



RECEIVED

BY: K. Packer
DATE: 7-5-2016

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: Cornier Fox LLC

Applicant: Cornier Fox LLC E-mail: aaron@powersofexcavating.com

Phone: (208) 209.5377 Mailing Address: PO box 669

City: Victor State: ID Zip Code: 83455

Engineering Firm: _____ Contact Person: _____ Phone: () _____

Address: _____ E-mail: _____

Location and Zoning District: _____

Address: 376 W 5000 S Parcel Number: RP04N45E238400

Section: 23 Township: 4 North Range: 45EBM Total Acreage: 14.25

Zoning District: Ag 2.5 Requested Land Use: Construction/General Contractor

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: [Signature] Date: 5-12-2016

Fees are non-refundable.

I, the undersigned, am the owner of the referenced property and do hereby give my permission to Arson Powers 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:  Date: 5-12-2016

SECTION I: 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.



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Owner: Cornier Fox LLC

Applicant: Cornier Fox LLC E-mail: aaron@cpow

Phone: (208) 709-5377 Mailing Address: PO box 669

City: Victor State: ID Zip Code: _____

Engineering Firm: _____ Contact Person: _____ Phone: (_____) _____

Address: _____ E-mail: _____

1216
92-379/1241 7691
3828489009

Date 7-1-16

Pay to the Order of Teton County Idaho \$ 1,260.⁰⁰

Twelve hundred Sixty and 00/100 Dollars

Security Features Details on Back

CORNER FOX LLC
AARON POWERS
PO BOX 669
VICTOR, ID 83455
208-709-5377

Wells Fargo Bank, N.A.
Idaho
wellsfargo.com

WELLS FARGO

Location and Zoning District: _____

Address: 376 W 5000 S Parcel Number: RPO4N45E288000

Section: 23 Township: 4 North Range: 45EBM Total Acreage: 14.25

Zoning District: Ag 2.5 Requested Land Use: Construction/General Contractor

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• Applicant Signature: [Signature] Date: 5-12-2016

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CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

2013 NOV 14 AM 8:44

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Corner Fox LLC

2. The complete street and mailing addresses of the initial designated office:

1545 Shire Drive, Victor, Idaho 83455

(Street Address)

P.O. Box 669, Victor, Idaho 83455

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

Julie Stomper

(Name)

189 N. Main Street, Suite 206, Driggs, Idaho 83422

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name

Address

Aaron Powers

P.O. Box 669, Victor, Idaho 83455

5. Mailing address for future correspondence (annual report notices):

P.O. Box 669, Victor, Idaho 83455

6. Future effective date of filing (optional): _____

Signature of a manager, member or authorized person.

Signature

Typed Name:

Aaron Powers

Signature _____

Typed Name: _____

Secretary of State use only

IDAHO SECRETARY OF STATE
11/14/2013 05:00
CK: 1001 CT: 202670 BH: 1398032
1 @ 100.00 = 100.00 ORGAN LLC # 2

W131140

Instrument # 230914
TETON COUNTY, IDAHO
12-24-2013 10:34:00 No. of Pages: 1
Recorded for : STEWART, STACY
MARY LOU HANSEN Fee: 10.00
Ex-Officio Recorder Deputy *SW*
Index to: DEED, WARRANTY

*BEING RE-RECORDED TO CORRECT LEGAL DESCRIPTION

WARRANTY DEED

DEC24 13 10:34AM

FOR VALUE RECEIVED, Dawn I. Stone, the Grantor, do(es) hereby grant, bargain sell and convey unto Corner Fox LLC, an Idaho Limited Liability Company, the Grantee, whose current address is 1545 Shire Drive, Victor, Id. 83455 the following described premises, in Teton County, Idaho, TO WIT:

Tax#1105

Beginning 3 rods (49.5') North and 178.8 feet East of the S1/4 Corner of Section 23, Township 4 North, Range 45 EBM; and running thence East 660 feet; thence North 330 feet; thence West 660 feet; thence South 330 feet to the point of beginning.

Tax#1106

Beginning 178.8 feet East and 379.5 feet North of the S1/4 corner of Section 23, Township 4 North, Range 45 EBM; and running thence East 660 feet; thence South 330 feet; thence East 481.2 feet; thence North 544.5 feet (33 rods); thence West 1141 feet; thence South 214.5 feet to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do(es) hereby covenant to and with the said Grantee(s), that (s)he is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: 12-20-13
Dawn I. Stone
Dawn I. Stone

State of Idaho)
) S.S.
County of Teton)

On this 20th day of December, in the year 2013, before me Stacy Stewart, personally appeared Dawn I. Stone, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is(are) subscribed to the within instrument, and acknowledged that he(she)(they) executed the same.

