



**AGENDA  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING  
January 13, 2015  
STARTING AT 5:00 PM**

**LOCATION: 150 Courthouse Dr., Driggs, ID 83422  
Commissioners' Chamber - First Floor (lower level, SW Entrance)**

1. Approve available minutes
2. Chairman Business
3. Administrator Business

**ITEM #1 – PUBLIC HEARING: Concept Approval for Cutthroat Creek Subdivision.** Teton Partners, Ltd. is proposing a 26 lot (241.22 acres) subdivision. The residential lots will range from 2.73-64.86 acres, with 55.73 acres in open space easements and 112.39 acres in farm easements. This project is located northeast of Driggs on E 5000 N and N 2250 E, near Stateline Road and is zoned A-2.5.

**Legal Description:** RP06N46E325001, TAX #3330 SEC 32 T6N R46E; RP06N46E324805, SW4 LESS #3183 & #3330 SEC 32 T6N R46E; RP06N46E317200, E2SE4 SEC 31 T6N R46E.

**ITEM #2 - WORK SESSION: Draft Code:** Discussion of the Draft Development Code.  
**No public comment will be taken regarding the Draft Land Use Ordinance.**

**ADJOURN**

- 
- **Written comments received by 5:00 pm, January 2 will be incorporated into the packet of materials provided to the Planning & Zoning Commission prior to the hearing.**
  - Information on the above application(s) is available for public viewing in the Teton County Planning and Building Office at the Courthouse between the hours of 9am and 4pm Monday through Friday.
  - The application(s) and related documents are posted, at [www.tetoncountyidaho.gov](http://www.tetoncountyidaho.gov). To view these items select the Planning & Zoning Commission Public hearing of January 13, 2015. Then select the agenda item in the Additional Information Side Bar.
  - Comments may be emailed to [pz@co.teton.id.us](mailto:pz@co.teton.id.us). Written comments may be mailed or dropped off at: Teton County Planning & Building Department, 150 Courthouse Drive, Room 107, Driggs, Idaho 83422. Faxed comments may be sent to (208) 354-8410.
  - Public comments at this hearing are welcome.

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

**TETON COUNTY PLANNING AND ZONING COMMISSION**  
**DRAFT Meeting Minutes from December 9, 2014**  
**County Commissioners Meeting Room, Driggs, ID**

**COMMISSIONERS PRESENT:** Mr. Dave Hensel, Mr. Chris Larson, Mr. Cleve Booker, Ms. Marlene Robson, Mr. Pete Moyer, Mr. David Breckenridge, Mr. Bruce Arnold, and Mr. Ron Moeller.

**COUNTY STAFF PRESENT:** Mr. Jason Boal, Planning Administrator, Ms. Kristin Rader, Planner., Ms. Kathy Spitzer, Prosecutor

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

**Chairman Business:**

There was no Chairman's business.

**Administrative Business:**

Mr. Boal gave an update from the Consortium meeting on 11/20/2014 on Code Studio. They will be transitioning to a Model Code for the region. Once the Model Code is delivered, they will then work to create a Draft Code for Teton County. Their work on the Teton County Draft Code should start near the end of January and continue to the end of March. Planning staff have continued to revise the Driggs Draft Code to provide feedback to Code Studio. Mr. Moeller also attended the meeting and agreed with Mr. Boal that Code Studio said they would follow through with the Code drafting.

The Commission discussed the Board of County Commissioners' request for a recommendation for Mr. Hill's position on the Commission based on attendance and his new position as VARD Executive Director. Ms. Spitzer was present to answer any legal questions. Mr. Boal expressed that the conversation should be directed at the policy as opposed to personal issues.

Mr. Hensel stated that he would not call an executive session because he felt this discussion was about a policy and not Mr. Hill. The conversation continued, and the major thoughts expressed included:

- The Commissioners are not comfortable with giving a recommendation to the Board about removing one of their own members because the Commission does not appoint members. They also feel it is not appropriate, as they have to work as a group and trust one another.
- It would be difficult to distinguish between personal views and organizational views if a Commissioner was a paid employee or head of an organization that had an interest in planning in the County.
- The Commissioners agreed that Mr. Hill's expertise in planning has helped them throughout his tenure and would be helpful throughout the Code writing process, but they were concerned with the conflict of interest that may arise with his new position at VARD.
- Ms. Spitzer stated that state statute requires that if you have a conflict of interest, you must recuse yourself, so Mr. Hill would have to recuse himself from all quasi-judicial

matters that VARD had an interest in. Being recused from meetings is not a cause for removal. The only cause for removal is missing four meetings in one year (Teton County Code 2-2-6).

- The Commissioners agreed that if a member has to be recused from many meetings or is absent from many meetings, then that member should no longer be on the Commission. They agreed this should be based on a percentage of meetings instead of four meetings in a year.

**Motion:** Mr. Arnold moved to recommend that the Board of County Commissioners amend Title 2-2-6 to say: “Members are expected to attend all meetings of the Commission. If a member is absent from one-third of all meetings, or recuses him/herself from one-third of all votes, in one year, that member may be replaced by the Board.” Mr. Booker seconded the motion.

**Vote:** The motion was unanimously approved.

**Motion:** Mr. Breckenridge moved to recommend that the Board of County Commissioners listen to the audio from this meeting and make their own decision based on this discussion. Mr. Larson seconded.

**Vote:** After a roll call vote, the motion passed 7-1. Mr. Arnold opposed because he felt that the Commission already made a recommendation to the Board and does not want the Commission involved in the decision anymore.

#### **Approval of Minutes:**

**Motion:** Mr. Booker moved to approve the Minutes from July 8, 2014. Mr. Arnold seconded the motion.

**Vote:** The motion passed unanimously. Mr. Moeller abstained because he was not on the Commission at that time.

**Motion:** Mr. Arnold moved to approve the Minutes from November 11, 2014. Mr. Moeller seconded the motion.

**Vote:** The motion passed unanimously. Mr. Larson abstained because he was not present at that meeting.

**Motion:** Mr. Booker moved to approve the Minutes from November 18, 2014. Ms. Robson suggested a correction on page 2 where it said she had a conflict of interest because she “sells hay to the Kaufmans” where it should say she “sells logs to the Kaufmans”. Mr. Larson moved to approve the minutes from November 18, 2014 with the recommended changes. Mr. Moeller seconded the motion.

**Vote:** The motion passed unanimously. Mr. Arnold abstained because he was not present at the meeting.

The meeting proceeded to discuss work session items regarding Public Hearing Procedures and Article 13.1, 13.2 and 13.3 of the Draft Code. No public comment was taken during this discussion.

Mr. Shawn Hill called in at 6:31 PM to join the discussion on Article 13.

**Motion:** Mr. Arnold moved to adjourn the meeting. Mr. Larson seconded the motion.

**Vote:** The motion was unanimously approved.

The meeting adjourned at 6:52 PM.

Respectfully Submitted,  
Kristin Rader, Scribe

---

Dave Hensel, Chair

Kristin Rader, Scribe



**A REQUEST FOR CONCEPT PLAN REVIEW APPROVAL BY:**  
**Teton Partners, Ltd.**  
**FOR: Cutthroat Creek Subdivision,**  
**WHERE: 5375 N 2250 E & 5457 N 2250 E**  
 Prepared for the Planning & Zoning Commission  
 Public Hearing of January 13, 2015

**APPLICANT & LANDOWNER:** Teton Partners, Ltd.

**REQUEST:** Teton Partners, Ltd. is proposing a 26 lot (241.22 acres) subdivision. The residential lots will range from 2.73 acres to 64.86 acres. The proposed subdivision is adjacent to South Leigh Creek, and it is being designed in such a way to reduce impact to the natural resources and wildlife habitat in the area and preserve productive farmland.

**APPLICABLE COUNTY CODE:** Subdivision Concept Plan Review pursuant to Title 9, Chapter 3 Teton County Zoning Ordinance, (revised 11/15/2012); Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

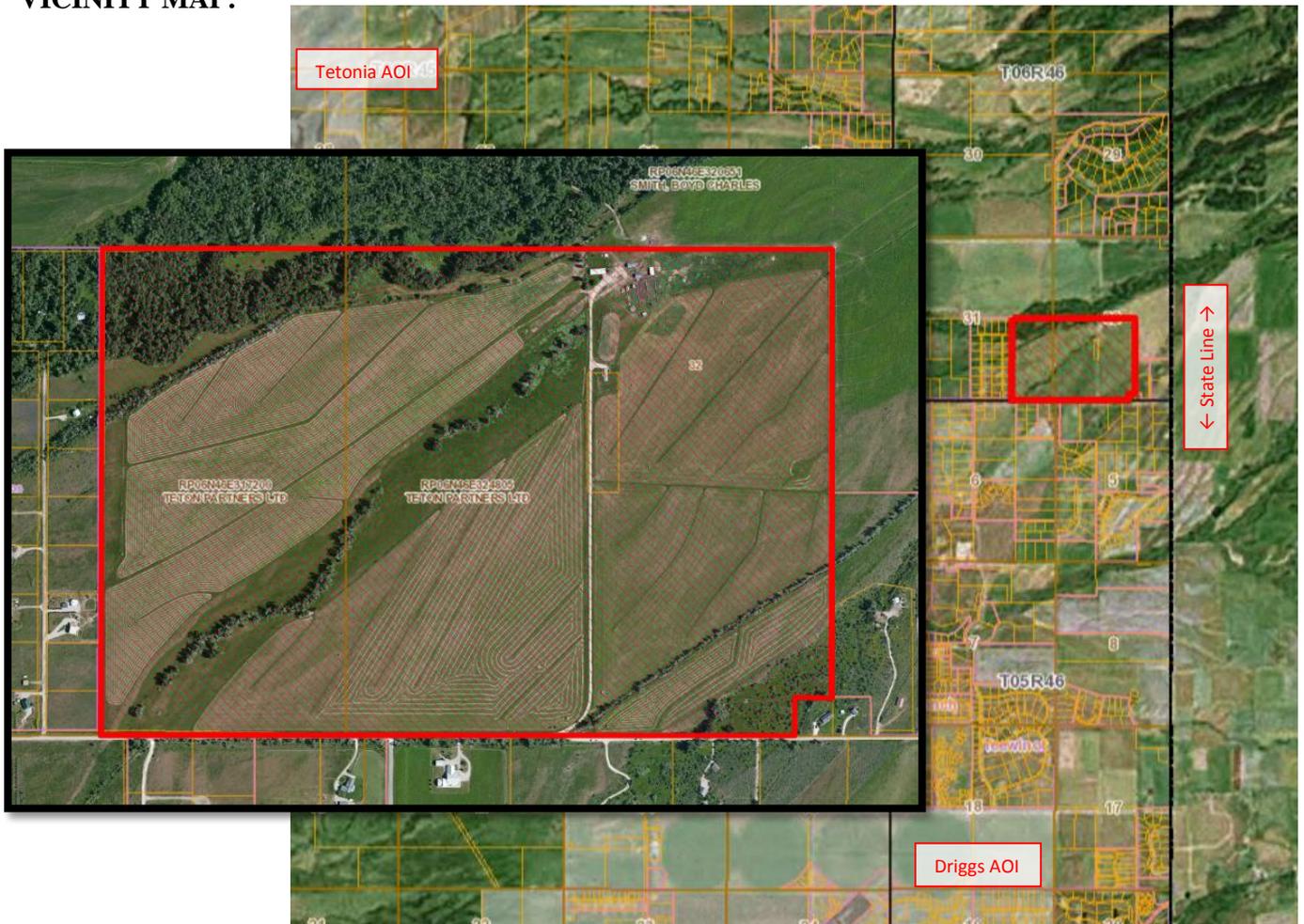
**LEGAL DESCRIPTION:** RP06N46E325001, TAX #3330 SEC 32 T6N R46E; RP06N46E324805, SW4 LESS #3183 & #3330 SEC 32 T6N R46E; RP06N46E317200, E2SE4 SEC 31 T6N R46E.

**LOCATION:** 5375 N 2250 E & 5457 N 2250 E; NE of Driggs and E of Tetonia near Stateline Road

**ZONING DISTRICT:** A-2.5

**PROPERTY SIZE:** 241.22 acres

**VICINITY MAP:**



**PROJECT DESCRIPTION:**

Teton Partners, Ltd. is proposing a 26-lot subdivision on 241.22 acres. The residential lots will range from 2.73 acres to 64.86 acres. The property is currently being leased out for farming. There are some existing buildings on the property, at the north end of County Road N 2250 E, including a single family home and outbuildings. These buildings will likely be demolished when that phase of the subdivision is developed. A phasing plan will be provided during the Preliminary Plat review.

South Leigh Creek flows through the northwest corner of the property, and the proposed development is adjacent to the creek. The subdivision is being designed in such a way to reduce impact to the natural resources and wildlife habitat in the area, including 55.73 acres in open space easements and a minimum 200 ft. buffer between building envelopes and the existing tree line of the South Leigh Creek riparian zone. It is also designed to preserve productive farmland with 112.39 acres in farm easements. There is an existing irrigation ditch network on the property, which would continue to be maintained and utilized; although some ditches may be realigned to avoid building envelopes.

An additional road has been proposed that would extend from the end of County Road N 2250 E west, to provide access to lots 14-26 (see Concept Master Plan). A fire pond has been proposed at the corner of N 2250 E and the new road to provide fire protection for all lots. Each lot would use an individual well and septic system that would be the responsibility of the landowner. A private trail has also been proposed in the development. The applicant has expressed that he may be willing to allow private access to the trail, at least the portion along South Leigh Creek, if the County adopts a Trails and Pathway Master Plan and it was needed as a connector for the trail system.

**PROJECT BACKGROUND:**

An application for a 29-lot subdivision on this property was originally submitted on January 29, 2013 by Pierson Landworks; however, that proposal never continued beyond the pre-application stage. Harmony Designs & Engineering submitted a completed application for Teton Partners, Ltd. to the Teton County Planning Department on December 4, 2014 for the proposed 26-lot subdivision. A Development Review Committee (DRC) Meeting was held on December 16, 2014 with the applicant, Planning, other Teton County Departments, and outside agencies to discuss the application materials.

The first step in the subdivision process is a Concept Plan Review (9-3-2B). Because the proposed subdivision has more than 10 lots, a public hearing before the Teton County Planning and Zoning Commission is required.

**OVERVIEW OF CONCEPT APPROVAL:**

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

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

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

## **KEY ISSUES:**

On December 16, 2014, we had a DRC meeting with Harmony Designs & Engineering (Randy Blough), Teton Partners, Ltd. (Zander Strong), Teton County Public Works Director (Darryl Johnson), Teton County Prosecutor (Kathy Spitzer), Teton County Fire Marshal (Earle Giles), Eastern Idaho Public Health (Mike Dronen), Teton County Planning Administrator (Jason Boal), and Teton County Planner (Kristin Rader). From this meeting, several key issues were identified, most of which concerned requirements for the Preliminary Plat review phase.

- **ROADS:** Roads standards, improving the intersection of County Roads E 5000 N and N 2250 E, access for lots 1-4, and vacating County Road N 2250 E to make it a private subdivision road, as it is a low priority road for maintenance, were discussed.
- **FIRE PROTECTION:** The Fire District requests a pullout at the fire pond for fire truck access. Only one fire pond is proposed, so turnarounds and intersection sizes large enough for fire trucks were discussed to ensure access, as well as meeting all fire codes and having the fire pond inspected and tested annually.
- **WASTEWATER TREATMENT:** Fire pond designs to determine setback requirements for septic systems. Soil test holes are required for septic systems, and the data from samples the applicant has already collected may be sufficient. EIPH and the Planning Department have requested this data to determine if more testing is needed.
- **PLANS & STUDIES:** The following studies will be required for the Preliminary Review phase: Traffic Impact Study, Public Service/Fiscal Analysis, Landscape Plan, Phasing Plan, and a Nutrient Pathogen Study (this study may not be required if the development meets certain criteria – see DRC Meeting notes and NP Study letter attached). *UPDATE: The 2011 NP Study for the 2013 subdivision application was forwarded to Planner, Kristin Rader on 12/30/2014, originally emailed to Jason Boal & Mike Dronen on 12/16/2014. This will be reviewed for the Preliminary Phase to determine if a new NP study is required.*
- **EASEMENTS:** It was not clear how the farm and open space would be maintained, so this needs to be clarified. Irrigation and utilities easements were discussed, and the applicant was recommended to contact the appropriate parties for easement requirements.

