



AGENDA
 PLANNING AND ZONING COMMISSION
 PUBLIC HEARING
 May 10, 2016
 STARTING AT 5:00 PM

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

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

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

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

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

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

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

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

ADJOURN

- Written comments received by 5:00 pm, April 29, 2016 will be incorporated into the packet of materials provided to the Planning & Zoning Commission prior to the hearing.
- Information on the above application(s) is available for public viewing in the Teton County Planning and Zoning Office at the Courthouse between the hours of 9am and 5pm Monday through Friday.
- The application(s) and related documents are posted, at www.tetoncountyidaho.gov. To view these items, select the Planning & Zoning Commission department page, then select the Public Hearing of May 10, 2016 item in the Additional Information Side Bar.
- Comments may be emailed to pz@co.teton.id.us. Written comments may be mailed or dropped off at: Teton County Planning & Building Department, 150 Courthouse Drive, Room 107, Driggs, Idaho 83422. Faxed comments may be sent to (208) 354-8410.
- Public comments at this hearing are welcome.

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

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

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

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

Approval of Minutes:

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

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

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

Chairman Business: There was no Chairman business.

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

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

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

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

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

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

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

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

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

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

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

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

Public Comment:

In Favor:

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

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

Neutral:

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

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

Opposed:

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Hensel closed Public Comment.

COMMISSION DELIBERATION:

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

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

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

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

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

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

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

Applicant Rebuttal:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VOTE: The motion was unanimously approved.

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

VOTE: The motion was unanimously approved.

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

VOTE: The motion was unanimously approved.

The public hearing was adjourned at 7:30 pm.

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

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

Article 13 – Property Development Plan

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

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

Moving Forward:

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

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

VOTE: The motion was unanimously approved.

The meeting was adjourned at 8:43 pm.

Respectfully submitted,
Sharon Fox, Scribe

Dave Hensel, Chairman

Sharon Fox, Scribe

Attachments:

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

TETON COUNTY
PUBLIC HEARING
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____
Date: April 12, 2016

PLEASE PRINT LEGIBLY
Name: Tina Johnson (lead to work by Sharon Fox)
City of Residence (Physical Address - not post office box):
Lawrence, WA

Choose one:
 Support the application Neutral Oppose the application
Do you wish to testify? Yes / No

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed, dated and do not exceed the space allotted.
extend application etc - 15p

Written signature (only if not testifying)

TETON COUNTY
PUBLIC HEARING
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____
Date: April 12, 2016

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

Choose one:
 Support the application Neutral Oppose the application
Do you wish to testify? Yes / No

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed, dated and do not exceed the space allotted.
good start - man check (DPA) (NRC) how apply to gen. location

Written signature (only if not testifying)

TETON COUNTY
PUBLIC HEARING
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1
Date: 4-12-2016

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

Choose one:
 Support the application Neutral Oppose the application
Do you wish to testify? Yes / No

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed, dated and do not exceed the space allotted.
just under by density (lot size)

Written signature (only if not testifying)



TETON COUNTY
PUBLIC HEARING
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____
Date: April 12, 2016

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

Choose one:
 Support the application Neutral Oppose the application
Do you wish to testify? Yes / No

If you do not wish to testify orally, your comments on this sheet will be read into the record – so long as they are written legibly, signed, dated and do not exceed the space allotted.
longer time period - if pd taxes at high rate, best area that offer camp plan - old plan

Written signature (only if not testifying)

TETON COUNTY
PUBLIC HEARING
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1
Date: 4/12/2016

PLEASE PRINT LEGIBLY
Name: Ronnie Dreher
City of Residence (Physical Address - not post office box):
Tetonville, 2800 North West

Choose one:
 Support the application Neutral Oppose the application
Do you wish to testify? Yes / No

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

Written signature (only if not testifying)

TETON COUNTY
PUBLIC HEARING
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: 1
Date: 4/12/2016

PLEASE PRINT LEGIBLY
Name: JOANNE LABELLE
City of Residence (Physical Address - not post office box):
1620 E - 579 EAGLE TERRACE WY - SPOT

Choose one:
 Support the application Neutral Oppose the application
Do you wish to testify? Yes / No

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

Written signature (only if not testifying)

TETON COUNTY
PUBLIC HEARING
SIGN-UP SHEET

You must sign up to testify – or submit comments

Agenda Item Number: _____
Date: _____

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

Choose one:
 Support the application Neutral Oppose the application
Do you wish to testify? Yes / No

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

Written signature (only if not testifying)

You must sign up to testify – or submit comments

Agenda Item Number: 1
Date: April 12, 2016
PLEASE PRINT LEGIBLY
Name: Forest Fischer
City of Residence (Physical Address not post office box): 9808 Idaho Falls
...
Do you wish to testify? Yes No
...
Written signature (only if not testifying)