STACY A. STEWART
Notary Public
State of Idaho

[Signature]
Notary Public
My Commission Expires on 7-17-15

Instrument # 232112
TETON COUNTY, IDAHO
4-18-2014 12:55:57 No. of Pages: 1
Recorded for : STEWART, STACY
MARY LOU HANSEN Fee: 10.00
Ex-Officio Recorder Deputy *SW*
Index to: DEED CORRECTION

Corner Fox LLC CUP Application Narrative

Corner Fox LLC is a land holding company consisting of two parcels on the corner of Highway 33 and 5000 South. The partners of the LLC are Sam Stone, Robert and Aaron Powers. Corner Fox LLC currently has a seven year lease with Powers Excavating Inc. to operate its business on the 15 acre premise. The two parcels are zoned A2.5 with a non-conforming grandfather use on the 5 acre parcel. This parcel was used by Sugar Company since the early 1950's to stockpile limestone rock and to store and maintain their mining equipment. The company built the metal shop which is the shop Powers Excavating Inc. currently uses.

Corner Fox LLC is requesting a conditional use permit for both parcels to allow Powers Excavating Inc. the space to properly buffer itself from highway 33 and its neighbors while still having the necessary room for operations. Operations currently encompass parking its fleet of trucks and equipment on site when not in use. Hauling in topsoil to be screened and resold as well as landscape rock and other gravel products. Powers Excavating Inc. also utilizes the shop to preform repairs and maintenance on its fleet of equipment. Please note this request for a conditional use permit is not asking for a change in use of the property, but rather formalizing its historic and current use within the current zoning regulations as it applies to General Contractor under the A2.5 allowed zoning regulations.

Powers Excavating Inc. is a father/son business employing on average eight employees. The company's prime focus is performing all aspects of earthwork on new constructions homes in both Jackson and Teton Valley. The company was founded in 2008 by Bob and his son Aaron and has slowly grown to its current size. The owners feel that given current labor conditions and the owners emphasis on quality work that the company is at full maturity. Additional components of the business include selling topsoil and landscaping rocks. The topsoil is generated from our job sites and hauled back to our yard to be screened and resold at a whole sale basis. We do not propose selling any of our products in a retail capacity where a client would use there vehicle to transport the product. Landscape rock is either generated from the Fox Creek Quarry or from job sites and we stage it on this property to be resold and transported using our dump trucks. The company also utilizes the shop on site to service and maintain both PEI and RAD Curbsides fleet of vehicles and equipment. RAD is co-owned by Aaron Powers and Dave Hudasco. The majority of RAD repairs happen at the RAD garage but there is an occasional specialty repair that happens at the PEI shop. We are not proposing doing any automotive work outside of our companies.

Since acquiring the property four years ago, Corner Fox has made several improvements that we feel benefit both itself and our community. These include constructing landscape berms along highway 33 and 5000 S. Corner Fox has also employed Rocky Mountain Landscaping to plant trees, shrubs and native grasses and wildflowers on the berms and Enhanced Designsapes to install an automated irrigation system. Intermountain Aquatics is currently contracted to control noxious weeds. The accompanying exhibit shows the areas slated for future berm construction with a time line for completion of construction. The existing landscaping along highway 33 consists of spruce, aspen, cottonwood, and several deciduous shrubs and bushes. The plantings range on average of 8'-10' in height and the shrubs are in the 5 gallon size. We propose to mimic this planting style on future berms. All future berm will be on an automated irrigation system and ground cover will be of native grasses with wildflowers interspersed. Noxious weeds will be monitored and either pulled or

sprayed as needed. PEI has also completed an addition on the old shop building and has placed four 40' shipping containers on site to help contain and manage the clutter. PEI also placed a layer of washed rock chips on the driving surfaces around the shop and yard to keep the dust in check. Additionally no screening of topsoil will happen when wind is blowing above ten miles an hour as reported by the weather station at the Driggs airport. We have seen this to be a great solution.

The adjoining properties to Corner Fox are as follows:

- M1 zoning on the North side
- Fox Creek subdivision on the North East Corner
- Private residence to the East that operates a dump truck business
- Trailer Park and Commercial lot to the South
- Highway 33 to the West

The site plan that is attached shows us expanding operations to the east by approximately 100' and to the north by approximately 150'. Our goal in doing so is to move operations to the center of the 15 acres so as to better allow for buffering and visual screening to the highway and our neighbors. We have also identified the location for a future building to house more of our equipment inside while not in use. PEI currently has both an office in the existing automotive shop and at Aaron's personal residence off site. We would like the opportunity to build an office on the south west side of the existing shop so as to consolidate administrative duties into a single office of adequate size. This proposed addition would be approximately 18' wide by 36' long and would have a shed roof pitching to the west.

Hours of Operation for PEI are Monday through Saturday from 7am-6pm as it relates to operating equipment on the Corner Fox property. Screening of topsoil is proposed to be between the hours of 7:30am and 5:00pm Monday thru Friday. We sometimes have company pickup trucks and dump trucks returning to the yard outside of the above mentioned hours.