## **INTER-AGENCY AND DEPARTMENTAL REVIEW COMMENTS**

**TETON COUNTY PUBLIC WORKS:** On December 23, 2014, the Public Works Director, Darryl Johnson, emailed the applicant with the following recommendations for access points:

- *N2250E re-alignment:* I would prefer for the intersection of this road to be directly across from the driveway to the east or my preference would be moving the intersection farther to the west. Preferred minimum separation between access points is 300’.
- *Access for Lots 1-4:* I would also ask that you attempt to align with driveways to the south. I understand the minimum distance between driveways is currently not the minimum 300’ but I would encourage you to not make the situation any worse than it is if possible. One consideration might be to design an access from 2250E and have a shared drive run along the north property line of Lots 1-4.

**TETON COUNTY PLANNING:** On December 24, 2014, Planner, Kristin Rader, emailed the applicant a letter about the five conditions that may require the Nutrient Pathogen Study. In the DRC Meeting, it was thought that only three applied to this development; however, after studying the Wetlands & Waterways Overlay definition in the Teton County Code, it was determined that part of the development did fall within that overlay, which may require the NP Study. It was recommended that the applicant contact the U. S. Army Corps of Engineers to verify the wetland status of the property. Planning has also contacted USACE.

## **SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE:**

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

**COMMENTS FROM NOTIFIED PROPERTY OWNERS & PUBLIC AT LARGE:**

Staff has not received any written comments from the public at the time of this report, but at least three members of the public have requested application materials for review.

**CONSIDERATION OF APPROVAL:**

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

Objective	Applicant Comments	Staff Comments
<p><b>1. The conformance of the subdivision with the comprehensive plan.</b></p>	<p>Property is within the “Rural Neighborhood” area &amp; the “Waterway Corridor”, and the subdivision is designed in a way to align with the desired characteristics of those areas, including low to medium density, well defined open space, conservation and wildlife habitat enhancement and protection, no commercial activity, safe and convenient streets and pathways, etc.</p>	<p>This subdivision is designed in such a way to preserve the rural character of the area and promote agriculture through clustering building envelopes and creating open space and farm easements (E.D., AG./R.H.). It is also promoting safe options for transportation, pedestrian connectivity, and regional connections by improving the intersection of E 5000 N &amp; N 2250 E and allowing the trail to become a connector if a County trail system is built in that area (TRANS). It is protecting the natural resources and habitat in the area while promoting recreation with a trail, buffers, open space, as well as working with Friends of the Teton River to improve habitat in South Leigh Creek (N.R./O.R.).</p>
<p><b>2. The availability of public services to accommodate the proposed development.</b></p>	<p>There are entities accessible for all public services (power, telephone, solid waste, law enforcement, emergency services, health care, and schools).</p>	<p>The subdivision will utilize private well and septic systems. The subdivision will access from public roads E 5000 N &amp; N 2250 E. There are currently 15 subdivisions, as well as several other properties, that access from E 5000 W, so it is unlikely that there will be a significant burden placed on public services as they are already utilized in that area. There is a potential for N 2250 E being vacated and maintained by the subdivision as a private road, which would reduce the burden on Teton County Road &amp; Bridge.</p>
<p><b>3. The conformity of the proposed development with the capital improvements plan (CIP).</b></p>	<p>The density is 10.79 units/100 acres, which is below the density assumption of 30 units/100 acres for the CIP. All applicable impact fees based on the Impact Fee Program/CIP 2008 will be paid.</p>	<p>Because the development is being phased, there will not be a large demand on the County. As the phases are completed, a greater demand is may occur, but impact fees will be paid during the building permit process to offset that demand. If Co. Rd. N 2250 E is vacated and maintained by the subdivision as a private road, impact on the County will be lessened.</p>
<p><b>4. The public financial capability of supporting services for the proposed development.</b></p>	<p>A Fiscal Impact Analysis will be conducted for the Preliminary Review to determine this.</p>	<p>The phasing of this development should decrease the financial burden on the County; however, the capability to support this development will be better understood once a Fiscal Impact Analysis has been completed.</p>
<p><b>5. Other health, safety, or general welfare concerns that may be brought to the County's attention.</b></p>	<p>The developer acknowledges the fact that there currently is a significant surplus of vacant platted residential lots, and is intending to phase the development over time, which will be driven by the health of the local real estate economy. This project is designed with careful consideration to natural resources, wildlife habitat, and preservation of the agricultural character of the site and the region.</p>	<p>The northern portion of the property is in the South Leigh Creek floodplain, wetlands, Big Game Migration Corridor, Wetlands Habitat overlay, and Songbird Habitat overlay. The lots are designed in a way to minimize impact to these areas, with buffers and building envelopes identified, as well as designated open space.</p>

## **RECOMMENDED CONDITIONS OF APPROVAL**

- Compliance with all local, state, and federal regulations.
- Obtain access approval for lots 1-4 from Teton County Road & Bridge.
- Begin working with EIPH for septic approval.
- Begin working with Teton County Fire District for fire suppression approval.
- Conduct/update required studies/plans for Preliminary Review: Traffic Impact Study, Public Service/Fiscal Analysis, Landscape Plan, Phasing Plan, Natural Resources Analysis (update if needed), and Nutrient Pathogen Study (update if needed).

## **PLANNING & ZONING COMMISSION ACTION:**

A. Approve the Concept Plan, with the recommended conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.

B. Approve the Concept Plan, with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.

C. Deny the Concept Plan application request and provide the reasons and justifications for the denial.

D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

## **PLANNING STAFF RECOMMENDATION:**

The Planning Staff recommends ACTION A: APPROVE the Concept Plan as described in the subdivision application materials submitted December 4, 2014.

Staff suggests the following motion could state a finding of fact and conclusion of law if a Commissioner wanted to approve the application:

Having concluded that all the Criteria for Approval of a Concept Plan found in Title 9-3-2-B can be satisfied with the inclusion of the recommended conditions of approval,

- and having found that the considerations for granting the Concept Plan Approval to Teton Partners, Ltd. can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
- and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
- I APPROVE the Concept Plan for Cutthroat Creek subdivision as described in the application materials submitted December 4, 2014 and as supplemented with additional applicant information attached to this staff report.

Prepared by Kristin Rader

---

### **Attachments:**

1. Application (4 pages)
2. Letter of Authorization (1 page)
3. Narrative (7 pages)
4. Warranty Deed #177484 (3 pages)
5. Warranty Deed #177483 (3 pages)
6. Record of Survey #177575 (1 page)
7. Concept Drawings (3 pages)
8. Soil Resource Report (13 pages)
9. DRC Meeting Notes (3 pages)
10. NP Study Letter (2 pages)
11. Email from D. Johnson 12/23/14 (1 page)
12. Adjacent Landowner Notification (2 pages)

**End of Staff Report**

DEC 04 2014

RECEIVED



NAME OF SUBDIVISION/PLANNED UNIT DEVELOPMENT

**CONCEPT PLAN**

**SUBDIVISION/PLANNED UNIT DEVELOPMENT APPLICATION**

The Concept Plan Review is the first of three steps in the development process. Upon receipt of the required materials the planning staff shall stamp the application received, review the application for completeness and then schedule a Concept Review Meeting between the Applicant and the Planning Administrator or his or her designee. The application is constituted accepted upon completion of the checklist items and the review meeting with the Administrator. The Administrator will prepare a staff report for the Applicant within sixty (60) days. It is recommended that the Applicant review Titles 6, 8 and 9 of the Teton County Code prior to submittal. These Titles along with application materials are located on the County website at [www.tetoncountyidaho.gov](http://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: Teton Partners, Ltd. 69

Applicant: Teton Partners, Ltd. E-mail: inbox@strongmgmt.com

Phone: ( 407 ) 629-1800 Mailing Address: 1201 S. Orlando Ave., Ste 203

City: Winter Park State: FL Zip Code: 32789

Engineering Firm: Harmony Design & Engineering Contact Person: Randy Blough Phone: ( 208 ) 354-1331

Address: 18 N. Main St. Ste 305 E-mail: Randy.Blough@harmonydesigninc.com  
Driggs, ID 83422

**Location and Zoning District:**

Address: 5000N 2250E Parcel Number: RP06N46E317200   
RP06N46E324805

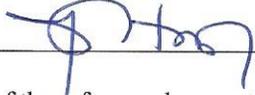
Section: 31/32 Township: 6N Range: 46E Total Acreage: 241.22

Proposed Units/ Lots: 26 Proposed Open Space Acres: 168 26

Proposing a Subdivision  Proposing a Planned Unit Development   
Zoning: A 2.5  A 20  Planned Community  Rural Reserve

- |                                     |  |                                     |                                      |
|-------------------------------------|--|-------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> | Latest recorded deed to the property             | <input checked="" type="checkbox"/> | Affidavit of Legal Interest          |
| <input checked="" type="checkbox"/> | Development name approved by GIS                 | <input checked="" type="checkbox"/> | Pre-application conference completed |
| <input checked="" type="checkbox"/> | 10% of total base fee (see current fee schedule) |                                     |                                      |

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

• Applicant Signature:  Date: 11/24/14

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

• Owner Signature:  Date: 11/24/14  
*Fees are non-refundable.*

**SECTION II: CONSIDERATION FOR APPROVAL**

*Please submit narrative referencing the following:*

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

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

**1. Number of Plan:**

- Two (2) Plans (11" X 17" or 18" X 24") and digital copy prepared by a professional land Surveyor/Engineer

**2. Items on Plan/Plat:**

- Plat is labeled "Concept Master Plan" in the lower right corner
- Open space, as required
- Neighboring property boundaries and owners within 300 feet
- Date prepared and date of any revisions
- Scale of drawings
- North arrow
- Vicinity map
- Section(s), Township, Range
- Specific phase, if any, has been labeled

**3. Topographical Information:**

- Contour lines
- Flood hazard area, if any
- Overlay areas

4. Design Requirements:

- Total acreage
- Number of lots and size
- Street layout including width and designation of county road access with notation of approaches, if applicable, no closer than 300 feet to one another
- Existing streets and names within 200 feet
- Easements for irrigation, water, sewer, power and telephone

**SECTION IV: CHECKLIST OF REQUIRED ITEMS**

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

1. Water Issues:

- Description of irrigation system
- Description of culinary water system
- Water rights
- Description of waste system
- Natural drainage channels
- Storm and surface water drainage

2. Maps Required:

- Soil types
- Geographical hazards

3. Availability and capability of public services:

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

- Fire protection
- Police protection
- Public road construction and maintenance
- Central water
- Central sewer
- Parks and open space
- Recreation
- Infrastructure/open space maintenance
- Schools
- Solid waste collection
- Libraries
- Hospital
- Estimate of tax revenue

4. Zone Change, if any:

- Current Zoning District
- Proposed Zoning District
- Submit completed Zone Change Application

5. Other Land Use Applications, if any:

- Scenic Corridor
- Conditional Use Permit
- Variance
- Other: \_\_\_\_\_

**SECTION V: PLANNING ADMINISTRATOR/DESIGNEE REVIEW/ACTION**

Application is considered complete and accepted on this the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Planning Administrator/Designee Signature: \_\_\_\_\_



TETON COUNTY  
PLANNING & ZONING

DEC 04 2014

RECEIVED

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

Teton Partners, Ltd. "Owner" whose address is 1201 S. Orlando Avenue  
Suite 203 City Winter Park State FL Zip 32789

As owner of property more specifically described as:  
RP06N46E317200 & RP06N46E324805  
(See attached Legal Description)

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

Owner agrees to pay any fines and be liable for any other penalties arising out of failure to comply with the terms of any permit or arising out of any violation of applicable laws, codes, or regulations applicable to the action sought to be permitted by the application authorized herein.

Under penalty of perjury, the undersigned swears that the forgoing is true and, if signing on the behalf of a corporation, partnership, limited liability company or other entity, the undersigned swears that this authorization is given with the appropriate approval of such entity, if required.

OWNER:  
X [Signature]  
(Signature of Owner)

David C. Strong Title Managing Member  
(Print Name) Strong Tenton, LLC  
General Partner

X \_\_\_\_\_  
(Signature of Co-Owner)

\_\_\_\_\_  
(Print Name) Title \_\_\_\_\_

X \_\_\_\_\_  
(Secretary or Corporate Owner)

\_\_\_\_\_  
(Print Name)

NOTARY: Florida SS. \_\_\_\_\_  
STATE OF: \_\_\_\_\_

COUNTY OF: Orange Zip 32789

Subscribed and sworn to before me by David C. Strong  
this 24th day of November, 2014

WITNESS my hand and official seal.  
X [Signature]  
Notary Public

09/17/2018  
Expiration Date



DEC 04 2014

# Cutthroat Creek Subdivision **RECEIVED**

## Concept Plan Narrative

### I. INTRODUCTION AND PROJECT DESCRIPTION

Cutthroat Creek Subdivision is a proposed single family residential subdivision in Teton County, Idaho. The site is located on the north side of County Road E5000N at N2250E.

#### Existing Conditions:

The existing site consists of 241 acres of land, most of which is currently being leased for farming. One single family home and associated outbuildings exists on the north end of the site and is currently accesses by County Road N2250E. South Leigh Creek runs through the north end of the property. Two irrigation canals pass through the site, one through the northern portion adjacent to Leigh Creek (Desert Canal) and one through the southeast corner (Hog Canal) of the property. The site is bordered by residential properties to the west and south, the South Leigh Creek drainage to the north and a mix of residential and agricultural use properties to the east.

#### Proposed Development:

The proposed development will consist of 26 lots with a minimum lot size of 2.73 acres and a maximum lot size of 64.86 acres.

#### Roads / Access:

The development will be served by the existing County Road N2250E (approximately 2,200 linear feet) and a proposed road (approximately 1350 linear feet) through the north and west portion of the development. All roads within the subdivision will be constructed or upgraded to Teton County Standards for local gravel roads. Maintenance of the roadways will be the responsibility of the developer until a Homeowners Association is formed. Once the Homeowners Association is formed, maintenance of the roadways including repairs, snowplowing, and re-grading will be the responsibility of the association. Four lots (lots 1-4) at the southeast corner of the property will be accessed from County Road E5000N via two shared private driveways located in 20' wide private access easements along common lot lines. Construction and maintenance of these driveways will be the responsibility of the two property owners that they serve.

#### Setbacks / Building Envelopes:

In all cases, building setbacks will meet or exceed the minimum setbacks required by Teton County code for front yard, side yard, rear yard, stream, and ditch setbacks. In addition to County requirements, a 200' setback from the tree line of the riparian zone is proposed to provide a wildlife buffer from the existing

riparian corridor of South Leigh Creek. No human use structures will be allowed within this buffer. In some cases, building envelopes are further reduced in order to protect views from adjacent lots.

Open Space / Easements:

Several large, contiguous easements will be platted within the lots to provide for continued farming, conservation, and open space. Three farm easements within the development will contain approximately 112 acres and will be managed and leased for farming. An open space easement totaling approximately 56 acres includes the South Leigh Creek riparian corridor and a wide, partially wooded drainage corridor running diagonally through the middle of the development. This open space easement will be managed for wildlife habitat conservation, fish habitat, and passive recreation for homeowners within the subdivision.

Irrigation Water:

Irrigation water for the farmed areas will continue to be provided by the existing irrigation ditch network. The existing ditch and laterals will be maintained in order to continue distributing irrigation water. However, some ditch laterals will be realigned to accommodate the proposed building site configuration.

Culinary Water:

The proposed lots will be served by individual domestic wells. Installation and maintenance of each well will be each individual lot owner's responsibility.

Sewer:

The proposed lots will be served by individual septic systems that will be designed and constructed in accordance with Eastern Idaho Department of Health regulations. The installation and maintenance of each septic system will be each individual lot owner's responsibility.

Drainage:

The natural drainage patterns of the site will be maintained wherever possible. Drainage swales along the roadway edges will convey runoff from the roadway and surrounding areas and provide areas for infiltration. A drainage report and stormwater calculations will be provided with the Preliminary Plat submission. Erosion control measures will be implemented to comply with state and federal regulations. Typical measures that may be implemented include, vehicle tracking control, silt fence, hay bales, wattles, and dust control measures.