You must sign up to testify – or submit comments

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

You must sign up to testify – or submit comments

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

You must sign up to testify – or submit comments

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

You must sign up to testify – or submit comments

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



- 1. Approve Available Minutes
 - 2. Chairman Business
 - 3. Administrative Business
- 5:00 PM – Item 01 – PUBLIC HEARING: **Consolidation of Site-Specific, Subdivision Ordinance, Proposed amendments to Title 19 of the CHARTER, 19 GRANTING BUILDING PERMITS FEASIBILITY OF PRIVATELY CREATED PARCELS.** The purpose is to establish a timely process that can currently not be completed with our ordinance and meet an official process to solidify their building rights.
- 5:30 PM – Item 02 – WORK SESSION: **Draft Code** Discussion of Draft Land Use Development Code...
No public comment will be taken regarding the Draft Land Use Development Code.
- ADJOURN

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

COMMISSIONERS PRESENT: Mr. Dave Hassel, Mr. Bruce Arnold, Mr. Chris Larson, Mr. Martin Bohan, Mr. Jack Birkham, Mr. Scott Johnson, and Mr. David Brockmeyer.
COUNTY STAFF PRESENT: Ms. Jason Bond, Planning Administrator, Ms. Kristin Rader, Planner.

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

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

Approval of Minutes:
MOTION: Mr. Larson moved to approve the minutes from February 9, 2016. Mr. Brockmeyer seconded the motion.

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

Chairman Business:
There was no Chairman Business.

WORK SESSION: Draft Code Discussion: Article 8 Building Types & Article 14 Administration
The Commission reviewed and discussed the proposed draft code presented by Ms. Rader.

Article 8 Review:
Staff will add a description of the zoning districts to the table in Div. 8.1 as a reference for the abbreviated zoning table throughout the Article.
The Accessory Building section will be added to the outline version.
The "Rear-Floor Allow" will be adjusted to reference the correct section in Article 18 (the accessory dwellings), and the language will be changed to match the rest of the code related to accessory dwellings, such as total square footage or building size.
The height of agricultural buildings versus accessory buildings was discussed. Agricultural buildings are still allowed to be 60' in height, but accessory buildings would be limited to 30' in height.
Staff will look into changing the maximum length for a Recreation Residence. The current length and the maximum size would create a 4' wide building.

ATTACHMENT 1

Written comments received by 5:00 PM April 12, 2016 will be incorporated into the packet of materials provided to the Planning & Zoning Commission at the meeting.

Public comment will be taken regarding the Draft Land Use Development Code.

Any person needing special accommodations to participate in the above scheduled meeting should contact the Board of County Commissioners' office 2 business days prior to the meeting at 208-734-4773.

Carriage Court garage parking (Div. 8.19) was discussed, and it was not necessarily liked as an option.

Consider reviewing Div. 8.19 Parking Locations to be based on zoning district instead of building type. Currently, the PZC did not have a parking location being allowed on grass or off of a hard surface. It was suggested that rural zones or lots of a certain acreage could park on the grass, but residential, commercial or industrial lots may need to have a hard surface for parking. Staff will look into changing the language in this section.

Article 14 Review:

- PZC agreed that the table in Div. 14.1 make sense.
- PZC felt that notes should be provided for the One-Two-Only. Site posting would be sufficient.
- References to other sections need to be verified and included (ex. 14.1.5).
- It was asked if a time limit should be applied to how the public could apply to amend the Land Use Code or the Comprehensive Plan. The PZC agreed that a time limit did not seem necessary as amendment applications are filed as requests. They also did not want to limit the ability of someone to respond to an amendment if it was for a legislative change.
- PZC asked if there will be a public hearing on the ordinance. 8.13.1.C includes the following item:
SIMILAR APPLICATIONS: Any application substantially similar to one filed and denied within one year from the date of such denial may be immediately denied by the commission.
- Examples and advisory values need to be updated based on the new density values in Article 3.
- Design Review for the South-Central area discussed. PZC agreed that the Design Review could be approved administratively, but they would like to remain updated on the applications to see how the new "flexible" administrative staff would provide a written determination for the Design Review, which could be completed as part of a staff update to PZC at their regular meetings. If PZC feels that standards need to be changed, they may want to have PZC approve the minor updates just change the standards. If the standards are working, then staff could stop providing updates to PZC about the reviews. The fee for the Design Review can also be reviewed to possibly reduce the fee since PZC will not hold a meeting for the approval.
o After discussing the design review and building types, PZC pointed out that language should be added to Article 9 for the Agricultural Option that states only Agricultural buildings qualify.
- PZC felt a review of PZC Presentation should be an expedited process compared to other zoning applications. Staff will work on writing this.

