



FROM: Planning Staff, Jason Boal
TO: Board of County Commissioners
RE: Planning Department Update
MEETING: October 28th, 2014

Short Term Projects:

- Letter from engineer on Teton Valley Scenic Byway

Long-range Projects:

- Letter from the PZC in regards to Code Studio
- Subdivision Vacations (Haden Hollow, Trappers Ridge, Ridgline Ranch)

Action items for the BoCC:

- Heart R Ranch minor Plat Amendment
- Agricultural Building Permit Fee



Teton County Planning
150 Courthouse Drive, Room 107
Driggs, Idaho 83422
Phone: 208.354.2593
Fax: 208.354.8778

FROM: Planning Administrator, Jason Boal
TO: Board of County Commissioners
RE: Teton Valley Scenic Parkway
DATE: October 28, 2014

We have comments back from an engineer regarding the Teton Scenic Parkway (see attached documents).

My concerns in addition to the engineer's comments include:

- The applicant has requested the road be allowed to be built to a "Recreational Road" standard. I do not think this road fits the recreation classification. It is currently part of the county road system and classified as a "Minor Neighborhood" or "Local". Recreational roads are intended for providing access to public lands. Although this road does this, it also provides access to a lot of private lands. If that private land was to ever develop (even moderate development) the recreational road standard would not be adequate. With two 6'8" travel lanes as opposed to two 9' lanes the function of the road would be severely limited.
- The capacity will be severely limit along this road. If future residential development is desired by the land owners we may want to reconsider the minimum design speed of 25 mph, and the problematic horizontal curves mentioned by the engineer.
- All existing accesses need to be maintained. Mr. Horton has assured this is the case, but I would like to see the proposed accesses included on the plans.
- In conversations with the Forest Service, they expressed concerns about the tight turns in several locations. This design may prohibit the use of farm equipment as well as recreational users.
- The road will need to be realigned across the BLM property. This will require a NEPA study. Mr. Horton has proposed that Teton County apply to the BLM and conduct (pay for the NEPA) study.

Questions for the Board of County Commissioners:

- **Is the County interested in adopting this road and abandoning the existing easements and/or right of ways?**
- **Is the county comfortable with the design of the proposed road?**
- **Is the County willing to pay for the NEPA study that is required by the BLM to realign the road, or are we going to ask the applicant to do that?**

Possible solutions:

- Have the applicant (Mr. Horton) pay for the NEPA study as part of the adoption/abandonment agreement.
- Have the corners designed for 35-45mph to accommodate larger equipment and/or future growth, or have them designed for 25 mph with the understanding that growth in the area would be limited.
- Have the applicant pay for the additional signage that will be required.
- Enter into a development agreement with Mr. Horton clarifying and solidifying the future uses and access off of this road.

The applicant would like to know where the Board stands on these issues. We may have time over the winter while construction is on hold to address some of these things as well.



October 23, 2014

Mr. Jason Boal, Teton County Planning Administrator
Teton County Planning
150 Courthouse Drive, Suite 107
Driggs, Idaho 83422

RE: Amended Scenic Parkway Road Design Review

Jorgensen Associates, PC (JA) has been retained by the Teton County Planning Department to review and comment on the proposed Scenic Parkway road design. This review is based on horizontal and vertical road design provided by Benchmark Land Surveying, correspondence between Jay Mazalewski and Jess Horton, various reports submitted to Teton County, and conversations with the Teton County Planning Department. Upon Review of the proposed Scenic Parkway Road Design, I have the following observations:

Design Parameters:

Local Road Classification
25 mph design speed
Structural Section = 4 inches of $\frac{3}{4}$ " crushed wearing coarse on 12 inches of Type A pit run

Design Observations:

Milk Creek road does not have an assigned designation on the Teton County Road Classification Map which means it is either currently classified as a Local Road or Recreational Access Road. **Currently the Scenic Parkway Road is being designed to meet the Local Road standard cross section.**

In a memorandum from Jay Mazalewski to Jess Horton dated June 12, 2014, Mr. Mazalewski provided 2 possible acceptable structural sections. **Design plans are compliant with Option 2 listed in the memorandum; 4 Inches of $\frac{3}{4}$ " crushed wearing surface on 12 inches of Type A pit run.**

Design speed for a Local Road classification is 25-35 mph. **The Scenic Parkway Road was designed using a 25 mph design speed.**

Design exceptions to the 25 mph design speed are as follows;

There are three locations that would be considered intersections where the change of direction occurs at 90°. Those instances occur at:

Station 86+65
Station 171+92
Station 242+69

Additional warning signage and possible stop signs would be necessary at these locations.

There are eight locations where design horizontal curves are non-compliant with the 25 mph design speed, 3 of which were deemed insignificant due to the short curve length. Those instances occur at;

Station 87+23, Radius = 50' (length = 50', insignificant)
Station 127+38, Radius = 200' (length = 104', insignificant)
Station 134+44, Radius = 100' (length = 73', insignificant)
Station 158+50, **Radius = 65'**
Station 226+79, Radius = 200'
Station 231+10, Radius = 137'
Station 238+85, Radius = 100'
Station 241+23, Radius = 100'

Minimum horizontal curve for a 25 mph design speed is 250'. Based on the ASSHTO Design manual, 2011 Edition, JA is recommending widening the inside lane by the following:

Station 158+50, Widen inside travel lane 6'
Station 226+79, Widen inside travel lane 2'
Station 231+10, Widen inside travel lane 2'
Station 238+85, Widen inside travel lane 4'
Station 241+23, Widen inside travel lane 4'

Recommended lane widening does not include the 2' shoulder design. Widening the lanes as recommended will allow for farm equipment and recreational vehicles to navigate the curves traveling at low speeds but not in both directions at the same time.

All vertical grades are all under 8%. Teton County Standard maximum grade is 10%. However, K-values are not listed on the road design. Engineer should calculate K-values to confirm compliance with the design standards. Minimum K-values for 25 mph design are 12 for crest curves and 26 for sag curves.

Culvert sizes are not called out on the design plans. Minimum size required must accommodate a 10 year flood event.

Recommended Action Items:

Consider widening non-compliant vertical curves as recommended.

Require engineer to revise plans to include K-value on plans and confirm compliance to Teton County Design Standards.

Require revised plans to include design criteria and be stamped by engineer.

The memorandum from Jay Mazalewski to Jess Horton dated June 12, 2014 includes the statement "*Areas of poor subgrade, pumping or wet materials may need additional base or geotextile fabric*". Teton County should conduct periodic site visits to inspect native material and existing conditions to determine where additional base and/or fabric is necessary.

The contractor should submit material test results to ensure the ¾" wearing course meets County standards.

Teton County should conduct random compaction tests on all materials to ensure material is compacted to 95% AASHTO T-99 Proctor Density per County design standards.

Driveway access points are not shown. It is recommended that the applicant identify any access points to ensure all County requirements are met.

Advisory signs will be required for non-compliant curves and intersections. The County should consider requiring a sign plan be submitted by the applicant and also consider having all signage installed by applicant prior to acceptance.

This review was conducted based on Teton County development standards, the Scenic Parkway ROW Permit Application, the Scenic Parkway stormwater flow calculations, the Scenic Parkway road design plans, various correspondence and conversations with the Teton County Planning Department.

Sincerely;

A handwritten signature in black ink, appearing to read 'Darryl Johnson', with a stylized flourish at the end.

Jorgensen Associates
Darryl Johnson, P.E., P.L.S.

Local Roads

(See Figure 2 for local routes in Teton County)

According to the American Association of State Highway and Transportation Officials (AASHTO): "The rural local road system, in comparison to collectors and arterial systems, primarily provides access to land adjacent to the collector network and serves travel over relatively short distances. The local road system constitutes all rural roads not classified as principal arterials, minor arterials, or collector roads." Local roads typically serve 65-75% of the total rural road length in a given county.

Local roads as defined in Figure 2 generally have an ADT of less than 150 vehicles per day, although many exceed this value. The design standard for local roads in Teton County, Idaho is outlined in Table 7 below, while the cross-section may be viewed in Figure 7.

