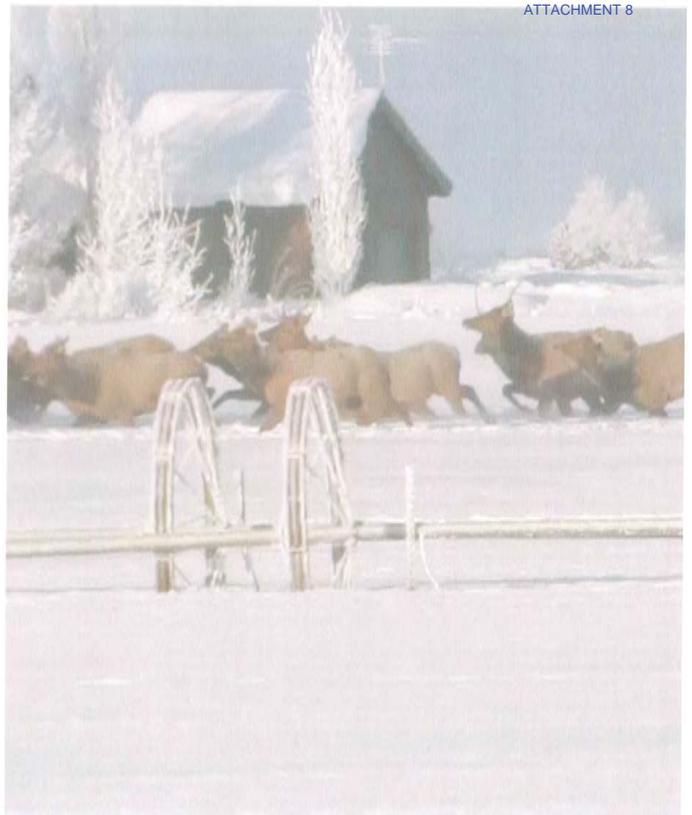
Thank you for your consideration of these comments and for the work you are all doing on behalf of the community, a job that is not always easy nor often appreciated.

Kind regards,

Linda Unland

1933 E 4000 N
Driggs, ID 83422

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





Bobcat/Mountain lion tracks



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



Dry Creek flows year-round



Dry Creek Riparian/Wildlife Corridor



Raptor prints



3 Moose emerged from Dry Creek Corridor



Dry Creek



Vegetation along Dry Creek



WHIP program native grasses and wildflowers



Meadow bordering subdivision

ATTACHMENT 8
TETON COUNTY
PLANNING & ZONING

ATTACHMENT 8

Kristin Rader

Kristin Rader

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

JUL 05 2016
RECEIVED

From: Michael Heisey [REDACTED]
Sent: Tuesday, July 05, 2016 10:13 AM
To: PZ
Subject: Mountain legends subdivision
Attachments: IMG_1735.JPG; ATTO0001.txt

TETON COUNTY
PLANNING & ZONING
JUL 05 2016
RECEIVED

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

Follow Up Flag: Follow up
Flag Status: Flagged

We the undersigned are property owners adjacent to the proposed 197.05 acre subdivision by Peacock Property LLC (RPO5N46E084500). Our property is located at 1445 E, 3500 N. We wish to record our objections and concerns about the proposed Peacock Property LLC Subdivision. This huge development in our rural area would greatly increase traffic; impact adversely the water supply from the ground aquifer; add considerably to the sewage disposal required for 76 separate septic systems and drain fields; adversely affect the scenic beauty and views of the Teton Mountain Range for we established homeowners; add considerably to the light pollution of the area; adversely affect the wildlife, since elk, moose, and other desirable wildlife currently inhabit this region; and add significantly to the needs and cost of fire prevention, policing, road maintenance, and other governmental oversight responsibilities. Thank you for your consideration of these concerns.