Meeting Forward:

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

Respectfully submitted,
Kristin Rader, Scriber

Dave Hassel, Chairman Kristin Rader, Scriber

Attachments:
1. PZC-March 8, 2016 Meeting Packet

ATTACHMENT 1

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

VI. Indicator Species

The following are considered Indicator Species in Blaine County (This list comes from a Summary of Key Plant and Wildlife Resources of the Blaine County in Blaine County, Idaho, dated June 14, 2002):

- Columbian Sharp-tailed grouse
- Bald Eagle
- Golden Eagle
- Rocky Mountain Elk
- Mule Deer
- Moose
- Turkey Vulture
- Greater Sandch Crane
- Long-billed Curlew
- Yellowlegs/Catbird Toot
- Any other Federally Listed/Endangered or Extinct Species

13.3.B. Wildlife Habitat Management Plan #2

Indicator Species	Conservation	Restoration	Enhancement	Protection	Monitoring	Research	Education	Outreach	Other	Other	Other	Other	Other
Indicator Species													

A. Wildlife Habitat Protection Map

EPD identified Major Plant Communities in the report: Summary of Key Plant and Wildlife Resources of Blaine County in Blaine County, Idaho 2012. Any area outside of the Blaine Resilience/Agriculture or Development Corridor is considered a Key Plant Community.

Figure 1. Blaine Resilience/Agriculture/Development Corridor. Blaine County, Idaho. Blaine County, Idaho. Blaine County, Idaho.

5. Provide a list of proposed mitigation measures, that may include habitat preservation, restoration, enhancement, and creation and an analysis of the probability of success of such measures. If the impact mitigation plan requires significant construction or restoration activities, Blaine County may require that the applicant provide a financial assurance of the value of work for 100% of the estimated cost of such activities. When the construction or restoration has been completed as described in the impact assessment and mitigation plan for 20% of the fiscal activity, the project shall be reviewed for the next 20% of the fiscal activity to be implemented. The remaining 20% will be held for 20 years as a guarantee of the work has been performed.

3. Detailed Site Plan

A site plan shall confirm the location of:

- Proposed development
- Existing vegetation
- Existing habitat for the indicator species

G. Review:

- Optimal preliminary IDFG review
 - The applicant may contact IDFG to identify any Key Plant Community lands on the subject property. IDFG shall forward all preliminary requests to the Administrator of Key Plant Communities, as determined to exist on the subject property. The applicant shall be required to complete the provisions in this district.
- If the preliminary review by IDFG determines that the proposed development will have no significant impact on wildlife or

wildlife habitat, no further action is required of the applicant pursuant to this division.

2. Application Review:

If the application falls into the optional preliminary IDFG review OR if the preliminary IDFG review finds that Key Plant Communities are determined to exist on the subject property, the following process shall be followed:

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

H. Implementation:

- If there is sufficient concern that the development will not be in conformance with the approved Wildlife Habitat Management Plan, a third-party inspector may be hired at the applicant's expense, to verify the plan was followed, or identify corrections that need to be made.
- No final guarantee shall be released for a development until the necessary mitigation measures in the approved Wildlife Habitat Management Plan are made.
- No certificate of occupancy shall be issued for or in a development until the necessary mitigation measures in the approved Wildlife Habitat Management Plan are made. A Conditional Certificate of Occupancy may be issued if the timing of the season would not allow the mitigation measures to be completed.

VI. Indicator Species

The following are considered Indicator Species in Blaine County (This list comes from a Summary of Key Plant and Wildlife Resources of the Blaine County in Blaine County, Idaho, dated June 14, 2002):

- Columbian Sharp-tailed grouse
- Bald Eagle
- Golden Eagle
- Rocky Mountain Elk
- Mule Deer
- Moose
- Turkey Vulture
- Greater Sandch Crane
- Long-billed Curlew
- Yellowlegs/Catbird Toot
- Any other Federally Listed/Endangered or Extinct Species

III.2.3.B.1. Land Use Development Code | Blaine County, Idaho | 4

III.2.3.B.2. Land Use Development Code | Blaine County, Idaho | 4

III.2.3.B.3. Land Use Development Code | Blaine County, Idaho | 4

III.2.3.B.4. Land Use Development Code | Blaine County, Idaho | 4

13.3.B. Wildlife Habitat Management Plan #3

Indicator Species	Conservation	Restoration	Enhancement	Protection	Monitoring	Research	Education	Outreach	Other	Other	Other	Other	Other
Indicator Species													

A. Wildlife Habitat Protection Map

EPD identified Major Plant Communities in the report: Summary of Key Plant and Wildlife Resources of Blaine County in Blaine County, Idaho 2012. Any area outside of the Blaine Resilience/Agriculture or Development Corridor is considered a Key Plant Community.