Fire:

An engineered fire pond located near the center of the development will provide fire protection. A dry hydrant will be provided and the pond will meet or exceed the requirements of the Teton County Fire Department.

## **II. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

The Cutthroat Creek property lies within the “Rural Neighborhood” zone as shown on the current Comprehensive Plan Framework Map. A “Waterway Corridor” is also shown on the northern portion of the site along South Leigh Creek. This Concept Plan for Cutthroat Creek subdivision aligns with the vision of the Comprehensive Plan for these areas. The following is a list of design elements incorporated into the proposed development plan, and a description of how these elements align with the definitive characteristics of the Comprehensive Plan Framework Map areas.

<b>Rural Neighborhood Area</b>	
<b>Desired character and land use (from Comprehensive Plan)</b>	<b>Design elements of Cutthroat Creek Concept Plan</b>
A transitional character in between that of Town Neighborhoods and Rural Areas.	A variety of medium to large lot sizes coupled with large expanses of open space create a character that is less intense than a Town Neighborhood but more intense than a Rural Area.
Medium density single family neighborhoods with large open spaces and provisions for clustering.	The overall density of the proposed concept plan is 1 unit per 9.28 acres, which is well below the maximum that is allowed by the underlying A 2.5 zone. Building lots and envelopes are clustered together and near roadways in order to provide large, contiguous, manageable, productive, and functional open spaces for farming, preservation, and passive recreation.
Amenity-based neighborhoods.	Contiguous, common open space provides the opportunity for passive recreation and quiet enjoyment of nature for residents of the development.
Safe and convenient street and pathway connections within these areas and, when practical, to Towns.	Open space easements throughout the development are contiguous and connected and provide opportunity for a connected loop trail system. Internal roads will be low volume, low speed roads that will accommodate walking and biking as well as vehicular traffic safely within the shared travelway.
Well-defined open space areas that connect to provide corridors.	The open space easement along South Leigh Creek is continuous through the entire riparian corridor. The diagonal easement through the middle of the site defines another continuous corridor. These corridors are connected to each other to create a continuous loop and could be extended with the development of adjacent properties.
A clear distinction between residential development and open space/agricultural areas.	Open space, farm land, and residential building envelopes are well defined and distinct from each other.

<b>Waterway Corridors</b>	
<b>Desired character and land use (from Comprehensive Plan)</b>	<b>Design elements of Cutthroat Creek Concept Plan</b>
Agriculture	Approximately 112 acres of land will be left in agricultural production.
Low to lowest residential density in the County.	No development is proposed in the actual Waterway Corridor. The overall density of the proposed concept plan is 1 unit per 9.28 acres which is well below the maximum that is allowed by the underlying A 2.5 zone.
Conservation and wildlife habitat enhancement.	The entire riparian area within the Waterway Corridor will be protected within an open space easement. A 200' buffer from the tree line will prohibit human use buildings in this area. Improvements to fish habitat within South Leigh Creek are currently underway as a joint effort between the property owner and Friends of the Teton River.
Development subject to all applicable County, State and Federal regulations including USACE Wetland regulations and County floodplain development regulations.	No development is proposed within any known 100 year floodplain or wetland
Scenic quality preservation.	Large open space and farm easements dominate the southern portion of the development, which is most visible from County Road E5000N.
Public access points for river recreation.	No public access is existing or proposed.
Overlays and development guidelines to protect natural resources.	Setbacks and buffers from overlay zones are provided that meet or exceed County regulations.
Little to no (or very limited) commercial activity.	No commercial activity is proposed.

### **III. AVAILABILITY OF PUBLIC SERVICES TO ACCOMMODATE THE PROPOSED DEVELOPMENT**

Power:	Fall River Rural Electric
Telephone:	Silverstar Communications
Solid Waste:	Voorhees Sanitation
Law Enforcement:	Teton County Sheriff
Emergency services:	Teton County Ambulance Service District / Teton County Fire & Rescue
Health care:	Teton Valley Health Care
Schools:	Teton School District 401

### **IV. CONFORMITY WITH THE CAPITAL IMPROVEMENTS PLAN**

The density of Cutthroat Creek Subdivision is 10.79 units per 100 acres, which is well below the density assumption of 30 units per 100 acres that was used in the Capital Improvement Plan.

All required impact fees will be paid in accordance with the Teton county development Impact Fee Program / Capital Improvement Plan, 2008. The current fee is \$2,005.96 per dwelling unit to be paid at the time of building permit issuance.

### **V. THE PUBLIC FINANCIAL CAPABILITY OF SUPPORTING SERVICES FOR THE PROPOSED DEVELOPMENT**

A Fiscal Impact Analysis will be provided as a requirement of the Preliminary Plat stage of the subdivision approval process.

### **VI. OTHER HEALTH, SAFETY OR GENERAL WELFARE CONCERNS**

The developer acknowledges the fact that there currently is a significant surplus of vacant platted residential lots in Teton Valley. To address this issue, this development is intended to be implemented in several phases over a period of time that will be driven by the health of the local real estate economy. The first phase will likely be Lots 1 through 4, which are located along the existing County Road E5000N. Subsequent phases will be Lots 5 through 13, which are located along the existing County Road N2250E, followed by the remaining lots in a final phase.

This project is designed with careful consideration to natural resources, wildlife habitat, and preservation of the agricultural character of the site and the region. In addition to conserving open space through protective easements, maintaining setbacks from wildlife corridors, and continuing productive agriculture, the developer has already begun making improvements to fish habitat in South Leigh Creek. In partnership with Friends of the Teton River, the owner has secured funding and is proceeding with improvements to diversion structures that will greatly improve habitat for native cutthroat trout.

**RECORDING REQUESTED BY**  
First American Title Company

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

177484

RECEIVED  
JUN 02 2006  
TETON CO., ID  
CLERK RECORDER

**Instrument # 177484**

DRIGGS, TETON, IDAHO  
2006-06-02 03:22:21 No. of Pages: 3  
Recorded for : FIRST AMERICAN TITLE CO  
NOLAN G. BOYLE Fee: 9.00  
Ex-Officio Recorder Deputy  
Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

**WARRANTY DEED**

File No.: **143962-T (tm)**

Date: **May 31, 2006**

For Value Received, **Lloyd H. Fullmer and Veronique R. Fullmer, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Teton Partners, LTD, a Florida Limited Partnership**, hereinafter called the Grantee, whose current address is **1000 North Orlando Ave. Suite D, Winter Park, FL 32789**, the following described premises, situated in **Teton County, Idaho**, to-wit:

**Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

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

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

177484

TETON COUNTY  
PLANNING & ZONING

DEC 04 2014

RECEIVED



**EXHIBIT A**

**PARCEL 1:**

Township 6 North, Range 46 East, Boise Meridian, Teton County, Idaho  
Section 31: E1/2SE1/4

**LESS AND EXCEPTING THEREFROM** the existing County Road Right-of-Way along the Southern property boundary.

**PARCEL II:**

Township 6 North, Range 46 East, Boise Meridian, Teton County, Idaho  
Section 32: SW1/4 and Government Lot 4 (SW1/4 SE1/4)

**LESS AND EXCEPTING THEREFROM** The existing County Road Right-of-Way over and across the above described property.

**ALSO LESS AND EXCEPTING THEREFROM** Beginning 953 feet West of the SE Corner of Section 32, Township 6 North, Range 46 East, Boise Meridian, Teton County, Idaho, thence North 208 feet, West 208 feet, South 208 feet, East 208 feet to the point of beginning.

**ALSO LESS AND EXCEPTING THEREFROM** Beginning 1161 feet West of the SE Corner of Section 32, Township 6 North, Range 46 East, Boise Meridian, Teton County, Idaho, thence North 208 feet, West 208 feet, South 208 feet, East 208 feet to the point of beginning.

**ALSO LESS AND EXCEPTING THEREFROM** Beginning at the SE Corner of Lot 4, Section 32, Township 6 North, Range 46 East, Boise Meridian, Teton County, Idaho, and running thence S 89°42'00" W, a distance of 660.00 feet; thence N 00°05'56" W, a distance of 1328.92 feet, thence S 89°33'26" E, a distance of 660.00 feet, thence S 00°06'00" E, a distance of 1320.35 feet to the point of beginning.

**ALSO LESS AND EXCEPTING THEREFROM** Beginning at the SW Corner of the NE1/4 SW1/4 of Section 32, Township 6 North, Range 46 East, Boise Meridian, Teton County, Idaho, and running thence East 167.60 feet, thence North 650 feet, thence West 167.60 feet, thence South 650 feet to the point of beginning.

**ALSO LESS AND EXCEPTING THEREFROM** Beginning at a point 660 feet West of the SE Corner of Lot 4, Section 32, Township 6 North, Range 46 East, Boise Meridian, Teton County, Idaho, that point being the true point of beginning and running thence West 293 feet, thence North 208 feet, thence West 208 feet, thence North 1,112 feet, thence East 501 feet, thence South 1320 feet to the point of beginning.

177484

**RECORDING REQUESTED BY**  
First American Title Company

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

RECEIVED  
JUN 02 2006  
TETON CO., ID  
CLERK RECORDER

**Instrument # 177483**

DRIGGS, TETON, IDAHO  
2006-06-02 03:20:16 No. of Pages: 3  
Recorded for : FIRST AMERICAN TITLE CO  
NOLAN G. BOYLE Fee: 9.00  
Ex-Officio Recorder Deputy  
Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

**WARRANTY DEED**

File No.: **143973-T (tm)**

Date: **May 31, 2006**

For Value Received, **Shane Muir and Vicki Muir, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Teton Partners, LTD, a Florida Limited Partnership**, hereinafter called the Grantee, whose current address is **1000 North Orlando Avenue, Suite D, Winter Park, FL 32789**, the following described premises, situated in **Teton County, Idaho**, to-wit:

**Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

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

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

177483

TETON COUNTY  
PLANNING & ZONING  
DEC 04 2014  
RECEIVED



Date: 05/31/2006

Warranty Deed  
- continued

File No.: 143973-T (tm) ...

RECEIVED

TETON CO. ID  
CLERK RECORDED

**EXHIBIT A**

**Beginning at the SW Corner of the NE1/4 SW1/4 of Section 32, Township 6 North, Range 46 East, Boise Meridian, Teton County, Idaho, and running thence East 167.6 feet, thence North 650 feet, thence West 167.6 feet, thence South 650 feet to the point of beginning.**

**WARRANTY DEED**

File No.: 143973-T (tm)

Date: May 31, 2006

For Value Received, Shane Muir and Vicki Muir, husband and wife, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Teton Partners, LTD, a Florida Limited Partnership, hereinafter called the Grantee, whose current address is 1000 North Orlando Avenue, Suite G, Winter Park, FL 32789, the following described premises, situated in Teton County, Idaho, to-wit:

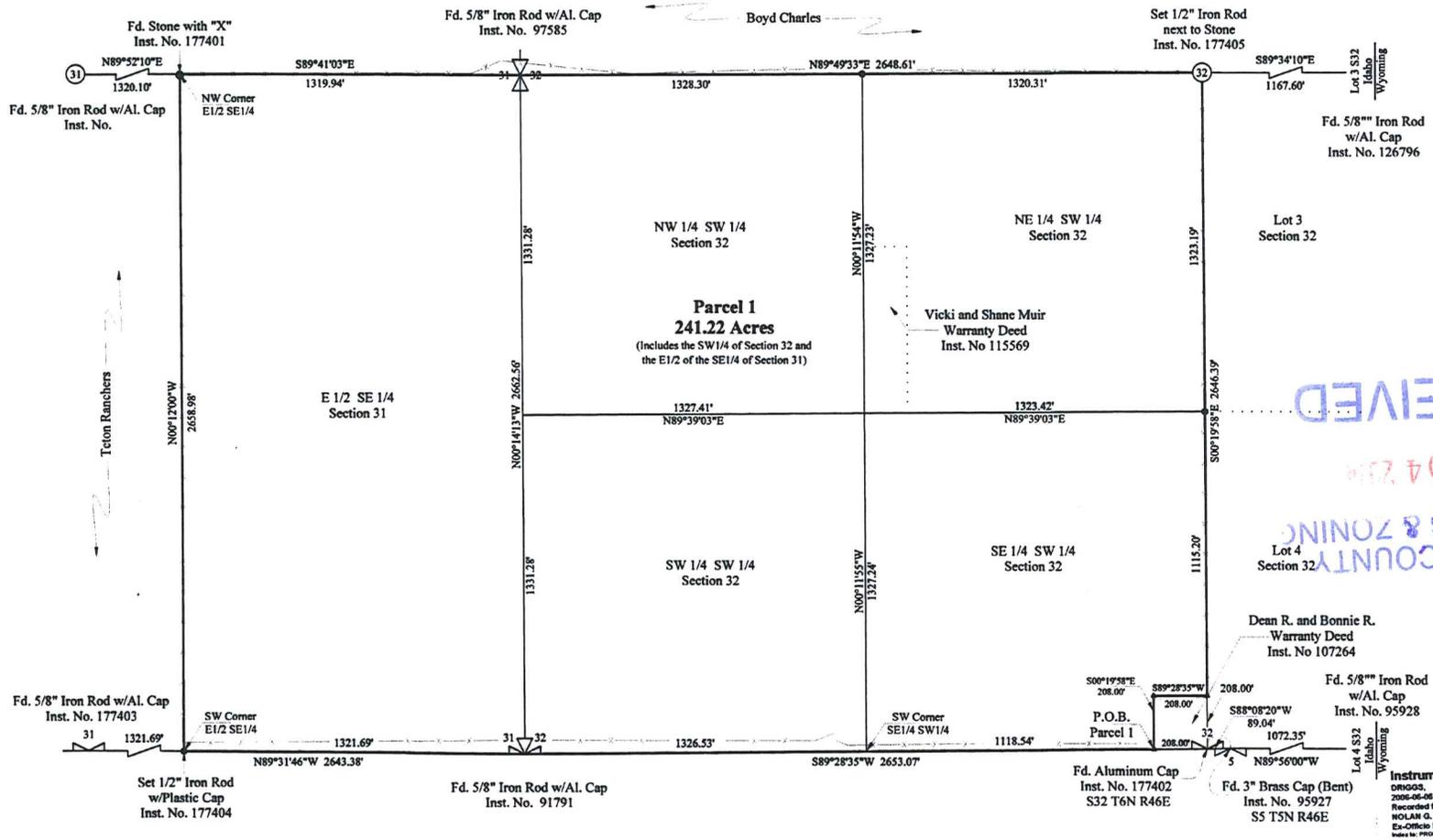
Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

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

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

177483

**177483**



RECEIVED

DEC 04 2011

PLANNING & ZONING

TETON COUNTY

Instrument # 177575  
 DRIGGOS, TETON, IDAHO  
 2008-06-06 01:52:14 No. of Pages: 1  
 Recorded for: THOMPSON ENGINEERING  
 HOLLYN G. BOYLE 1696 6.00  
 Ex-Officio Recorder Deputy  
 Idaho State PROPERTY SURVEYS

**Parcel 1**  
 A Parcel of Land Situated in Teton County, State of Idaho, Township 6 North, Range 46 East of the Boise Meridian, Sections 31 and 32, More Particularly Described as Follows: Beginning at the South Quarter (S 1/4) Corner of Section 32, Township 6 North, Range 46 East, B.M.  
 Thence S89°28'35"W along the South Line of Section 32 for a Distance of 208.00 Feet to the True Point of Beginning.  
 Thence S89°28'35"W along said South Line for a Distance of 2445.07 Feet to the Southwest Corner of Section 32;  
 Thence N89°31'46"W along the South Line of Section 31 for a Distance of 1321.69 Feet to the Southwest Corner of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of Section 31;  
 Thence N00°12'00"W along the West Line of the East Half (E 1/2) of said Southeast Quarter (SE 1/4) for a Distance of 2658.98 Feet to the Northwest Corner of said East Half (E 1/2);  
 Thence S89°41'03"E along the North Line of said East Half (E 1/2) for a Distance of 1319.94 Feet to the East Quarter (E 1/4) Corner of Section 31;  
 Thence N89°49'33"E along the North Line of the Southwest Quarter (SW 1/4) of Section 32 for a Distance of 2648.61 Feet to the Center of said Section 32;  
 Thence S00°19'58"E along the North/South Centerline of said Section 32 for a Distance of 2438.39 Feet;  
 Thence S89°28'35"W for a Distance of 208.00 Feet;  
 Thence S00°19'58"E for a Distance of 208.00 Feet to the True Point of Beginning, Containing 241.22 Acres More or Less.  
 Subject to: Easements and Right-of-Ways for highways, roads, ditches, canals, power poles, and transmission lines as they exist.