Sincerely, Richard W. Emmons and Barbara Voorhees-

Emmons

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

Phone: [REDACTED] [REDACTED]

E-mail: [REDACTED]

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

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

Kristin Rader

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

TETON COUNTY
PLANNING & ZONING
JUL 05 2016
RECEIVED

To whom it may concern,

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

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

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

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

Sincerely,
Mary Narrod

Sent from my iPad



ATTACHMENT 8



Valley Advocates for Responsible Development

July 5, 2016

TETON COUNTY
PLANNING & ZONING
JUL 05 2016
RECEIVED

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

Re: Mountain Legends Concept Plan

Dear Members of the Commission:

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

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

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

Comment 27

ATTACHMENT 8



Valley Advocates for Responsible Development

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

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

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

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

Sincerely,

Shawn W. Hill
Executive Director

Kristin Rader

From: Debbie Whipple
Sent: Tuesday, July 05, 2016 4:56 PM
To: PZ
Subject: Mountain Legend Concept Application
Attachments: Elk.jpg; DSCO2019.JPG



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

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

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

RE: Mountain Legend Concept Application

Committee Members:

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

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

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

Sincerely,

Robert and Debra Whipple
Harry and Belle Niendorf

Kristin Rader

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



Dear PandZ Folks,

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

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

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

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

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

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

Michael

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



Comment 29

Comment 28

1



June 24, 2016

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



HAND DELIVERED

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

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

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

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

Sincerely,

Robert T. Ablondi, P.E.

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

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



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

APPLICANT & LANDOWNER: Halsey Hewson

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

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

LEGAL DESCRIPTION: RP03N45E134210; TAX #6795 SEC 13 T3N R45E

LOCATION: Corner of Hwy 33 and E 9500 S

ZONING DISTRICT: A-2.5 - Victor Area of Impact

PROPERTY SIZE: 2.73 acres

VICINITY MAP:



Halsey Hewson | Scenic Corridor Review

PROJECT BACKGROUND: Mr. Hewson submitted a completed scenic corridor design review application on June 28, 2016, and is currently working on getting his building permit application together. Before the building permit can be approved, a scenic corridor design review must occur and be approved for the structure. The proposed storage shed will be 50 feet from the outer edge of Highway 33's right of way, and this proposal complies with all required setbacks. Construction of the addition has not begun. There is a small chicken coop on the property that was recently built. It is under 200 ft², so it did not require a building permit or a scenic corridor design review (only required with permit).

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

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

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

OVERVIEW OF SCENIC CORRIDOR REVIEW:

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

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

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

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

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

POSSIBLE CONDITIONS OF APPROVAL:

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

POSSIBLE PLANNING & ZONING COMMISSION ACTIONS:

- A. Approve the scenic corridor permit request with the recommended conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approve the scenic corridor permit request, with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. Deny the scenic corridor permit request and provide the reasons and justifications for the denial.
- D. Continue to a future PZC Meeting with reasons given as to the continuation or need for additional information.

POSSIBLE MOTIONS:

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

Approval

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

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

Denial

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

1. ...

Prepared by Kristin Rader

Attachments:

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



SCENIC CORRIDOR OVERLAY APPLICATION

Teton County, Idaho

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

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

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: HALSEY HEWSON
 Applicant: SAME E-mail: HALSEYHEWSON@GMAIL.COM
 Phone: (207) 413 6819 Mailing Address: P.O. Box 766
 City: Teton Village State: WY Zip Code: 83025

Location and Zoning District:

Address: _____ Parcel Number: _____
 Section: NW1/4 13 Township: T3N Range: R45E Total Acreage: 2.7 ACRES

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

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

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

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

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

Fees are non-refundable.

SECTION II: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

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

- Design Review: All development shall be subject to design review to ensure that the location, scale, and appearance of buildings, structures, and development of land shall preserve the rural character of the areas bordering Idaho State Highways and Ski Hill Road and to prevent the construction of buildings that project upward beyond the ridgeline of any hill located within one (1) mile of major roads when viewed from those major roads.
Documentation Required: The applicant shall submit plans and drawings showing all existing structures, building envelopes for all proposed structures, setbacks from the closest State Highway or Ski Hill Road, as applicable, existing and proposed landscaping and fences, existing and proposed off-street parking areas, and drawings of exterior elevations of primary structures visible from the closest State Highway or Ski Hill Road.
Design Review Criteria: A development application shall only be approved if the Commission finds that it meets the following criteria:

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

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

- 1) Building envelopes shall be located so that existing topography and natural vegetation, such as ridges, hills, and existing trees, will screen buildings from view from the State Highways and Ski Hill Road to the maximum extent feasible.
2) Where existing topography and natural vegetation cannot be used to screen buildings as described in Subsection 1 above, building envelopes should be located at the rear or side edges of an open meadow or pasture, or at the foot of a hill or ridge, rather than in the middle of a meadow, pasture, or hillside.