Figure 1. Blaine Resilience/Agriculture/Development Corridor. Blaine County, Idaho. Blaine County, Idaho. Blaine County, Idaho.

6. Areas Applicability

This District applies to all land located in Blaine County within the Blaine County Community, as identified on the Map located on page 13.3.2.B. of this Code.

C. Scale/Scope of Development Requiring Applicability

If the proposed development will cause the removal of any of the following, the standards of this Division are applicable:

- Rural (Rural) 1 Unit per 30 Acres
- Agriculture (Rural) 1 Unit per 5 Acres

D. Intent

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

E. Standards:

- The buffer distance and configuration must be determined by a qualified professional who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and other disciplines, including planning, habitat, and trails on the use of the habitat or mitigation by the indicator species.

F. Design Review Criteria

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

- Building envelopes must be located:
 - To minimize fragmentation of any functional units of native vegetation and wildlife habitat.
 - To avoid or minimize the effects of indicator species or the presence of indicator species on the presence of indicator species in the fields of resource biology, fish and wildlife management, and other disciplines, including planning, habitat, and trails on the use of the habitat or mitigation by the indicator species.

III.2.3.B.5. Land Use Development Code | Blaine County, Idaho | 4

III.2.3.B.6. Land Use Development Code | Blaine County, Idaho | 4

III.2.3.B.7. Land Use Development Code | Blaine County, Idaho | 4

III.2.3.B.8. Land Use Development Code | Blaine County, Idaho | 4

7. Areas Applicability

This District applies to all land located in Blaine County within the Blaine County Community, as identified on the Map located on page 13.3.2.B. of this Code.

C. Scale/Scope of Development Requiring Applicability

If the proposed development will cause the removal of any of the following, the standards of this Division are applicable:

- Rural (Rural) 1 Unit per 30 Acres
- Agriculture (Rural) 1 Unit per 5 Acres

D. Intent

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

E. Standards:

- The buffer distance and configuration must be determined by a qualified professional who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and other disciplines, including planning, habitat, and trails on the use of the habitat or mitigation by the indicator species.

F. Design Review Criteria

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

- Building envelopes must be located:
 - To minimize fragmentation of any functional units of native vegetation and wildlife habitat.
 - To avoid or minimize the effects of indicator species or the presence of indicator species on the presence of indicator species in the fields of resource biology, fish and wildlife management, and other disciplines, including planning, habitat, and trails on the use of the habitat or mitigation by the indicator species.

8. Areas Applicability

This District applies to all land located in Blaine County within the Blaine County Community, as identified on the Map located on page 13.3.2.B. of this Code.

C. Scale/Scope of Development Requiring Applicability

If the proposed development will cause the removal of any of the following, the standards of this Division are applicable:

- Rural (Rural) 1 Unit per 30 Acres
- Agriculture (Rural) 1 Unit per 5 Acres

D. Intent

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

E. Standards:

- The buffer distance and configuration must be determined by a qualified professional who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and other disciplines, including planning, habitat, and trails on the use of the habitat or mitigation by the indicator species.

F. Design Review Criteria

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

- Building envelopes must be located:
 - To minimize fragmentation of any functional units of native vegetation and wildlife habitat.
 - To avoid or minimize the effects of indicator species or the presence of indicator species on the presence of indicator species in the fields of resource biology, fish and wildlife management, and other disciplines, including planning, habitat, and trails on the use of the habitat or mitigation by the indicator species.

III.2.3.B.9. Land Use Development Code | Blaine County, Idaho | 4

III.2.3.B.10. Land Use Development Code | Blaine County, Idaho | 4

III.2.3.B.11. Land Use Development Code | Blaine County, Idaho | 4

III.2.3.B.12. Land Use Development Code | Blaine County, Idaho | 4

9. Areas Applicability

This District applies to all land located in Blaine County within the Blaine County Community, as identified on the Map located on page 13.3.2.B. of this Code.

C. Scale/Scope of Development Requiring Applicability

If the proposed development will cause the removal of any of the following, the standards of this Division are applicable:

- Rural (Rural) 1 Unit per 30 Acres
- Agriculture (Rural) 1 Unit per 5 Acres

D. Intent

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

E. Standards:

- The buffer distance and configuration must be determined by a qualified professional who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and other disciplines, including planning, habitat, and trails on the use of the habitat or mitigation by the indicator species.

