



Teton County Planning
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FROM: Planner, Kristin Rader
TO: Teton County Board of County Commissioners
RE: Taylor Shadows Subdivision Preliminary Plat Application
DATE: August 8, 2014

On June 17, 2014, AW Engineering met with the Teton County Engineer (Jay Mazalewski), Teton County Prosecutor (Kathy Spitzer), Teton County Building Official (Tom Davis), Teton County Planning Administrator (Jason Boal), and Teton County Planner (Kristin Rader) for a Development Review Committee (DRC) meeting for Taylor Shadows Subdivision. From this meeting, key issues were identified and the DRC meeting notes were sent to AW Engineering for correction.

On August 5, 2014, AW Engineering submitted corrections for the Taylor Shadows Subdivision application to the Teton County Planning Department. After reviewing the corrected materials, there are issues remaining with the CC&Rs and the Stormwater Plan & Erosion Plan.

CC&Rs

- Section 2.03 – this section was conflicted with the Natural Resource Analysis for where animals would be kept and was asked to be clarified after the DRC meeting. The updated CC&Rs state: “All livestock as well as any domestic pets shall be kept in a corral in such a way as to keep the area green and growing and also to ensure that wildlife are not chased or harassed. In addition to yard fences, corrals may also be located in the common area.” The Natural Resources Analysis identifies the common area as the location for animal pens, so it is my recommendation that this be changed to “...In addition to yard fences, corrals shall be located in the common area.” so the CC&Rs and Natural Resources Analysis are no longer conflicting.
- All other issues were addressed accordingly.

Stormwater Plan & Erosion Plan

- One of the issues from the DRC meeting was that the legend needed to be revised so the labels were correct. Part of this issue was addressed.
- On the updated Erosion Plan, there are three labels on the legend (straw bales, sediment fence, and small drainage ditch & berm) that are not identified on the plan. This should be identified on the plan as a condition for approval.

Natural Resources Analysis, Soils Report, & Road Plan

- All issues were addressed.

TETON COUNTY
PLANNING & ZONING

AUG 0, 2014

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SUMMARY RESPONSE TO:

TETON COUNTY PLANNING & ZONING DRC MEETING NOTES

SENT: JUNE 18, 2014

REFERENCE: PROPOSED TAYLOR SHADOWS SUBDIVISION

Att: Teton County Planning & Zoning:

Please note the enclosed responses to the above referenced notes:

CC&R's – regarding signage, please see Article II, Section 2.02 (5).

- Bear conflict: see Article II, Section 2.16
- Section 2.03 now correlates with Natural Resource Analysis, pg. 4 – “Impact Analysis”, pg. 4 and “Land Management Plan”, pg. 6.
- See Article III, Section 3.04 for adherence to Natural Resources Analysis.

STORM WATER PLAN & EROSION PLAN; SOILS REPORT AND ROAD PLAN -

-See enclosed revised data for responses to DRC meeting notes.

NATURAL RESOURCE ANALYSIS -

-See Appendix 3 and Appendix 4 and revised Table of Contents.

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

for

TAYLOR SHADOWS SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS:

This Declaration of Covenants, Conditions and Restrictions is made and executed in Teton County, Idaho this _____ day of _____, 2014, by Daniel S. Bender and David J. Bender hereinafter called "Declarant(s)"

RECEIVED
AUG 05 2014
TETON COUNTY
PLANNING & ZONING

PURPOSE

WHEREAS, Declarants are the owners of a certain property located in Teton County, Idaho, and more particularly described as follows:

DECLARATION

NOW, THEREFORE, Declarants do hereby declare that TAYLOR SHADOWS is and shall be owned, occupied and improved subject to the following uniform covenants, conditions and restrictions. The restrictions set forth herein shall run with the real property and shall be binding upon all persons having or acquiring any interest in such real property or any part thereof; shall inure to the benefit of every portion of such real property and any interest therein; and shall inure to the benefit of and be binding upon Declarant, their successors in interest, and may be enforced by Declarants, by any owner or his successors in interest or by the Taylor Shadows Homeowners' Association.

**ARTICLE I
DEFINITIONS**

Unless the context otherwise specifies or requires, the following words and phrases when used in these restrictive covenants shall have the meanings hereinafter specified:

1. **ASSESSMENTS** shall mean assessments of the Homeowners' Association and includes both regular and special assessments.
2. _____ **CONDITIONS, COVENANTS AND RESTRICTIONS** shall mean this Declaration as it may be amended from time to time.
3. **LOT** shall mean each lot as designated as such on the recorded plat, whether or not improved.
4. **OWNER** shall mean (a) the person or persons or other legal entity or entities, including Declarants, holding an aggregate fee simple interest in a lot or, as the case may be, (b) the purchaser of a lot under an executory contract of sale, but excluding those having such interest as security for the performance of an obligation.

**ARTICLE II
GENERAL RESTRICTIONS**

All real property within Taylor Shadows Subdivision shall be held, used and enjoyed subject to the following limitations and restrictions:

Section 2.01. **No Further Subdividing.** No lot may be further subdivided, provided, however, that nothing herein shall prevent the transfer or sale of any lot to more than one person to be held by them as tenants in common, joint tenants by the entirety or as community property. Also, two contiguous lots, if owned by the same record owner, may be combined as one lot. For the purposes of applying the covenants and restrictions herein contained by such combined residential lot or lots, the combined lots shall be treated as one lot for the purpose of applying the provisions hereof. See Declaration - pg.1 of this Declaration of Covenants, Conditions and Restrictions.

Section 2.02 **Signs and Lighting.** No signs of any character shall be placed or maintained on any lot except:

- (1) one sign advertising the premises for sale or rent, which sign shall not exceed six square feet;
- (2) one sign identifying the name and/or address of the owner's or occupant's lot, which sign

shall not exceed two square feet;

(3). one sign used by the builder to advertise the project during the construction period.

(4). exterior lighting must be downward directed, low wattage, dark sky lighting as required by Teton County, Idaho Title 8, Section 8-4-5.

(5). all signs on Taylor Shadows properties will adhere to Teton County, Idaho Title 8, Chapter 9, Sections 8-9-1 through 8-9-7.

Section 2.03 Animals. Owners of animals shall exercise proper care, restraint and control of their animal or animals to prevent them from becoming a nuisance. All livestock as well as any domestic pets shall be kept in a corral in such a way as to keep the area green and growing and also to ensure that wildlife are not chased or harassed. In addition to yard fences, corrals may also be located in the common area. Any hay or feed that must be stored must be contained in such a way as to prevent the attraction of wildlife. If any dog or dogs are caught or identified as being a nuisance the Board shall have the authority to have such animal or animals impounded at any available location, and/or shall assess a penalty against the owner of such animal or animals of not more than \$200.00, plus all costs of impoundment. If any such animal or animals are a chronic nuisance due to barking or are caught or identified chasing or harassing wildlife, livestock or people on a second occasion, the Board shall have the authority to have such animal or animals impounded or destroyed. No owner of any animal or animals impounded or destroyed for chasing or harassing livestock, wildlife or people shall have the right of action against the Board or any member thereof, for the impoundment or destruction of any such animal or animals. In the event the Declarants develop amenities such as walking paths, picnic areas, etc. in the Common Area as designated on the plat of Taylor Shadows Subdivision, all dogs in said area shall be leashed.

Section 2.04 Offensive Activity. No rubbish or debris of any kind shall be placed or permitted to accumulate upon any property within Taylor Shadows Subdivision. Trash, garbage or other waste shall be kept in sanitary containers that must be stored within an enclosed structure. All incinerators, or other equipment for the storage or disposal of such material, shall be kept clean and sanitary and not become offensive or a nuisance. No noise or other nuisance shall be permitted to exist or operate upon any such property so as to be offensive or detrimental to any other property in the vicinity thereof or to its occupants.

Section 2.05 Repair of Buildings. No improvement shall be permitted to fall into disrepair and each such improvement shall at all times be kept in good condition and repair and adequately painted or otherwise finished by the owner thereof.

Section 2.06 Exemption of Declarants. Nothing herein shall limit the right of the Declarants to complete excavation, grading and construction of improvements to any property owned by Declarants, or to use a structure in as a model home or leasing or sales office. The rights of the Declarants hereunder and elsewhere in these restrictions may be assigned by Declarant.