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

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

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

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

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

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

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

SECTION III: STAFF SUMMARY ANALYSIS, REASONING AND FACT FINDING

SECTION IV: PLANNING AND ZONING COMMISSION ACTION

SECTION V: PLANNING ADMINISTRATOR/DESIGNEE REVIEW/ACTION

Application is considered complete and accepted on this the 28th day of June, 2016. Planning Administrator/Designee Signature: [Signature]



SCENIC CORRIDOR OVERLAY APPLICATION

Teton County, Idaho

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

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

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: HALSEY HEWSON
Applicant: SAME E-mail: HALSEYHEWSON@GMAIL.COM
Phone: (207) 413-6819 Mailing Address: PO Box 766
City: Teton Village State: WY Zip Code: 83025

Location and Zoning District:
Address: Parcel Number:
Section: NW 1/4 13 Township: T3N Range: R4SE Total Acreage: 2.7 ACRES

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

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

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

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

Owner Signature:

HEWSON DESIGN 7462
PO BOX 15223 JACKSON, WY 83002-2323
PAY TO THE ORDER OF Teton County \$ 2000.00
Teton Fee Dept

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

Instrument # 239526
TETON COUNTY, IDAHO
Recorded for: FIRST AMERICAN TITLE - DRIGGS
MARY LOU HANSEN Fee \$16.00
Ex-Officio Recorder Deputy, Mary Lou Hansen
Index to: DEED, WARRANTY

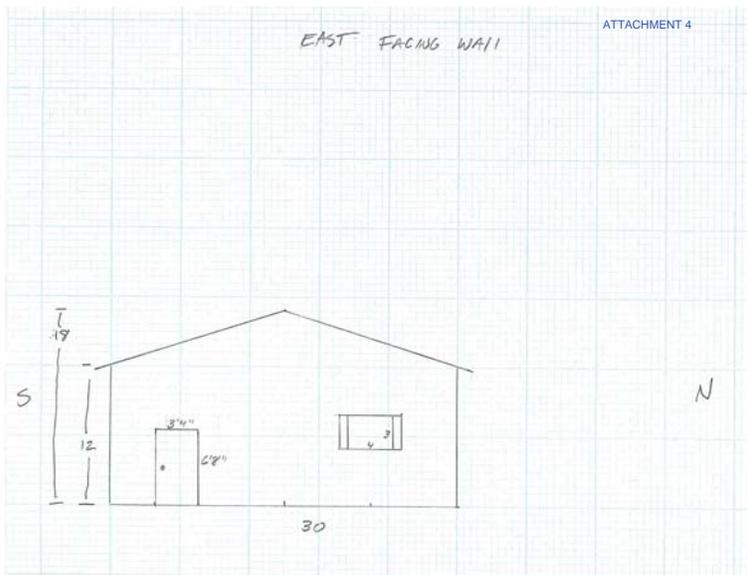
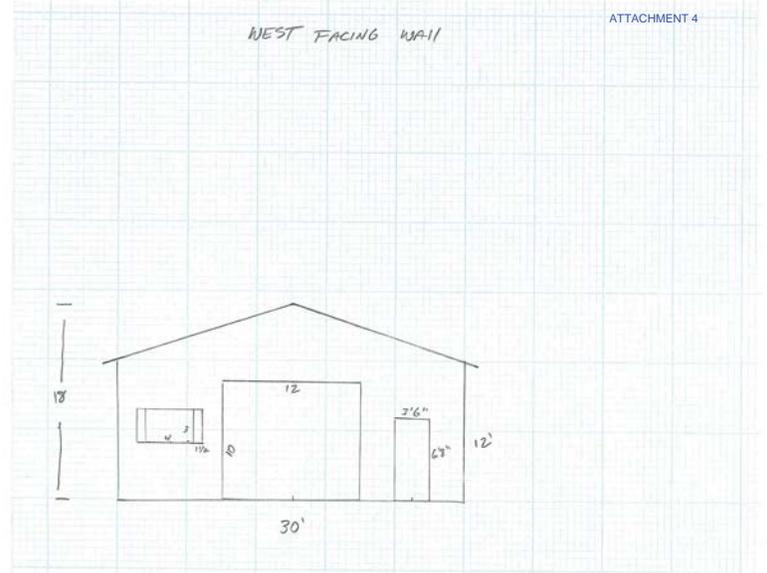
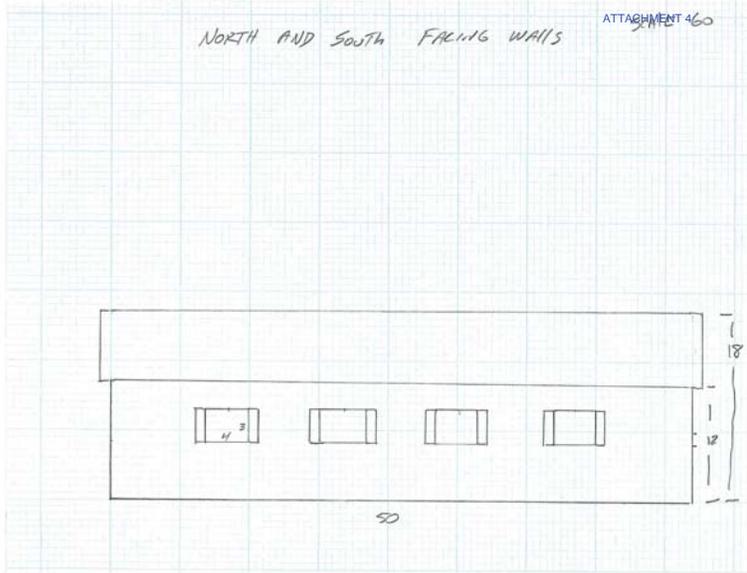
WARRANTY DEED