F. Design Review Criteria

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

- Building envelopes must be located:
 - To minimize fragmentation of any functional units of native vegetation and wildlife habitat.
 - To avoid or minimize the effects of indicator species or the presence of indicator species on the presence of indicator species in the fields of resource biology, fish and wildlife management, and other disciplines, including planning, habitat, and trails on the use of the habitat or mitigation by the indicator species.

10. Areas Applicability

This District applies to all land located in Blaine County within the Blaine County Community, as identified on the Map located on page 13.3.2.B. of this Code.

C. Scale/Scope of Development Requiring Applicability

If the proposed development will cause the removal of any of the following, the standards of this Division are applicable:

- Rural (Rural) 1 Unit per 30 Acres
- Agriculture (Rural) 1 Unit per 5 Acres

D. Intent

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

E. Standards:

- The buffer distance and configuration must be determined by a qualified professional who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and other disciplines, including planning, habitat, and trails on the use of the habitat or mitigation by the indicator species.

F. Design Review Criteria

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

- Building envelopes must be located:
 - To minimize fragmentation of any functional units of native vegetation and wildlife habitat.
 - To avoid or minimize the effects of indicator species or the presence of indicator species on the presence of indicator species in the fields of resource biology, fish and wildlife management, and other disciplines, including planning, habitat, and trails on the use of the habitat or mitigation by the indicator species.

III.2.3.B.13. Land Use Development Code | Blaine County, Idaho | 4

III.2.3.B.14. Land Use Development Code | Blaine County, Idaho | 4

11. Areas Applicability

This District applies to all land located in Blaine County within the Blaine County Community, as identified on the Map located on page 13.3.2.B. of this Code.

C. Scale/Scope of Development Requiring Applicability

If the proposed development will cause the removal of any of the following, the standards of this Division are applicable:

- Rural (Rural) 1 Unit per 30 Acres
- Agriculture (Rural) 1 Unit per 5 Acres

D. Intent

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

E. Standards:

- The buffer distance and configuration must be determined by a qualified professional who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and other disciplines, including planning, habitat, and trails on the use of the habitat or mitigation by the indicator species.

F. Design Review Criteria

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

- Building envelopes must be located:
 - To minimize fragmentation of any functional units of native vegetation and wildlife habitat.
 - To avoid or minimize the effects of indicator species or the presence of indicator species on the presence of indicator species in the fields of resource biology, fish and wildlife management, and other disciplines, including planning, habitat, and trails on the use of the habitat or mitigation by the indicator species.

III.2.3.B.15. Land Use Development Code | Blaine County, Idaho | 4

Chapter 20 WILDLIFE OVERLAY DISTRICT (W)

20-1: PURPOSE:

The Blaine County board of county commissioners finds that the county contains wildlife habitat and species of local, statewide, and national significance as documented by Idaho Department of Fish and Game (IDFG). The intent of this overlay district is to protect, enhance, and preserve the wildlife and the United States Forest Service. It is the purpose of these regulations to preserve and enhance the diversity of wildlife habitat and species throughout the county for the economic, recreational, and environmental benefit of county residents and visitors. (Ord. 2006-19, 11-14-2006)

20-2: ESTABLISHMENT OF DISTRICT:

The wildlife overlay district (W) is hereby established and shall cover all lands within Blaine County. (Ord. 2006-17, 11-25-2006)

20-3: APPLICABILITY:

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

20-4: DEFINITIONS:

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

CLASSIFIED LANDS: Lands within Blaine County, that are:

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

Class II Lands: Lands within Blaine County that include elk migration corridors or mule deer migration corridors as defined within references used by IDFG and other professional sources.

20-6: CONSERVATION PLAN:

The following procedures shall apply to all subdivisions in the wildlife overlay district determined by the administrator in section 20-2.1 of this chapter to have classified lands:

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

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

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

- Wildlife survey and habitat assessment, as described in section 20-4.1 of this chapter.
- Conservation plan:
 - An analysis of the potential adverse impacts of the proposed development on wildlife and wildlife habitat on or off site;
 - A list of proposed mitigation measures and an analysis of the probability of success of such measures;
 - A plan for implementation, maintenance and monitoring of mitigation measures;
 - A demonstration of prohibition of wildlife feeding;
 - A plan for any relevant enhancement or restoration measures, including noxious weed eradication and control; and
 - A demonstration of fiscal, administrative, and technical competence of the applicant or other relevant entity to successfully execute the plan.

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

20-7: DESIGN STANDARDS:

The following standards shall apply to all subdivisions in the wildlife overlay district and for which a completed conservation plan has been prepared. The applicant has the burden of demonstrating compliance with these standards. If classified lands are determined to exist on the subject property, the plan shall be referred to section 20-2.2 of this chapter.

