



**A REQUEST FOR A SIGNIFICANT PLAT AMENMENT BY:**

Robert Howard and Cherry Payne

**WHERE:** Targhee Ranches Division 1

**April 27, 2015**

Significant Plat Amendment Preliminary Approval Tarhgee Ranches Division 1

**Definition: §9-7-1 (B-2b) Substantial Changes – Increase Scale, Impact.** Substantial Changes – Increase Scale, Impact are changes that increase the scale or scope of the platted subdivision, or increase the direct or indirect impacts on the immediate neighborhood, general vicinity of the subdivision or overall community. These substantial changes may include the following:

- i. an increase in the number of lots;
- ii. ii. the re-arrangement or relocation of lots that encroach further into natural resource areas or Overlay Areas as defined in Title 8 or Title 9 or move closer to neighboring property;
- iii. iii. the relocation of parking facilities, buildings, or other elements of the development that encroach further into natural resource areas or Overlay Areas as defined in Title 8 or Title 9 or move closer to neighboring property; or
- iv. iv. other changes of similar magnitude or projected impact.

**Procedure for Approval: §9-7-1 (B-4b) Substantial Changes- Increase Scale, Impact.** Upon the Planning Administrator determining the application complete, and that the proposed changes are substantial, the application shall be reviewed as a revised Preliminary Plat and revised Final Plat pursuant to the procedures established for such applications. The Planning Administrator shall schedule the application for review by the Planning and Zoning Commission and Board of County Commissioners pursuant to the procedures established in this regulation for Preliminary and Final Plats.

**Criteria for Approval §9-7-1 (B-3b):**

- i. The master plan and plat for a subdivision or Planned Unit Development, including the proposed changes, shall comply with all applicable criteria and standards of the current county regulations.

Staff Comments:

*a. Comprehensive Plan Designation:*

Teton County- Town Neighborhood are located within the area of impact, immediately adjacent to the cities of Victor, Driggs and Tetonia. These areas are in close proximity to electric, phone and other dry utilities as well as public water and sewer services; although that does not imply that these services would be available as a public utility. Town Neighborhoods currently include a mix of developed and undeveloped property and have easy access via automobile, bicycle or pedestrian access to town services and amenities. The intent of this plan is to encourage growth in existing population centers such as our cities; residential uses near the cities would be more desirable than in the far reaches of the County. In the Areas of Impact, applicable plans and ordinances must be mutually agreed upon by the city and the county and thus will be negotiated further with each city. While the applicable land use plan for the Areas of Impact must be negotiated with each city, the desired future character and land uses for Town Neighborhoods include:

- Single-family, detached housing in low densities consistent with non-municipal services.
- Parks, greenways, and neighborhood amenities
- Safe and convenient street and pathway connections to towns
- Pedestrian amenities and complete streets

- b. *Zoning Designation: ADR-1 (AOI)*  
The purpose of the ADR-1.0 district is to provide for residential development along a gradient of density, from urban neighborhoods to rural land, while allowing for a maximum lot design flexibility and encourage the blending of natural and manmade attributes into efficient patterns of development that will create positive effects, both visually and environmentally.
- c. *Average Density:*  
Development shall be limited to one dwelling unit for each one (1.0) acre.
- d. *Minimum Lot Size:*  
Minimum lot area for each principal residential structure shall be nine (9,000) square feet
- e. *Lot Width:*  
Seventy-five (75) feet.

- ii. Any proposed changes to a recorded plat or master plan that increase direct or indirect impacts may require additional mitigation pursuant to the criteria and standards of county regulations.

Staff Comments:

The split of Lot 33 should not require any additional mitigation. There is no need for additional infrastructure or public utilities. It should be noted that although previous approvals do not set a prescience, over 20 lots in the subdivision have been split. The additional density is appropriate in the area of impact, due to its proximity to town and services.

**Teton County Planning Administrator has determined that the application is complete and recommends approval to the Combined Teton County and City of Driggs Planning and Zoning Commission pursuant to Teton County regulations.**

Action/Decision: The Planning Commission, shall act on the information presented at the Preliminary Plat hearing(s). The decision shall be to:

- 1) continue the Preliminary Plat hearing(s),
- 2) to recommend approval,
- 3) to recommend approval with conditions,
- 4) or to recommend denial of the application.