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

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

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

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

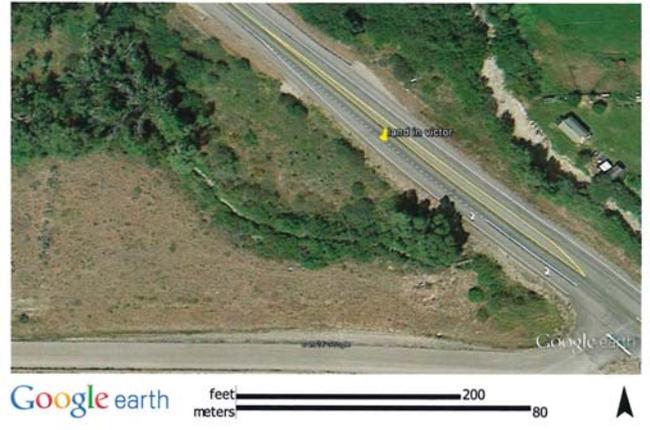


Google earth

ATTACHMENT 5
Page 1



ATTACHMENT 5



ATTACHMENT 6

WEST FACING WALL



ATTACHMENT 6

NORTH & SOUTH FACING LONG WALLS



ATTACHMENT 7

6/28/2016

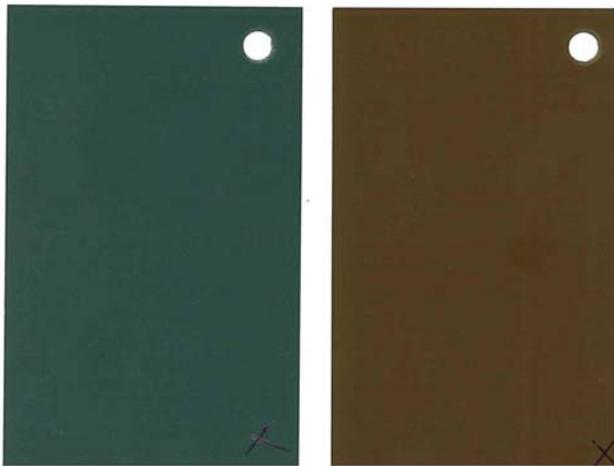
20160626_153849_resized.jpg

ATTACHMENT 7



Color selection

GREY WALLS
 BROWN ROOF / TRIM / DOORS / SHUTTERS



<https://mail.google.com/mail/u/0/?tab=wm&inbox/155976425b6904?projector=1>

1/1

ATTACHMENT 8



View from 9500 to Highway 33

7/ 6/2016 2:08

ATTACHMENT 8



View looking north toward Victor from Highway 33 at the proposed building site.