2. The preliminary review by the administrator determines that the proposed subdivision will have no significant impact on wildlife or wildlife habitat, no further action is required of the applicant.

3. An applicant may appeal the administrator's classified lands determination to the board pursuant to section 20-2.2 of this title. (Ord. 2006-17, 11-25-2006; Ord. 2006-19, 11-14-2006)

SENSITIVE LANDS: Lands professionally determined to be integral to the functioning of the ecosystem, including wetlands, riparian areas and wildlife habitat.

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

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

3000200
 this title: seasonal restrictions of recreational travel (motorized and nonmotorized) and activities, clustering of development to avoid intrusion into or fragmentation of habitat; and creation of buffers around critical areas.

2. **Wildlife Habitat:** Impact on wildlife habitat, including, but not limited to, the loss, degradation or fragmentation of wildlife habitat to the extent that the capacity of an area to support wildlife is diminished and the diversity of wildlife species occurring in the county is reduced. Assessment of significant impacts will be based on the following:

- The amount of vegetation/habitat removal or alteration within the development site;
- The amount of habitat of similar type and quality within the development site that remains contiguous;
- The existing and proposed amount of lot coverage;
- The existence of contiguous habitat of similar type and quality on adjoining land; and
- Mitigation efforts that directly address the potential adverse impacts of the proposed land use on wildlife species, including, but not limited to, clustering of development to avoid intrusion into or fragmentation of habitat; creation of buffers around critical areas; limits on the amount of disturbance on a site; restrictions on vegetation removal; and enhancement or restoration of equivalent habitat on or adjacent to the site.

3. **Wildlife Movement Patterns:** Impact on wildlife movement patterns, wildlife displacement and habitat use, including, but not limited to, disruption of necessary migration or movement patterns that prevent wildlife from using current or traditional habitats; displacement of wildlife species into areas that cannot support or sustain the species over the long term; or decrease the capacity of an area to support wildlife. Assessment of significant impacts will be based on the following:

- Preventing wildlife from using current or traditional habitats, such as blocking migration corridors from summer to winter range;
- Causing wildlife to find new routes that separate them to significantly increased predation, interaction with motor vehicles, intense human activity or more severe topography and climatic conditions;
- The size of the affected habitat and availability of similarly sized and quality habitat within the surrounding area;
- The human activity and development that would result in the inability of a single or multiple species to adapt to the new conditions;
- Inability of affected species to adapt to significant alteration of their current habitats or to find a new habitat that is sufficient to sustain the species over the long term; and
- Mitigation efforts that directly address the potential adverse impacts of the proposed land use on wildlife species, including, but not limited to, clustering or location of development to avoid intrusion into migration or movement areas; creation of buffers

3000200
 around critical areas; limits on fencing that might interfere with migration and movement patterns; and enhancement or restoration of equivalent habitat on or adjacent to the site.

4. **Uniqueness Of Habitat And Species:** Uniqueness of habitat and species to Blaine County, including, but not limited to, loss, degradation, or fragmentation of important wildlife habitat that is identified as unique to Blaine County in that it supports wildlife species that do not commonly occur outside the county to the extent that the health and viability of a species is threatened in the county and impacts on wildlife species that do not commonly occur outside Blaine County to the extent that a species is threatened in the county. Assessment of significant adverse impacts will be based on the following:

- The extent that habitat similar to that affected by the proposed development exists in Blaine County;
- Whether the species does not commonly occur outside Blaine County, as determined by listing by state or federal agencies as threatened or endangered or as determined by Blaine County in conjunction with the Idaho department of fish and game;
- Whether the habitat does not commonly occur outside of Blaine County as determined by the county in conjunction with the Idaho department of fish and game;
- The extent of the threat to the viability of the species;
- The extent of the reduction of the diversity of wildlife species in the county; and
- Mitigation efforts that directly address the potential adverse impacts of the proposed land use on wildlife species, including, but not limited to, clustering of development to avoid intrusion into or fragmentation of habitat; creation of buffers around critical areas; limits on the amount of disturbance on a site; and enhancement or restoration of equivalent habitat on the site or statewide in the county.

5. **Cumulative Impacts Assessment:** An assessment of cumulative impacts including the effects of past, present, and reasonably foreseeable future actions within and beyond the boundaries of the proposed site. Assessment of significant adverse impacts will be based on the following:

- The area, including land outside the project site, in which effects of the proposed project will occur and the impacts of the proposed project that are expected to occur in that area; and
- A cumulative assessment of the incremental impacts on wildlife populations and habitat of the proposed development in conjunction with the past, present, and reasonably foreseeable future impacts of other activities and developments.