Section 2.07 No Hazardous Activities. No activities shall be conducted on any property and no improvements constructed on any property which are or might be unsafe or hazardous to any person or property.

Section 2.08 Temporary Structures. Only temporary structures which are approved by the Board may be installed on a lot during construction of a permanent residence. If progress of construction is halted or slowed for any length of time, all materials shall be stored neatly so as to present no hazards or unsightly appearance. All temporary buildings shall be removed promptly when construction of the residence has been completed.

Section 2.09 Weed Maintenance and Control. It shall be each lot owner's responsibility including the Homeowners' Association, to eradicate noxious weeds on land in Taylor Shadows Subdivision to comply with any applicable ordinance, law, rule, or regulation pertaining to the removal and control of noxious weeds. Noxious weeds shall mean those plants which are injurious to public health, crops, livestock, land or other property. If a lot owner does not comply, the Homeowners' Association will assume responsibility of eradicating the weeds on the subject lot and subsequently bill said non-compliant lot owner for costs involved, or lien the lot.

Section 2.10 Buildings and Improvements. No lot shall be improved except by a dwelling or residence structure (hereinafter "residence") designed to accommodate a single family and occasional guests, plus a garage and other improvements incident to a single family residence. All proposed buildings and improvements shall be submitted to the Design Committee for approval. Provided, however, notwithstanding anything contained herein to the contrary, after the primary residence is fully constructed one additional guest house may be constructed (hereinafter "guest house"). No apartments, condominiums or other multiple dwelling structure may be built.

Section 2.11 Unsignliness. No unsighliness shall be permitted on any Lot or on the exterior or other portions of a Residence visible from elsewhere on the Subject Property, Common Area, or any adjacent property. Without limiting the generality of the foregoing: (1) all unsightly structures, facilities, equipment, objects and conditions shall be enclosed within an approved structure or appropriately screened from view; (2) refuse, garbage and trash shall be kept at all times in a covered, noiseless container and any such container shall be kept within an enclosed structure; (3) service areas, storage piles, compost piles and facilities for hanging, drying or airing clothing or household fabrics shall be appropriately screened from view; (4) pipes for water, gas, sewer, drainage or other purposes and wires, poles, antennae and other facilities for the transmission or reception of audio or visual signals or electricity, and utility meters or other utility facilities and gas, oil, water, propane or other tanks, and sewage disposal systems or devices shall be kept and maintained within an enclosed Structure or below the surface of the ground; (5) No grass, shrub or tree clippings or plant waste, metals, bulk materials or scrap or refuse or trash shall be kept, stored or allowed to accumulate; and (6) all rubbish, trash and garbage shall be regularly removed from each Lot and shall not be allowed to accumulate thereon.

Section 2.12 Sanitation. Sanitary rules and regulations of Eastern Idaho Public Health Dept. will be adhered to. A permit from Eastern Idaho Public Health Dept. is required for the installation of any and all septic systems.

Section 2.13 Right to Farm Provision. Taylor Shadows Subdivision acknowledges the Right to Farm Act Idaho Code Chapter 45 Sections 22-4501 through 22-4504

Section 2.14 Wildlife Habitat Provision. All areas outside of the approved building envelopes will be managed and preserved for wildlife habitat. There will be no development or motorized vehicle access within areas outside of the approved building envelopes.

Section 2.15 Unmodifiable provisions. The following items cannot be changed by Taylor Shadows Homeowners' Association:

- (1). Weed maintenance and control
- (2). Teton County dark skies requirements
- (3). No further lot split statement
- (4). County setbacks and heights as depicted on the approved Master Plan
- (5). Right to Farm Act
- (6). A permit from Eastern Idaho Public Health Dept. is required for the installation of any and all septic systems.

Section 2.16 Bear conflict. Teton County Land use Title 4 Section 7-4 addressing bear conflict will be adhered to.

ARTICLE III DESIGN STANDARDS

No building or other improvements shall be constructed on Lots 1-2, nor shall any alterations therein be made until the plans and such other information as the Design Committee may require, shall have been submitted to and approved in writing by the Design Committee. The Design Committee shall consider the suitability of the improvements, the materials, the colors, and the nature of the adjacent improvements. The objective of the Design Committee is to ascertain that any proposed improvements will enhance the aesthetic and monetary values of the area. If the plans are disapproved, said structures and improvements may not be constructed or placed upon said lot. The decision of the Committee is final and binding upon all parties concerned.

Section 3.01 Structures

- (1). Structures shall be located within the designated building envelopes depicted on the approved Master Plan and are encouraged to relate to the terrain and physical features of the property. The primary concern of the board will be that design, exterior finish, and location harmonize with and compliment the natural environment.
- (2). Exterior materials shall be of natural wood, peeled log, stone or other similar natural material. Roof materials shall be cedar shake, heavy weight asphalt shingle, non-reflective metal, decro-bond or similar material. Alternative exterior materials which resemble natural materials may be proposed to the Design Committee for consideration and approval.
- (3). Exterior finishes shall be earth toned stains, or clear non-glossy preservatives. All exposed metals shall have a dull colored finish, or shall be flat color anodized or painted.
- (4). Exterior colors shall be subdued and in the earth tone range. Color samples on pieces of all exterior materials and roofing materials to be used, shall be submitted to the design committee for approval.
- (5). Landscaping shall be in place within a year of construction.

Section 3.02 Parking. Sufficient driveways and parking areas shall be provided by the owner of each lot

to permit off-street parking, in order that the flow of traffic may not be obstructed or impeded and that snow removal may be facilitated.

Section 3.03 New Construction. All improvements shall be of new construction and constructed on the lot and no pre-built or pre-fabricated homes will be permitted. Component or modular construction will not be permitted unless the Design Committee specifically permits the same.

Section 3.04 General Development. All development on the property will meet the recommendations of the Natural Resource Analysis that was completed for Taylor Shadows.

ARTICLE IV DESIGN COMMITTEE

Section 4.01 Design Committee. The Design Committee shall consist of the owners of Lots 1 and 2. The Design Committee may adopt rules and regulations as deemed necessary to the performance of their responsibilities, provided said rules and regulations are not in conflict with those adopted by the Association.

Section 4.02 Authority and Duties. The Design Committee shall be responsible for reviewing construction plans and specifications and other responsibilities delegated to them by the Association.

Section 4.03 Meetings. The Design Committee shall meet from time to time as it deems necessary.

Section 4.04 Limitation of Liability. Neither the Design Committee nor any member thereof shall be liable to any party for any action or inaction taken with respect to any provision of these Covenants, provided that such Design Committee has acted in good faith. All members of the Design Committee shall be indemnified and held harmless by the property owners and Association from liability, damages and expenses for any decision or action they may make while acting within the scope and course of their duties.

ARTICLE V ENFORCEMENT

The limitations and requirements for land use and development set forth in these Covenants shall be enforceable by the Declarants, by the Board or by any owner of a lot within the property.

Section 5.01. Right of Enforcement Every owner of a lot within the property hereby consents to the entry of an injunction against him or her, or his or her tenants or guest, to terminate and restrain any violation of these Covenants.

Section 5.02. Violations Any lot owner who uses or allows his or her lot to be used or developed in violation of the covenants further agrees to pay all costs incurred by the Board or the Declarants or other lot owner in enforcing these covenants, including reasonable attorney's fees.

ARTICLE VI DURATION OF COVENANTS

All of the covenants, conditions and restrictions set forth herein shall run until December 31, 2030, unless amended as herein provide. They shall continue and remain in full force and effect at all times against the property and the owners and purchasers of any portion thereof, and shall be automatically extended for successive periods of ten (10) years each, unless amended or extinguished by a written instrument executed by owners who own at least eighty percent (80%) of the lots in Taylor Shadows Subdivision, and such written instrument is recorded with the Clerk of Teton County, Idaho.

ARTICLE VII SEVERABILITY

Any decision by a court of competent jurisdiction invalidating any part or paragraph of these covenants shall be limited to the part or paragraph affected by the decision of the court and the remainder of these covenants shall remain in full force and effect.

ARTICLE VIII ACCEPTANCE OF COVENANTS

The undersigned Declarants and owners, and every subsequent owner or purchaser of a lot within the property shall be bound by and subject to all of the provisions of these covenants, and every lot owner or

purchaser, through his or her purchase or ownership, expressly accepts and consents to the operation and enforcement of all of the provisions of these Covenants.