**Legend**  
 ○ Set 1/2" X 30" Iron Rod with Cap Marked L.S. 10563  
 ▲ Fd. 1/2" Iron Rod Set By A.W. Engineering  
 --- Fenceline

**TE THOMPSON ENGINEERING, INC.**  
 CONSULTING ENGINEERS  
 RIGBY, IDAHO 83442

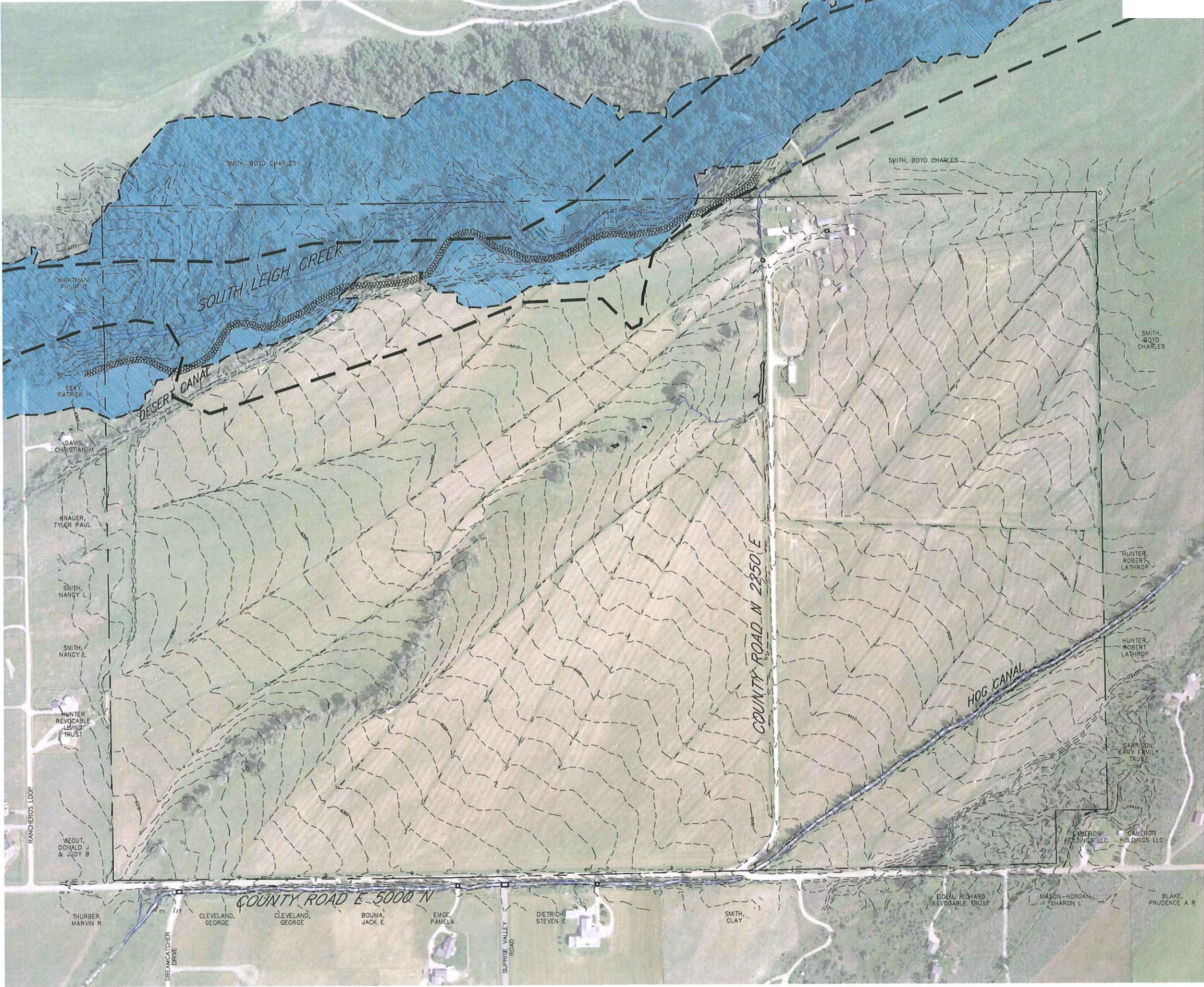
**CERTIFICATE OF SURVEY**  
 I, Kevin L. Thompson, do hereby Certify that I am a Registered Professional Land Surveyor in the State of Idaho, and that the attached plat was drawn from an actual Survey made on the ground under my direct supervision, and that this map is an accurate representation of said Survey.

 June 2, 2006 Date License No. 10563

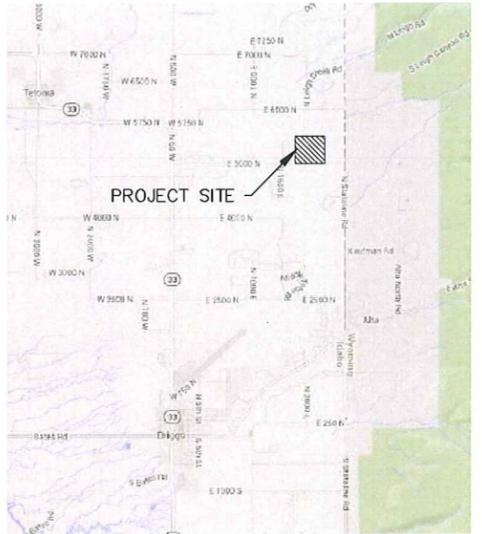
**177575**  
**Narrative**  
 This survey was performed at the request of Veronica and Lloyd Fullmer. Parcel 1 was surveyed out of Warranty Deed Instrument No.'s 75409 and 54668.

Revised to Replace R.O.S. Instrument No. 177295 Dated May 3, 2006

RECORD OF SURVEY			
LOCATED IN THE SW 1/4 OF SECTION 32 AND THE SE 1/4 OF SECTION 31, TOWNSHIP 6 NORTH, RANGE 46 EAST, TETON COUNTY, IDAHO			
Project Name: Veronica & Lloyd Fullmer		Scale 1" = 300'	
Job Number: 2005-171			
CoGo File: FullmerLloyd2005-171			
Date Surveyor Drawn By:	June 2, 2006 K.L.T. D.O.S.	Sheet 1	Of 1



- LEGEND**
- EXISTING PROPERTY BOUNDARY
  - EXISTING CREEK / DITCH
  - EXISTING CONTOUR (MAJOR - 5')
  - EXISTING CONTOUR (MINOR - 1')
  - EXISTING TREE LINE OF RIPARIAN ZONE
  - EXISTING 100 YEAR FLOODPLAIN BOUNDARY - ZONE A (PER FEMA FIRM PANEL 16081C0100C)
  - REVISED 100 YEAR FLOODPLAIN (PER DRAFT HEC-RAS ANALYSIS USING TETON COUNTY LIDAR DATA)



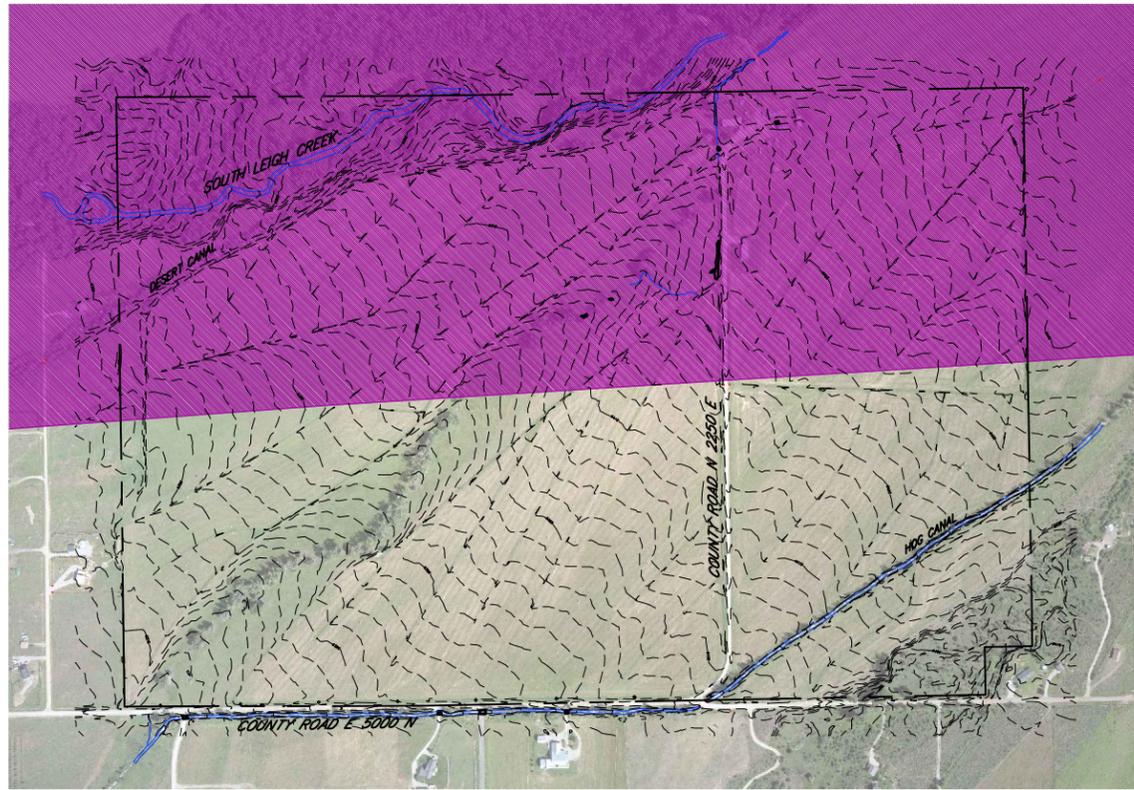
VICINITY MAP  
NOT TO SCALE  
TETON COUNTY  
PLANNING & ZONING  
DEC 04 2014  
RECEIVED



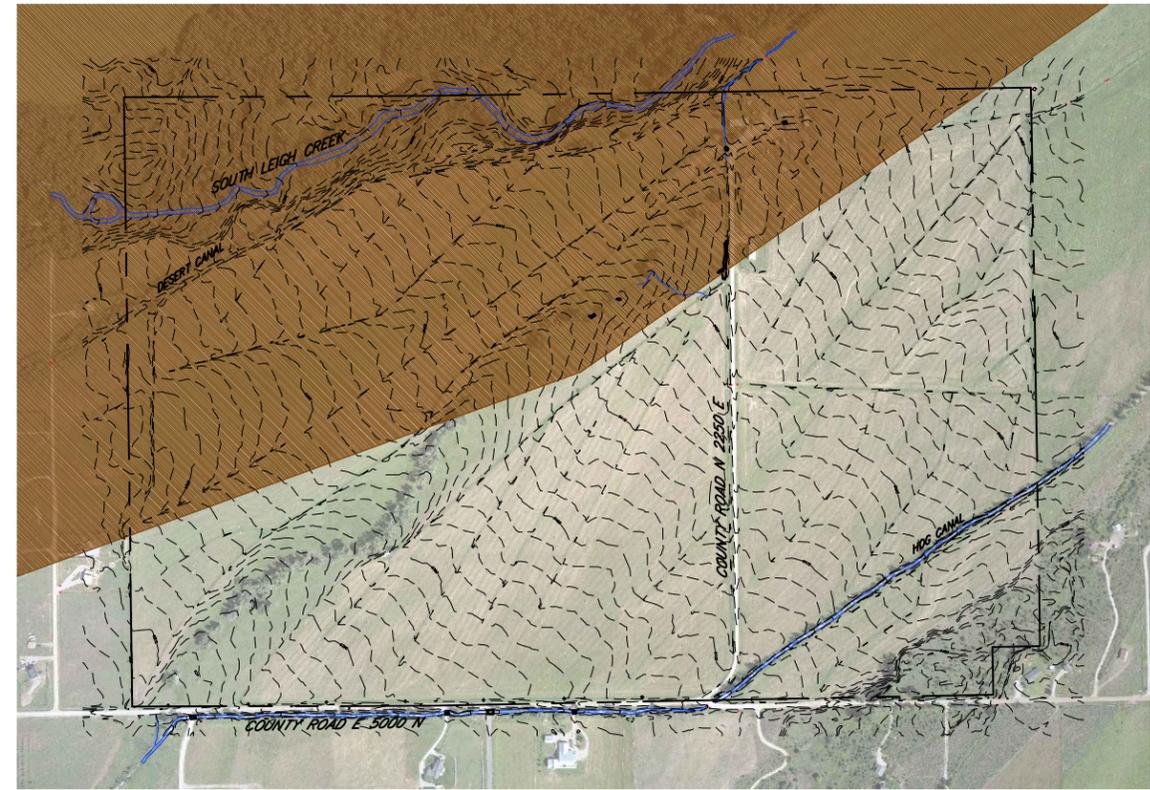
DATE: 11/24/2014
REVISIONS:

SCALE: AS SHOWN
DESIGNED BY: RGB
DRAWN BY: RGB
CHECKED BY: JFZ
PROJ. #: 14002-179-1

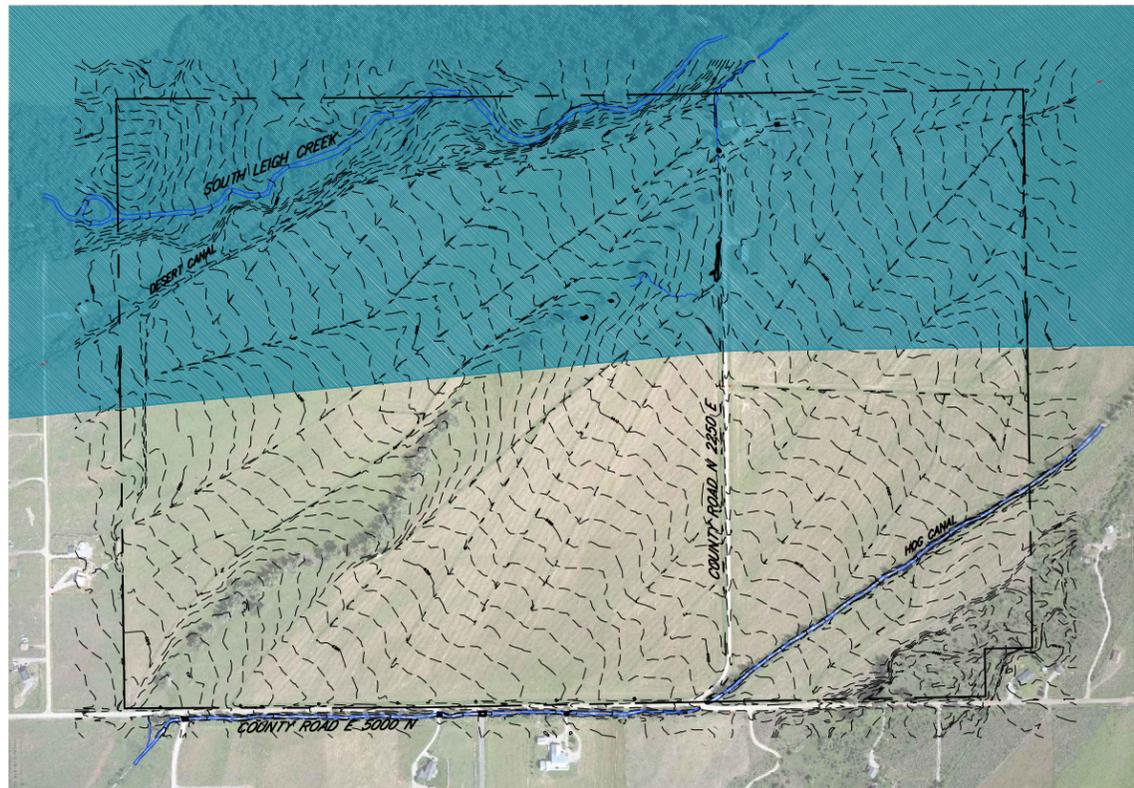
PROJECT NAME  
**CUTTHROAT CREEK SUBDIVISION  
CONCEPT MASTER PLAN**  
EXISTING CONDITIONS AERIAL