Specific reasons for the recommendation shall be stated in writing for the record. Because the final plat phase of the subdivision/PUD review process is not intended to raise new or additional topics or concerns, it is very important that the action of the Commission and the Board during this preliminary plat phase be based on a full understanding of all anticipated impacts of the proposed development on Teton County and the City of Driggs. The Commission shall only recommend approval and the Board shall only approve if it finds that all of the criteria has been met (or if it finds that some of the criteria has not been met, may recommend approval with conditions that would ensure that the proposed development meets the criteria).

Findings of Fact (if you wish to include them as written findings for your motion):

- o Robert Howard and Cherry Payne -submitted an application to amend the Amended Plat for Targhee Ranch Subdivision Division 1 Final Plat (81851, recorded in January 1980).
- o The application is to divide Lot 33 (3.3 acres) into Lot 33A (1.65 acres) and Lot 33B (1.65 acres)
- o Substantial Change- Increase Scale, Impact plat amendments are used for increasing the number of lots.
- o The proposed Plat Amendment meets the criteria for approval found in §9-7-1 (B-3b).

## **ACCOMPANYING NARRATIVE**

**APPLICATION:**                   **Amended Subdivision Plat for Targhee Ranches,  
Division I , Lot 33**

**OWNERS/**

**APPLICANTS:**                   **Robert Howard JTWROS and Cherry Pane JTWROS  
103 Monte Alto Rd., Santa Fe, NM 87508**

The purpose of this amended subdivision plat is to divide Lot 33 of Targhee Ranches Division I into two lots.

Since this lot is located in a recorded, platted subdivision and is increasing the lot number from one to two, an amended subdivision plat is required by Teton County ordinances. Because of the increase in lots, it is deemed a substantial change.

Targhee Ranches Division I Homeowners' Association Board agreed to submit a letter to the Teton County Planning & Zoning staff stating that the division of Lot 33 is in compliance with the Covenants, Conditions and Restrictions governing this division of Targhee Ranches and that said covenants do not need to be amended.

These two new lots will be served by individual wells and septic systems. Eastern Idaho Public Health's signature will be required on the final plat, with the Environmental Specialist being furnished an application, plat and data prior to signing the plat.

There are no wetlands; flood plain issues; grade issues nor wildlife habitat issues that are factors in the consideration of this application.

MAR 17 2015

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# Targhee Ranches Subdivision Division 1

NAME OF SUBDIVISION/PLANNED UNIT DEVELOPMENT

## SUBDIVISION/PLANNED UNIT DEVELOPMENT AMENDMENT APPLICATION

Upon receipt of the required materials the planning staff shall stamp the application received and prepare a staff report. It is recommended that the Applicant review Title 9 of the Teton County Code prior to submittal. This Title along with application materials are located on the County website at [www.tetoncountyidaho.gov](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: Robert Howard and Cherry Payne

Applicant: same as above E-mail: payne.how@bellsouth.net

Phone: (309) 281-0519 Mailing Address: 103 Monte Alto Road

City: Santa Fe State: NM Zip Code: 87508

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

Address: Bx 139, Victor, ID 83455 E-mail: aweng@ida.net

**Location and Zoning District:**

Address: 1488 Table Rock Rd Parcel Number: RP000700000330

Section: 19 Township: 5N Range: 40E, B.M. Total Acreage: 3.3 ac

Proposed Units/Lots: 2 Current Units/Lots: 1

Code Approved Under: \_\_\_\_\_

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

*Fees are non-refundable.*

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

• Applicant Signature: BJH Date: 2-25-15

I, the undersigned, am the owner of the referenced property and do hereby give my permission to A-W Engineering 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: BJH Date: 2-25-15

**SECTION II: ADMINISTRATOR DETERMINATION**

The Planning Administrator has reviewed the amended plat and/or recorded documents and proposals in accordance with Teton County Subdivision Ordinances Title 9, Chapter 7. The Planning Administrator has determined the changes are:

- ( ) Insignificant: The application will be reviewed administratively and approved, approved with conditions or denied. The plat or recorded documents for a subdivision or Planned Unit Development, including the proposed changes, shall comply with all applicable criteria and standards of the county regulations, conditions of approval established in the previous approval, and the development agreement approved as part of the previous approval.
  