PEI is proud of its continued commitment of giving back to our community in several way. We have volunteered time, equipment, materials and money to organizations and events such as:

- The Great Snow Fest to build the Ski-Joring track
- Building the bike tracks in Victor, Driggs and the current one under construction in Fox Creek
- Happy Trails Horse Rescue and Adoption
- The community school garden programs
- Mountain Bike the Tetons.



VIEW ONE - EXISTING CONDITIONS



VIEW TWO- EXISTING CONDITIONS



VIEW THREE- EXISTING CONDITIONS



VIEW ONE - PROPOSED TREES & SHRUBS

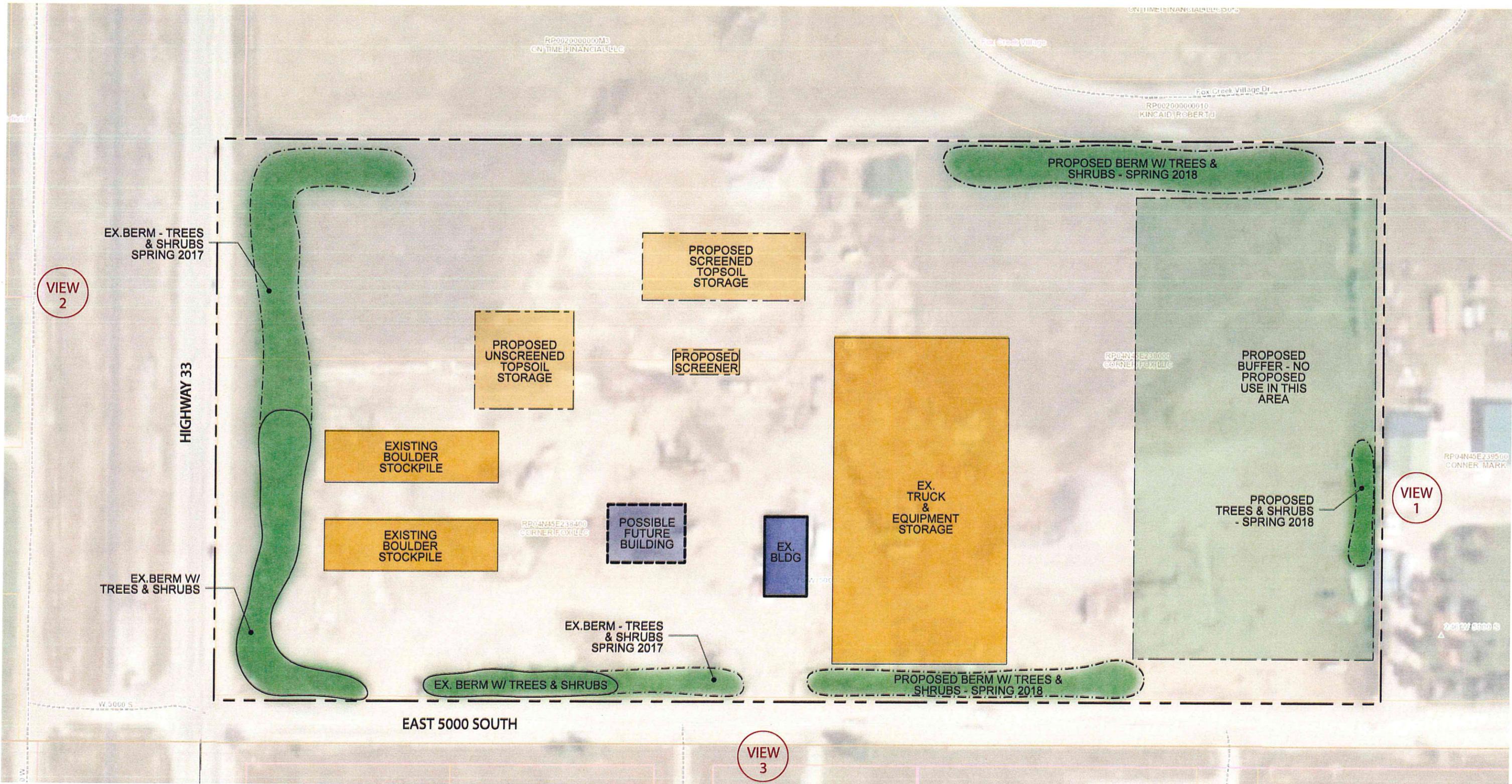


VIEW TWO- COMPLETED BERM W/ TREES & SHRUBS



VIEW THREE - PROPOSED BERM W/ TREES & SHRUBS

POWERS EXCAVATION
VISUAL MITIGATION EXAMPLES



**POWERS EXCAVATION
SITE IMPROVEMENT DIAGRAM**

↑ 10 JUNE 2016
SCALE: 1" = 80'