**SONGBIRD / RAPTOR BREEDING OVERLAY**



**BIG GAME MIGRATION OVERLAY**



**PRIORITY WETLAND HABITAT - SOUTH LEIGH CREEK OVERLAY**

EXISTING OVERLAY AREAS SHOWN ARE FROM TETON COUNTY, IDAHO GIS DATA



DATE: 11/24/2014

REVISIONS:

SCALE: AS SHOWN

DESIGNED BY: RGB

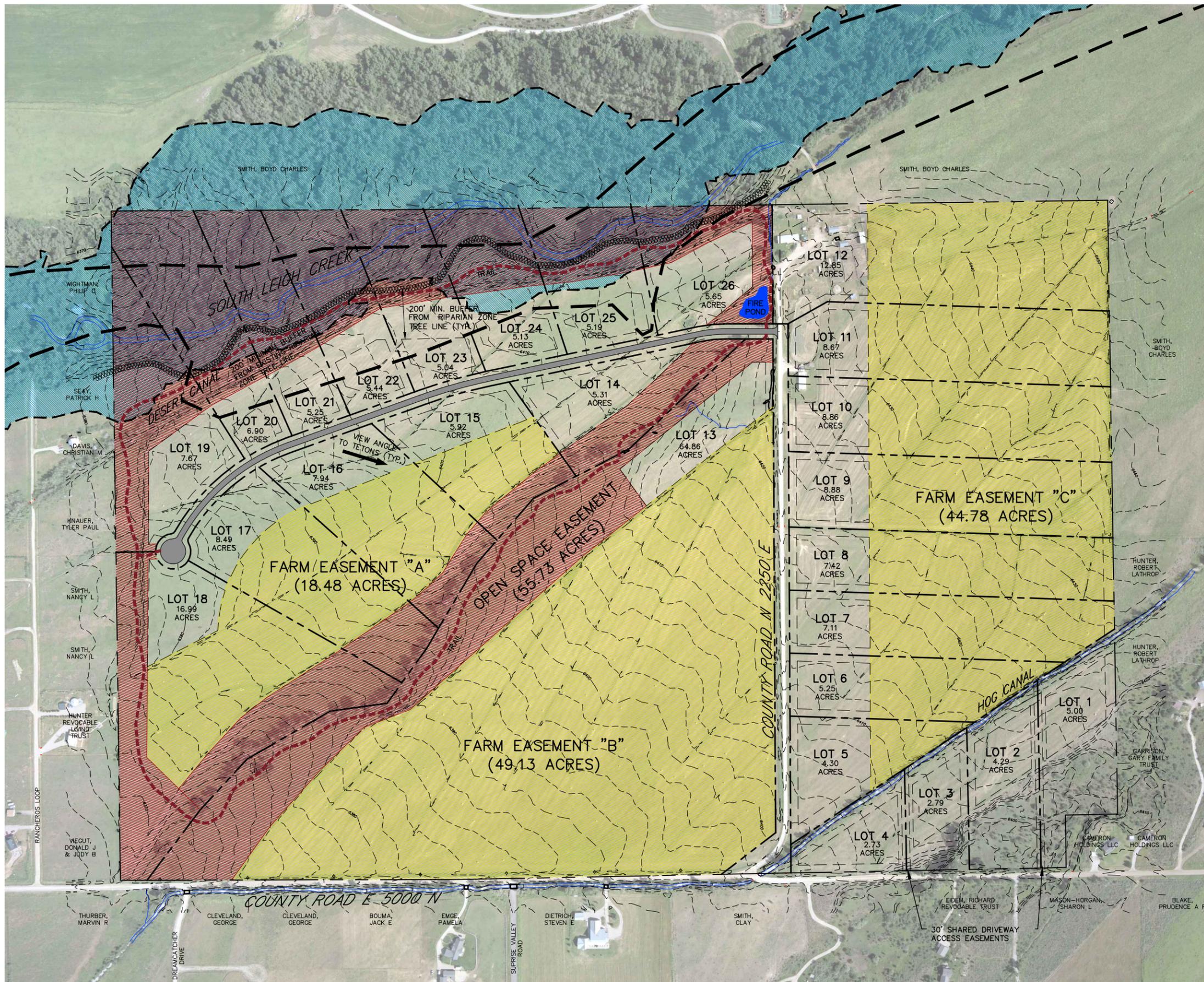
DRAWN BY: RGB

CHECKED BY: JFZ

PROJ.#: 14002-178-1

**CUTTHROAT CREEK SUBDIVISION  
 CONCEPT MASTER PLAN  
 EXISTING OVERLAY AREAS**

SHEET #



**LEGEND**

- EXISTING PROPERTY BOUNDARY
- EXISTING CREEK / DITCH
- EXISTING CONTOUR (MAJOR - 5')
- EXISTING CONTOUR (MINOR - 1')
- EXISTING TREE LINE OF RIPARIAN ZONE
- EXISTING 100 YEAR FLOODPLAIN BOUNDARY - ZONE A (PER FEMA FIRM PANEL 16081C0100C)
- REVISED 100 YEAR FLOODPLAIN (PER DRAFT HEC-RAS ANALYSIS USING TETON COUNTY LIDAR DATA)
- PROPOSED LOT LINE
- PROPOSED BUILDING ENVELOPE
- PROPOSED TRAIL
- PROPOSED OPEN SPACE EASEMENT
- PROPOSED FARM EASEMENT

**SITE DATA**

THIS SITE IS LOCATED WITHIN THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 31 AND PART OF THE SOUTHWEST 1/4 OF SECTION 32.

EXISTING ZONING:	A/RR-2.5
TOTAL SITE AREA:	241.2 ACRES
AREA OF STREET R.O.W.:	7.29 ACRES
AREA OUTSIDE OF R.O.W.:	233.91 ACRES
TOTAL NUMBER OF LOTS:	26
AVERAGE LOT SIZE:	9.00 ACRES
MINIMUM LOT SIZE:	2.73 ACRES
MAXIMUM LOT SIZE:	64.86 ACRES
OPEN SPACE EASEMENTS:	55.73 ACRES
FARM EASEMENTS:	112.39 ACRES

MINIMUM SETBACKS:

FRONT	30'
SIDE	30'
REAR	40'
STREAM	50'
DITCH	15'

BUFFER FROM SOUTH LEIGH CREEK RIPARIAN ZONE IS 200'

OPEN SPACE EASEMENT AREA TO BE MANAGED BY THE HOMEOWNERS' ASSOCIATION FOR WILDLIFE HABITAT CONSERVATION, FISH HABITAT, AND PASSIVE RECREATION FOR PROPERTY OWNER'S WITHIN THE DEVELOPMENT.

FARM EASEMENTS WILL BE MANAGED BY THE HOMEOWNERS' ASSOCIATION AND LEASED FOR FARMING.



DATE:	11/24/2014
REVISIONS:	

SCALE:	AS SHOWN
DESIGNED BY:	RGB
DRAWN BY:	RGB
CHECKED BY:	JFZ
PROJ. #:	14002-178-1

**CUTTHROAT CREEK SUBDIVISION  
CONCEPT MASTER PLAN  
CONCEPT MASTER PLAN**



A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

# Custom Soil Resource Report for Teton Area, Idaho and Wyoming

Strong Property - D-09-1032-01

TETON COUNTY PLANNING & ZONING

DEC 04 2014

RECEIVED



# Soil Map

---

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.



## MAP LEGEND

## MAP INFORMATION

Area of Interest (AOI)  
 Area of Interest (AOI)

Soils  
 Soil Map Units

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

Special Line Features

 Gully

 Short Steep Slope

 Other

Political Features

 Cities

Water Features

 Oceans

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Map Scale: 1:7,420 if printed on A size (8.5" x 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
 Coordinate System: UTM Zone 12N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Teton Area, Idaho and Wyoming  
 Survey Area Data: Version 7, Jan 31, 2008

Date(s) aerial images were photographed: 8/28/1994

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Teton Area, Idaho and Wyoming

### **BgA—Badgerton gravelly loam, 0 to 2 percent slopes**

#### **Map Unit Setting**

*Elevation:* 5,500 to 6,700 feet  
*Mean annual precipitation:* 15 to 22 inches  
*Mean annual air temperature:* 37 to 39 degrees F  
*Frost-free period:* 50 to 85 days

#### **Map Unit Composition**

*Badgerton and similar soils:* 100 percent

#### **Description of Badgerton**

##### **Setting**

*Landform:* Fan remnants  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Mixed alluvium

##### **Properties and qualities**

*Slope:* 0 to 2 percent  
*Depth to restrictive feature:* 20 to 40 inches to strongly contrasting textural stratification  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 2.00 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* Occasional  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 5 percent  
*Available water capacity:* Low (about 4.5 inches)

##### **Interpretive groups**

*Land capability classification (irrigated):* 4w  
*Land capability (nonirrigated):* 4w  
*Ecological site:* RIVERBOTTOM 10-18 POAN3/LECI4 (R013XY049ID)

##### **Typical profile**

*0 to 5 inches:* Gravelly loam  
*5 to 30 inches:* Loam  
*30 to 60 inches:* Stratified sand to gravel

### **BwA—Badgerton-Wiggleton complex, 0 to 2 percent slopes**

#### **Map Unit Setting**

*Elevation:* 5,000 to 7,500 feet  
*Mean annual precipitation:* 13 to 22 inches  
*Mean annual air temperature:* 37 to 45 degrees F  
*Frost-free period:* 50 to 85 days

**Map Unit Composition**

*Badgerton and similar soils: 65 percent*  
*Wiggleton and similar soils: 35 percent*

**Description of Badgerton**

**Setting**

*Landform: Fan remnants*  
*Down-slope shape: Linear*  
*Across-slope shape: Linear*  
*Parent material: Mixed alluvium*

**Properties and qualities**

*Slope: 0 to 2 percent*  
*Depth to restrictive feature: 20 to 40 inches to strongly contrasting textural stratification*  
*Drainage class: Well drained*  
*Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 2.00 in/hr)*  
*Depth to water table: More than 80 inches*  
*Frequency of flooding: Occasional*  
*Frequency of ponding: None*  
*Calcium carbonate, maximum content: 5 percent*  
*Available water capacity: Low (about 4.5 inches)*

**Interpretive groups**

*Land capability classification (irrigated): 4w*  
*Land capability (nonirrigated): 4w*  
*Ecological site: RIVERBOTTOM 10-18 POAN3/LECI4 (R013XY049ID)*

**Typical profile**

*0 to 5 inches: Loam*  
*5 to 30 inches: Loam*  
*30 to 60 inches: Stratified sand to gravel*

**Description of Wiggleton**

**Setting**

*Landform: Fan remnants*  
*Down-slope shape: Linear*  
*Across-slope shape: Linear*  
*Parent material: Mixed alluvium*

**Properties and qualities**

*Slope: 0 to 2 percent*  
*Depth to restrictive feature: 10 to 36 inches to strongly contrasting textural stratification*  
*Drainage class: Somewhat excessively drained*  
*Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 2.00 in/hr)*  
*Depth to water table: More than 80 inches*  
*Frequency of flooding: None*  
*Frequency of ponding: None*  
*Calcium carbonate, maximum content: 10 percent*  
*Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)*  
*Sodium adsorption ratio, maximum: 5.0*

## Custom Soil Resource Report

*Available water capacity:* Very low (about 1.4 inches)

### **Interpretive groups**

*Land capability classification (irrigated):* 4s

*Land capability (nonirrigated):* 6s

*Ecological site:* LOAMY 16-22 ARTRV/FEID-PSSPS (R013XY005ID)

### **Typical profile**

*0 to 7 inches:* Gravelly loam

*7 to 14 inches:* Very gravelly loam

*14 to 60 inches:* Stratified sand to gravel

## **DrA—Driggs gravelly loam, 0 to 2 percent slopes**

### **Map Unit Setting**

*Elevation:* 5,800 to 6,800 feet

*Mean annual precipitation:* 13 to 18 inches

*Mean annual air temperature:* 37 to 39 degrees F

*Frost-free period:* 55 to 85 days

### **Map Unit Composition**

*Driggs and similar soils:* 100 percent

### **Description of Driggs**

#### **Setting**

*Landform:* Fan remnants

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Mixed alluvium

#### **Properties and qualities**

*Slope:* 0 to 2 percent

*Depth to restrictive feature:* 20 to 40 inches to strongly contrasting textural stratification

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 2.00 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Calcium carbonate, maximum content:* 10 percent

*Available water capacity:* Low (about 4.5 inches)

### **Interpretive groups**

*Land capability classification (irrigated):* 4s

*Land capability (nonirrigated):* 6s

*Ecological site:* SHALLOW GRAVELLY 12-16 ARTRV/PSSPS (R013XY004ID)

### **Typical profile**

*0 to 8 inches:* Gravelly loam

*8 to 25 inches:* Silt loam

Custom Soil Resource Report

25 to 60 inches: Stratified cobbly coarse sand to extremely gravelly coarse sandy loam

**DrB—Driggs gravelly loam, 2 to 4 percent slopes**

**Map Unit Setting**

*Elevation:* 5,800 to 6,800 feet

*Mean annual precipitation:* 13 to 18 inches

*Mean annual air temperature:* 37 to 39 degrees F

*Frost-free period:* 55 to 85 days

**Map Unit Composition**

*Driggs and similar soils:* 95 percent

**Description of Driggs**

**Setting**

*Landform:* Drainageways

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Mixed alluvium

**Properties and qualities**

*Slope:* 2 to 4 percent

*Depth to restrictive feature:* 20 to 40 inches to strongly contrasting textural stratification

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 2.00 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Calcium carbonate, maximum content:* 10 percent

*Available water capacity:* Low (about 4.5 inches)

**Interpretive groups**

*Land capability classification (irrigated):* 4e

*Land capability (nonirrigated):* 6s

*Ecological site:* SHALLOW GRAVELLY 12-16 ARTRV/PSSPS (R013XY004ID)

**Typical profile**

*0 to 8 inches:* Gravelly loam

*8 to 25 inches:* Silt loam

*25 to 60 inches:* Stratified cobbly coarse sand to extremely gravelly coarse sandy loam

## **DsA—Driggs silt loam, 0 to 2 percent slopes**

### **Map Unit Setting**

*Elevation:* 5,800 to 6,800 feet

*Mean annual precipitation:* 13 to 18 inches

*Mean annual air temperature:* 37 to 39 degrees F

*Frost-free period:* 55 to 85 days

### **Map Unit Composition**

*Driggs and similar soils:* 100 percent

### **Description of Driggs**

#### **Setting**

*Landform:* Fan remnants

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Mixed alluvium

#### **Properties and qualities**

*Slope:* 0 to 2 percent

*Depth to restrictive feature:* 20 to 40 inches to strongly contrasting textural stratification

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 2.00 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Calcium carbonate, maximum content:* 10 percent

*Available water capacity:* Low (about 4.5 inches)

#### **Interpretive groups**

*Land capability classification (irrigated):* 3s

*Land capability (nonirrigated):* 4s

*Ecological site:* LOAMY 12-16 ARTRV/PSSPS-FEID (R013XY001ID)

#### **Typical profile**

*0 to 8 inches:* Silt loam

*8 to 25 inches:* Silt loam

*25 to 60 inches:* Stratified cobbly coarse sand to extremely gravelly coarse sandy loam

## **DsB—Driggs silt loam, 2 to 4 percent slopes**

### **Map Unit Setting**

*Elevation:* 5,800 to 6,800 feet

## Custom Soil Resource Report

*Mean annual precipitation:* 13 to 18 inches  
*Mean annual air temperature:* 37 to 39 degrees F  
*Frost-free period:* 55 to 85 days

### Map Unit Composition

*Driggs and similar soils:* 95 percent

### Description of Driggs

#### Setting

*Landform:* Drainageways  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Mixed alluvium

#### Properties and qualities

*Slope:* 2 to 4 percent  
*Depth to restrictive feature:* 20 to 40 inches to strongly contrasting textural stratification  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 2.00 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 10 percent  
*Available water capacity:* Low (about 4.5 inches)