Table 7. Local Road Standard

Lane Width (ft)	Shoulder Width (ft)	Road Width (ft)	ADT (veh/day)	Speed Limit (mph)
9	2	22	<150	25-35

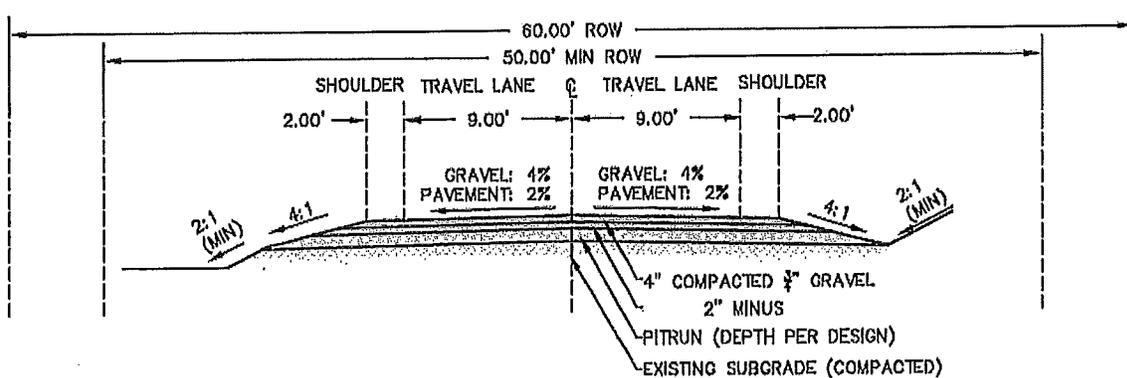


Figure 7. Local Road Cross-Section

Local roads are typically constructed with a gravel wearing surface, although a paved surface is also applicable.

Recreational Access Roads

Recreational accesses are generally Forest Service roads and are not listed on the functional classification map for Teton County, Idaho. According to AASHTO: "Recreational and scenic roads serve specialized land uses, including parks, tourist attractions, and recreation facilities, such as campsite or boat-launch ramps. Traffic is open to the general public, and their users are more likely than users of other functional sub-classes of local roads to consist of unfamiliar drivers. Recreational and scenic roads do not generally carry significant volumes of truck traffic, but do serve recreational vehicles including motor homes, campers, and passenger cars pulling boats and other

trailers. In many cases, these roads carry high seasonal traffic volumes. Recreational and scenic roads may accommodate a wide range in speeds and trip lengths may be fairly long.” The design standard for recreational access roads in Teton County, Idaho is shown in Table 8 below, while the cross-section may be seen in Figure 8.

Table 8. Recreational Access Standard

Lane Width (ft)	Shoulder Width (ft)	Road Width (ft)	ADT (veh/day)	Speed Limit (mph)
6-8	1	14-18	<150	15-25

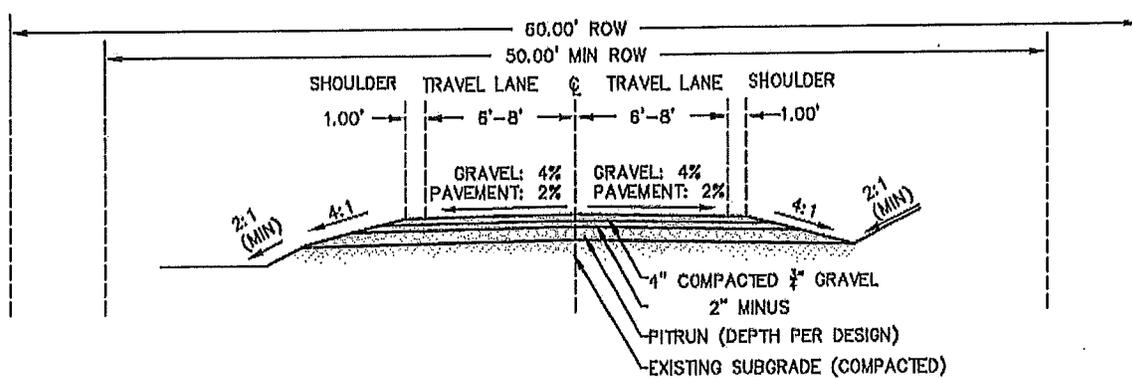


Figure 8. Recreational Access Road Cross-Section

It should be noted that AASHTO recommends the use of an 8 foot travel lane for recreational roads while the forest service standard ranges from 6-7 feet for a travel lane. Access roads usually incorporate a gravel wearing surface but can be paved.

Driveways

A driveway is an access from a public road to two parcels of land or less. A roadway that serves as an access to three or more parcels shall be deemed a local road, and adheres to local road standards. Driveway requirements for Teton County, Idaho are summarized in the following sections.

The design standard for a driveway in Teton County, Idaho is outlined in Table 9 below, while the cross section can be seen in Figure 9.

Table 9. Driveway Standard

Lane Width (ft)	Shoulder Width (ft)	Total Width (ft)
6	2	16



FROM: Teton County Planning & Zoning Commission
TO: Teton County Board of County Commissioners
CC: Teton County Prosecuting Attorney; Western Greater Yellowstone Consortium members; United States Department of Housing & Urban Development
RE: Code Studio Contract & HUD Consortium
DATE: October 22, 2014

The Teton County Planning and Zoning Commission has large concerns about the sub-standard performance regarding Code Studio and the Teton Valley Code portion of the HUD Grant (Exhibit A). Following is a timeline of work provided by Code Studio this year:

- January 2014: Teton County proposed a modified scope of work and schedule to ensure Driggs, Victor, and the County received a product that would benefit these communities as well as the GWYC (Exhibit B).
- February 2, 2014: Code studio provided a revised scope of work (Exhibit C).
- April 2014: There were items in the original scope of work that were missing, and Code Studio was notified of these deficiencies (Exhibit D) by Teton County P&Z Administrator Jason Boal. This was a shared sentiment from all the communities in Teton County. There was support from Fremont County to go in a different direction if there was not a change in course by Code Studio.
- April 29, 2014: Code Studio reaffirmed its commitment to Teton Valley on a conference call. This commitment was made based on a revised schedule and scope of work (Exhibit E). It is not clear if this revised schedule was actually agreed upon by Code Studio and Fremont County.
- April 25, 2014: Code Studio had scheduled a conference call with Teton County P&Z, which they canceled.
- April 30, 2014: Code Studio produced a schedule for Key Deliverable (Exhibit F).
- May 29, 2014: There was a combined meeting (Driggs, Victor, and County P&Z).
- July 2014: The July trip to Teton Valley was canceled by Code Studio (7/7/14), and a video conference was scheduled with Teton County P&Z. The video conference never materialized.
- July 14, 2014: Code Studio provided a Revised Schedule (Exhibit G). The schedule eliminated individual codes for each community in favor of the Model Code, which each community can adopt or adjust as they see fit.
- August 19, 2014: Code Studio met with Teton County P&Z, discussed the timetable (Revised Schedule), and promised they were on track.
- September 19, 2014: County Districts were due; they arrived on October 9, 2014.
- September 2014: Code Studio canceled their visit in September (9/22/14-9/26/14).
- October 24, 2014: We are expecting to receive the revised County Districts from Code Studio.

As this brief timeline shows, Code Studio has repeatedly reduced the scope of their work and missed deadlines. As the end of the HUD Grant approaches, we feel it is imperative that the lack of performance is adequately documented and discussed. Even though the timelines and scope were repeatedly adjusted, there does not appear to be any adjustment to the amount of money set aside for the project. Code Studio is doing less (a lot less if you compare Exhibit A and D) and still receiving the same amount of funds. Code Studio was under contract and has a legal obligation to produce what was

promised. At this time, the pattern for whittling down the scope of work is obvious, and we would like to see it corrected before the grant funds are no longer available.

While there have been parts of the HUD Grant that have been successful, we feel it is important to document the issues with Code Studio's role in the grant. The Teton County Planning & Zoning Commission plans to move forward with writing the code even if the scope of work and deadlines continue to be missed, but considerable time has been wasted on trying to collaborate. The lack of performance and reduced deliverables by Code Studio needs to be addressed. We recommend the following actions:

1. Teton County Board of County Commissioners or the Teton County Prosecuting Attorney file a Freedom of Information Act request to Fremont County and/or HUD for Code Studio's official updated contract, any changes made to the original contract, and who approved those changes.
2. Teton County Prosecuting Attorney explore the official contract to determine the flexibility allowed for modifying the approved deliverables and the process required to make modifications. In addition, determine if there is a mechanism in place to verify that work has been completed prior to releasing payments.
3. Teton County Board of County Commissioners or the Teton County Prosecuting Attorney file a Freedom of Information Act request to Fremont County and/or HUD for all bills, payments, and invoices for Code Studio.
4. Teton County Prosecuting Attorney explore the bills, payments, and invoices for Code Studio to determine how much money has been paid and for what work, compare the work paid with the deliverables promised and what has been received, and finally determine if appropriate funds were distributed for the work delivered.

Exhibit A

PROFESSIONAL SERVICES AGREEMENT

This professional services agreement is between FREMONT COUNTY, IDAHO ("County") acting by and through the FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS ("Board") and CODE STUDIO, a Texas corporation.

The parties agree as follows:

SCOPE OF WORK

County engages Code Studio to perform the following consulting services:

Phase I: Model Code Understanding

Task 1.1: Model Code Project Kick-Off

Code Studio will work with County's advisory committee to schedule a kick-off meeting to discuss project goals, schedule, outreach and local coordination. Code Studio and the advisory committee will discuss public outreach approach, frequency and timing of events, and availability of materials. Code Studio and the advisory committee will identify stakeholders and testing locations, presentation responsibilities, ongoing web updates, and other necessary resources. Code Studio and the advisory committee will discuss current planning capacity and the current status of planning efforts across the region.