7/ 6/2016 2:12

ATTACHMENT 8



ATTACHMENT 8



TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____

Date: 7-8, 2016

PLEASE PRINT LEGIBLY

Name: Fred Dormier

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

Choose one:

___ Support the application Neutral ___ Oppose the application

Do you wish to testify? Yes ___ No

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

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____

Date: 12 JULY, 2016

PLEASE PRINT LEGIBLY

Name: DON L. DURTSCH

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

2320 EAST 3000 N.

DRIGGS, IDAHO 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: Item 2

Date: 7/12, 2016

PLEASE PRINT LEGIBLY

Name: GEORGINA WESTON

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

DRIPS 1930 MOUNT MORAN RD

Choose one:

Support the application

Neutral

Oppose the application

Do you wish to testify?

Yes No

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

Written signature (only if not testifying)



TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 2

Date: 7/12, 2016

PLEASE PRINT LEGIBLY

Name: JOAN GREENAWALD

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

DEER 1930 MOUNTAIN MORAN RD.

Choose one:

Support the application

Neutral

Oppose the application

Do you wish to testify?

Yes No

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

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____

Date: _____, 20__

PLEASE PRINT LEGIBLY

Name: Chuck or Janet King

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

3630 N 1500 E
Driggs

Choose one:

___ Support the application ___ Neutral Oppose the application

Do you wish to testify? Yes ___ No

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

[Signature]
Written signature (only if not testifying)



TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____

Date: 7/12, 2016

PLEASE PRINT LEGIBLY

Name: John W. Land

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

Driggs 1933 E. 3000 N.

Choose one:

___ Support the application ___ Neutral X 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: #2 MOUNTAIN LEGENDS

Date: 7/12, 2016

PLEASE PRINT LEGIBLY

Name: ICAN BETTS

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

3550 N 1500 E

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: Mountain Legends
Date: 1, 2014 Tuesday

PLEASE PRINT LEGIBLY

Name: Robert Emerson

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

1670 Deer Springs Rd Douglas 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.

Robert Emerson

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: 7/12/2016, 2016

PLEASE PRINT LEGIBLY

Name: Felix Zajac III

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

3190 Sorensen Creek Dr

Victor ID 83455

Choose one:

Support the application Neutral Oppose the application

Do you wish to testify? Yes No

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

Written signature (only if not testifying)



TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____

Date: 7/12, 2016

PLEASE PRINT LEGIBLY

Name: Richard Welch

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

Teton 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: _____

Date: 7/12, 2016

PLEASE PRINT LEGIBLY

Name: Linda Urbant

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

Driggs

Choose one:

Support the application Neutral Oppose the application

Do you wish to testify? Yes No

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

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____

Date: 7.7.12, 2016

PLEASE PRINT LEGIBLY

Name: JOY SAWYER MULLIGAN

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

Alta

Choose one:

Support the application

Neutral

Oppose the application

Do you wish to testify?

Yes No

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

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____

Date: 7/12, 2016

PLEASE PRINT LEGIBLY

Name: Artie Milligan

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

ALTA

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: July 12, 20__

PLEASE PRINT LEGIBLY

Name: SHAWN HILL

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

DRIGGS

Choose one:

Support the application

Neutral

Oppose the application

Do you wish to testify?

Yes No

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

Read 2 comments into the record
Read comments on behalf of VARD

Written signature (only if not testifying)

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1 (MOUNTAIN LEGENDS)

Date: JULY 17, 2016

PLEASE PRINT LEGIBLY

Name: ROBERT WHIPPLE

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

3246 N 1500 E, 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.

MY CONCERN IS THE 76 NEW SEPTIC TANKS THAT COME WITH THIS DEVELOPMENT AND THE ELEVATED N-P LEVELS THAT WILL COME WITH THEM. NITRATE PATHOGENS SHOULD BE REQUIRED BEFORE THIS DEVELOPMENT IS APPROVED AND IF > 2, ~~SHOULD~~ NITRATE ELIMINATING SEPTIC SYSTEMS SHOULD BE REQUIRED. THIS

IS A "DOWN THE ROAD" PROBLEM FOR THE ENTIRE COUNTY AND ALL NEW DEVELOPMENTS.

R. Whipple
Written signature (only if not testifying)
PREVENTING GROUND WATER NITRATE CONTAMINATION IS MUCH EASIER & LESS EXPENSIVE THAN TRYING TO CORRECT IT WHEN IT FINALLY OCCURS.

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: #2

Date: 7/7/12, 2012

PLEASE PRINT LEGIBLY

Name: Lynn Lebolt Lebolt

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

2477 Middle Teton Rd

DRUGS

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.