#### Interpretive groups

*Land capability classification (irrigated):* 3e  
*Land capability (nonirrigated):* 4s  
*Ecological site:* LOAMY 12-16 ARTRV/PSSPS-FEID (R013XY001ID)

#### Typical profile

*0 to 8 inches:* Silt loam  
*8 to 25 inches:* Silt loam  
*25 to 60 inches:* Stratified cobbly coarse sand to extremely gravelly coarse sandy loam

## TkB—Tetonia silt loam, 2 to 4 percent slopes

### Map Unit Setting

*Elevation:* 5,500 to 7,000 feet  
*Mean annual precipitation:* 13 to 18 inches  
*Mean annual air temperature:* 37 to 41 degrees F  
*Frost-free period:* 50 to 100 days

### Map Unit Composition

*Tetonia and similar soils:* 100 percent

## Description of Tetonia

### Setting

*Landform:* Loess hills  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Loess

### Properties and qualities

*Slope:* 2 to 4 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high  
(0.57 to 2.00 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 30 percent  
*Maximum salinity:* Nonsaline (0.0 to 2.0 mmhos/cm)  
*Sodium adsorption ratio, maximum:* 5.0  
*Available water capacity:* High (about 11.3 inches)

### Interpretive groups

*Land capability classification (irrigated):* 3e  
*Land capability (nonirrigated):* 3c

### Typical profile

*0 to 13 inches:* Silt loam  
*13 to 24 inches:* Silt loam  
*24 to 60 inches:* Silt loam

## Wg—Wiggleton loam

### Map Unit Setting

*Elevation:* 5,000 to 7,500 feet  
*Mean annual precipitation:* 13 to 20 inches  
*Mean annual air temperature:* 39 to 45 degrees F  
*Frost-free period:* 50 to 85 days

### Map Unit Composition

*Wiggleton and similar soils:* 100 percent

## Description of Wiggleton

### Setting

*Landform:* Fan remnants  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Mixed alluvium

### Properties and qualities

*Slope:* 0 to 2 percent

## Custom Soil Resource Report

*Depth to restrictive feature:* 10 to 36 inches to strongly contrasting textural stratification  
*Drainage class:* Somewhat excessively drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 2.00 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 10 percent  
*Maximum salinity:* Nonsaline (0.0 to 2.0 mmhos/cm)  
*Sodium adsorption ratio, maximum:* 5.0  
*Available water capacity:* Very low (about 1.7 inches)

### Interpretive groups

*Land capability classification (irrigated):* 4s  
*Land capability (nonirrigated):* 6s  
*Ecological site:* RIVERBOTTOM 10-18 POAN3/LECI4 (R013XY049ID)

### Typical profile

*0 to 7 inches:* Loam  
*7 to 14 inches:* Very gravelly loam  
*14 to 60 inches:* Stratified sand to gravel

## Wt—Wiggleton-Badgerton gravelly loams

### Map Unit Setting

*Elevation:* 5,000 to 7,500 feet  
*Mean annual precipitation:* 13 to 22 inches  
*Mean annual air temperature:* 37 to 45 degrees F  
*Frost-free period:* 50 to 85 days

### Map Unit Composition

*Wiggleton and similar soils:* 65 percent  
*Badgerton and similar soils:* 35 percent

### Description of Wiggleton

#### Setting

*Landform:* Fan remnants  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Mixed alluvium

#### Properties and qualities

*Slope:* 0 to 2 percent  
*Depth to restrictive feature:* 10 to 36 inches to strongly contrasting textural stratification  
*Drainage class:* Somewhat excessively drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 2.00 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None

## Custom Soil Resource Report

*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 10 percent  
*Maximum salinity:* Nonsaline (0.0 to 2.0 mmhos/cm)  
*Sodium adsorption ratio, maximum:* 5.0  
*Available water capacity:* Very low (about 1.4 inches)

### **Interpretive groups**

*Land capability classification (irrigated):* 4s  
*Land capability (nonirrigated):* 6s  
*Ecological site:* RIVERBOTTOM 10-18 POAN3/LECI4 (R013XY049ID)

### **Typical profile**

*0 to 7 inches:* Gravelly loam  
*7 to 14 inches:* Very gravelly loam  
*14 to 60 inches:* Stratified sand to gravel

## **Description of Badgerton**

### **Setting**

*Landform:* Fan remnants  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Mixed alluvium

### **Properties and qualities**

*Slope:* 0 to 2 percent  
*Depth to restrictive feature:* 20 to 40 inches to strongly contrasting textural stratification  
*Drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 2.00 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* Occasional  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 5 percent  
*Available water capacity:* Low (about 4.3 inches)

### **Interpretive groups**

*Land capability classification (irrigated):* 4w  
*Land capability (nonirrigated):* 4w

### **Typical profile**

*0 to 5 inches:* Gravelly loam  
*5 to 30 inches:* Loam  
*30 to 60 inches:* Stratified sand to gravel



Teton County Planning  
150 Courthouse Drive, Room 107  
Driggs, Idaho 83422  
Phone: 208.354.2593  
Fax: 208.354.8410

---

**FROM:** Kristin Rader, Planner  
**TO:** Randy Blough, Harmony Design & Engineering  
**CC:** Zander Strong, Teton Partners, Ltd.  
**RE:** Cutthroat Creek Subdivision – Concept Review DRC Meeting Notes  
**DATE:** December 19, 2014

---

Randy,

The purpose of this letter is to summarize the DRC meeting we had on Tuesday, December 16, 2014. The application has enough information to send to the Planning & Zoning Commission in January for Concept Review. Most of the following comments will be required for the Preliminary Review phase.

#### PUBLIC HEALTH, SAFETY, & WELFARE

##### ROADS & TRAILS

- Roads will need to be designed to County standards, and the intersection of County Roads E 5000 N and N 2250 E will need to be improved.
- Check with Teton County Road & Bridge to ensure access permits off of E 5000 N will be possible for lots 1-4.
- County Road N 2250 E is a low priority road for maintenance by Teton County Road & Bridge. Consider vacating this road to make it a private road and maintained by the subdivision.
  - The vacation process for this road can be done in conjunction with the subdivision approval process.
- The possibility of providing public access to the proposed trail, at least the section along South Leigh Creek, as a connector for other trails was discussed if a Teton County Trails & Pathways Master Plan is adopted in the future. The applicant said he would be fine with this if a trail was proposed in the area and their existing trail would be needed to connect, but the trail would remain private until that time. Please identify this in the Preliminary Development Agreement.

##### FIRE PROTECTION

- The Fire District requests a pullout at the fire pond for fire truck access.
- One fire pond is sufficient for the development if turnarounds and intersections are large enough for fire trucks. Please use Teton County Highway & Street Guidelines for required road standards of intersections, cul-de-sacs, etc.
- The fire pond will need to inspect and tested annually.
- All fire codes shall be followed that pertain to fire department access and water supply from the 2012 IFC.

##### WASTEWATER TREATMENT

- Mike Dronen with EIPH District 7 will need to see the fire pond designs to determine setback requirements for septic systems.
- If size and type of homes will be limited to the homeowners, and that list can be provided to Mike, he may be able to give an idea of what septic systems would be allowed in the development.
- EIPH will require soil test holes for septic systems. The applicant stated they already had some test holes drilled. EIPH and the Planning Department are requesting the data from those samples. Mike said he would not require duplicate test holes if the previous samples are sufficient. More test holes may be required to thoroughly test the entire development area.

## PLANS & STUDIES

### TRAFFIC IMPACT STUDY

- A traffic impact study prepared by a professional engineer will be required in the Preliminary Review phase because the proposed subdivision includes more than 10 lots.

### PUBLIC SERVICE/FISCAL ANALYSIS

- This analysis will be required in the Preliminary Review phase because the proposed subdivision includes more than 20 lots.

### LANDSCAPE PLAN

- This plan will be required for Preliminary Review. This shall include a vegetation/revegetation plan identifying locations where vegetation will be installed in order to replace existing vegetation or revegetate disturbed areas, a plan for weed management, a stabilization plan to cover any disturbed slopes, and a plan to provide screening from neighboring properties or from State Highways 31, 32, 33 or Ski Hill Road.

### PHASING PLAN

- A phasing plan will be required to identify how many phases are proposed, lots included in each phase, and infrastructure improvements being completed in each phase.

### NP STUDY

- A Nutrient Pathogen Evaluation may be required for the development if one of the following is true:
  - There is evidence that ground water, at some time of the year, comes within ten feet of the ground's surface at any location on the proposed development parcel; or
  - There is evidence that soil depth to fractured bedrock is ten feet or less anywhere on the proposed development; or
  - The proposed development is within an area where the concentration of nitrate-nitrogen in ground water is five (5) mg/L or higher.
- Idaho DEQ does not have the area listed as one of their 2014 Nitrate Priority Areas; however, there are test sites near the proposed development listed on their website that have nitrate levels ranging from 0.1mg/L or less to almost 4mg/L. (<http://mapcase.deq.idaho.gov/npa/>)
- The test holes that were already sampled by the applicant may provide enough information to determine if an NP Study is required without further testing. The Planning Department is requesting those test data.

*More information on the required studies can be found in the Teton county Code, Title 9. A Natural Resources Analysis is required for the Preliminary Review. We already have a copy of this study on file. We will provide you with comments during that review.*

## EASEMENTS

### FARM & OPEN SPACE

- It was not clear who would maintain the farmland and open space. Please clarify this in the Preliminary Review application.

### IRRIGATION

- Maintenance of irrigation lines was discussed. Consider contacting the irrigation companies and arranging easements for maintenance where necessary.

### UTILITIES

- Utility improvements were discussed. Contact the utility providers to determine their easement size requirements. Please show utility easements on the Preliminary Plat.

## APPROVAL PROCESS

### CONCEPT REVIEW

- December 19, 2014: Notice will be sent to neighboring landowners and the local newspapers for your public hearing.
- December 31, 2014: Staff report is due. Application materials and staff report will be posted on P&Z's website. I will also email you a copy of the staff report.
- **January 13, 2014: Planning & Zoning Commission Public Hearing.** This will be located at the County Courthouse in the Commissioners' Chamber. The hearing will begin at 5:00pm. If Mr. Strong is out of

town at this time and would like to attend, he is welcome to join via Skype. Please let us know a week before the meeting if this will be the case, so we can prepare.

#### PRELIMINARY REVIEW

- The preliminary review process will begin after you have received approval for concept. There is not a time limit between concept approval and completing the preliminary application; however, there is a time limit for completing the final review.
- Preliminary review requires a public hearing with the Planning & Zoning Commission, as well as a public hearing with the Board of County Commissioners.
- After we have received a completed application, we will schedule you for the next public hearing with the Planning & Zoning Commission.
- A public hearing with the Board of County Commissioners will be scheduled after a recommendation has been given by the Planning & Zoning Commission.

#### FINAL REVIEW

- The final review process will begin after you have received approval from the Board for preliminary.
- Final review requires a public hearing with the Planning & Zoning Commission, as well as a public hearing with the Board of County Commissioners.
- Approval from the Board for the final review must be completed within three years of the date of acceptance of the concept application by the Planning Administrator. The concept application was accepted on December 4, 2014, which allows you until December 4, 2017 to receive final approval.
- Extensions of up to 12 months may be requested from the Board prior to the expiration date if necessary.

More detailed information on the approval process and requirements can be found in the Teton County Code, [Title 9, Chapters 3 & 4](#), available on the Teton County website. Teton County [Highway & Street Guidelines](#) can also be found on the County website.



Teton County Planning  
150 Courthouse Drive, Room 107  
Driggs, Idaho 83422  
Phone: 208.354.2593  
Fax: 208.354.8410

Attachment 10

---

**FROM:** Kristin Rader, Planner  
**TO:** Randy Blough, Harmony Design & Engineering  
**CC:** Zander Strong, Teton Partners, Ltd.  
**RE:** Cutthroat Creek Subdivision – Nutrient Pathogen Study  
**DATE:** December 24, 2014

---

Randy,

The purpose of this letter is to inform you that another condition may apply to Cutthroat Creek Subdivision to require a Nutrient Pathogen Study. During our DRC Meeting on December 16, 2014, we discussed the possibility of a Nutrient Pathogen Study being required for the Preliminary Plat phase. There are five conditions that may require this study (Teton County Code 9-3-2(C-3-b-i)):

1. The proposed development that lies wholly or partially within the WW Wetland and Waterways Overlay Area (Section 8-5-1-D of Title 8); or
2. There is evidence that ground water, at some time of the year, comes within ten feet of the ground's surface at any location on the proposed development parcel; or
3. There is evidence that soil depth to fractured bedrock is ten feet or less anywhere on the proposed development; or
4. The development application includes a food service, a commercial facility, or an industrial facility generating 600 gallons or more of wastewater per day; or
5. The proposed development is within an area where the concentration of nitrate-nitrogen in ground water is five (5) mg/L or higher.

In the DRC Meeting Notes I sent you on December 19, 2014, I only included three of those conditions to be considered, numbers 2, 3, & 5 above. Number 4 does not apply to the development, as there will be no commercial or industrial uses. Number 1 was not included because at the DRC meeting, the overlay map that was consulted showed the Priority Wetland Habitat Overlay instead of the Wetland and Waterways Overlay, which would not trigger the study. However, after looking through the Code again, the Wetland and Waterways Overlay is defined as applying to (8-2-1-A (Overlay Areas)):

- All wetland areas identified on the U.S. Fish and National Wetland Inventory Maps, unless a jurisdictional determination is secured from the U.S. Army Corps of Engineers (USACE) indicating the area as uplands
- All areas delineated as wetlands and verified as such by the USACE
- Those areas lying within 300 feet of the high water mark of certain waterways, including South Leigh Creek

There are wetland areas identified on the property on the USFW National Wetland Inventory Map, which I have attached to this letter for your reference. This would require the NP study unless the USACE indicates the area as uplands. However, being within 300 feet of the high water mark of South Leigh Creek would also trigger the study. I recommend contacting the USACE to verify the status of this property.

The specific requirements of the NP Study can be found in the [Teton County Code 9-3-2\(C-3-b\)](#), which can be found on the Teton County website.