Task 1.2: Stakeholder Outreach

Code Studio will identify and synthesize issues and opportunities through stakeholder interviews and stakeholder focus groups. Stakeholders will comprise representatives from each of the communities surrounding Yellowstone National Park and Grand Teton National Park, as identified in cooperation with the Advisory Committee. The interviews will include elected and appointed officials, and focus groups such as members of the development community, neighborhood and civic representatives, disadvantaged populations, business leaders, and county and city staff. Focus groups will be conducted in person, some interviews may occur by telephone.

Task 1.3: Issue Identification

Code Studio will describe in a white paper the applicable local, regional, and statewide plans and policies, along with relevant and applicable state and federal enabling legislation. Code Studio will also identify fiscal barriers that limit planning at various levels of government, with a focus on the differences between enabling authority in the four counties. The white paper will also cover administrative and planning capacity issues in local government in the region. The report will summarize stakeholder outreach issues and describe tools and authority available to various levels of local government.

Task 1.4: Best Practice Presentation

Code Studio will discuss best practices to land development regulations that address conditions unique to the Greater Yellowstone region and how they may be voluntarily implemented through certification in the GY-Framework. Code Studio will condense this information into a presentation to include a discussion of rural, suburban, and urban places and how a flexible,

model code could help achieve the planning goals in the GY-Framework. Case studies would be shared where model codes have been adopted elsewhere and how regulations could be written to advance the needs and goals of community members identified in the focus groups. Once Code Studio finalizes this initial presentation, Code Studio will annotate it for delivery by others, and make it available for local presentations throughout the region.

Phase II: Teton Valley Vision

Task 2.1: Document Review

Code Studio will review relevant information in order to gain familiarity with Victor, Driggs and Teton County, Idaho. Specifically, Code Studio will study existing land development regulations, ordinances, previous studies and plans, current and historical maps, transportation and demographic information to prepare for the project.

Task 2.2: Kick-off Meeting/Open House

Code Studio will travel to Teton County for a two-day kick-off event. During this trip the team will:

- Meet with staff and members of a locally-established Vision Committee to review the schedule, scope of work, public process, charrette space and data needs.
- Meet with key stakeholders to learn firsthand about the issues and opportunities, strengths and weaknesses of Victor, Driggs and the surrounding County.
- Tour the County to allow team members to gain familiarity with the area. The tour will focus on good and bad examples of development. Photos will document the tour.
- Conduct a public meeting to introduce the planning process and planning team. The public meeting will provide input early in the process, and identify conflicts and areas of concern before beginning the visioning charrette. The meeting will also serve as an initial opportunity to educate the community on the Greater Yellowstone Framework for Sustainable Development.

Task 2.3: Initial Analysis & Critique

Code Studio will prepare a series of base maps that analyze existing conditions of the study area. Code Studio will also critique the existing regulations, measured against development as described in the Greater Yellowstone Framework for Sustainable Communities. Summaries of input from the first public meeting and stakeholder interviews will also be prepared for presentation to staff and members of the Vision Committee.

Task 2.4: Charrette Planning/Logistics

Code Studio will work with staff to finalize the charrette format and studio space, organize public meeting space, and technical meetings, and finalize charrette travel arrangements. The team will prepare a poster and handout for community-wide distribution, prepare a Facebook page and set up a Twitter page to swiftly communicate about the project and process.

Task 2.5: Visioning Charrette

Code Studio, supplemented by urban design economic, transportation and computer visualization experts, will travel to Teton County for a six-day planning and design charrette. The charrette will focus on sustainable development patterns for Victor, Driggs and Teton County. During this trip the team will at minimum:

- Meet with staff and members of the Vision Committee to review the results of the initial analysis and synthesis.
- Conduct a public meeting to start the charrette.
- Facilitate a public hands-on design session to obtain input regarding the strengths and weaknesses of the area, and its potential future.
- Set up and staff a drop-in design studio. The charrette studio will be open to the public for the duration of the charrette.
- Hold a pin-up session where draft materials will be presented in an open house format to the general public.
- Meet with key stakeholders and local agency technical experts (city, county, state and federal).
- Present initial vision -- design principles, plans and illustrations -- to general public at the end of the charrette week.
- Debrief with staff and members of the Vision Committee to identify further refinement and next steps.

Task 2.6: Charrette Documentation

Code Studio will work off-site to refine draft concepts and illustrations begun during the charrette. Code Studio will prepare a charrette report covering the process, concepts and illustrations.

Phase III: Teton Valley Code Drafting

Task 3.1: Prepare Initial Draft Code

In close cooperation with legal counsel and staff, Code Studio will draw from the charrette vision to prepare a code for Victor, Driggs and surrounding Teton County, Idaho. The code will implement the local vision as well as the principles of the Greater Yellowstone Framework for Sustainable Development.

Task 3.2: Staff/Committee Review

Code Studio will travel to Teton County for a two-day working session. This working session is intended to convert the internal draft code into a public review draft. During this trip the team will at minimum meet with staff and members of the Vision Committee to review the internal draft code.

Task 3.3: Public Review Draft

Editorial revisions will be made based on input from staff and members of the Vision Committee and a public review draft delivered.

Task 3.4: Open House

Code Studio will travel to Teton County for a two-day trip. During this trip the team will at minimum:

- Meet with staff and members of the Vision Committee to review the public draft. Meet with key stakeholders to review the public draft.
- Conduct a public open house to introduce and receive input on the public draft.

Task 3.5: Final Draft Code

Code Studio will make final editorial revisions based on input from staff, members of the Vision Committee, stakeholders, and the general public. Code Studio will prepare and deliver a final draft ready for the formal adoption process.

Task 3.6: New Code Consideration

Code Studio will assist Victor, Driggs and Teton County with consideration of the new code. This may include facilitation of public hearings or workshops.

Task 3.7: Code Publishing

Code Studio will make final revisions, if any, based on the local adoption proceedings, and provide both digital and hard copies to Victor, Driggs and Teton County.

Phase IV: Model Code Drafting**Task 4.1: Advisory Committee Update**

Code Studio will update the Advisory Committee on the experience to date following the preparation of code for Victor, Driggs, and surrounding Teton County. The response to this update will provide guidance to the team regarding the model code, and how it might differ from the end result for the Victor, Driggs, and surrounding Teton County.

Task 4.2: Working Draft Model Code

Code Studio will prepare an initial draft model code based on the local work in Victor, Driggs and surrounding Teton County. The draft code will implement the Greater Yellowstone Framework for Sustainable Development throughout the region. The draft will include annotation where authority varies among the relevant state, county and city jurisdictions.

Task 4.3: Model Code Handbook

Code Studio will prepare a companion handbook to accompany the model code. This handbook will ensure that future users of the code understand the steps necessary to tailor the code to their community, and implement it effectively.

Task 4.4: Advisory Committee Meeting

Code Studio will meet with the Advisory Committee to receive comments on the working draft model code and companion handbook. The presentation will include materials intended to be used to educate the general public in later phases of the project. The Committee will be the first test of the effectiveness of those materials.

Task 4.5: Peer Review

Code Studio will ask consulting professionals with experience in western environments to review the model code draft, and comment on how it might be improved. Code Studio will pay any costs associated with these consulting professionals.

Task 4.6: Working Draft Revisions

Code Studio will consider for inclusion in the working draft the revisions the Advisory Committee and peer reviewers suggest. Code Studio will make revisions to the working draft model code and handbook as needed. This version of the code and handbook will serve as the basis for testing in a series of pilot communities in the next phase.

Task 4.7: Training

Code Studio will work with local professionals to train them on how to tailor the code in communities throughout the region.

OPTIONAL Phase V: Technical Support

Task 5.1: OPTIONAL Audit of Existing Regulations

At County's discretion, Code Studio will prepare an audit of one or more pilot community's existing regulations, and their ability to achieve the kind of development envisioned in the Greater Yellowstone Framework for Sustainable Development. Appointed and elected officials in the pilot community will review this critique to ensure a sound understanding of what the model code can bring to the community.

Task 5.2: OPTIONAL Tailor Model Code

At County's discretion, Code Studio will tailor the model code to fit the unique circumstances of one or more pilot communities. Code Studio will prepare this initial draft for further consideration by the community.

Task 5.3: OPTIONAL Technical Support

At County's discretion, Code Studio will provide technical support during adoption or tailoring of the model code to pilot communities.

COMPENSATION

See exhibit A.

RIGHT OF CONTROL

County agrees that it will have no right to control or direct the details, manner, or means by which Code Studio accomplishes the results of the service performed hereunder. Code Studio has no obligation to work any particular hours or days or any particular number of hours or days. Code Studio agrees that its other contracts or services shall not interfere with the performance of its services under this agreement.