- ( ) Substantial Changes – Increase Scale, Impact: The application will be reviewed under any applicable current ordinances and a staff report prepared and sent to the Planning and Zoning Commission for preliminary review and noticed as a public hearing at their next available regularly scheduled meeting. Substantial changes will require amended CCR's and Development Agreement and may or may not require additional studies or application materials. After a hearing before the Planning and Zoning Commission, the Commission shall recommend to the Board of County Commissioners approval, approval with conditions or denial of the amended plat and/or recorded documents. A public hearing before the Board of County Commissioner for the final review will then be scheduled and the Board will approve, approve with conditions, or deny the amended plat and/or recorded documents.
  
- ( ) Substantial Changes – Decrease Scale, Impact: The application will be reviewed under the code of original approval and a staff report prepared and sent to the Planning and Zoning Commission for concept review and noticed as a public hearing at their next available regularly scheduled meeting. Substantial changes will require amended CCR's and Development Agreement. No additional studies or application fees will be required. After a hearing before the Planning and Zoning Commission, the Commission shall recommend to the Board of County Commissioners approval, approval with conditions or denial of the amended plat and/or recorded documents. A public hearing before the Board of County Commissioner for the final review will then be scheduled and the Board will approve, approve with conditions, or deny the amended plat and/or recorded documents.

**SECTION III: ITEMS REQUIRED ON THE AMENDED PLAT OR IN AMENDED RECORDED DOCUMENTS**

1. Narrative explaining the changes that are being proposed.
2. Plat, if applicable, is labeled correctly as "Amended Final Plat".  
Recorded documents, if applicable, are labeled as "Amended"
3. Itemize briefly the amendments on the original plat and/or recorded documents and the amended plat and/or recorded documents.
4. The following items may also be required, as applicable:
  - Letter of Credit or Bond for financial guarantee of public improvements
  - Engineers cost of public improvements
  - Three (3) Sets of "Final Stamped" construction drawings for public improvements
  - Final approval letter from Eastern Idaho Public Health
  - Final approval letter from Teton County Fire District

- Acceptance letter from city for sewer hookup from the providing community, if applicable

## LIMITED POWER OF ATTORNEY

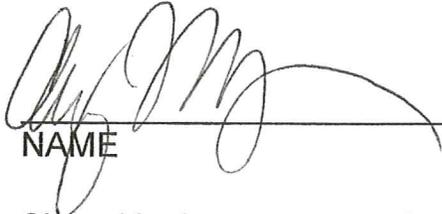
I, Cherry Payne of 103 Monte Alto Road, Santa Fe, New Mexico; appoint Robert Howard, of 103 Monte Alto Road, Santa Fe, New Mexico; my true and lawful attorney-in-fact for me, in my name and on my behalf:

1. To exercise or perform any act, power, duty, right or obligation whatsoever that I now have, or may subsequently acquire the legal right, power or capacity to exercise or perform, in connection with, arising from or relating to the property located at 1488 Table Rock Drive, Driggs, ID, including the execution of all documents necessary to the completion of land subdivision, deeds, land planning, county records and any other actions related to this property.
2. I grant to my attorney-in-fact full power and authority to do, take, and perform each and every act or thing whatsoever necessary or proper to be done, in the exercise of any of the rights and powers granted in this instrument, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, and by this instrument I ratify and confirm whatever act or thing that my attorney-in-fact shall lawfully do or cause to be done by virtue of this durable power of attorney and the rights and powers granted by this instrument.
3. The rights, powers and authority of my attorney-in-fact as granted in this durable power of attorney shall commence and be in full force on the date of this instrument and such rights, powers and authority shall remain in full force and effect thereafter until completion of the lease of the property described above.

This instrument is to be construed and interpreted as a durable power of attorney. This durable power of attorney shall not be affected by disability of the principal, except as provided by statute.

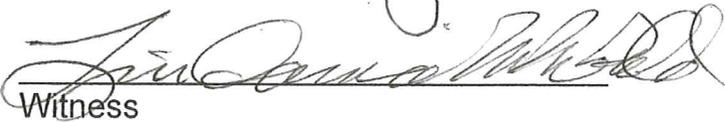
In witness, by signing this instrument I affirm all that is written above.

Dated: February 21, 2015

  
\_\_\_\_\_  
NAME

Signed in the presence of:

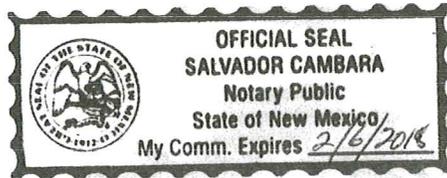
  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Witness

Subscribed and sworn to before me on February 21, 2015

  
\_\_\_\_\_  
Notary Public, Santa Fe County/City, NM

My commission expires 2/6/2018.