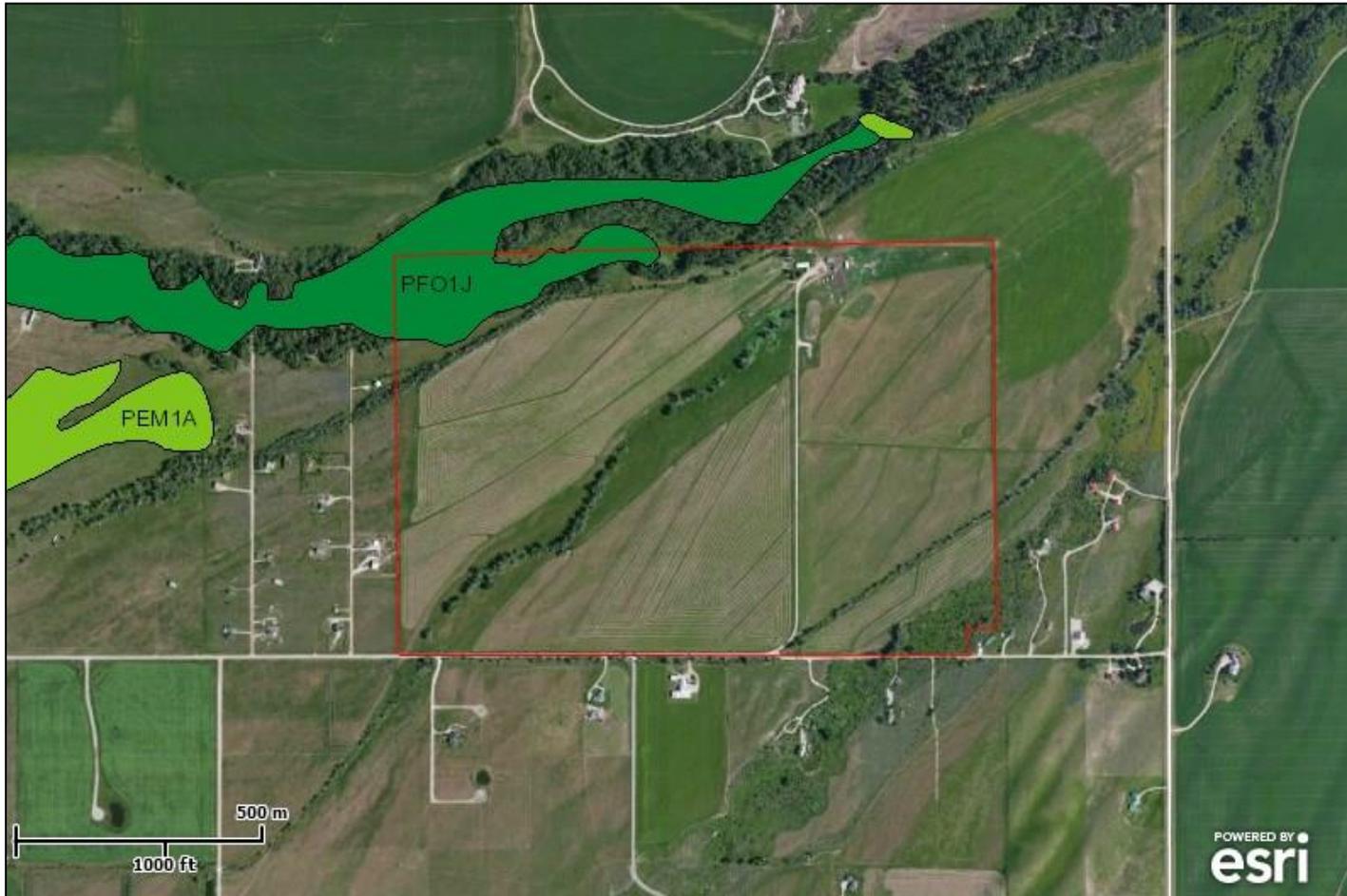
Attachment: U.S. Fish & Wildlife National Wetlands Inventory Map



# U.S. Fish and Wildlife Service National Wetlands Inventory

Cutthroat Creek  
Subdivision

Dec 23, 2014



## Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

---

**Kristin Rader**

**From:** Randy Blough [REDACTED]  
**Sent:** Tuesday, December 23, 2014 12:07 PM  
**To:** Darryl Johnson  
**Cc:** Jason Boal; Kristin Rader; Zander Strong  
**Subject:** Re: Cutthroat Creek Follow Up

Thanks Darryl. Will consider these items moving forward.

Have a great Holiday!

Randy

Sent from my iPhone

On Dec 23, 2014, at 12:01 PM, "Darryl Johnson" [REDACTED] wrote:

Hello Randy;

I have been needing to send you a follow up email to our concept application meeting for Cutthroat Creek Subdivision. I want to re-visit proposed access points along E5000N. Please consider the following recommendations as you move forward with your design:

- N2250E re-alignment. I would prefer for the intersection of this road to be directly across from the driveway to the east or my preference would be moving the intersection farther to the west. Preferred minimum separation between access points is 300'.
- Access for Lots 1-4. I would also ask that you attempt to align with driveways to the south. I understand the minimum distance between driveways is currently not the minimum 300' but I would encourage you to not make the situation any worse than it is if possible. One consideration might be to design an access from 2250E and have a shared drive run along the north property line of Lots 1-4.

Something to consider. Happy to meet and discuss if you would like.

Regards;

*Darryl Johnson, PE, PLS*  
*Teton County Public Works Director Office:*

[REDACTED]  
[REDACTED]

Teton County, Idaho Planning & Building Department

150 Courthouse Drive, Room 107, Driggs, ID 83422

Phone: 208-354-2593 | Fax: 208-354-8410 | [www.tetoncountyidaho.gov](http://www.tetoncountyidaho.gov) | [pz@co.teton.id.us](mailto:pz@co.teton.id.us)



December 19, 2014

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

Dear Property Owners:

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

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

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

The planning staff is soliciting comments from people in the vicinity of the applicant's property, so we can be aware of neighborhood issues related to the application and criteria for approval and then incorporate your comments into the staff report to the Planning & Zoning Commission. If you have any comments or questions regarding this application, please contact us using the information listed above. The details below provide more information on the proposal.

**Applicant and Landowner:** Teton Partners, Ltd.      **Zoning District:** A 2.5

**Legal Description:** RP06N46E325001, TAX #3330 SEC 32 T6N R46E; RP06N46E324805, SW4 LESS #3183 & #3330 SEC 32 T6N R46E; RP06N46E317200, E2SE4 SEC 31 T6N R46E.

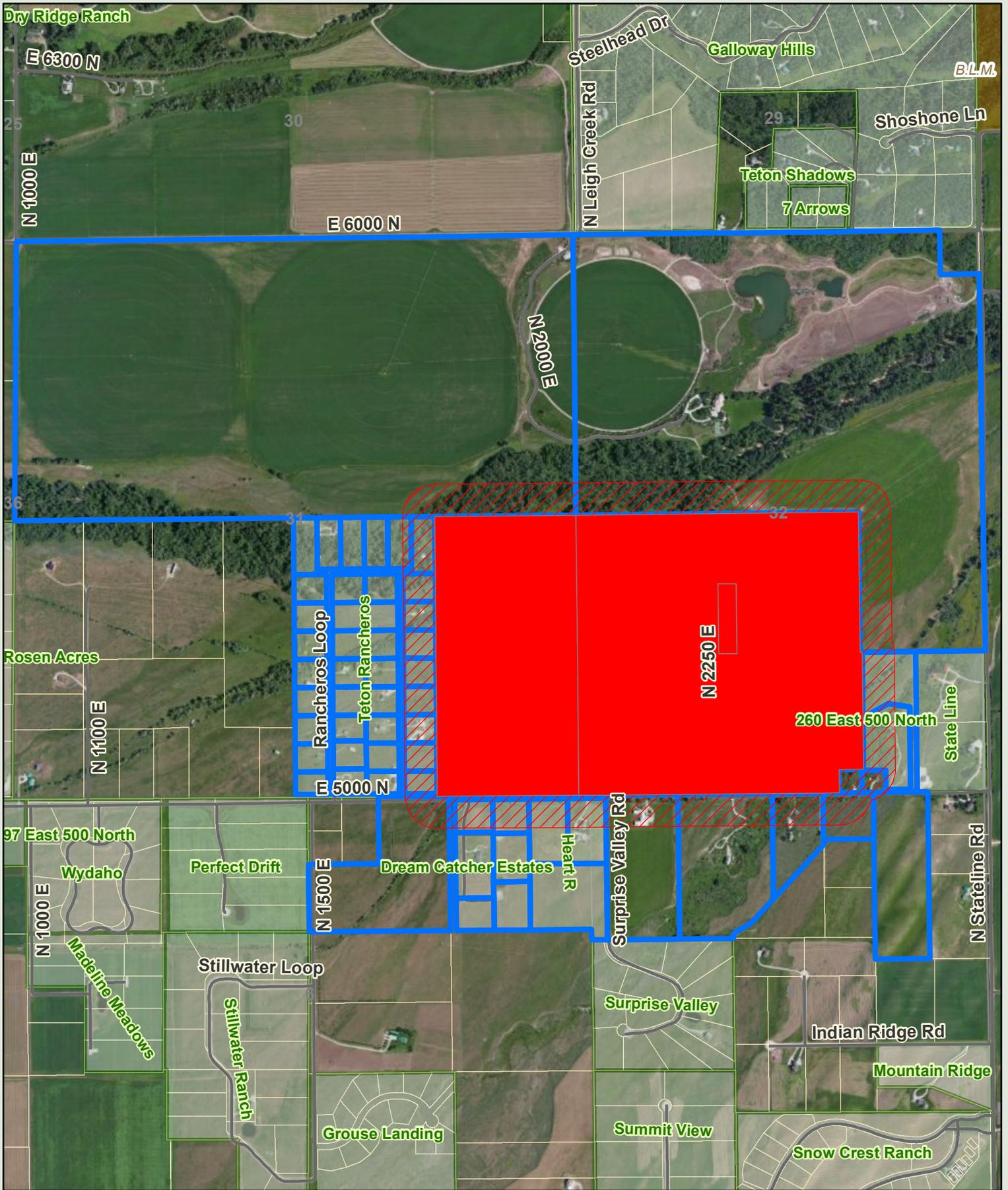
**Description of Application:** Teton Partners, Ltd. is proposing a 26 lot (241.22 acres) subdivision. The residential lots will range from 2.73-64.86 acres. The proposed subdivision is adjacent to South Leigh Creek, and it is being designed in such a way to reduce impact to the natural resources and wildlife habitat in the area, including 55.73 acres in open space easements and a minimum 200 ft. buffer between building envelopes and the existing tree line of the South Leigh Creek riparian zone. It is also designed to preserve productive farmland with 112.39 acres in farm easements. This project is located northeast of Driggs on E 5000 N and N 2250 E, near Stateline Road.

## PUBLIC HEARING

The Teton County Planning and Zoning Commission will hold a hearing in the Commissioners' Chamber located on the First Floor (lower level, southwest entrance) at 150 Courthouse Drive, Driggs, Idaho on **January 13, 2015** on this matter. This application is scheduled as the first item on the agenda. The meeting will begin at **5:00 p.m.**

Information on the above application is available for public viewing in the Teton County Planning & Building Department at the Teton County Courthouse in Driggs, Idaho. The development application and various related documents are also posted, as they become available, at [www.tetoncountyidaho.gov](http://www.tetoncountyidaho.gov). To view these items, go to the Calendar or Upcoming Events and select the PZC Public Hearing of 1/13/2015. Written comments will be included in the packet of information provided to the Board prior to the hearing if they are received in the Planning & Building Department no later than 5:00pm on Friday, January 2<sup>nd</sup>. Written comments may be emailed, mailed, faxed, or delivered in person to the Planning Department. Public comment will be allowed at the hearing.

**The public shall not contact members of the Planning and Zoning Commission or Board of County Commissioners concerning this application, as their decision must, by law, be confined to the record produced at the public hearing.** If you have any further questions, please do not hesitate to contact the Teton County Planning & Building Department.



**Legend**

- Subject Area
- 300ft Notification Buffer
- Notified Parcels

**CUTTHROAT CREEK  
SUBDIVISION NOTIFICATION**

Printed: December 17, 2014



# 1 Administration

## 2 Div. 13.1. Summary of Review Authority

3 The following table summarizes the review and approval authority of the various reviews bodies and  
 4 officials that implement and administer the Land Use Code.

<b>APPROVAL PROCESS</b>	Review and Approval Authority					Public Notice					
	Cross-reference	Development Review Committee (DRC)	Administrator	Planning and Zoning Commission	Board of County Commissioners	Neighborhood Meeting	Web	Posted (On-Site)	Mailed	Published	Posted Notice (Courthouse)
<b>Legislative Review</b>											
Comprehensive Plan Amendment		N	R	R-PH	D-PH	N	Y	N	N	Y	Y
Code Text Amendment		N	R	R-PH	D-PH	N	Y	N	N	Y	Y
Zoning Map Amendment (Legislative)		N	R	R-PH	D-PH	N	Y	N	N	Y	Y
<b>Subdivision Review</b>											
One Time Only Lot Split		N	D	A	--	N	N	N	N	N	N
Land Division		Y	R	D	A	N	Y	N	N	N	Y
Short Plat		Y	R	R-PH	D-PM	N	Y	Y	N	N	Y
Preliminary Plat		Y	R	D-PH	A-PH	P	Y	Y	Y	Y	Y
Final Plat		Y	R	R-PH	D-PM	P	Y	Y	Y	Y	Y
<b>Administrative Review</b>											
Site Plan Review		N	D	A	--	N	N	N	N	N	N
Design Review		N	R	D-PM	A	N	Y	N	N	N	Y
Permitted with Conditions		N	D	A	--	N	N	N	N	N	N
Temporary Use		N	D	A	--	N	N	N	N	N	N
<b>Quasi-Judicial Review</b>											
Conditional Use Permit		Y	R	D-PH	A	P	Y	Y	Y	Y	Y
Re-Zone Map Amendment (Project specific)		Y	R	R-PH	D-PH	P	Y	Y	Y	Y	Y
Variance		Y	R	D-PH	A	N	Y	Y	Y	Y	Y
Appeal of an Administrative Decision		Y	R	D-PM	A	N	Y	Y	Y	Y	Y

KEY: R = Review & Recommendation D = Final Decision A = Appeal PH = Public Hearing PM = Public Meeting Y = Required N = Not Required P= Possible Depending on the scope of project- see [Sec.XX](#)

(2) Any appeal related to a requirement in Articles 1 through 8 must be filed with the \_\_\_\_\_ under Sec. XX.

1 **Div. 13.2. General Provisions**

2 **13.2.1. State Statutes**

3 A. This Article is intended to comply with the provisions of:

- 4 1. Idaho Constitution Article 12, section 2;
- 5 2. Idaho Statutes Title 67, Chapter 65, Local Land Use Planning;
- 6 3. Idaho Statutes Title 50, Municipal Corporations, Chapter 13 Plats and Vacations; and

7 B. Where any provision of this Article is in conflict with any provision of State law, the State law  
8 controls. Where this Article is incomplete in having failed to incorporate a provision necessarily  
9 required for the implementation of State law, the provision of State law must be fully complied  
10 with.

11  
12 **13.2.2. Review or Approval Entities**

13 A. Board of County Commissioners

14 The Board of County Commissioners has those powers and duties expressly identified in Idaho Statutes  
15 and elsewhere in the **Teton County Land Use Code**, including, but not limited to:

- 16 1. Final action on all legislative decisions, including Comprehensive Plan amendments, Land Use  
17 Code text amendments, and official zoning map amendments.
- 18 2. Final action and acceptance of improvements on all final plats.
- 19 3. Final Appeal/Reconsideration authority

20 B. Planning and Zoning Commission

21 The Planning and Zoning Commission has those powers and duties identified in Idaho Statutes Title  
22 67, Chapter 65, Local Land Use Planning, including but not limited to:

- 24 1. Review and recommendation to the Board of County Commissioners on all legislative decisions,  
25 including Comprehensive Plan amendments, Land Use Code amendments, official zoning map  
26 amendments.
- 27 2. Review and recommendation to the Board of County Commissioners on short plats and final  
28 plats.
- 29 3. Final action on preliminary plats (unless appealed).
- 30 4. Final action on design review (unless appealed).
- 31 5. Final action on condition use permits (unless appealed).
- 32 6. Final action on concept Plat (unless appealed).
- 33 7. Final action on Land Divisions (unless appealed).
- 34 8. Final Action on variances (unless appealed).

35 c. The Planning & Zoning Administrator (known in this Land Use Code as the "administrator") has those  
36 powers and duties identified in Idaho Statutes Title 67, Chapter 65, Local Land Use Planning,  
37 including, but not limited to:

- 38 1. Review and recommendation to the Board of County Commissioners on all legislative decisions,  
39 including Comprehensive Plan amendments, Land Use Code amendments, official zoning map  
40 amendments, and conditional use permits.
- 41 2. Review and recommendation to the Board of County Commissioners on short plats and final  
42 plats.
- 43 3. Review and recommendation to the Planning & Zoning Commission on all preliminary plats.
- 44 4. Final action on all site plans (unless appealed).
- 45 5. Final action on one time only lot splits (unless appealed)
- 46 6. Final action on permitted with conditions permits (unless appealed).
- 47 7. Final action on temporary use permits (unless appealed).

48 D. The Development Review Committee:

- 49 1. The Teton County Development Review Committee (DRC) meets for review of submitted  
50 Planning Commission application materials. Div. 13.1 identifies which submittals require  
51 meeting with the Development Review Committee. Projects should be scheduled on the DRC  
52 Agenda at the time the application is submitted.
- 53 2. The purpose of the DRC meeting is to review each project, answer questions, and identify any  
54 issues that may need to be addressed in more detail by an applicant for development or prior to  
55 going to the Planning Commission. The DRC meeting is intended for those proposing a  
56 subdivision, zone change, conditional use proposal or other approvals identified in Div. 13.1.  
57 Those scheduled for a DRC meeting must be prepared with appropriate plans, including maps or  
58 documents which demonstrate the existing- features and proposed-streets, lots, and  
59 development within the proposed project, along with the location of nearby streets, canals, and

60 water features in relation to the proposed project. The following major points are discussed at DRC  
61 meetings.