IN WITNESS THEREOF

The undersigned have executed this instrument this _____ day
of _____, 2014

STATE OF IDAHO)
)
COUNTY OF TETON)

ss

On this _____ day of _____, 2014
before me, the undersigned, a Notary Public in and for said State, personally appeared
DANIEL S. BENDER and DAVID J. BENDER, brothers, known to me to be the persons whose
names are subscribed to the within instrument, and acknowledged to me that they executed the
same.

Witness my hand and official seal.

Notary Public

My commission expires: _____

**NATURAL RESOURCES ANALYSIS
PROPOSED TAYLOR SHADOWS SUBDIVISION,
TETON COUNTY, IDAHO**

RECEIVED
AUG 05 2014
TETON COUNTY
PLANNING & ZONING



Prepared For
David Bender
140 Alpine Trl
Victor, ID 83455

Prepared By



PO Box 8578, 140 E. Broadway, Suite 23, Jackson, Wyoming 83002

August 10, 2014

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**NATURAL RESOURCES ANALYSIS
PROPOSED TAYLOR SHADOWS SUBDIVISION,
TETON COUNTY, IDAHO**

INTRODUCTION AND BACKGROUND

Biota Research and Consulting, Inc. prepared a Natural Resources Analysis (NRA) for the proposed Taylor Shadows Subdivision in Teton County, Idaho in 2014. Information provided in this NRA is necessary to assess the possible adverse effects of proposed development on natural resources, and to ensure compliance with Title 9 of the Teton County Code. This analysis was required by Teton County because the property is located within the Wildlife Habitat (WH) Overlay for big game migration corridors and seasonal range.

The project area is comprised of a 13.9-acre tract owned by Daniel Bender (RP03N45E128850), within which Taylor Shadows Subdivision has been proposed. Existing development within the project area is minimal, consisting of an old access road and several old barbed wire fences. Proposed development plans currently include upgrading the existing driveway to meet county specifications, and splitting the property into 2 parcels and a 0.5-acre common area. The northern lot (Lot 1) is slated to be 9.68 acres, and the southern lot (Lot 2) will be 3.75 acres. A development area (building envelope) has been proposed for each parcel; the Lot 1 building envelope is 0.92 acres in size, and the Lot 2 envelope is 0.37 acres.

Fieldwork associated with the NRA was conducted in April of 2014, with efforts focused on determining vegetative covertypes and identifying indicator habitat and wildlife use patterns.

LOCATION AND PHYSIOGRAPHY

The project area is located east of the town of Victor in Teton County, Idaho (T3N, R45E, Section 12; Appendix 1-Exhibits 1 and 2). The project area is bordered by the Victor Cemetery on the west, BLM land on the east, and private land to the south and north. Access to the property is gained by traveling east from Victor on Cemetery Road to an existing driveway that accesses the project area. Although the property is elevated above the valley floor, it does not lie within the Hillside (HS) Overlay.

EXISTING CONDITIONS INVENTORY

Per Title 9 of the Teton County Code, the NRA shall include a description of existing conditions on the application parcel.

Floodplains, Wetlands, and Riparian Areas

No floodplains, wetlands, or riparian areas are present within the project area.

Geologic or Seismic Hazards

Seismic maps produced by the Idaho Geological Survey in 2011 depict National Earthquake Hazards Reduction Program (NEHRP) seismic classes for Teton County. According to this mapping, the southwestern portion of the project area is classified as Class 2, and the remainder of the project area is classified as Class 3 (Appendix 1-Exhibit 3). This means that the project area is located in an area of

relatively high shear-wave velocity, which would likely result in lower shaking intensity during a seismic event, and indicates it is a fairly low risk area.

Wildfire Danger

The Title 9 Code refers to the “latest adopted plan of the Teton County Fire Protection District” for a determination of whether there are areas of the project area that are in designated “high” or “extreme” wildfire danger. The scale (county-wide) of the fire hazard map included in the most recent (2009) Wildfire Protection Plan (CWPP) makes it difficult to discern individual parcels, but it appears that the project area is in a Level 1 fire behavior zone (on a scale of 0 to 3, with Level 3 being the highest potential fire hazard). No CWPP GIS data for the county are available, nor is a higher resolution zoomed-in view of the parcel in relation to the CWPP mapping.

In addition to the CWPP information, Wildland Urban Interface (WUI) mapping was acquired from the Teton County GIS Department. The WUI is generally defined as those areas where homes are built near or among lands prone to wildland fire. The local WUI mapping was developed by the Caribou-Targhee National Forest and depicts the project area as within the WUI zone (Appendix 1-Exhibit 4).

Although the CWPP mapping depicts relatively low fire hazard in the vicinity of the project area, the vegetation communities within the project area are dominated by flammable shrubs and trees. It is advisable that the property owners create defensible space around all structures to limit the amount of flammable vegetation and materials surrounding the structures and implement other best management practices for development in fire-prone areas. The National Fire Protection Association provides a number of resources (<http://www.firewise.org/wildfire-preparedness/be-firewise/home-and-landscape.aspx>). Areas included in the defensible space are accounted for in the development impact analysis.

Vegetation Communities

The majority of the project area is comprised of undisturbed, native vegetation communities (Appendix 1-Exhibit 5). Tall Shrub (a.k.a. mountain shrubland) is the dominant community type. Specifically, Serviceberry-big sagebrush/Kentucky bluegrass (*Amelanchier alnifolia-Artemisia tridentata/Poa pratensis*) is the dominant plant association. This association comprises 12.8 acres (92%) of the project area, and the remainder is comprised of a Douglas-fir/chokecherry (*Pseudotsuga menziesii/Prunus virginiana*) association and a previously disturbed area (Table 1).

Table 1. Acreages, percent occurrence, and indicator habitat status of vegetation associations within the Bender project area, Teton County, Idaho.

Vegetation Associations	Area (Acres)	% of Parcel	Big Game Indicator Habitat (Y/N)
Tall Shrub – Serviceberry-big sagebrush/Kentucky bluegrass	12.8	92	Y
Evergreen Woodland – Douglas fir/chokecherry	0.9	7	N
Disturbed (Driveway)	0.2	1	N
Totals	13.9	100	NA

The serviceberry-big sagebrush/Kentucky bluegrass association within the project area is dominated by Saskatoon serviceberry, mountain big sagebrush, antelope bitterbrush, and mountain snowberry in the shrub layer, with an understory dominated by bluegrass, slender wheatgrass, Oregon grape, sulfur buckwheat, common yarrow, and other herbaceous species. Moderate to heavy ungulate browsing was evident on the serviceberry and bitterbrush shrubs. Mature Rocky Mountain juniper and Douglas-fir are scattered throughout this community but do not dominate the overstory.

The Douglas-fir/chokecherry association is dominated by Douglas fir and quaking aspen trees in the overstory, with an understory of serviceberry, Douglas hawthorn, mountain snowberry, and woods rose. This association is located high on the hillside in the northeastern portion, and appears to be an ecotone between the tall shrub community within the project area and the dense Douglas-fir/quaking aspen forest located higher on the hill east of the project area.

Ridges and Rock Outcroppings

No significant ridges or rock outcroppings exist within the project area.

Proximity to State Highways or Ski Hill Road

The project area is located within one mile of Highway 33, and a portion of the parcel is visible from Highway 33 (Appendix 1-Exhibit 6). The project area is not located within one mile of, or visible from, Ski Hill Road.

WILDLIFE HABITAT ASSESSMENT

The project area lies entirely within the WH Overlay for big game migration corridors and seasonal range (Appendix 1-Exhibit 7) and, therefore, is subject to the Teton County WH Overlay regulations as outlined in Title 9. The WH Overlay regulations require that the Natural Resources Analysis include the following documentation:

- Wildlife Habitat Assessment;
- Impact Analysis;
- Mitigation Plan; and
- Land Management Plan.

In addition, the following maps are also required:

- Big game winter range on or within 1 mile of the proposed subdivision;
- Information pertinent to the Wildlife Habitat Assessment;
- Proposed impacts to wildlife or indicator habitat; and
- Proposed mitigation treatment areas and treatment measures.

The indicator species for big game habitat, as defined in Title 9, are elk and mule deer, and the indicator habitat for these species is mountain shrublands. More than 90% of the project area is comprised of a tall shrub (mountain shrubland) plant association (Appendix 1-Exhibit 8). Most of the vegetation within the project area is indicator habitat for big game. The only areas of the project area that are not indicator habitat are the existing driveway and the northeastern corner, which is comprised of a Douglas-fir/chokecherry plant association.