# WARRANTY DEED

For Value Received

TARGHEE RANCHES II, LTD., DIVISION I, Leon Manning, Managing General Partner  
the grantor, do es hereby grant, bargain, sell and convey unto

ROBERT HOWARD & CHERRY PAYNE, husband & wife  
whose current address is

Box 183, Moran, Wyoming, 83013

the grantee s, the following described premises, in...Teton.....County Idaho, to wit:

Lot 33, Targhee Ranch, Teton County, Idaho Targhee Ranch Subdivision No. 1

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,  
their heirs and assigns forever. And the said Grantor do es hereby covenant to and  
with the said Grantees, that he is the owner in fee simple of said premises; that they are free  
from all incumbrances except matters of public record.

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: October 15, 1980

*Leon Manning*  
\_\_\_\_\_  
Leon Manning, Managing General Partner for  
TARGHEE RANCHES II, LTD., DIVISION I

STATE OF IDAHO, COUNTY OF BANNOCK *In Town*  
On this fifteenth day of October, 1980,  
before me, a notary public in and for said State, personally  
appeared  
Leon Manning, Managing General Partner  
TARGHEE RANCHES II, LTD.

known to me to be the person whose name IS  
subscribed to the within instrument, and acknowledged to  
me that *STARRHO* executed the same.

*John D. Starvo*  
\_\_\_\_\_  
Notary Public  
Residing at *Deary, Ida*  
Comm. Expires *life*, Idaho

875774  
COPIED  
Filed  
of *First American*  
at *20*  
on *Oct. 31st*  
and *20*  
County  
of \_\_\_\_\_  
State of \_\_\_\_\_  
By *Donnie Greer*  
Deputy

85524

Furnished by MOUNTAIN STATES TITLE CO., Pocatello, Idaho

## WARRANTY DEED

Warranty deed made this 24<sup>TH</sup> day of FEBRUARY, 2015 between ROBERT HOWARD and Cherry Payne of 103 Monte Alto Road, Santa Fe, NM 87508 referred to as Grantors and ROBERT HOWARD – JTWROS or Cherry Payne – JTWROS, husband and wife, of 103 Monte Alto Road, Santa Fe, NM 87508 referred to as Grantees.

Grantors in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and do hereby grant, bargain, sell and convey, and confirm unto Grantees and their heirs and assigns forever, all the following described real estate situated in Teton County, Idaho:

Lot 33, Targhee Ranch, Teton County, Idaho, Targhee Ranch Subdivision No. 1

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantees and their heirs and assigns forever.

And Grantors and their heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantees, their heirs, and assigns against Grantors and their heirs and against all and every person and persons whomsoever, lawfully claiming the same.

RAH  
ROBERT HOWARD

RAH POA FOR Cherry Payne  
CHERRY PAYNE

STATE OF IDAHO )  
SS  
County of Teton )

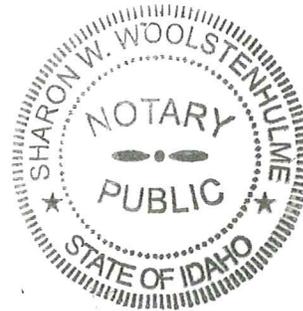
On this 24<sup>th</sup> day of February in the year of 2015, before me, a Notary Public in and for said State, personally appeared ROBERT HOWARD, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Sharon W. Woolstenhulme  
Notary Public

For: State of Idaho

Residing at: Victor, Idaho

My commission expires: 01-02-2015



**Targhee Ranch Subdivision, Division I**  
**Architectural Control Board**  
P.O. Box 721 Driggs, ID 83422

March 3, 2015

Hand delivered to Planning Office

Jason Boal  
Planning Administrator  
Teton County, Idaho  
150 Courthouse Drive, #107  
Driggs, ID 83422

TETON COUNTY  
PLANNING & ZONING  
MAR 03 2015  
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Dear Mr. Boal:

Re: Proposed split of lot 33 in Division I by Mr. Howard

Thank you for your email of March 2, 2015 advising us of this proposed lot split and providing us with an opportunity to advise you of our CC&R requirements for lot splits.