6. **Vegetation Removal And Revegetation:**

- Removal of natural vegetation shall be minimized and restricted to the smallest area necessary to construct permitted uses and associated structures, septic systems, and driveways within an activity envelope.

3000200
 b. All disturbed areas shall be revegetated with native vegetation as soon as possible and no later than one growing season after construction of the primary structure(s) is completed.

c. Planting nonnative ornamental plants on sites near or adjacent to designated big game wildlife habitat is prohibited and strongly discouraged on all other sites. In areas immediately surrounding residential dwelling units, planting of nonpalatable vegetation is strongly encouraged to reduce potential human-wildlife conflicts. (Ord. 2010-06, 5-25-2010; Ord. 2006-19, 11-14-2006)

3000200

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

Article 15 – Definitions

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

Other Comments

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

Moving Forward:

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

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

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

Article 13 – Property Development Plan

Make sure table matches for all sections.

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

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

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

Goals:

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

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

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

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



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

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

Past Public Outreach Events-

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

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

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

Documents to prepare for Public Outreach efforts:

Completed-

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

Yet to be Completed-

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

Feedback Methods:

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

The next steps include:

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

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

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



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

APPLICANT: Rachel and Michael Fortier
LANDOWNER: Rachel Fortier

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

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

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

VICINITY MAP:



AERIAL IMAGE OF PROPERTY



PROJECT BACKGROUND

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

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

PROJECT DESCRIPTION:

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

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

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

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

DRC MEETING - KEY ISSUES:

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

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

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

COMMENTS FROM NOTIFIED PROPERTY OWNERS & PUBLIC AT LARGE

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

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

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

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

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

Zone Change Considerations

1. Differences Between Zoning Districts

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

2. Future Zone Changes

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

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

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

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

POSSIBLE CONDITIONS OF APPROVAL | Zoning Map Amendment

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

POSSIBLE PLANNING & ZONING COMMISSION ACTIONS | Zoning Map Amendment

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

POSSIBLE MOTIONS | Zoning Map Amendment

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

APPROVAL

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

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

DENIAL

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

1. ...

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

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

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

POSSIBLE CONDITIONS OF APPROVAL | Conditional Use Permit

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

POSSIBLE PLANNING & ZONING COMMISSION ACTIONS | Conditional Use Permit

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

POSSIBLE MOTIONS | Conditional Use Permit

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

APPROVAL

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

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

DENIAL

Having concluded that the Criteria for Approval of a Conditional Use Permit found in Title 8-6-1 have not been satisfied, I move to RECOMMEND DENIAL to the Teton County Board of County Commissioners for the Conditional Use Permit for the Fin and Feather Inn as described in the application materials submitted on March 28, 2016 and as supplemented with additional applicant information attached to this staff report. The following could be done to obtain approval:

1. ...

ATTACHMENTS:

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

End of Staff Report

Attachment 1



ZONE CHANGE APPLICATION

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

SECTION I: PERSONAL AND PROPERTY RELATED DATA

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

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

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

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

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

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

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

Fees are non-refundable.

SECTION II: REQUIRED ITEMS

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

SECTION III: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

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

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

SECTION IV: SPECIFIC REQUIREMENTS FOR PUBLIC HEARING AND NOTICE

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

SECTION V: STAFF SUMMARY ANALYSIS, REASONING AND FACT FINDING

SECTION VI: PLANNING AND ZONING COMMISSION ACTION

SECTION VII: BOARD OF COUNTY COMMISSIONERS ACTION



ZONE CHANGE APPLICATION

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

SECTION I: PERSONAL AND PROPERTY RELATED DATA

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

Location and Zoning District:

Address: 9444 S Hwy 31, Victor, ID Parcel Number: RPO040000010
 Section: 17 Township: T3N Range: R45E Total Acreage: 3.52
 Present Zoning District: A2.5 Requested Zoning District: R-1

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

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

RACHEL L FORTIER
 9444 SOUTH HIGHWAY 31
 VICTOR, ID 83455

1083

4/4/16

91527009 308
966611883

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



Rachel R

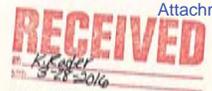
Legal Description of Property

LOT 1 BROWNS ACRES SEC 17 T3N R45E

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

Rachel Fortier

9444 S Hwy 31
Victor, ID 83455



CONDITIONAL USE PERMIT APPLICATION

Teton County, Idaho

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

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

SECTION I: PERSONAL AND PROPERTY RELATED DATA

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

Location and Zoning District:

Address: 9444 S Hwy 31, Victor, ID 83455 Parcel Number: RPO0460000010
 Section: 17 Township: T3N Range: R45E Total Acreage: 3.52
 Zoning District: A-1 Requested Land Use: Bed and Breakfast Inn

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

Applicant Signature: Przem Bm Date: 3/28/16

Fees are non-refundable.