INDEPENDENT CONTRACTOR RELATIONSHIP

Code Studio is an independent contractor and is not an employee, servant, agent, partner, or joint venturer of Board or County or any agency thereof. County shall determine the work Code Studio is to complete, but Code Studio shall determine the legal means by which it accomplishes the work specified by County.

FEDERAL, STATE, AND LOCAL PAYROLL TAXES

On behalf of Code Studio or the employees of Code Studio, County shall neither withhold nor pay federal, state nor local income taxes, nor payroll taxes of any kind. County shall not treat Code Studio as an employee with respect to the services performed hereunder for federal or state tax purposes. Code Studio understands that it is responsible to pay, according to

law, its income taxes. Code Studio further understands that it may be liable for self-employment (Social Security) tax and/or other tax to be paid by Code Studio according to law.

SKILLS AND EXPERIENCE

Code Studio represents that it possesses the skill and experience necessary and all licenses required to perform the services under this agreement. Code Studio agrees to comply with all applicable laws in the performance of the services hereunder.

FRINGE BENEFITS

Because Code Studio is engaged in its own independently established business, Code Studio is not eligible for, and shall not participate in, any employee pension, health, or other fringe plans of Board or County and is not entitled to any compensation other than that listed in "Exhibit A."

EFFECTIVE DATE

This agreement will run from 18-MAR-2013 to 1-MAR-2015.

SCHEDULE

The parties will adhere to the schedule shown in "Exhibit B." Said schedule shall accomplish all work up to and including the work described in tasks 1.1 through 4.7 ("Exhibit A"). The parties agree that all work will be completed no later than February 15, 2015.

INDEMNIFICATION

Code Studio agrees to indemnify, defend, and hold harmless County, and their officers, agents and employees, from and against any and all claims, losses, actions, or judgments for damages or injury to persons or property arising out of or in connection with Code Studio's and/or Code Studio's agents', employees', or representatives' acts and/or performance of activities under this agreement.

TERMINATION

Upon thirty (30) days written notice either party may terminate the obligation to provide services under this agreement in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. Upon receipt of the written notice to terminate, the defaulting party shall have ten (10) days to cure the default to the satisfaction of the terminating party. Substantial failure shall include failure to make progress as per Exhibit B and the failure to make timely payment for services.

NONWAIVER

Failure of either party to exercise any of the rights under this agreement, or breach thereof, shall not be deemed to be a waiver of such right or a waiver of any subsequent breach.

CHOICE OF LAW

This contract shall be deemed fully executed and performed in the State of Idaho. Any dispute arising out of or relating to this agreement shall be decided in accordance with the substantive laws of the State of Idaho without giving effect to its conflict of law principles.

VENUE

THE PARTIES EXPRESSLY AND UNCONDITIONALLY CONSENT TO THE JURISDICTION OF THE COURTS OF THE STATE OF IDAHO AND WAIVE THE DEFENSE OF FORUM NON CONVENIENS.

ARBITRATION

In the event of any dispute, claim, question, or disagreement arising from or relating to this agreement or the breach thereof, the parties hereto shall use their best efforts to settle the dispute, claim, question, or disagreement. To this effect, they shall consult and negotiate with each other in good faith and, recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to both parties. If they do not reach such solution within a period of 60 days, then, upon notice by either party to the other, all disputes, claims, questions, or differences shall be finally settled by arbitration administered by the American Arbitration Association in accordance with the provisions of its Arbitration Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction hereof.

Within 15 days after the commencement of arbitration, each party shall select one person to act as arbitrator and the two selected shall select a third arbitrator within ten days of their appointment. The party-selected arbitrators will serve in a non-neutral capacity. If the arbitrators selected by the parties are unable or fail to agree upon the third arbitrator, the third arbitrator shall be selected by the American Arbitration Association. The three arbitrators shall act as a panel in settling any and all disputes between the parties.

ENTIRE AGREEMENT

The entire agreement between the parties is contained within the four corners of this document and can only be modified or amended in writing by the parties. This written agreement supersedes any and all prior agreements or understandings between the parties whether written or oral.

ENFORCEABILITY

The agreement is enforceable only by the County, or its assignees, and Code Studio. No other party is authorized to enforce any rights or remedies pertaining to this agreement.

SEVERABILITY

If any part of this agreement is held unenforceable, the remaining portions of the agreement will nevertheless remain in full force and effect.

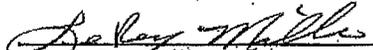
ATTORNEY FEES

The prevailing party shall recover reasonable attorney fees from the losing party in any action to enforce this agreement or to declare forfeiture or termination of this agreement.

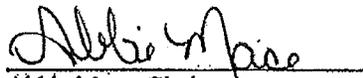
IN WITNESS WHEREOF, the parties hereto have duly executed this agreement as of the date below.

DATED this 18 day of March, 2013.

FREMONT COUNTY COMMISSION


LeRoy Miller, Chairman

ATTEST:


Abbie Mace, Clerk

CONTRACTOR


Lee D. Einsweller, President
Code Studio, Inc.

Exhibit A
Consulting Fees and Deliverables

	Not to Exceed
Labor	\$ 238,200.00
Consultants (Charrette Team)	\$ 45,600.00
Travel Costs*	\$ 41,200.00
Totals	\$ 325,000.00
Optional Technical Assistance (upon request)	\$ 100,000.00

Task
<i>Phase I: Model Code Understanding</i>
1.1: Model Code Project Kick-Off
1.2: Stakeholder Outreach
1.3: Issue Identification
1.4: Best Practice Presentation
<i>Phase II: Teton Valley Vision</i>
2.1: Document Review
2.2: Kick-Off Meeting/Open House
2.3: Initial Analysis & Critique
2.4: Charrette Planning/Logistics
2.5: Visioning Charrette
2.6: Charrette Documentation
<i>Phase III: Teton Valley Code Drafting</i>
3.1: Prepare Initial Draft Code
3.2: Staff/Committee Review
3.3: Public Review Draft
3.4: Open House
3.5: Final Draft Code
3.6: Adoption
3.7: Adopted Code
<i>Phase IV: Model Code Drafting</i>
4.1: Advisory Committee Update
4.2: Working Draft Model Code
4.3: Model Code Handbook
4.4: Advisory Committee Meeting
4.5: Peer Review
4.6: Working Draft Revisions
4.7: Training
<i>Phase V: OPTIONAL Technical Support</i>
5.1: Optional Audit of Existing Regulations
5.2: Optional Tailor Model Code
5.3: Optional Technical Support

Schedule

*All consultant travel will be reimbursed at published federal rates upon presentation of travel vouchers detailing lodging, per diem, and transportation costs.
Payment will be made within 30 days of presentation of consultant invoices for work performed. Invoices may be based upon percent complete for specific tasks that span multiple months.

Exhibit B
TENTATIVE SCHEDULE for Code Development

Sponsored by a HUD Regional Planning Grant

In conjunction with Code Studio, the cities of Driggs and Victor and Teton County, ID

This schedule is subject to change as needed

Late Spring, 2013:

Presentation of Development Regulations Analysis

- During the winter of 2012-2013, Code Studio will conduct a “gap analysis” to determine if there are inconsistencies between comprehensive plan(s) and development regulations for each jurisdiction (Teton County, ID plus Victor and Driggs).
- A Public Open House, facilitated by Code Studio, will provide an opportunity for members of the public to learn how the current codes and comprehensive plans relate and to provide input for consideration in the process of revising the code.
- Code Studio will also provide a presentation on the overall effort to Elected Officials and solicit input on their priorities.

Summer, 2013:

Visioning Charrette

- A six-day “Design Charrette” involving Code Studio and design professionals will explore design options for the future. There will be opportunities throughout the sessions for interested members of the public to participate.

Summer-Winter, 2013:

Code Drafting

- Code Studio will use the information developed during the Design Charrette to develop draft code for Teton Valley including the unincorporated County, Driggs and Victor.

Winter, 2014:

Public Review of Draft Code

- Public session(s) will share the Draft Code and solicit public comment on it.
- Code Studio will revise Code based on public feedback.

Spring-Summer, 2014:

Adoption Process

- The Cities and County, Planning & Zoning Commissions, and Elected Councils will undergo the formal adoption processes including two public hearings for each jurisdiction. Public comment will be taken for each public hearing.

2014-2015:

Code Studio Develops Model Code for Greater Yellowstone Region

- Using the information gathered in the Teton County pilot project, Code Studio will develop a “Model Development Code” for the entire Yellowstone Region. Other jurisdictions may take pieces of the model code and adapt and adopt them for their own use.