Abundant elk, mule deer, and moose sign observed throughout the project area during field investigations confirms that the area is important habitat for these species. Because elk and mule deer have been identified as indicator species for the WH Overlay, these species will be the focus of the wildlife habitat assessment. Numerous elk and mule deer pellet groups, bedding sites, tracks, rubs, evidence of browsing, and game trails are present throughout the project area (see Appendix 2-Photos 1-4). Elk and mule deer trails are numerous, and it appears some of the more significant trails have been used by horses, or vice versa.

Mule deer pellet groups outnumbered those of elk by a 20:1 ratio, and several mule deer were observed in central portion of the project area during field investigations. Bedding sites and rubs were scattered around the project area. It appears that the project area serves as year-round habitat for elk and mule deer; however, deep snow likely limits winter use in most years. Any mule deer or elk use of the project area in the winter is likely incidental. Concentrated use of the project area by mule deer and elk likely occurs during spring, summer, and fall. The value of the project area as mule deer and elk habitat is elevated by minimal development located on and around the parcel, a lack of human activity, low hunting pressure, and natural environmental features that prove attractive to these species.

Threatened and Endangered Species

Teton County consulted with the US Fish and Wildlife Service (USFWS) regarding the proposed Taylor Shadows Subdivision in March 2014. Correspondence received from the USFWS is presented in Appendix 3. The USFWS identified one species listed as threatened (grizzly bear), one proposed threatened species (yellow-billed cuckoo), and two candidate species for listing (greater sage-grouse and North American wolverine) under the Endangered Species Act that may occur in the vicinity of the Taylor Shadows project area. A response to the USFWS letter is presented in Appendix 4.

IMPACT ANALYSIS

Due to the extent of indicator habitat in the project area and minimal existing development, new development at any scale is likely to have adverse impacts on indicator habitat and indicator species. The only portion of the project area that is not comprised of indicator habitat is the existing driveway and a small area of Douglas-fir/chokecherry coevertype in the northeastern portion. The eastern portion of the project area is dominated by steep slopes that exceed 20% and is not conducive for development.

Proposed development areas have been located in the only portion of the project area that has slopes less than 20% and is the only feasible area upon which to build. The development areas (per plans provided by AW Engineering) will impact approximately 16.8% (2.15 acres) of the mountain shrubland habitat (Appendix 1-Exhibit 9). Proposed development consists of driveway enlargement, construction of 2 single-family residences and appurtenant structures, and a common area for gardens, animal pens, etc. Wildland fire protection measures will include the creation of fire breaks around all structures. The development will result in increased human presence on the property, but human activity will be concentrated in areas proximate to residences.

An assessment of consequences of the proposed development on big game indicator species is provided below. The assessment uses the following impact measure, duration, and intensity definitions.

Impact Measures - Four impact measures are examined including habitat loss, mortality, habitat fragmentation, and human-caused disturbance.

- Habitat Loss - Implementation and perpetuation of all or part of the project would result in a direct loss of habitat.
- Mortality - Implementation and perpetuation of all or part of the project would result in the death(s) of individuals.
- Habitat Fragmentation - Implementation and perpetuation of all or part of the project would result in the fragmentation of habitat.
- Human-caused Disturbance - Implementation and perpetuation of all or part of the project would result in the displacement of individual animals.

Duration of Impact - A short-term impact would have a duration less than or equal to 3 years and a long-term impact would have a duration greater than 3 years following implementation.

Intensity of Impact - Impact thresholds are defined in Table 2.

Table 2. Impact threshold definitions for the development impact analysis.

Impact Threshold Definitions				
Measures	Negligible	Minor	Moderate	Major
Habitat Loss	A small number of individual animals and/or a small amount of their respective habitat may be adversely affected via direct or indirect impacts associated with a given alternative. Populations would not be affected or the effects would be below a measurable level of detection. Mitigation measures are typically not warranted.	Adverse impacts to individual animals and/or their respective habitats would be more numerous and detectable. Populations would not be affected or the effects would be below a measurable level of detection. Mitigation measures may be needed and would be successful in reducing adverse effects.	Effects to individual animals and their habitat would be readily detectable, with consequences occurring at a local population level. Mitigation measures would likely be needed to reduce adverse effects and would likely be successful.	Effects to individual animals and their habitat would be obvious and would have substantive consequences on a regional population level. Extensive mitigation measures would be needed to reduce any adverse effects and their success would not be guaranteed.
Mortality				
Habitat Fragmentation				
Human-caused Disturbance				

The proposed development will result in a direct loss of high quality habitat for elk and mule deer.

Mule Deer

The proposed development will likely negatively affect an unknown number of mule deer by reducing the availability of spring-summer-fall foraging and cover habitat and increasing human activity in the area, but it is not expected to have a measurable effect on the Teton Valley mule deer population. Deer movements to and from the surrounding parcels and the mountains east of the project area will not be disrupted. The proposed development is expected to have minor adverse, long-term impacts on mule deer.

Elk

Elk use the forested areas and mature Douglas-fir trees for cover and, to a lesser degree, the mountain shrubland community for foraging. Proposed development will reduce the availability of spring-summer-fall elk foraging habitat, and increased human activity on the project area may alter elk use patterns. Proposed development will likely negatively affect a few individual elk, but it is not expected to have a measurable effect on the Teton Valley elk population. Elk movements to and from the surrounding parcels and the mountains east of the project area will not be disrupted. The proposed development is expected to have negligible adverse, long-term impacts on elk.

MITIGATION PLAN

Per guidance provided in Title 9, avoidance and minimization of impacts are preferable to offsetting mitigation measures. In this case, complete avoidance of impacts to indicator habitat was not possible; however, project proponents have developed a subdivision plan that minimizes development-related impacts. By splitting a property that is zoned A-2.5 into only 2 lots, the area of disturbance has been minimized. The proposed building envelopes and associated disturbance areas total 2.41 acres. The

existing driveway, which will be used for access to the neighborhood, comprises 0.26 acres of the proposed disturbance area. The remaining 2.15 acres of the impact area is comprised of undisturbed tall shrub habitat. The eastern half of the property will not be developed and will remain in a relatively undisturbed state. The current development plan allows the owner to achieve project goals and objectives while minimizing wildlife habitat disturbance.

Direct, on-site mitigation based on replacement of indicator habitat is not feasible because there are no suitable (i.e., previously-disturbed) areas to implement this type of mitigation on the project area. Instead, mitigation for impacts to indicator species will be accomplished through habitat preservation and land management practices (Appendix 1-Exhibit 10). Use restrictions and habitat protection mechanisms have been incorporated into the covenants, conditions, and restrictions (CCRs) for the neighborhood to ensure that undeveloped portions of the neighborhood are preserved as wildlife habitat. Section 2.14 of the CCRs for Taylor Shadows Subdivision is the Wildlife Habitat Provision, which states that "all areas outside of the approved building envelopes will be managed and preserved for wildlife habitat. There will be no development or motorized vehicle access within areas outside of the approved building envelopes."

In addition the owner will remove several old, dilapidated, barbed wire fences within and surrounding the property that are no longer used. Fence will remain along the northern boundary of the property because this fence keeps g horses on the neighboring property. Any new perimeter fencing will follow the wildlife-friendly fencing guidelines provided in Appendix 5. In addition, the landowner will initiate weed management efforts to control spotted knapweed and other noxious weeds that currently exist in the project area.

These mitigation measures are appropriate and likely to succeed in mitigating impacts to indicator species. Elk and mule deer will continue to use the project area after the development is completed.

LAND MANAGEMENT PLAN

All land outside of the proposed development areas will be managed and maintained to enhance and preserve wildlife habitat. Weed management efforts will be carried out on an as-needed basis and will ensure that noxious weeds are controlled and prevent weed encroachment into native plant communities. As mentioned in the mitigation plan, several of the old barbed wire fences in the project area will be removed. Fence removal will facilitate wildlife movement through the project area and reduce the potential for entanglement and injury. Domestic pets will be restrained within yard fences to ensure that wildlife are not chased or harassed.