According to our records, lot 33 has not previously been split. Our CC&Rs<sup>1</sup> provide, in section 4, as follows:

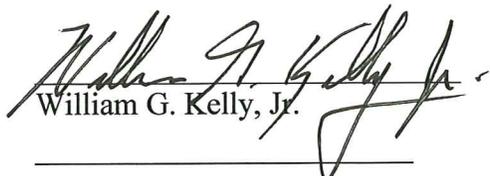
It is understood that no lot can be re-subdivided into smaller than a one acre lot with a minimum of 100 feet frontage on all lots not located on a culdesac. No lot shall be subdivided more than one time and all re-subdividing shall be done with complete approval of all governmental agencies.

Lot 33 is not located on a culdesac; however we have not seen the proposed split survey, so we do not know whether the split satisfies the one acre and 100 feet frontage minimums.

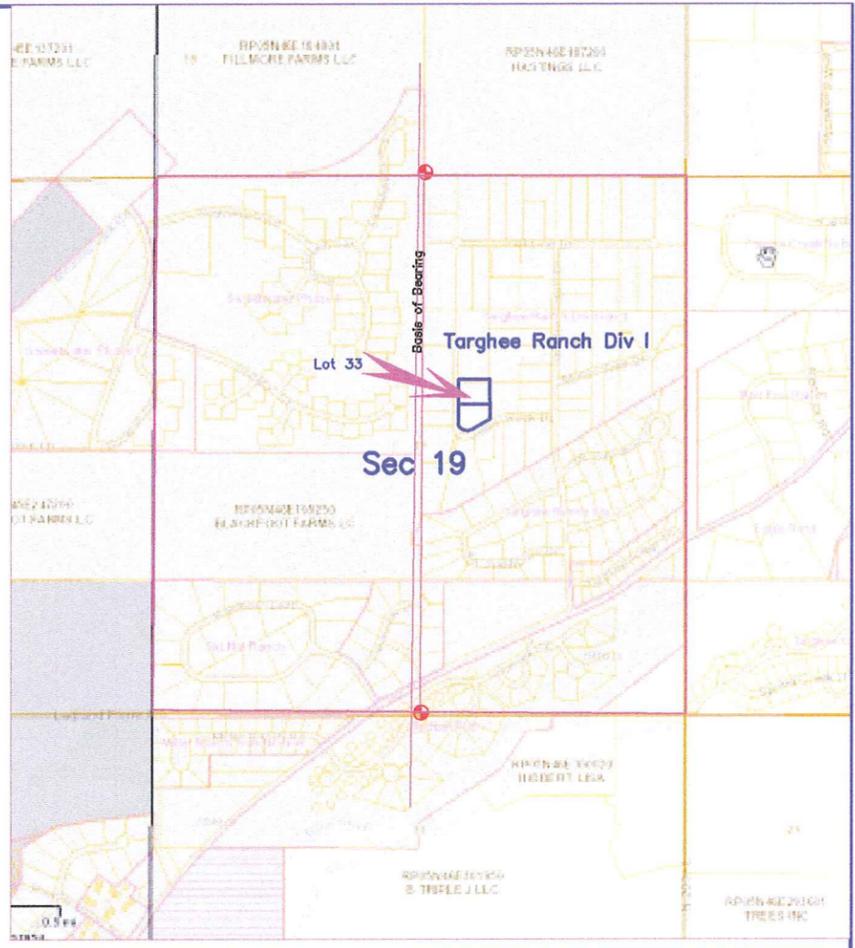
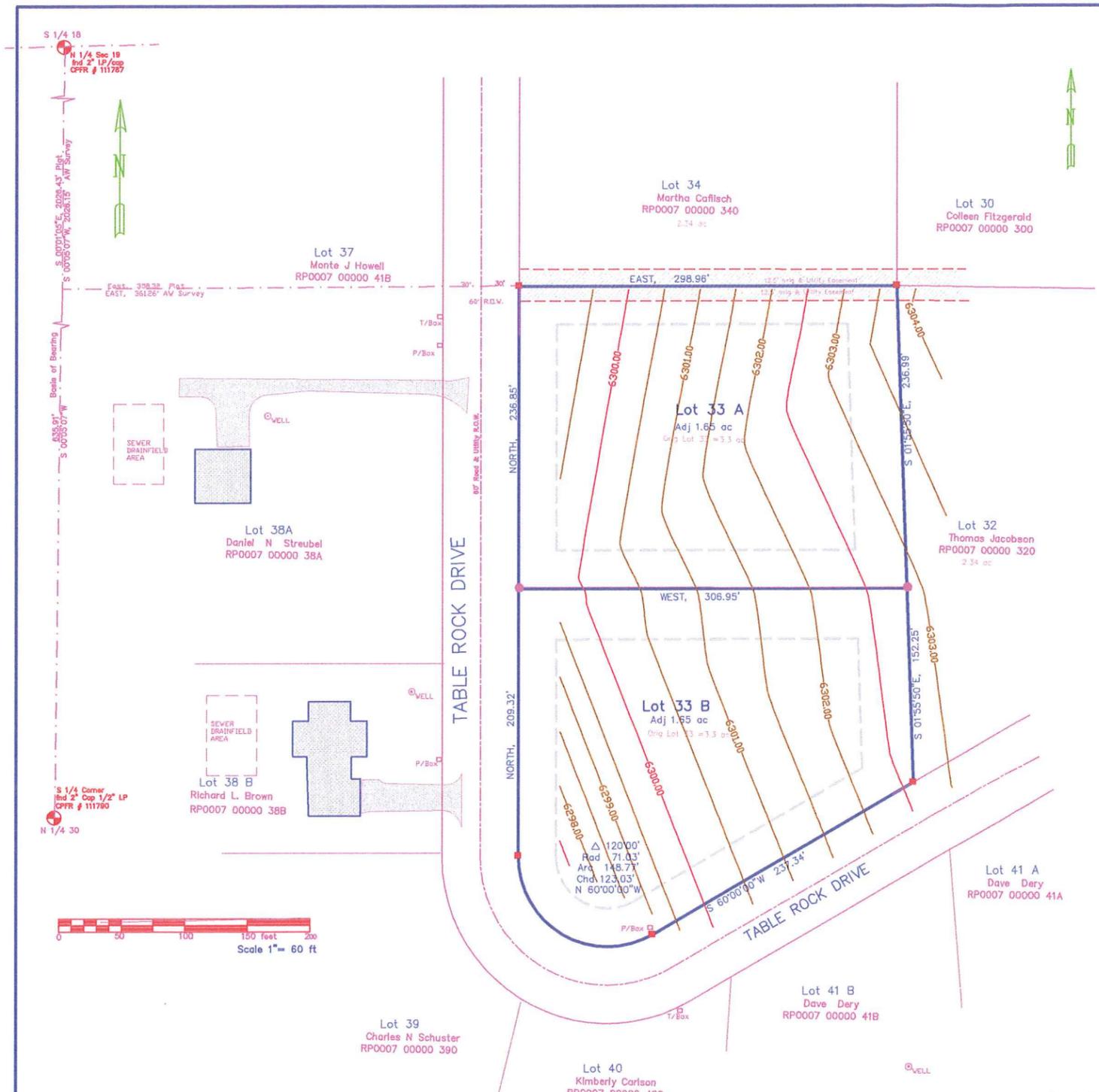
A Division I property owner planning a lot split is not required to file anything with our Architectural Control Board ("ACB"); however, if a lot split approved by the County did not meet the CC&R requirements, it would be the responsibility of the ACB to take legal action to enforce those requirements.