Exhibit B



FROM: Planning Staff, Jason Boal
TO: Teton County Planning & Zoning Commission
RE: Teton County Development Code Revision
DATE: January 15, 2014

This is a **PROPOSED** process for Teton County Development Code Revisions:

There are two major parts of the Development Code (Titles 8 & 9) revision:

- 1) Reviewing/changing the text of the Development Codes (this may include additions, deletions, and revisions)
- 2) A revision of the Teton County Zoning Map

The benchmarks for the process are as follows:

1. Project Kick-Off and Orientation (December 2013) This phase is where the Teton County Planning & Zoning Commission (P&Z) will familiarize themselves with the Comprehensive Plan, the existing Development Codes and other zoning examples available.

2. Issue Identification (January-March 2014) During this phase P&Z will review the Comprehensive Plan's Action Items to determine which items are of the highest priority moving forward. This will include scoring a list of action items from the Comprehensive Plan and discussing the "rankings" to create a master list.

3. Existing Development Codes Analysis (January-March 2014) At the same time P&Z is identifying issues they will be analyzing the current Development Codes. This will include a thorough evaluation of the current code and related regulations: the subdivision regulations, zoning district, overlay zones and uses. The analysis of the Comprehensive Plan and the current codes will result in a report that will be reviewed by Code Studio, then presented to the BoCC and the public.

3b. Public Outreach (March-April 2014) It will be key to work closely with the public throughout this whole process of revising the Development Code. However, once P&Z has create the specific report in step #3 specific outreach meeting will be scheduled. P&Z will work with citizens and stakeholders to identify their main issues and problems associated with the current Development Codes, through a variety of outreach methods, including interviews and community meetings.

4. Outline of new Development Code (May-June 2014) The organization, implementation tools and format of the new Code will be determined, based on a review of similar models and the findings from the previous phases. An outline will be prepared that includes:

- an overview of the organization of the Code
- descriptions of all zoning districts
- recommendations for revisions to related ordinances (subdivision, urban design, etc.)
- examples of what outcomes are desired from the Code that highlight the action items from the Comprehensive Plan.

This outline will also be reviewed by Code Studio prior to a presentation to the BoCC and to the public.

4b. Public Outreach (July-August 2014) As in 3b. It will be key to work closely with the public throughout this whole process of revising the Development Code. Once P&Z has create outline in step #4 specific outreach meeting will be scheduled. P&Z will work with citizens and stakeholders to identify any additional ideas that may need to be included into the new code, through a variety of outreach methods, including interviews and community meetings.

5. Code Drafting (July- December 2014) The outline developed above will be conveyed to Code Studios for their assistance in drafting a new Teton County Development Code. We anticipate it being an iterative process, working from the outline to more detailed code language and illustrations. This process will break the code drafting into 3 “Modules” that will be presented to P&Z individually. They will be asked to review and comment on the modules as the coding progresses. Drafts should be annotated to highlight the differences between existing and revised standards, explain the reasoning behind specific changes, and identify issues or questions that still need to be addressed.

As part of this task, draft sections of the Code will be “test-mapped” by applying new district regulations or standards to specific projects and/or locations within the County. Drafts will be adjusted as necessary based on the results of the test mapping process.

Both new and revised sections will need to be packaged into a single coherent and readable document, with consistent format, table numbering and cross-references. The complete draft will go through public and commission/board review prior to adoption.

5b. Public Outreach (July-December 2014) As P&Z receive the different “Modules” back from Code Studio they will schedule public meetings to gain the public input on the code section as it is written. By reviewing these “Modules” individually it will be easier to obtain public input on the specific sections and it will allow the public hearing process to move forward smoother as well, due to the familiarity of the code.

6. Development Code Revisions, Adoption and Implementation (January- April 2015) The new Development Code text will be adopted in advance of the zoning map, but will not be applied until the map is adopted. The Code will go through the public hearing process before the P&Z and the BoCC.

7. Draft Zoning Map (April- June 2015) The Zoning Map will be updated with the use of the County’s Geographic Information System (GIS) to compare proposed map changes to existing land uses, lot sizes and other conditions. A goal of the process is to minimize the creation of nonconformities (uses that would have been allowed under the previous standards but not under the new ones) and to match new or revised districts to existing or approved land use patterns, consistent with the Comprehensive Plan.

7b. Public Outreach (May-July 2015) As with previous steps It will be key to work closely with the public throughout this whole process of revising the Development Code. Once P&Z has devised a Land Use Zoning Map in step #7, specific outreach meeting will be scheduled. P&Z will work with citizens and stakeholders to identify concerns and input to any new or different zoning designations. This will happen through a variety of outreach methods, including interviews and community meetings.

8. Zoning Map Revisions, Adoption and Implementation (June- August 2015) The review process will involve presentations to the public, and then an official public hearing before the P&Z C prior making a recommendation to the BoCC.

Exhibit C



FROM: Planning Staff, Jason Boal
TO: Teton County Planning & Zoning Commission
RE: Teton County Development Code Revision
DATE: January 9, 2014

Process for Teton County Development Code Revisions (Code Studio's suggested revisions in red):

There are two major parts of the Development Code (Titles 8 & 9) revision:

- 1) Reviewing/changing the text of the Development Codes (this may include additions, deletions, and revisions)
- 2) A revision of the Teton County Zoning Map

The benchmarks for the process are as follows:

1. Project Kick-Off and Orientation (December 2013) This phase is where the Teton County Planning & Zoning Commission (P&Z) will familiarize themselves with the Comprehensive Plan, the existing Development Codes and other zoning examples available.

2. Issue Identification (January-March 2014) During this phase P&Z will review the Comprehensive Plan's Action Items to determine which items are of the highest priority moving forward. This will include scoring a list of action items from the Comprehensive Plan and discussing the "rankings" to create a master list.

3. Existing Development Codes Analysis (January-March 2014) At the same time P&Z is identifying issues they will be analyzing the current Development Codes. This will include a thorough evaluation of the current code and related regulations: the subdivision regulations, zoning district, overlay zones and uses. The analysis of the Comprehensive Plan and the current codes will result in a report that will be reviewed by Code Studio, then presented to the BOCC and the public.

4. Public Outreach (March-April 2014) It will be key to work closely with the public throughout this whole process of revising the Development Code. However, once P&Z has create the specific report in step #3 specific outreach meeting will be scheduled. P&Z will work with citizens to identify their main issues and problems associated with the current Development Codes, through a variety of outreach methods, including interviews and community meetings.

5. Outline of new Development Code (May-June 2014) The organization, implementation tools and format of the new Code will be determined, based on a review of similar models and the findings from the previous phases. An outline will be prepared that includes:

- an overview of the organization of the Code
- descriptions of all zoning districts
- recommendations for revisions to related ordinances (subdivision, urban design, etc.)
- examples of what outcomes are desired from the Code that highlight the action items from the Comprehensive Plan.

This outline will also be reviewed by Code Studio prior to a presentation to the BOCC and to the public.

6. Code Drafting (July- December 2014) The outline developed above will be conveyed to Code Studios for their assistance in drafting a new Teton County Development Code. We anticipate it being an iterative process, working from the outline to more detailed code language and illustrations. This process will break the code drafting into 3 modules that will be presented to P&Z individually. They will be asked to review and comment on the modules as the coding progresses. Drafts should be annotated to highlight the differences between existing and revised standards, explain the reasoning behind specific changes, and identify issues or questions that still need to be addressed. As part of this task, draft sections of the Code will be “test-mapped” by applying new district regulations or standards to specific projects and/or locations within the County. Drafts will be adjusted as necessary based on the results of the test mapping process.

Both new and revised sections will need to be packaged into a single coherent and readable document, with consistent format, table numbering and cross-references. The complete draft will go through public and commission/board review prior to adoption.

7 . Development Code Revisions, Adoption and Implementation (January- April 2015) The new Development Code text will be adopted in advance of the zoning map, but will not be applied until the map is adopted. The Code will go through the public hearing process.

8. Draft Zoning Map (April- June 2015) The Zoning Map will be updated with the use of the County’s Geographic Information System (GIS) to compare proposed map changes to existing land uses, lot sizes and other conditions. A goal of the process is to minimize the creation of nonconformities (uses that would have been allowed under the previous standards but not under the new ones) and to match new or revised districts to existing or approved land use patterns, consistent with the Comprehensive Plan.

9. Zoning Map Revisions, Adoption and Implementation (June- August 2015) The review process will involve presentations to the public, and then an official public hearing before the P &Z C prior making a recommendation to the BOCC.