The impact on the roads and
infrastructure is too much for
the small area to handle.

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: July 12th, 2016

PLEASE PRINT LEGIBLY

Name: Kenneth C. Murphy (+ Diane Murphy)

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

2000 N. State Line Rd
Alta, WY 83414

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.

I submitted a letter to P+Z regarding Mountain Legends Ranch proposal to sell 76 new lots on 197 acres. The major focus of my letter was about plans, costs, projected build out traffic on state line rd and there 76 lots plus the remaining (> 100 lots) lots are built out.

Kenneth C. Murphy
Written signature (only if not testifying)

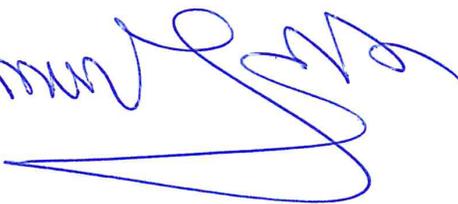
State line rd, n. of ski hill rd is maintained by wyoming. It is dirt after 2500M, narrow, has multiple blind dips/driveways and has multiple users (cars, horses, bikers, walkers/dogs etc.). Demits signage + resurf

why low wage near mass accidents are common. If an additional 76 lots are approved, what are the plans for improvement of M. State Line & its feeders? ~~us~~ In addition, what is the planned funding for the required improvements?

I have submitted in my letter, how this challenge was addressed in Ada Co, Id in the course of approving Hidden Springs + Cartwright ~~Re~~ Ranch development. ~~sp~~ status post a 20 year build out schedule performed by the Ada Co. Highway District a plan for upgrades of Cartwright, Seaman Gulch, Pierce Park + Dry Creek Rd. A special Impact fee (in addition to standard impact fee) was levied on the developers + on building permits just for required road improvements.

I trust that prior to approving this new development you will have addressed the road challenges in a fiscally responsible manner with known + deferred improvements for multiple use.

If you do not have such a plan but proceed then you are placing here over reason + throwing Road Safety + fiscal responsibility to the wind.

WE MAN 

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____

Date: 7/12/2016

PLEASE PRINT LEGIBLY

Name: Michael Peters

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

1965 Staghorn Dr, Teton, 82452

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.

1. Very dense plot plan for being so near an active wildlife corridor (Diny Creek)
2. Need to delay Mtn. Legends Design's review until after the Land Use Plan is finalized and made official

Michael Peters
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: 7/12, 2016

PLEASE PRINT LEGIBLY

Name: Jeri Lockman

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

1990 Edelweiss LN

Driggs

Choose one:

Support the application

Neutral

Oppose the application

Do you wish to testify?

Yes No

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

Concerned regarding impact on
water, roads, water, pollution (air &
light), wild life.

Is it needed? There are numerous
weedy empty lots already in the valley.

Written signature (only if not testifying)

Jeri Lockman

TETON COUNTY

PUBLIC HEARING SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: Item # 2 Mt. Ledger

Date: July 12, 2016

PLEASE PRINT LEGIBLY

Name: Phyllis N. Anderson

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

1194 E 3500 N

Wrigg 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: Item #2 Mt Legend

Date: July 12, 2016

PLEASE PRINT LEGIBLY

Name: Carolyn Sandmann Carolyn Sandmann

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

2430 Middle Teton Rd.
Driggs, 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: _____

Date: 7/12/2016, 2016

PLEASE PRINT LEGIBLY

Name: THOMAS BOOTH

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

2325 MIDDLE TETON RD.
GRIGGS, IA 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)



August 16, 2016

**Teton County Planning & Zoning Commission
Written Decision for Mountain Legends Subdivision Concept Approval**

Overview

On July 12, 2016, Harry Statter came before the Teton County Planning & Zoning Commission to request Concept Plan approval of a proposed subdivision on property located northeast of Driggs, on Stateline Road, for a 76-lot subdivision.

Planning & Zoning 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.

Applicant(s)/Representative(s) Present: Harry Statter; Sarah Johnston, Arrowleaf Engineering; Herb Heimerl, Heimerl Law Firm, PC.