Please note that Targhee Ranch has two Divisions. The CC&Rs for Division II are materially different from those of Division I (the ones applicable here).

Again, thank you for your cooperation,

  
William G. Kelly, Jr.

<sup>1</sup> Our CC&Rs were recorded with the County, in re-typed version, on August 31, 2007, doc. no. 191107. The original version, which was becoming unreadable in part, was recorded on Jan. 8, 1980.



**VICINITY MAP**  
Scale 1" = 1000 ft  
Sections 19 & 20, Twp. 5 N., Rng. 48 E., Teton County, Id.

**TETON COUNTY  
PLANNING & ZONING**

**MAR 17 2015**

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**SURVEYOR'S CERTIFICATE**

I, Arnold Woolstenhulme, Idaho License # 2860, do hereby certify that I did cause and supervise a survey of Lot 33 of Targhee Ranch Subdivision, Div I, Inset. # B1851 as shown hereon, platted and described, to draw this amended plat.

Arnold Woolstenhulme Engineer/Surveyor 2015

- Certificates to be on Final Plat**
- SURVEYOR'S CERTIFICATE
  - CERTIFICATE OF PLAT REVIEW
  - EAST IDAHO HEALTH DEPARTMENT CERTIFICATE
  - TREASURER'S CERTIFICATE
  - ASSESSOR'S CERTIFICATE
  - TETON COUNTY FIRE MARSHAL
  - PLANNING AND ZONING APPROVAL
  - TETON COUNTY COMMISSIONERS
  - RECORDER'S CERTIFICATE
  - OWNER'S CERTIFICATE
  - NOTARY FOR OWNER'S CERTIFICATE
  - PROPERTY DESCRIPTIONS

-PRELIMINARY PLAT-

**Amended Targhee Ranch, Div I-Lot 33**

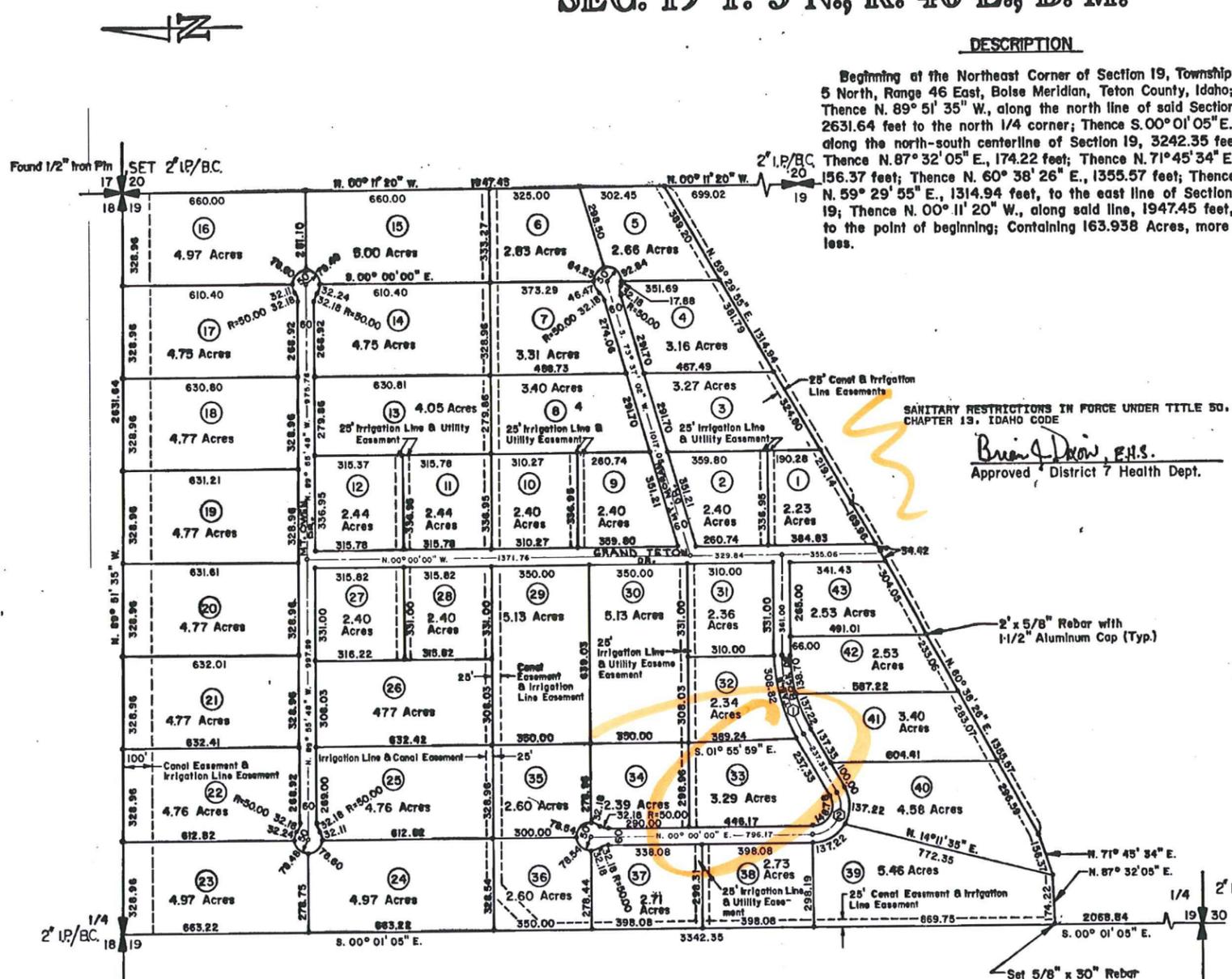
Targhee Ranch, Div I, orig Plat Inst #B1851  
1488 Table Rock Drive, Sec 19, T 5 N, R 48 E, B.M., Teton Co., Id.