Exhibit D

Jason Boal

From: Jason Boal
Sent: Friday, April 25, 2014 11:42 AM
To: 'Lee D. Einsweiler'
Cc: 'Tom Cluff'; 'Heather Higinbotham'; 'Ashley Koehler'; 'Brittany Skelton'
Subject: Code work in Teton Valley
Attachments: Code Studio revised schedule-scope OptionA.docx

Lee, due to rising concerns by the HUD Consortium as well as the communities in Teton Valley, I was asked to revise your scope of work. We are concerned that we only have 9 months left in the grant and we have very little to show for progress. We are at a critical juncture in the grant where we need to evaluate the progress that is being made and make modifications to ensure that timelines are met and that the end product is beneficial to the communities in the four county area as well as the HUD Consortium. To that end, I have revised the "draft" scope of work you provided us in February. I adjusted the timelines and the deliverables slightly. This appears to be a schedule that is agreeable to the communities in Teton Valley, and the Consortium. So the question remains, is this schedule agreeable to you?

As I mentioned we are at a critical point where we should discuss changes if they are necessary. The Consortium feels very comfortable with you hiring a sub-consultant that you are comfortable with to address either the draft codes, or the model code. We are also prepared to start the search for outside help if you don't feel that you have the capacity to meet the attached scope of work. We do not want to lose any of the progress that has been made, but we are uneasy with the progress over the last 6 months.

So, I look to you for input on how to proceed as well some assurances that the course of action you desire will result in a timely and productive process.

Please review the attached scope of work and let us know how you would like to move forward.

Jason Boal - AICP

Planning Administrator
Teton County, Idaho
150 Courthouse Drive #107 Driggs, ID 83422
208-354-2593 x204



Exhibit E

Exhibit B
TENTATIVE SCHEDULE for Code Development

Sponsored by a HUD Regional Planning Grant

In conjunction with Code Studio, the cities of Driggs and Victor and Teton County, ID

This schedule is subject to change as needed

Late Spring, 2013:

Presentation of Development Regulations Analysis

- During the winter of 2012-2013, Code Studio will conduct a “gap analysis” to determine if there are inconsistencies between comprehensive plan(s) and development regulations for each jurisdiction (Teton County, ID plus Victor and Driggs).
- A Public Open House, facilitated by Code Studio, will provide an opportunity for members of the public to learn how the current codes and comprehensive plans relate and to provide input for consideration in the process of revising the code.
- Code Studio will also provide a presentation on the overall effort to Elected Officials and solicit input on their priorities.

Summer, 2013:

Victor/Driggs Visioning Charrette

- A six-day “Design Charrette” involving Code Studio and design professionals will explore design options for the future of the two Town centers. There will be opportunities throughout the sessions for interested members of the public to participate.

May/June, 2014:

Code Drafting/Additional Visioning

- Code Studio will use the information developed during the Design Charrette to develop a draft code for Teton Valley including the unincorporated County, Driggs and Victor.
- Code Studio will provide GY Sustainability Framework audit findings to Teton County, ID, Victor and Driggs.
- Code Studio will conduct an additional visioning workshop for the area between Victor and Driggs and the remaining Area of Impact to serve as the basis for new code provisions in this portion of Teton County.
- Code Studio will work with YBP to conduct a 2-day GY Sustainability Framework credit review session for local government certification. The result of this session is intended to guide YBP in modifications to the government certification credit system.

Summer, 2014:

Drafting/Public Review of Draft Code

- Code Studio will develop a draft code for the Area of Impact for both Victor and Driggs, working with Teton County to ensure consistency.
- Code Studio will prepare model code provisions for the remaining rural portions of Teton County.
- Code drafting will include elements that would be credited towards certification as Sustainable local governments under the GY Framework.
- Code Studio will travel to Idaho to discuss the code drafts with staff and Planning & Zoning Commissions in the various jurisdictions.
- Code Studio will meet with the HUD project Advisory Committee to share the code drafts for comment.
- Code Studio will modify drafts based on comments received.

Late Fall, 2014: Adoption Process

- Public session(s) will be held to share the draft code(s) and solicit public comment on it.
- Code Studio will revise Code drafts based on public feedback.
- The Cities and County, Planning & Zoning Commissions, and Elected Councils will undergo the formal adoption processes including two public hearings for each jurisdiction. Public comment will be taken for each public hearing.

Dec./Jan. 2014-15: Code Studio Develops Model Code for Greater Yellowstone Region

- Using the information gathered in the Teton County pilot projects, Code Studio will develop a "Model Development Code" for the entire Yellowstone Region. The model code will consist of material from Victor, Driggs and Teton County, case study discussion of the review of drafts, and annotation regarding how to adapt these code provisions to local conditions in other communities. Other jurisdictions may take pieces of the model code and adapt and adopt them for their own use.
- Code Studio will meet with the HUD project Advisory Committee to share the model code for comment.
- The model code will be modified based on comments received.

January 2015: Grant Work Completed

Exhibit F

TETON VALLEY SUSTAINABLE DEVELOPMENT CODE

Schedule of Key Deliverables

4/30/14

Dates after July 15 TBD

Model Downtown Code

	Unified Draft (one code for Victor/Driggs, not all options on map in each community)	Friday, May 23
TRIP	Public Open House (focus on Downtown)	Monday, June 2
	Staff Comments	Friday, June 13
	Revised Draft (separate codes for Victor/Driggs)	Monday, July 7
TRIP	Public Open House (focus on Area of Impact)	Monday, July 14

Model Area of Impact Code

TRIP	Visioning Charrette	Saturday, May 31- Tuesday, June 3
TRIP	Code Approach (as part of closing presentation)	Tuesday, June 3
	Draft (separate codes, remaining code provisions for Victor/Driggs, includes revised downtown code)	Monday, July 7
TRIP	Public Open House (focus on Area of Impact)	Monday, July 14
	Staff Comments	Friday, August 29 ?
	Revised Draft (separate codes for Victor/Driggs)	Monday, September 15 ?
TRIP	Public Open House (focus on Rural)	Monday, September 22 ?

Model Rural Code

TRIP	P&Z Kick-Off, Approach Discussion	Tuesday, July 15
	Draft (Teton County provisions)	Monday, September 15 ?
TRIP	Public Open House (focus on Rural)	Monday, September 22 ?
	Staff Comments	Friday, October 10 ?
	Revised Draft	Monday, October 27 ?

Combined Codes

	Revised Draft of Combined Codes (separate codes, ready for adoption)	Monday, October 27 ?
--	--	----------------------

HUD Model Code Package

	Strategy Call with Advisory Committee	Monday, October 13 ?
	Draft Code Package	Monday, November 10 ?
TRIP	Advisory Committee Review	Monday, November 17 ?
	Final Code Package	Friday, November 28 ?



Teton County Planning
150 Courthouse Drive, Room 107
Driggs, Idaho 83422
Phone: 208.354.2593
Fax: 208.354.8778

FROM: Planning Administrator, Jason Boal
TO: Board of County Commissioners
RE: Subdivision Vacations
DATE: October 28, 2014

The Teton County Planning Department along with the Prosecuting Attorney has identified three subdivisions that appear to be ready for vacation. They include:

- Haden Hollow
- Trappers Ridge
- Ridgline Ranch

Each of these subdivisions were sent letter in 2011 stating they were in breach of their development agreements. At that time they were notified of the possibility of a vacation (or replatting if they chose to take advantage of it). Each of these subdivisions failed to make application.

The proposed process is as follows:

1. Send a letter to each of the subdivisions notifying them of the County's intention to vacate.
2. Provide the land owner time (90 days) to respond to the application by the county
3. Public hearing for vacation on 2/09/2015
4. BoCC Resolution to vacate the plats



A REQUEST FOR AN INSIGNIFICANT PLAT AMENDMENT BY:

Jack Bouma, Pamela Emge, Thomas Kambouris and Tracy-Louise Kamboris,

WHERE: Heart R Ranch

October 28, 2014

Jack Bouma, Pamela Emge, Thomas Kambouris and Tracy-Louise Kamboris Insignificant Plat Amendment to Heart "R" Subdivision

§9-7-1 (B-4a) Insignificant Changes. Upon determining the application complete, and that the proposal is an insignificant change or vacation, the Planning Administrator shall recommend to the Board of County Commissioners approval, approval with conditions, or denial the application pursuant to the criteria and standards in the county regulations. The Board may review insignificant changes at a regularly scheduled public meeting.

Teton County Planning Administrator has determined that the application is complete and recommends approval by the Teton County Board of County Commissioners pursuant to Teton County regulations.

Findings of Fact:

- Jack Bouma, Pamela Emge, Thomas Kambouris and Tracy-Louise Kamboris -submitted an application to amend the Amended Plat for Heart "R" Subdivision Final Plat (118465-plat).
- The application is to adjust an access easement from the center of the subdivision to the western edge of the subdivision. Lot sizes will not be changed at all.
- Insignificant plat amendments are used for minor lot line adjustments.
- **§9-7-1 (B-3a) Criteria for Approval:**
 - i. Any proposed changes to an easement, public right-of way, or Planned Unit Development, shall comply with all applicable criteria and standards of the county regulations, conditions of approval established in the previous approval, and the development agreement approved as part of the previous approval.
 - **A-2.5 zoning. Road and Bridge has issued a permit to work in the right of way. The new access meets the distance requirements.**
 - ii. Insignificant changes to a recorded plat or master plan shall not reduce the area of designated open space or increase the number of lots or the overall amount of area of development.
 - **No reduction of open space & will not increase the number of lots**
 - iii. Insignificant changes to a recorded plat, master plan, easement, or right-of-way shall not increase or create new and potentially substantial direct or indirect impacts on the neighborhood, vicinity of the subdivision or overall community.
 - **Will not create any additional impacts, as the easement was approved previously, it is just being moved.**

§9-7-1 (B-2a) Insignificant Changes / Vacations. – The proposed changes to the recorded land records have minimal direct impact on the immediate neighborhood, general vicinity of the subdivision or overall community. These include:

- iv. Minor changes to the layout of roads, utilities or other facilities.