All monitoring, management, and maintenance of open areas within the subdivision will be performed and funded by the owners. Human use of the open areas will be minimized. Vegetation communities within the project area are in good condition and will require minimal management. Many of the plant species in these communities are fire-dependent, and in the absence of fire, may require some manual thinning to maintain healthy vigorous growth and optimal habitat characteristics. Land management activities such as thinning and weed control will be carried out on an as-needed basis and will be performed in a manner that minimizes negative impacts to big game habitat and avoids harm to natural resources.

SUMMARY AND CONCLUSION

The proposed Taylor Shadows Subdivision will result in the development of two parcels within the 13.9-acre project area. Development plans provided by AW Engineering include driveway enlargement;

construction of 2 single-family residences and appurtenant structures; and development of a neighborhood common area. This NRA report has been prepared because the project area falls entirely within the WH Overlay for big game migration corridors and seasonal habitat. The proposed development will result in 2.15 acres of impact to the tall shrub (mountain shrubland) plant association, which is indicator habitat for big game. Development-related impacts to mule deer are expected to be adverse, minor, and long-term, and impacts to elk are expected to be adverse, negligible, and long-term.

It is concluded that the proposed development is compliant with Title 9 of the Teton County Code as it pertains to development occurring within the WH Overlay. Proposed development has been located so that direct impacts to big game habitat and indicator species are minimized. Impacts to big game habitat and indicator species will be mitigated through minimization of impacts; the incorporation of a wildlife habitat protection mechanism into the neighborhood CCRs; and implementing wildlife-friendly land management practices.

LITERATURE CITED

Teton County. 2012. Title 9 Teton County Subdivision Regulations. Revised 11/05/2012.
http://www.tetoncountyidaho.gov/pdf/codePolicy/Title9_apdxA_Amdended_20121115.pdf

APPENDIX 1 – LIST OF EXHIBITS
NATURAL RESOURCES ANALYSIS
PROPOSED TAYLOR SHADOWS SUBDIVISION
TETON COUNTY, IDAHO

- 1) Location and topography of the proposed Taylor Shadows Subdivision, Teton County, Idaho.
- 2) Aerial photograph depicting the location and site conditions of the proposed Taylor Shadows Subdivision, Teton County, Idaho.
- 3) Aerial photograph depicting National Earthquake Hazards Reduction Program seismic hazard classes in the vicinity of the Taylor Shadows Subdivision project area, Teton County, Idaho.
- 4) Aerial photograph depicting wildland urban interface (WUI) mapping in the vicinity of the Taylor Shadows Subdivision project area, Teton County, Idaho.
- 5) Aerial photograph depicting vegetation covertypes within the Taylor Shadows Subdivision project area, Teton County, Idaho.
- 6) Aerial photograph depicting state highways within a one-mile radius around the Taylor Shadows Subdivision project area, Teton County, Idaho.
- 7) Aerial photograph depicting the Teton County Wildlife Habitat Overlay in the vicinity of the Taylor Shadows Subdivision project area, Teton County, Idaho.
- 8) Aerial photograph depicting the results of the wildlife habitat assessment within the Taylor Shadows Subdivision project area, Teton County, Idaho.
- 9) Aerial photograph depicting vegetative impacts resulting from proposed development within the Taylor Shadows Subdivision project area, Teton County, Idaho.
- 10) Aerial photograph depicting proposed mitigation measures for the Taylor Shadows Subdivision, Teton County, Idaho.

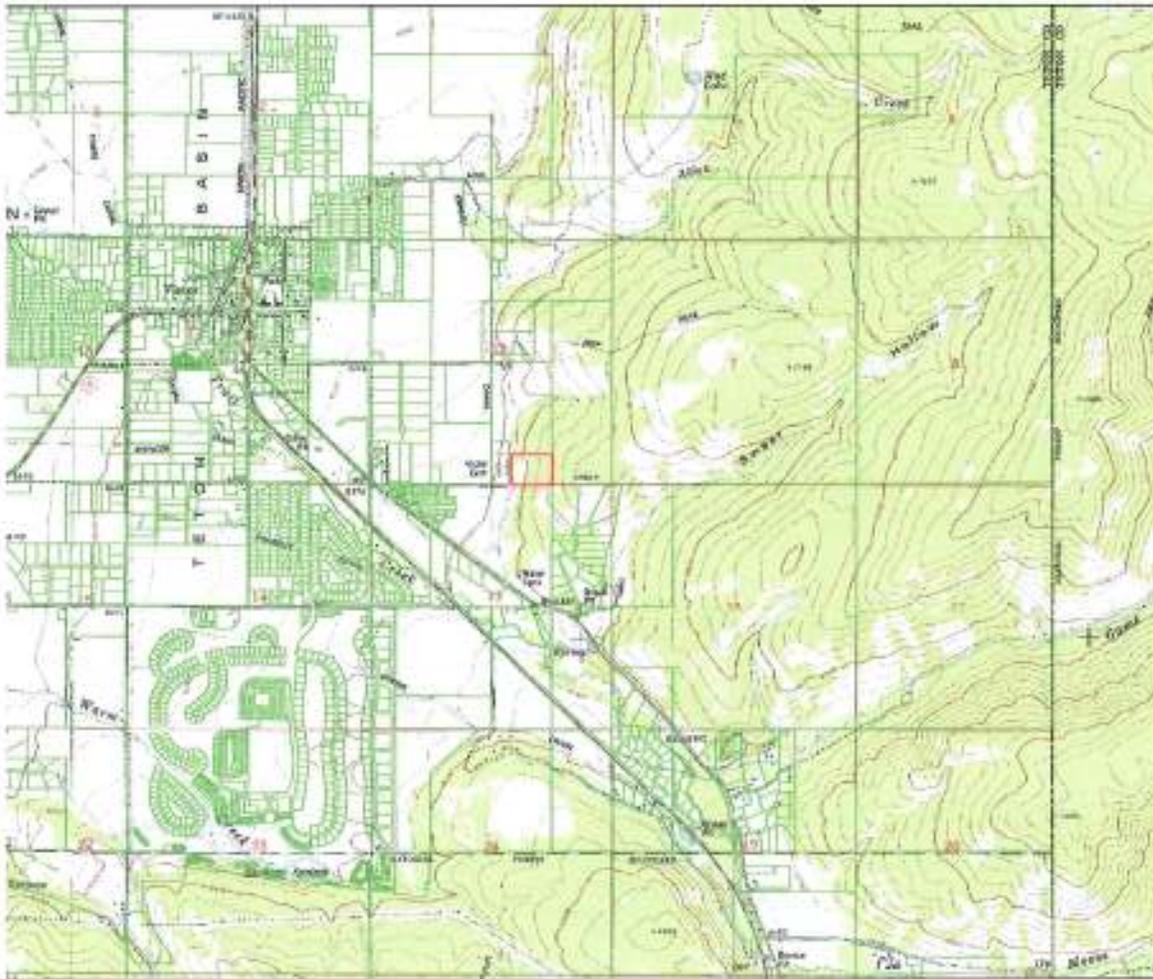


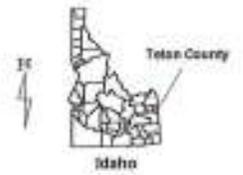
Exhibit 1
Location and topography of the proposed
Taylor Shadows Subdivision,
Teton County, Idaho.