<b>Clients</b>	<b>AW ENGINEERING</b>
Robert Howard JTWROS Cherry Payne JTWROS 103 Monte Alto Road Santa Fe, NM, 87508	P.O. BOX 139 VICTOR, IDAHO 83455 (208) 787-2952
Dwg. <b>aww</b> 3/13/2015 Amend Plat.dwg	SURVEYED AW Eng CC 2/173/2015
revised	Proj 2015 -011 Payne.dwg

# TARGHEE RANCH SUBDIVISION

## DIVISION 1

SEC. 19 T. 5 N., R. 46 E., B. M.



### DESCRIPTION

Beginning at the Northeast Corner of Section 19, Township 5 North, Range 46 East, Boise Meridian, Teton County, Idaho; Thence N. 89° 51' 35" W., along the north line of said Section 2631.64 feet to the north 1/4 corner; Thence S. 00° 01' 05" E., along the north-south centerline of Section 19, 3242.35 feet; Thence N. 87° 32' 05" E., 174.22 feet; Thence N. 71° 45' 34" E., 156.37 feet; Thence N. 60° 38' 26" E., 1355.57 feet; Thence N. 59° 29' 55" E., 1314.94 feet, to the east line of Section 19; Thence N. 00° 11' 20" W., along said line, 1947.45 feet, to the point of beginning; Containing 163.938 Acres, more less.

### DEED OF DEDICATION

Be it known that we, the undersigned, do hereby certify that we are the legal owners of the previously described tract of land and have caused the same to be subdivided into lots, blocks, and streets, to be known as the Targhee Ranch Subdivision, Division 1, Teton County, Idaho and do hereby give, grant, and dedicate to the public for perpetual use, all streets and easements shown hereon. In witness whereof we have here unto set our signatures this 8 day of Jan, A. D., 1980.

TARGHEE RANCHES, LTD.  
*Leon Manning* General Partner  
*Richard Olsen* General Partner

### ACKNOWLEDGEMENT

State of Idaho  
 County of Teton  
 Personally appeared before me, the above named persons, Leon Manning in number known to me to be the signers of the above "Deed of Dedication" and duly acknowledged to me that they executed the same for the purposes stated therein.  
 Dated at P. M., this 8 day of January, A. D., 1980  
*Richard Olsen*  
 Notary Public

### COUNTY APPROVAL AND ACCEPTANCE

Presented to the Teton County Board of Commissioners this 8 day of Jan, A. D., 1980, at which time this subdivision was approved and accepted. Acceptance of the roadways is hereby postponed until further order of the County Commission.  
*Reid Browne*  
 Chairman

### ENGINEER'S APPROVAL

I hereby certify that I have examined this plat and find it correct and acceptable.  
January 8, 1980  
 Date  
*Frank L. Labreck*  
 County Engineer

### RECORDER'S CERTIFICATE

State of Idaho  
 County of Teton  
 I hereby certify that this plat was filed this 8 day of Jan, A. D., 1980, at 4:40 P.M. in book 100 at page 100 at the request of Leon Manning and I further certify that the tracing of this plat, bearing my signature is an exact copy of the original map.  
*Alvaugh C Stone*  
 County Recorder

### ENGINEER'S CERTIFICATE

I, DAVID S. MESSINGER, being a Registered Professional Engineer in the State of Idaho, Certificate No. 2239, do hereby certify that I, at the Request of the owners, have Surveyed the tract of land shown on this plat and described above and have subdivided said tract into lots, blocks, and streets to be known as the TARGHEE RANCH SUBDIVISION, DIVISION 1.



SCALE 1"=300'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
1	559.81	30° 00' 00"	292.37
2	101.04	120° 00' 00"	211.62

*I Certify that there are no County Property Taxes due either on Paul Kalkreuth and Current, But Not Paid, upon the Property Included in this Plat.*  
*William J. O'Brien*

FOREST ENGINEERING, INC.  
 ST. ANTHONY, IDAHO