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

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

SECTION II: REQUIRED ITEMS

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

SECTION III: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

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

SECTION IV: SPECIFIC REQUIREMENTS FOR PUBLIC HEARING AND NOTICE

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

SECTION V: STAFF SUMMARY ANALYSIS, REASONING AND FACT FINDING

SECTION VI: PLANNING AND ZONING COMMISSION ACTION

SECTION VII: BOARD OF COUNTY COMMISSIONERS ACTION



CONDITIONAL USE PERMIT APPLICATION

Teton County, Idaho

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

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

SECTION I: PERSONAL AND PROPERTY RELATED DATA

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

Location and Zoning District:
Address: 9444 S Hwy 31, Victor, ID 83385
Section: 17
Township: T3N
Range: R45E
Total Acreage: 3.52
Zoning District: A-1
Requested Land Use: Bed and Breakfast Inn

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



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

Rachel Fortier "Owner" whose address is 9444 South Hwy 31 City, V.I. 83385 State ID Zip 83345

As owner of property more specifically described as Lot #2 Browns Acres - Resene application and conditional use permit application

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

Owner agrees to pay any fines and be liable for any other penalties arising out of failure to comply with the terms of any permit or arising out of any violation of applicable laws, codes, or regulations applicable to the action sought to be provided by the application authorized herein. Under penalty of perjury, the undersigned swears that the foregoing is true and, if signing on the behalf of a corporation, partnership, limited liability company or other entity, the undersigned swears that this authorization is given with the appropriate approval of such entity, if required.

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

NOTARY:
STATE OF: Idaho SS:
COUNTY OF: Teton Zip: 83345

Subscribed and sworn to before me by Rachel Fortier this 28th day of March, 2014

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

Teton County, Idaho Planning and Building Department 150 Courthouse Drive Suite 107 Driggs, ID 83422 208-354-2293 Fax 208-354-8410



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

DEED OF TRUST

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

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

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

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

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

DEED OF TRUST
 0914 Fortier RE - DOT

1

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

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

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

DEED OF TRUST
 0914 Fortier RE - DOT

2

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

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

B. IT IS MUTUALLY AGREED THAT:

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

DEED OF TRUST
 0914 Fortier RE - DOT

3

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

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

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

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

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

DEED OF TRUST
 0914 Fortier RE - DOT

4

number includes the plural.

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

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

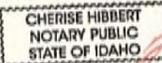
Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the GRANTOR at his address hereinbefore set forth.

Rachel L. Fortier
Rachel L. Fortier, Grantor

STATE OF IDAHO)
County of Teton)

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

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



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

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

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

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

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

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

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

Room Number Request

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

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

APPLICATION FOR CONDITIONAL USE PERMIT





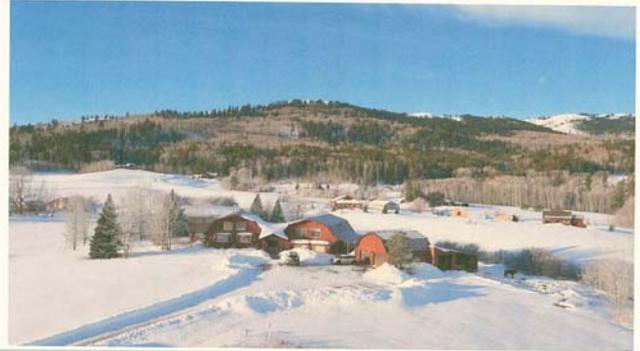
Purpose

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



Fin and Feather Inn

9444 South Highway 31, Victor, ID



History

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



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



Website – FinandFeatherInn.com





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

TAKE A LOOK AT OUR COMFORTABLE ROOMS

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



MALLARD ROOM

Beds: 1 King Bed



TROUT ROOM

Beds: 1 Queen Bed



WILDFLOWER ROOM

Beds: 1 Queen Bed



Pictures of Renovation



Renovation Specifics

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



Awards

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

36 Reviews from our TripAdvisor Community

Read reviews that mention:

Traveler type	Time of year	Language
Family (2)	February (2)	May (4)
Very good (1)	October (1)	June (1)
Average (1)	July (1)	August (1)
High (1)	August (1)	September (1)
Family (1)	September (1)	October (1)
Family (1)	October (1)	November (1)

Start your review of Fin and Feather Inn

"Best B & B ever!"

Reviewed 1 week ago



Current Use

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



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

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



Problems and Benefits to Fin and Feather

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



Benefits to Valley

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