May 8, 2014

Approximate Scale: 1 inch = 2,000 feet

LEGEND

 Project Area



PO Box 5775, 1400 E. Broadway, Park City, Idaho, 84302



Exhibit 2
Aerial photograph depicting the location and site
conditions of the proposed Taylor Meadows
Subdivision, Teton County, Idaho

May 8, 2014

Approximate Scale: 1 inch = 400 feet

LEGEND

-  Project Area
-  Platted Parcels



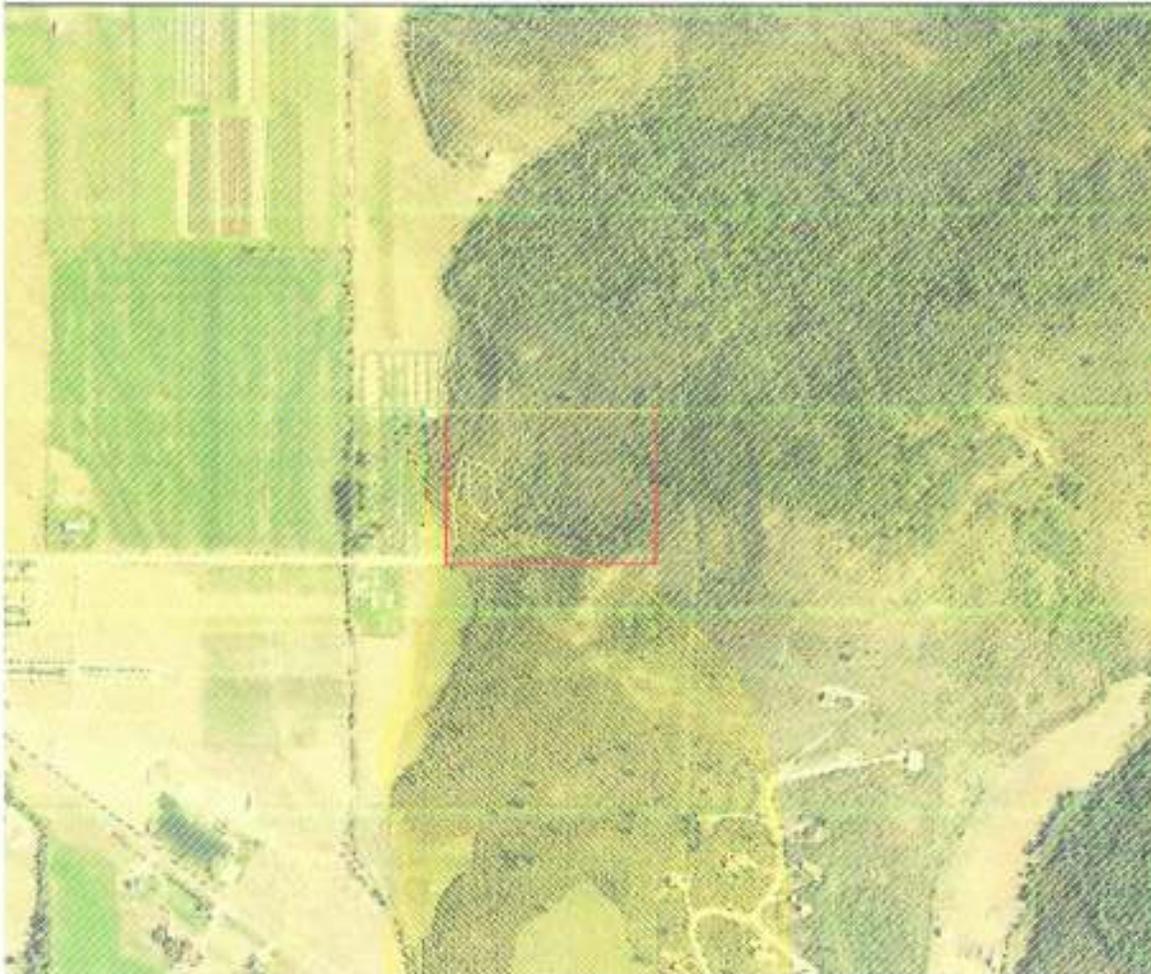


Exhibit 3
Aerial photograph depicting National Earthquake
Hazard Reduction Program seismic hazard
classes in the vicinity of the Taylor Shadows
Subdivision project area, Talbot County, Maine.

May 8, 2014

Approximate Scale: 1 inch = 100 feet

LEGEND

-  Project Area
-  NEHRP Class 2
-  NEHRP Class 3



770 West 27th, 10th E. Broomfield, Suite 21, Broomfield, CO 80020

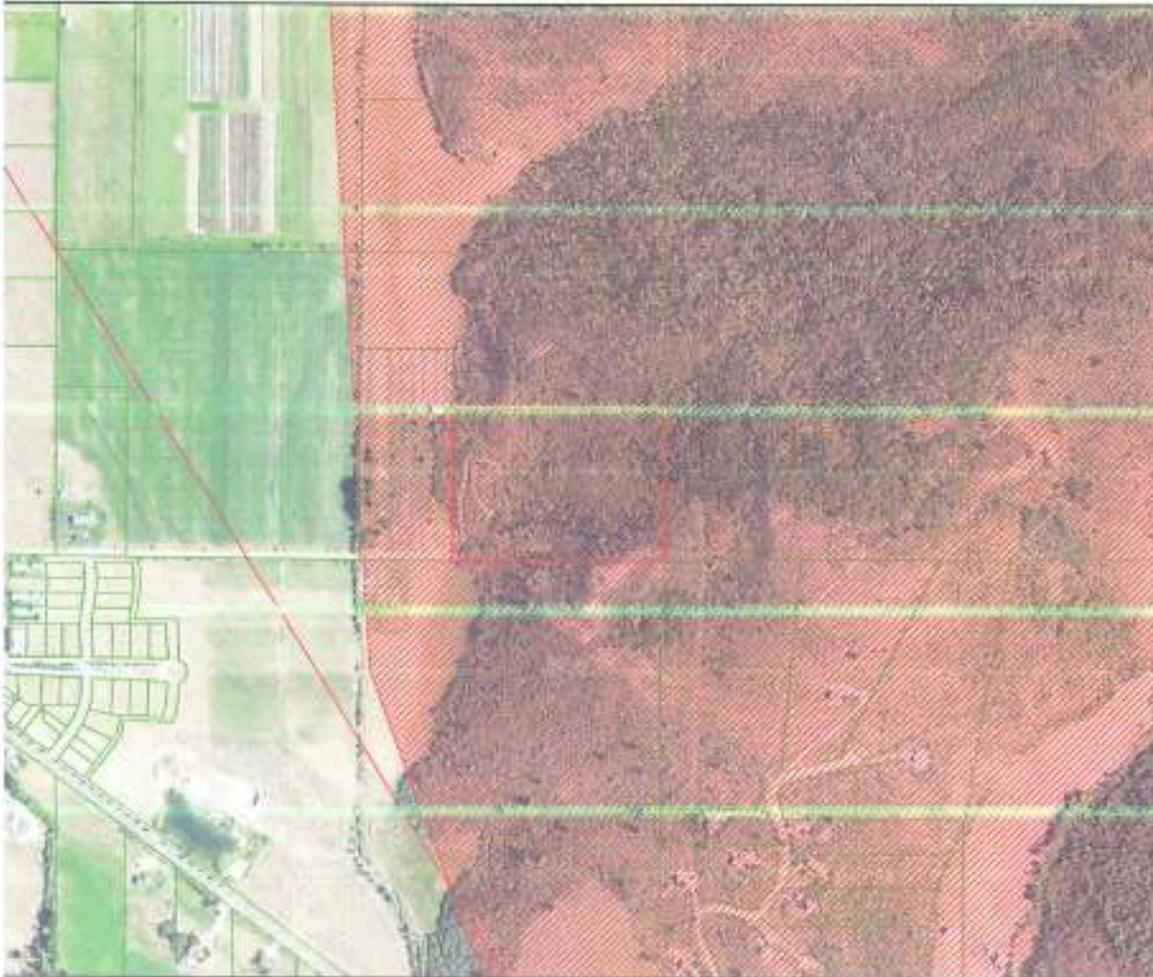


Exhibit 4
Aerial photograph depicting Wildland Urban
Interface (WUI) mapping in the vicinity of the
Taylor Meadows Subdivision project area,
Teton County, Idaho.