ACCOMPANYING NARRATIVE

APPLICATION: Amended Subdivision plat narrative for Heart R Subdivision

APPLICANTS: Pamela A. Emge; Jack E. Bouma; Thomas C. Kambouris; Tracy-Louise N. Kambouris

The applicants individually own all the lots and remaining parcel of Heart R Subdivision which are: Lot 1; Lot 2 and the remaining parcel. This subdivision is located in portions of Sections 5&6, Township 5 North, Range 46 E., B.M. Teton County, Idaho.

There are no changes either to the configuration of the two lots and the remaining parcel, nor in their acreages. The insignificant change for which the owners are applying is to move an existing road & utility easement which runs through the middle of the subdivision along the common boundary line of Lots 1 & 2 to the West boundary of Lot 1. The reason is that there has been a difficulty with the owner of the property adjacent to the East side of Heart R Subdivision regarding the owners of the remaining parcel using the easement on the East side of Lot 2 of Heart R, for access to their property.

Therefore the applicant is applying for an insignificant amended plat change. Regarding the impact on Teton County, there is none since the entire 60 foot access will now be entirely within the perimeter of Heart R Subdivision.

A county access permit to access this new easement location has been applied for by Mr. Jack Boumas through Teton County Road & Bridge.

Instrument # 118465 is the original recording number for the Heart R Subdivision.



TETON COUNTY
PLANNING & ZONING

OCT 01 2014

RECEIVED

Heart "R" Subdivision

NAME OF SUBDIVISION/PLANNED UNIT DEVELOPMENT

SUBDIVISION/PLANNED UNIT DEVELOPMENT AMENDMENT APPLICATION

Upon receipt of the required materials the planning staff shall stamp the application received and prepare a staff report. It is recommended that the Applicant review Title 9 of the Teton County Code prior to submittal. This Title along with application materials are located on the County website at www.tetoncountyidaho.gov. The planning staff is also available to discuss applications and answer questions prior to receiving an application.

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

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Jack E. Bouma

Applicant: Jack E. Bouma E-mail: creekdanceranch@yahoo.com

Phone: (208) 456 1970 Mailing Address: 1985 E 5000N, Teton

City: Tetonia State: Idaho Zip Code: 83452

Engineering Firm: A-W Engineering Contact Person: Arnold Wodepenhulme Phone: (208) 787-2952

Address: 255 S Main, Victor, ID 83455 E-mail: aweng@ida.net

Location and Zoning District: RP00162.000001D

Address: 1915 E 5000N Parcel Number: RP00162.000002D

Address: 1985 E 5000N Parcel Number: RP00162.000003D

Section: 5&W Township: 5N Range: 46E Total Acreage: 19.58 acres

Proposed Units/Lots: 3 Current Units/Lots: 3

Code Approved Under: _____

- | | |
|--|--|
| <input type="checkbox"/> FEES (pursuant to current fee schedule) | <input type="checkbox"/> Affidavit of Legal Interest |
| <input checked="" type="checkbox"/> Insignificant | <input type="checkbox"/> Engineer/Surveyor review cost |
| <input type="checkbox"/> Substantial Increase Scale/Impacts | <input type="checkbox"/> Taxes Current |
| <input type="checkbox"/> Substantial Decrease Scale/Impacts | |

Jack E. Bouma
1985 E. 5000 N.
Tetonia, ID 83452

ACADIA NATIONAL PARK

2296

92-41/1241
12

9/18/14

Date

Pay to the Order of Teton County Planning + Zoning \$ 395.00

Three hundred Ninety Five and 00/100 Dollars

www.nationalparks.org



DRIGGS OFFICE
P.O. BOX 787
DRIGGS, IDAHO 83422



HEART R Subdivision Access Easement
Abandonment/Relocation Declaration

It is agreed by all Heart R owners that the location of the Heart R Subdivision access easement, currently dividing Lots 1 and 2, shall be abandoned and relocated to the westernmost edge of Lot 1. This easement shall be of the same dimensions as shown on the current plat. Access to Lot 2 is over an existing, permitted, private bridge over Hog Canal. The costs of an "insignificant" Heart R Subdivision plat re-draw and filing reflecting the above change shall be paid by Jack Bouma & Pamela Emge.

It is agreed by all Heart R owners that an amount totaling \$10,000 to be paid by Jack Bouma & Pam Emge shall be held in escrow in support of building a bridge across Hog Canal at the new easement location. Owners of the Remaining parcel shall notify Pamela and Jack or their assigns of completion of the bridge. Pamela, Jack, or their assigns have a period of 15 days to complete inspection after being notified of bridge completion. These funds shall be released to the owners of the Remaining Parcel within 15 days of inspection of the bridge by Pamela, Jack, or their assigns. If no bridge is built

within 7 years of the signing of this document, then 100% of the funds held in escrow shall be returned to Jack Bouma and Pamela Emge.

[If Teton County, Idaho does not give final approval for the center easement abandonment and west relocation, the new Heart R CC&Rs shall be null and void, and the current Heart R CC&Rs and plat shall remain. The funds in escrow shall be returned to Jack Bouma and Pamela Emge.]

IN WITNESS WHEREOF, the undersigned Owners, constituting one hundred percent (100%) of the lot owners of the Heart "R" Subdivision, have executed this Declaration on the day and year set forth below.

Thomas C. Kambouris Living Trust, dated April 10, 2000

By:



Thomas C. Kambouris, Trustee



Tracy-Louise Nellie Kambouris, Trustee

Country of England, United Kingdom

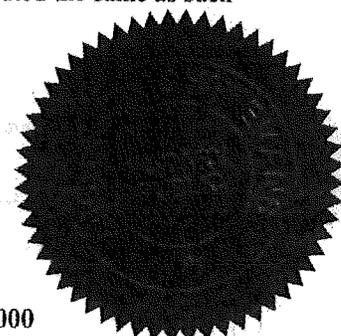
ss.

County of Somerset

On this 14th day of September, in the year of 2014, before me, Michael John Evans, Notary Public of Street, Somerset, England, United Kingdom, authorized to practice throughout England and Wales, personally appeared Thomas C. Kambouris and Tracy-Louise Nellie Kambouris, known or identified to me, to be the persons whose names are subscribed to the within instrument as Trustees of the Thomas C. Kambouris Living Trust, dated April 10, 2000 and acknowledged to me that they executed the same as such Trustees.

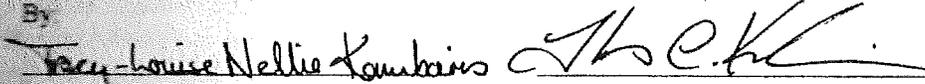


Notary Public for England and Wales
Residing at Street, Somerset, England, United Kingdom
My Commission endures so long as I shall practise



Tracy-Louise Nellie Kambouris Living Trust, dated April 10, 2000

By



Tracy-Louise Nellie Kambouris, Trustee

Thomas C. Kambouris, Trustee

Country of England, United Kingdom

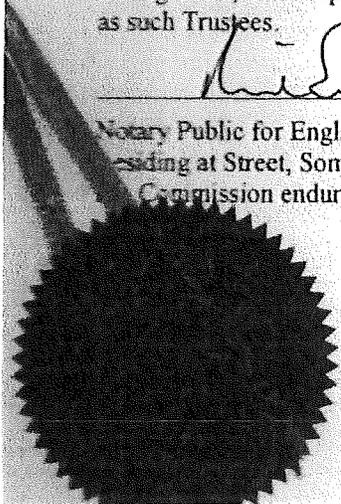
ss.

County of Somerset

On this 14th day of September, in the year of 2014, before me, Michael John Evans Notary Public of Street, Somerset, England, United Kingdom, authorized to practice throughout England and Wales, personally appeared Tracy-Louise Nellie Kambouris and Thomas C. Kambouris, known or identified to me, to be the persons whose names are subscribed to the within instrument as Trustees of the Tracy-Louise Nellie Kambouris Living Trust, dated April 10, 2000 and acknowledged to me that they executed the same as such Trustees.