62 3. Standards reviewed at DRC:

- 63 a. Development application process
- 64 b. Comprehensive Plan: (Future land use, goals, and policies)
- 65 c. Land Use Ordinance: (Lot size, Lot width, Land use, Setbacks, and Parking)
- 66 d. Development Feasibility: (slope, ground water, wetlands, flood zone, special service district  
67 commitments, etc.)
- 68 e. Design Criteria (where applicable): (Height, Width, Form, Mass, Style, Material, Color, Roof,  
69 Facades, Windows, Awnings, Signs, Storage, Garbage bins, Landscaping and trees,  
70 Pedestrian facilities, Other amenities)
- 71 f. Septic: (septic viability, sewer line size, capacity, and location)
- 72 g. Water: (well feasibility, fire protection, water line size, capacity, and location)
- 73 h. Transportation: (Street Master Plan, traffic studies, IDT, road alignments, road condition,  
74 location, and requirements, shared parking and driveways)
- 75 i. Storm Drainage: (Erosion plan, retention and detention requirements, Water Source  
76 Protection Area, Flood protection and 100 Year Flood Zone)
- 77 j. Park: (trails, parks, sidewalk, open space)
- 78 k. Irrigation: (Irrigation lines, canals, ditches)
- 79 l. Public Utilities: (Public Utilities, underground utility requirements, electrical lines, utility  
80 easement needs and locations, gas lines, telephone lines, street lights)

81 4. Entities invited to the DRC meeting:

- 82 a. Teton County Planning & Building
- 83 b. Teton County Public Works/Engineer
- 84 c. Teton County Prosecuting Attorney
- 85 d. Neighboring Cities
- 86 e. State and Federal Land Agencies
- 87 f. Service/Utility Providers
  - 88 i. Telephone
  - 89 ii. Electricity
  - 90 iii. Irrigation districts
  - 91 iv. Water/Sewer
  - 92 v. Trail agencies

93 E. Neighborhood Meeting -

- 94 1. Purpose- The purpose of the neighborhood meeting is to allow the developer to present the  
95 proposal to neighbors and other members of the public prior to the formal public hearing so  
96 that the parties can discuss and consider neighborhood impacts, mitigation, design and

97 construction elements, and the like.

98

99 2. 1. A neighborhood meeting shall be required for each of the land use matters identified in Div.  
100 13.1 that require the neighborhood meeting.

101 3. A neighborhood meeting shall be required as a pre-requisite to filing of an application with the  
102 County for the following land use matters:

103 a. Request to amend the Zoning District from a residential zone to a commercial or  
104 manufacturing zone,

105 b. A Preliminary Plat of more than 25 lots.

106

107

108

1 **Div. 13.3. Common Review Provisions**

2 **13.3.1. Applicability**

3 The following requirements apply to applications submitted under this Article and are common to all of  
4 these procedures.

5 **13.3.2. Application Requirements**

6 **A. Application Submittal**

7 1. All applications must be filed with the Teton County Planning & Building Department and must  
8 be submitted on forms and in such numbers as required by the Administrator.

9 2. Application forms can be found on the County's website <http://tetoncountyidaho.gov/> or hard  
10 copies can be obtained at The Teton County Courthouse.

11 **B. Fee Schedule**

12 1. Filing fees have been established to help defray the cost of processing applications. The current  
13 fee schedule is available on-line on the County's website is updated and adopted by the Board  
14 of County Commissioners.

15 2. Before review of an application, all filing fees must be paid in full.

16 **C. Completeness Determination**

17 1. All applications must be complete before the County is required to review the application.

18 2. An application is considered complete when it contains all of the information necessary to  
19 decide whether or not the application will comply with all of applicable requirements of this  
20 Land Use Code .

21 3. The presumption is that all of the information required in the County's application forms is  
22 necessary to satisfy the requirements of this Article. However, it is recognized that each  
23 application is unique, and more or less information may be required according to the specifics of  
24 a particular case. The applicant may rely on the Administrator to determine whether more or  
25 less information has to be submitted.

26 **D. Application Deadline**

27 Complete applications must be submitted in accordance with the published schedule. Schedules  
28 indicating submittal dates are developed each year and made available on-line on the County's  
29 website and to the public at the Teton County Courthouse.

30 E. Revised Application Materials

- 31 1. All revised application materials must be submitted to the Administrator, who will route the  
32 materials to the appropriate review bodies. No plans may be sent directly to the Planning and  
33 Zoning Commission or Board of County Commissioners.
- 34 2. No revised application materials, either hard copy or electronic, may be submitted to the  
35 Administrator less than 15 days prior to a scheduled public meeting or public hearing.

36 F. Withdrawal of an Application

- 37 1. Any application may be withdrawn at any time at the discretion of the applicant by providing  
38 written notice to the Administrator.
- 39 2. No portion of a required application fee will be refunded on any application withdrawn.
- 40 3. For applications for Legislative Review, if a public hearing has been advertised, the withdrawn  
41 application will be announced at the hearing.

42 G. Notice of Decision

43 Within 5 working days after a decision is made, a copy of the decision must be sent to the applicant  
44 by the Administrator. In the case of permit issuance, the permit constitutes written notice of the  
45 decision.

46 F. Findings of Fact

47 Within 60 Days from a decision by the Planning and Zoning Commission or the Board of County  
48 Commissioners will approve written Finding of Fact and conclusions of law. The appeal period shall  
49 begin upon the day of the mailing, or if hand delivery the day of delivery, of the signed findings of  
50 fact and conclusions of law.  
51

52 13.3.3. Development Review Committee meeting

53 All application shall be scheduled for the next appropriate Development Review Committee meeting.  
54 This meeting is to ensure the reviewing agencies have an opportunity to sit down with the applicant and  
55 review the application, criteria for approval, and any other outstanding issues.

56 13.3.4. Neighborhood Review meeting

57 Where a neighborhood meeting is required as a prerequisite to an application the follow items must be  
58 provided with the application:

- 59 A. Date/Time/Location of the meeting  
60 B. Sign-in sheet from the meeting  
61 C. Explanation of how notice was given to property owners that were identified in the pre-  
62 application meeting  
63 D. Summary of the discussion at the meeting  
64 E. Any findings and or changes to the application that resulted from the meeting.

65 **13.3.5. Public Notice and Hearing Requirements**

66 For public notice and hearing requirements see The fact that notice is not received due to an error that  
67 was not the fault of the County does not prevent the public hearing from happening, change any  
68 decision made at the public hearing, or prevent the application from continuing to move forward  
69 through the review process.

70 **A. Published Notice**

71 Where published notice is required, a display advertisement at least 4 inches by 2 columns in size  
72 must be published by the Administrator at least once in the official newspaper of the county at least  
73 15 days, but not more than 45 days, prior to the date of the public hearing.

74 **B. Web Notice**

75 Where web notice is required, notice of the public hearing or public meeting must be posted on the  
76 County’s website at least 15 days, but not more than 45 days, prior to the date of the public hearing  
77 or meeting.

78 **C. Posted Notice (Onsite)**

79 Where posted notice is required, a sign must be posted on the property at a point visible from the  
80 nearest public street. In the case of multiple parcels, sufficient signs must be posted to provide  
81 reasonable notice to interested persons, as determined by the Administrator. Signs must be posted  
82 at least 15 days prior to the date of the public hearing.

83 **D. Posted Notice (Courthouse)**

84 Where posted notice is required, a notice must be posted on the “Hearing Notification Board,  
85 located in the 2<sup>nd</sup> floor entrance to the Teton County Courthouse. The notice must be posted at least  
86 15 days prior to the date of the public hearing.

87 **E. Mailed Notice**

88 1. Where mailed notice is required, the County will notify by mail all owners of property included  
89 in the proposed application and all owners of property within 300 feet on all sides, as shown in  
90 the County tax records. Notice must be mailed at least 15 days, but not more than 45 days, prior  
91 to the date of the public hearing.

92 2. When notice is required to 200 or more property owners or purchasers of record, sufficient  
93 notice is provided if the County provides published notice in addition to posted notice on all  
94 external boundaries of the site.

95 **F. Content of Notice**

96 Required notice of a public hearing must provide at least the following:

- 97 1. A case number;
- 98 2. The address of the subject property (if available);
- 99 3. The general location of the land that is the subject of the application, which may include a  
100 location map;
- 101 4. A description of the action requested;
- 102 5. Where a map amendment is proposed, the current and proposed zoning districts;
- 103 6. The time, date and location of the public hearing or meeting;
- 104 7. A phone number and e-mail address to contact the Administrator;
- 105 8. The web address for the County; and
- 106 9. A statement that interested parties may appear at the public hearing or meeting.
- 107 10. (Mailed/Posted/Web)- The list of criteria the approving body will use to make the decision on  
108 the action.
- 109
- 110

1 **Div. 13.4. Legislative Review**

2 **13.4.1. Legislative Review is required for the following.**

3 **A. Comprehensive Plan Amendment**

4 A request to amend the text of the Comprehensive Plan, including the Future Acquisitions Map (if  
5 any).

6 **B. Text Amendment**

7 A request to amend the text of this Land Use Code .

8 **C. Zoning Map Amendment (Legislative Rezoning)**

9 A request to amend the Official Zoning Map from one zoning district to another, or to change the  
10 boundaries of an existing zoning district.

11 **13.4.2. Approval of the Application**

12 The Board of County Commissioners approves applications for Legislative Review, following a public  
13 hearing and review by the Planning and Zoning Commission.

14 **13.4.3. Eligible Applicants**

15 **A.** The Board of County Commissioners, the Planning and Zoning Commission or the Administrator may  
16 initiate an application for Legislative Review.

17

18 **13.4.4. How Do I Submit an Application?**

19 **A. Scheduling a Pre-Application Conference**

20 **1.** Before submitting an application, you must schedule a pre-application conference with the  
21 Administrator to discuss the procedures and standards for approval.

22 **2.** To schedule a pre-application conference, call the Administrator or go to The Teton County  
23 Courthouse.

24 **B. Submitting Your Application**

25 **1.** Following the pre-application conference, you may start the application process. To begin,  
26 submit a complete application form and proposed site plan, along with the required application  
27 fees, to the Administrator.

28 **2.** The application form can be found on the County's website or paper copies may be obtained at  
29 The Teton County Courthouse.

30 **3.** The general submittal requirements for all development review applications are listed in and  
31 must be followed.

32 **13.4.5. Public Hearing Notice**

33 Legislative Review requires a public hearing in front of the Planning and Zoning Commission and the  
34 Board of County Commissioners. Notice requirements for public hearings are specified in 13.3.4

35 13.4.6. Application Review

36 A. Initial Distribution of an Application

- 37 1. Upon determination of a complete application, the Administrator will promptly distribute the  
38 application for review by internal County departments and external agencies and schedule the  
39 DRC meeting.

40 B. DRC Meeting

41 This meeting is to begin the discussion about the proposal and is not a forum for final decisions or  
42 for accepting comments concerning public support or opposition. No minutes of the meeting are  
43 required to be taken or provided at future meetings or hearings. Planning and Zoning Department  
44 staff will take notes to summarize the findings from this meeting.

45 C. Administrator Review

- 46 1. If after the internal and external review, the Administrator finds that the application meets  
47 all applicable requirements of the Land Use Code , the application will be certified as  
48 complying with all applicable requirements of the Land Use Code and scheduled for the next  
49 available Planning and Zoning Commission hearing.

- 50 2. Upon certification by the Administrator that the application complies with all applicable  
51 requirements of the Land Use Code , no changes to the application are permitted prior to the  
52 Planning and Zoning Commission hearing.

53 D. Planning and Zoning Commission Public Hearing

- 54 1. The Planning and Zoning Commission will conduct a public hearing and provide a  
55 recommendation to the Board of County Commissioners on the application.
- 56 2. The Planning and Zoning Commission has 65 days from the date of the public hearing to submit  
57 their recommendations to the Board of County Commissioners. This time period may be  
58 extended if both the Applicant and the Planning and Zoning Commission agree on an extension.

59 E. Board of County Commissioners Action

- 60 1. Following the recommendation of the Planning and Zoning Commission, the Board of County  
61 Commissioners will take action on the application. The public hearing for the Board of County  
62 Commissioners cannot be scheduled and/or noticed until a recommendation is made by the  
63 Planning and Zoning Commission.
- 64 2. The Board of County Commissioners has 65 days from the date of the public hearing to approve,  
65 approve with conditions, deny, or send the application back to the Planning and Zoning

66 Commission for additional consideration. This time period may be extended if both the Board of  
67 County Commissioners and the Planning and Zoning Commission agree on an extension.

68 3. Amendment of this Land Use Code applicable to an owner's lands may be subject to the  
69 regulatory taking analysis provided for by Idaho Statutes Title 67, Section 67-8003, consistent  
70 with the requirements established in that section.

71

#### 72 13.4.7. Can Additional Studies be required?

73 Before granting legislative approval, studies may be required of the social, economic, fiscal, and  
74 environmental effects of the proposed amendments.

#### 75 13.4.8. What Approval Criteria Are Used?

76 Different types of approvals have different review criteria. The following lists are not all-inclusive but  
77 provide guidance for making decisions on each type of approval.

78

##### 79 A. For a Comprehensive Plan Amendment

- 80 1. The Plan Amendment corrects an error or meets the challenge of some changing condition,  
81 trend or fact.
- 82 2. The Plan Amendment is in response to changes in State law, as established through  
83 amendments to the Idaho Statutes or by court decision.
- 84 3. The Plan Amendment constitutes a benefit to the County as a whole and is not solely for the  
85 good or benefit of a particular landowner or owners at a particular point in time.
- 86 4. The Plan Amendment will not significantly impact the natural environment, including air, water,  
87 noise, stormwater management, wildlife and vegetation.

##### 88 B. For a Land Use Code Text Amendment

- 89 1. The Text Amendment corrects an error or meets the challenge of some changing condition,  
90 trend or fact.
- 91 2. The Text Amendment is in response to changes in State law, as established through  
92 amendments to the Idaho Statutes or by court decision.
- 93 3. The Text Amendment substantially conforms with the Comprehensive Plan.
- 94 4. The Text Amendment substantially conforms with the stated purpose and intent of this Land  
95 Use Code .
- 96 5. The Text Amendment constitutes a benefit to the County as a whole and is not solely for the  
97 good or benefit of a particular landowner or owners at a particular point in time.
- 98 6. The Text Amendment will not significantly impact the natural environment, including air, water,  
99 noise, stormwater management, wildlife and vegetation.
- 100 7. The Text Amendment will not significantly impact existing conforming development patterns,  
101 standards or zoning regulations.

##### 102 C. For a Zoning Map Amendment

- 103 1. The Zoning Map Amendment corrects an error or meets the challenge of some changing  
104 condition, trend or fact.
- 105 2. The Zoning Map Amendment substantially conforms with the Comprehensive Plan.

- 106 3. The Zoning Map Amendment substantially conforms with the stated purpose and intent of this  
107 Land Use Code .
- 108 4. The Zoning Map Amendment will reinforce the existing or planned character of the county.
- 109 5. The County and other service providers will be able to provide sufficient public facilities and  
110 services including schools, roads, recreation facilities, wastewater treatment, water supply and  
111 stormwater facilities, police, fire and emergency medical services, while maintaining sufficient  
112 levels of service to existing development.
- 113 6. The Zoning Map Amendment will not significantly impact the natural environment, including air,  
114 water, noise, stormwater management, wildlife and vegetation.
- 115 7. The Zoning Map Amendment will not have a significant adverse impact on the County.

116

#### 117 13.4.10. Establishment of a Precedent

118 Legislative actions do not establish a binding precedent to grant other legislative changes.

119

#### 120 13.4.14. Denial of Legislative Action

121 Decisions of the Board of County Commissioners are final. Affected property owners **unsatisfied with**  
122 **the Board of County Commissioner's decision based on the identified criteria for approval, may submit**  
123 **in writing an request for reconsideration, identifying the specific criteria that were not met along with**  
124 **the associated fee** no more than 14 days after the findings of fact are delivered. If still not satisfied with  
125 a decision of the Board of County Commissioners after the reconsideration, one may pursue appeals to  
126 District Court within **30** days of the findings of fact being delivered.

#### 127 13.4.15. Post Legislative Approval

128 **?????**

129 **Publishing requirements.....**

130