May 8, 2014

Approximate Scale: 1 Inch = 500 Feet

LEGEND

-  Project Area
-  Wildland Urban Interface Mapping
-  Platted Parcels

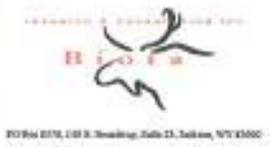




Exhibit 5
Aerial photograph depicting vegetation
contemporary with the Taylor Shadows
Subdivision project area, Teton County, Idaho
May 8, 2014

Appendix Table 1 105 - 200/04

LEGEND

-  Project Area
-  Douglas-Fir/Chokeberry
Association (Evergreen Woodland)
-  Serviceberry-Dig Sagebrush/Kentucky
Bluegrass Association (Mountain Shrub)
-  Previously Disturbed (Driveway)



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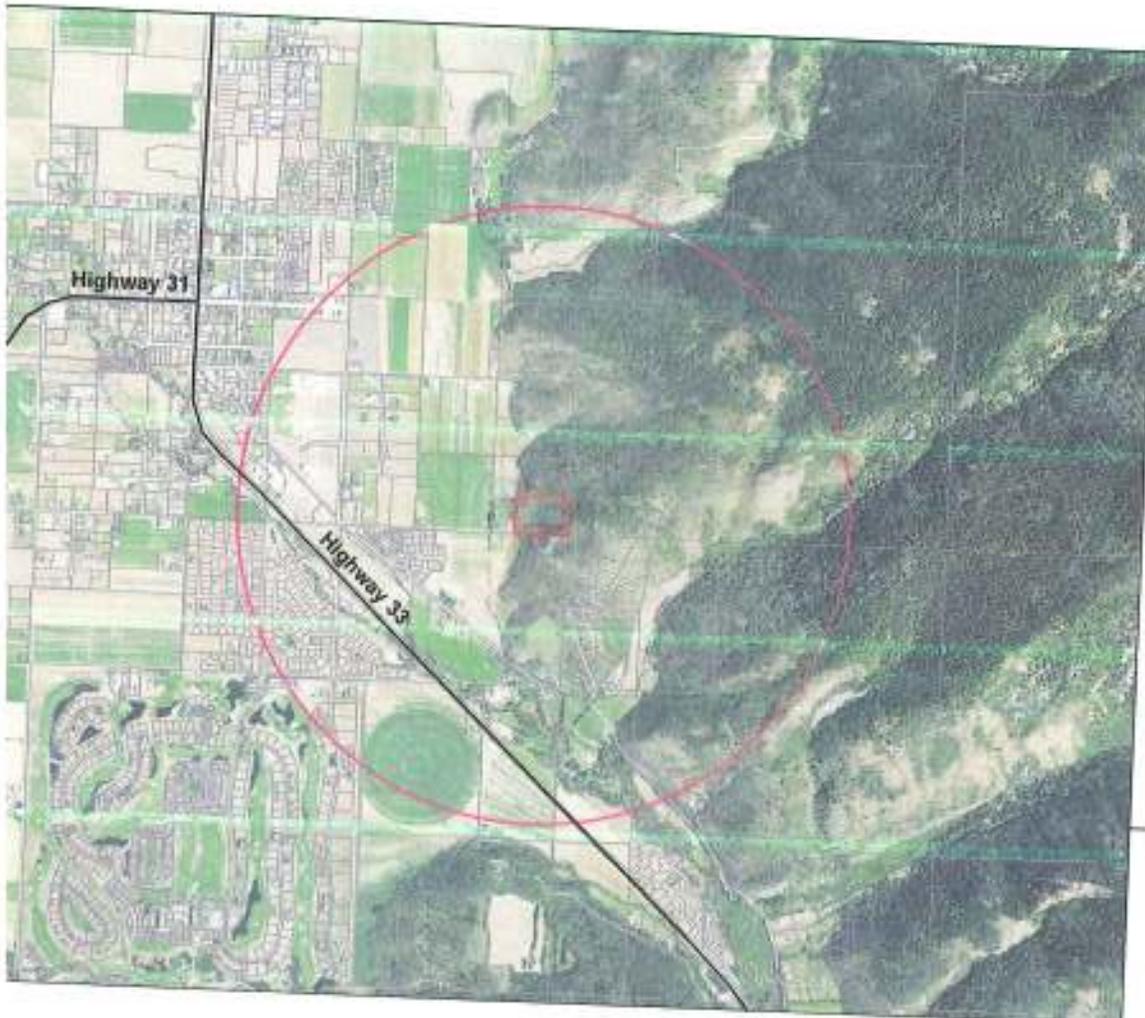


Exhibit 6
 Aerial photograph depicting state highways
 within a one-mile radius around the Taylor
 Shadown Subdivision project area,
 Teton County, Idaho

May 8, 2004

Approximate Scale: 1 inch = 1,000 feet

LEGEND

-  Project Area
-  State Highways
-  Platted Parcels
-  1-Mile Buffer Around the Project Area



PO Box 8078, 140 E. Broadway, Suite 21, Idaho, NY 83402

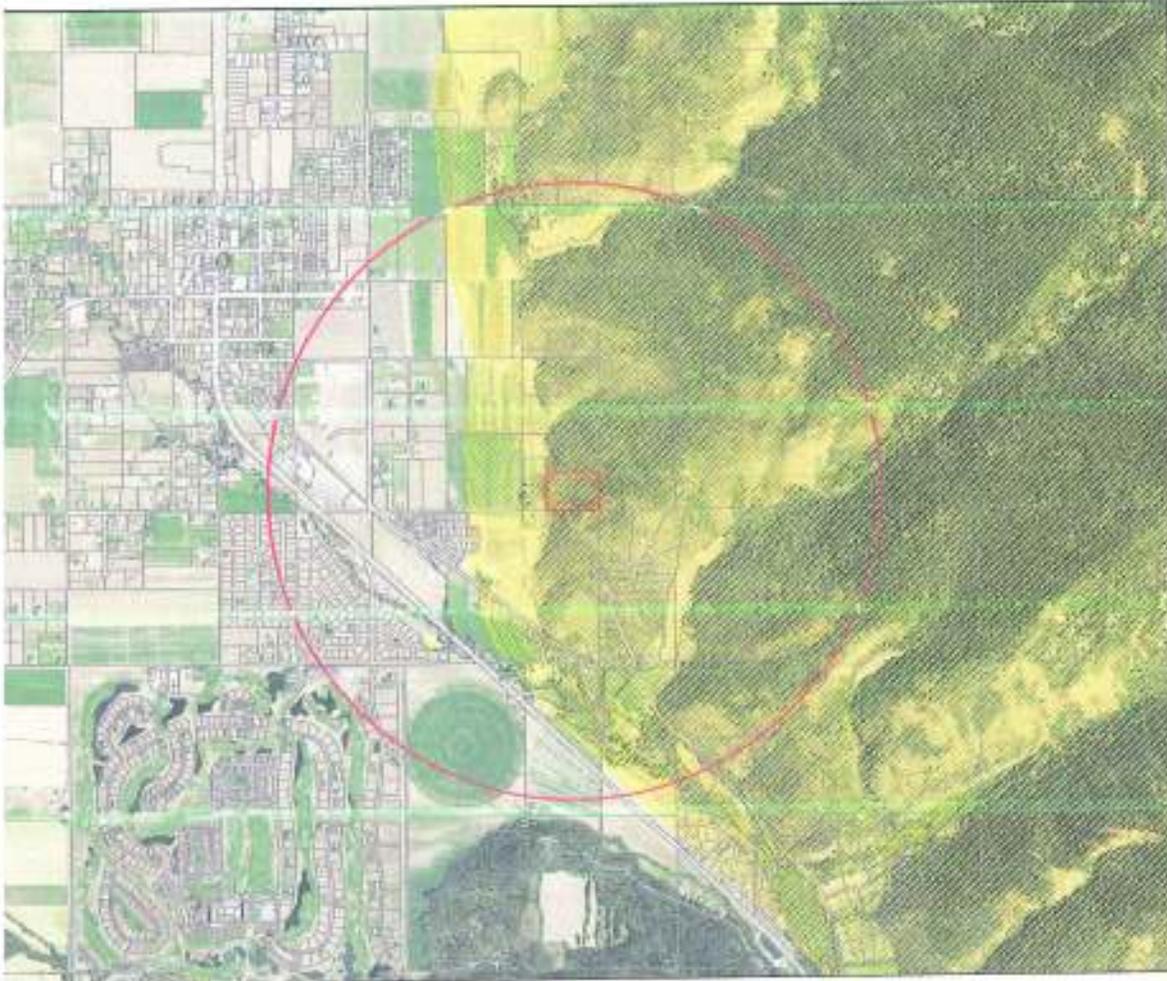


Exhibit 7
Aerial photograph depicting the Teton County
Wildlife Habitat Overlay in the vicinity of the
Taylor Shadows Subdivision project area,
Teton County, Idaho.

May 8, 2014

Appointed Date: 1:00 - 1:10 PM

LEGEND

-  Project Area
-  Wildlife Habitat Overlay
-  Planned Parcels
-  1-Mile Buffer Around the Project Area





Exhibit B
Aerial photograph depicting the results of the wildlife habitat assessment within the Taylor Shadows Subdivision project area, Teton County, Idaho.

May 8, 2014

Approximate Scale 1 inch = 100 feet

LEGEND

- Project Area
- Big Game Indicator Habitat (Mountain Shrubs)

* Moderate elk use and heavy mule deer use was evident throughout the big game indicator (mountain shrub) habitat within the project area.