Notary Public for England and Wales
Residing at Street, Somerset, England, United Kingdom
My Commission endures so long as I shall practise



Pamela A. Emge, an unmarried woman

State of _____

ss.

County of _____

On this _____ day of _____, in the year of 2014, before me _____, an Idaho notary public, personally appeared Pamela A. Emge, known or identified to me, to be the person whose name is subscribed to the within instrument, acknowledged to me that she executed the same.

Notary Public for _____

Residing at _____

Commission Expires: _____

(Seal)

Jack E. Bouma, an unmarried man

State of _____

ss.

County of _____

On this _____ day of _____, in the year of 2014, before me _____, an Idaho notary public, personally appeared Jack E. Bouma, known or identified to me, to be the person whose name is subscribed to the within instrument, acknowledged to me that he executed the same.

Notary Public for _____

Residing at _____

Commission Expires: _____

Notary Public for _____
Residing at _____
Commission Expires: _____



COPY

Permit No. 2014-RW023

APPLICATION AND PERMIT TO WORK WITHIN COUNTY RIGHT OF WAY TETON COUNTY ROAD AND BRIDGE DEPARTMENT

Permittee Jack E. Bouma Phone 208 456 1970
Type or Print

Address 1985E 5000N
Street PO Box

Tetona ID 83452
City State Zip

Road Name 5000N Subdivision Name Heart R Subdivision

Location (grid address must be correct) WEST OF 1915E 5000N - SEE ATTACHED (1985)?

Start Date _____ Estimated Completion Date _____

Approach: Single residence Subdivision Commercial Agriculture Other

Type Of Work (Detailed Description) MOVING 60 FOOT EASEMENT TO
NW/WEST CORNER OF RP00162000010 FROM N/E CORNER

Excavation By _____
Company Name Contact Phone

CULVERT REQUIRED: YES NO SIZE _____ (Min 18") If a culvert or bridge is installed, you must coordinate with the irrigation or canal company.

MAILBOX INSTALLATION: YES NO If a mailbox is installed at a location it must be on a break away post at least 8' feet off the traveled roadway (in accordance with U.S. Postal regulations).

GENERAL REQUIREMENTS

1. A fee is required and due with the permit application. The fee is \$30.00 per approach or for right of way work for a single residence, and \$60.00 per approach or for right of way work for a Subdivision or Commercial use.
2. The Local Highway Jurisdiction (LHJ) may change, amend or terminate this permit or any of the conditions herein enumerated if permittee fails to comply with its provisions or requirements as set forth herein.
3. Approaches shall be for the bona fide purpose of securing access and not for the purpose of parking, conducting business, or servicing vehicles on the public right-of-way.
4. No revisions or additions shall be made to an approach or it's appurtenances on the public right- of- way without the written permission of the LHJ.
5. The permit tee shall furnish all material, labor and equipment involved in the construction of the approach and it's appurtenances. This shall include furnishing approved drainage pipe of a size specified on permit.
6. The LHJ reserves the right to require the permittee, its successors and assigns, at any time, to make such changes, additions, repairs and relocations to any approach or its appurtenances within the public right-of-way as may be necessary to permit the relocation, reconstruction, widening, drainage, and maintenance of the roadway and/or to provide proper protection to life and property on or adjacent to the roadway
7. Approaches shall conform to the plans made a part of this permit. Adequate drawings or sketches shall be included showing the design, materials, construction requirements and proposed location of the approach. All approaches shall be in accordance with Exhibits 9 and 13 of the Manual for Use of Public Right-of-Way Standard Approach Policy.

8. During the construction of the approach(es), such barricades, signs and other traffic control devices shall be erected and maintained by the permittee, as may be deemed necessary by the LHJ. Said devices shall conform to the current issue of the Manual on Uniform Traffic Control Devices. Parked equipment and stored materials shall be as far from the traveled way as feasible. Items stored within 30 feet of the traveled way shall be marked and protected. The LHJ may provide barricades (when available) upon request.
9. In accepting this permit, the permittee, its successors and assigns, agrees to hold the LHJ harmless from any liability caused by the installation, construction, maintenance or operation of the approach(es).
10. If the work done under this permit interferes in any way with the drainage of the roadway, the permittee shall wholly and at his own expense make such provision as the LHJ may direct to take care of said drainage problem.
11. Upon completion of said work herein contemplated, all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable and to the satisfaction of the LHJ.
12. The permittee shall maintain at his or their sole expense the structure or object for which this permit is granted in a condition satisfactory to the LHJ.
13. Neither the acceptance of this permit nor anything herein contained shall be construed as a waiver by the permittee or any rights given it by the constitution or laws of the State of Idaho or of the United States.
14. No work shall be started until an authorized representative of the LHJ has given written notice to the permittee to proceed, except in case of an emergency when verbal authorization may be given with a written permit and fee required within five (5) working days.

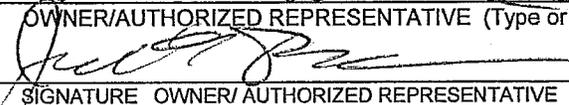
THIS PERMIT SHALL NOT BE VALID FOR EXCAVATION UNTIL, OR UNLESS, THE PROVISION OF IDAHO CODE, TITLE 55, CHAPTER 22, HAS BEEN COMPLIED WITH. PRIOR TO EXCAVATION, CALL ONE NUMBER LOCATION SERVICE. DIG LINE, INC. TELEPHONE NO. 1-800-342-1585

(initial) 

- APPROACH MUST BE STAKED, FLAGGED, OR PAINTED PRIOR TO INSPECTION.
- ATTACH SKETCH OF PROPOSED WORK AND TRAFFIC CONTROL PLANS.
- COPY OF PERMIT MUST BE PRESENT AT WORK SITE DURING CONSTRUCTION.

(initial) 

I CERTIFY THAT I AM THE OWNER OR AUTHORIZED REPRESENTATIVE OF THE PROPOSED PROPERTY TO BE SERVED, AND AGREE TO DO THE WORK REQUESTED HEREON IN ACCORDANCE WITH THE GENERAL REQUIREMENTS LISTED ON THIS PERMIT. THE SPECIAL PROVISIONS AND THE PLANS MADE A PART OF THIS PERMIT. TETON COUNTY ROAD & BRIDGE HAS 30 WORKING DAYS TO APPROVE THE PERMIT AND THE PERMIT IS VALID FOR ONE (1) YEAR FROM DATE OF APPROVAL.

Jack E. Bourne 208 456 1970
 OWNER/AUTHORIZED REPRESENTATIVE (Type or Print) PHONE NO.
 10/1/14
 SIGNATURE OWNER/AUTHORIZED REPRESENTATIVE DATE

SUBJECT TO ALL TERMS, CONDITIONS, AND PROVISIONS SHOWN ON THIS FORM OR ATTACHMENTS, PERMISSION IS HEREBY GRANTED TO THE ABOVE-NAMED APPLICANT TO PERFORM THE WORK DESCRIBED ABOVE.

(For Local Highway Jurisdiction Use) Sight Distance _____

Approved By Clg Date 10-20-14 Final Inspection Date _____ By _____

Not Approved By _____ Correction required _____

I agree to make all corrections described above by the date designated _____ Date _____
 (Applicant signature)

NO. OF APPROACHES @ \$30.00 _____, @\$60.00 _____ TOTAL _____ CASH _____ CHECK# 2302 RECEIVED BY deh DATE 10-1-14

COPY MAILED TO PERMITTEE BY _____ DATE _____ COPY TO P & B _____ BY _____ DATE _____



Teton County Planning
150 Courthouse Drive, Room 107
Driggs, Idaho 83422
Phone: 208.354.2593
Fax: 208.354.8778

FROM: Planning Administrator, Jason Boal
TO: Board of County Commissioners
RE: Agricultural Building Permit Fee
DATE: October 28, 2014

The Teton County Planning Department has encountered a unique situation. He have several large agricultural buildings (228,101sq/ft) being proposed on one property in the county. Technically, the building is going to be utilized for storage so it is considered "Ag Exempt" and would not require a building permit. The contractor has expressed interest in obtaining a building permit for the project.

The question for the BoCC is.....What should be the fees involved?

Would the county want to incentives (through reduced fees) obtaining building permits on building that would otherwise be Ag exempt? The benefit in this is a) safety- we know the plans were reviewed and the building was inspected, b) future change of use- if the building ever changes use from agriculture, there is a building permit on file to review how it was constructed, and c) building tracking and record keeping- we have record of the building and know when it was constructed.

The major drawback is that the cost of a reduced fee may not cover the actual cost work conducted by staff.

It is staffs opinion that an additional line be added to the Teton County fee schedule- "Building Permits for Ag Exempt Buildings". The fee would be 50% of the cost for a regular building permit. We would also recommend filing a deed restriction that the building only be used for agricultural purposes for 10 years and a change of use permit is obtained to use it for any other purpose. This would prevent the abuse of the provision.