Motion

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

1. Provide an updated plan with the public road right of ways of N. Stateline Road and N 1500 E shown and removed from the lot areas, show the addition to the subdivision road with the road surface removed from the lot area, and include an updated number of lots proposed for this subdivision.
 2. Provide an open space management plan as part of the preliminary plat application stating how much open space will be dedicated to agriculture, wildlife habitat, and pedestrian use. Also include a map of where these uses will be located and elaborate on what pedestrian use means. Include in this plan how the open space easements will be managed. If no open space is proposed a management plan will be provided for all vacant lots.
 3. Obtain access approval from Teton County, ID Road & Bridge for N 1500 E and N. Stateline Road.
 4. Begin working with EIPH for septic approval.
 5. Begin working with Teton County Fire District for fire suppression approval.
 6. Conduct/update required studies/plans for Preliminary Review: Traffic Impact Study, Public Service/Fiscal Analysis, Landscape Plan, Stormwater and Infrastructure Plans, Phasing Plan (if required), Natural Resource Analysis, and Nutrient Pathogen Study. The traffic impact study will include the distribution of traffic on Grand Teton Road.
 7. We request a year round wildlife study and a fiscal viability analysis.
- and having found that the considerations for granting the Concept Plan Approval to Peacock Property LLC can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
 - and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
 - I move to APPROVE the Concept Plan for Mountain Legends Ranch Subdivision as described in the application materials submitted June 7, 2016 and June 21, 2016 and as supplemented with additional applicant information attached to this staff report.

Mr. Arnold seconded the motion.

After a roll call vote, the motion was approved 6-1 with Mr. Moyer voting no.

Conclusions

Having given due consideration to the application and evidence presented, and to the criteria of approval defined in Teton County Code, Title 9-3-2(B-4), the Teton County Planning & Zoning Commission hereby makes the following conclusions:

1. In general, the proposed subdivision conforms with the goals outlined in the 2012-2030 Teton County Comprehensive Plan.
2. Public services are being utilized by the surrounding property owners, so they are available in the area. The subdivision is proposed to utilize private well and septic systems. The development will be accessed from Stateline Road and N 1500 E. Studies at the Preliminary Plat phase will provide additional information on the impact to public services.
3. Applicable impact fees will be required for all lots within the proposed subdivision, as adopted by Teton County.
4. The fiscal impact of the proposed development will be better understood after the Public Service/Fiscal Impact Study, as required by Teton County Code, is provided during the Preliminary Plat phase.
 - a. In addition to this, the Planning & Zoning Commission and the public were concerned with the fiscal viability of the proposed development due to the number of existing subdivision lots in Teton County that remain vacant. Because of this, the Planning & Zoning Commission has requested the applicant to provide a Fiscal Viability Analysis to better understand how the development would be fiscally successful after approval and to better understand the impacts to Teton County and its taxpayers.
5. The proposed development does not appear to negatively impact the health, safety, or general welfare of the County with the information presented for the Concept Plan. More information on this is required for the Preliminary Plat phase.
 - a. Water quality concerns were discussed. A Nutrient Pathogen Study, as required by Teton County Code, must be submitted at the Preliminary Plat phase, which will provide more information on how the proposed development may impact water quality and how that will be mitigated.
 - b. Traffic concerns were also discussed. A Traffic Impact Study, as required by Teton County Code, will be submitted at the Preliminary Plat phase, which will provide more information on how the proposed development may impact traffic and how it will be mitigated.
 - c. Wildlife habitat on this property and the impact the proposed development would have on Natural Resources in the area was also discussed. A Natural Resources Analysis, as required by Teton County Code, will be submitted at the Preliminary Plat phase. This property is not mapped in a Wildlife Habitat Overlay, so the Teton County Code does not require the applicant to perform a Wildlife Habitat Assessment. However, the Planning & Zoning Commission has requested the applicant to perform a year-round wildlife study on this property due to these concerns and the goals related to wildlife habitat outlined in the Comprehensive Plan.
6. The proper legal requirements for advertisement of the public hearing have been fulfilled as required by Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Zoning Ordinance. The public hearing was duly noticed in the Teton Valley News on June 23, 2016 and June 30, 2016. A notification was sent via mail to surrounding property owners within a 300-foot buffer area, as well as all property owners in subdivisions that intersect with the 300-foot buffer. A notice was also posted on the property providing information about the public hearing.
7. Other persons in attendance expressed neutral and opposing comments of the proposed subdivision. All public comments are on file with the minutes of July 12, 2016.
8. This proposal is not in conflict with the provisions of any adopted Teton County ordinances.



Cleve Booker
Vice Chair of Teton County Planning & Zoning Commission



Date