100 East 811th, Suite 200, Bozeman, Idaho 83725, Teton County, ID 83725

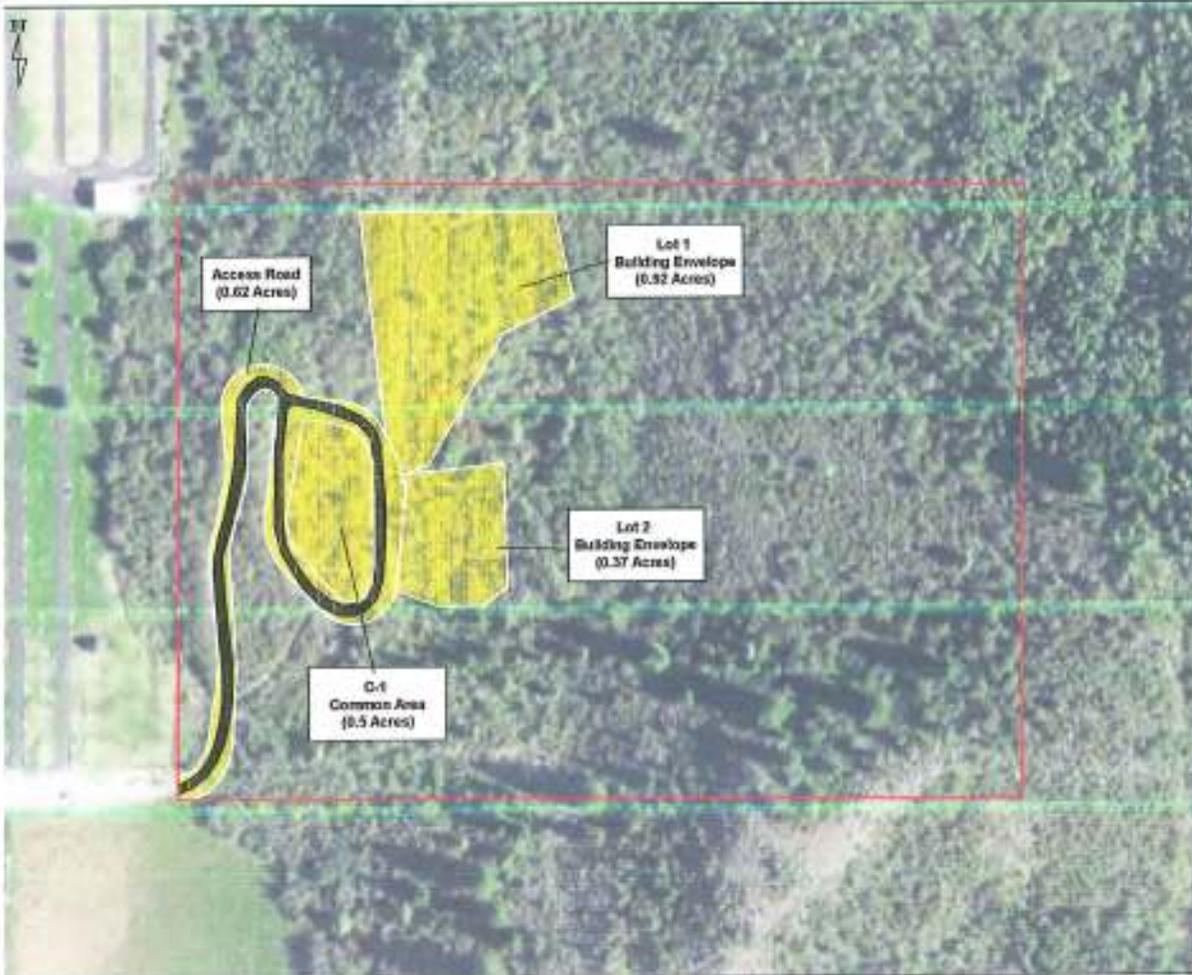


Exhibit 9
 Aerial photograph depicting vegetative impacts
 resulting from proposed development within the
 Taylor Meadows Subdivision project area,
 Teton County, Idaho.

May 8, 2014

Applicable State Code - 30-504

LEGEND

- Project Area
- Platted Parcels
- Proposed Development Area
- COVEYER EFFECTS**
- Mountain Shrubland (0.15 Acres)
- Disturbed Area (0.28 Acres)





Exhibit 19
Aerial photograph depicting proposed mitigation
measures for Taylor Shadows Subdivision,
Teton County, Idaho
May 8, 2014

Appropriation Order 1 Scale: 100 Feet

LEGEND

-  Project Area
-  Proposed Habitat Protection Area
-  Proposed Development Area
-  Fence To Be Removed



APPENDIX 2 – PHOTOGRAPHIC DOCUMENTATION
NATURAL RESOURCES ANALYSIS
PROPOSED TAYLOR SHADOWS SUBDIVISION
TETON COUNTY, IDAHO



Photo 1. One of many mule deer pellet groups observed in the project area.



Photo 2. Heavily browsed serviceberry branches in the central portion of the project area.



Photo 3. A game trail in the central portion of the project area.



Photo 4. A recent elk rub on an aspen tree in the northern portion of the project area.



Photo 5. Spotted knapweed along the driveway in the southwestern portion of the project area.



Photo 6. An old barbed wire fence near the proposed development area scheduled for removal.

**APPENDIX 3 – LETTER FROM U.S. FISH AND WILDLIFE SERVICE
Proposed Taylor Shadows Subdivision, Teton County, Idaho**



United States Department of the Interior
FISH AND WILDLIFE SERVICE

Eastern Idaho Field Office
4425 Burley Dr., Suite A
Chubbuck, Idaho 83202
Telephone (208) 237-6975
<http://www.fws.gov/idaho/>



MAR 18 2014

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

Subject: Proposed City of Victor 2 Lot Subdivision in Teton County, Idaho.
2014-TA-0258 Species Request

Dear Mr. Boal:

The Fish and Wildlife Service (Service) is providing you with a list of endangered, threatened, proposed, and/or candidate species, and designated critical habitat which may occur in the area of the proposed 2 Lot subdivision outside the City of Victor in Teton County, Idaho.

The Endangered Species Act of 1973, as amended (Act) includes provisions for the conservation of listed species on both Federal and non-Federal lands. A private landowner may wish to enter into an agreement with the Service under section 10 of the Act for activities that benefit listed, proposed, and candidate species. Voluntary agreements such as Safe Harbor Agreements or Candidate Conservation Agreements contribute to the conservation of listed, proposed, or candidate species while allowing for management activities on non-Federal lands. In addition, Section 9 of the Act prohibits the "taking" of any listed species without an exemption (issued by the Service) for that take¹. For private landowners, that exemption is developed through the permit process of Section 10 (through a Habitat Conservation Plan) of the Act. More information on the various mechanisms for take exemption available to private landowners under the Act can be found at <http://www.fws.gov/idaho/Landowners.htm>.

Section 7 of the Act requires Federal agencies to assure that their actions do not jeopardize any listed species and provides a process for exemption of take for federal agencies. If there is a Federal action (funding, permitting, or direct action) associated with your project, the Federal

¹ Take of threatened or endangered animal species is defined as; harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering.

agency is required to consult with the Service if the action may affect a listed species. Section 7 regulations allow for applicants to be involved in the consultation process. For instance, a Federal agency may designate you or another non-Federal entity to represent them in an informal consultation.

The enclosed list fulfills the requirements for a species list under section 7(c) of the Act. If the project decision has not been made within 180 days of this letter, regulations require that you request an updated list. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at

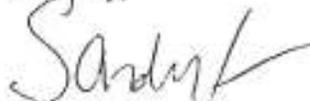
<http://www.fws.gov/endangered/consultations/s7hndbk/s7hndbk.htm>. Section 7 consultation information specific to Idaho listed species can also be found on the Snake River Fish and Wildlife Office website at <http://www.fws.gov/idaho/species.htm>.

For more information on grizzly bears, and living and recreating in grizzly bear country, please visit the Service's Mountain-Prairie Region Grizzly Bear Recovery Home Page at:

http://mountain-prairie.fws.gov/species/mammals/grizzly/fact_sheets.htm.

If you have any questions about your responsibilities under section 7 of the Act, or require further information, please contact Nisa Marks of our Eastern Idaho Field Office at (208)237-6975 extension 121. Thank you for your interest in endangered species conservation.

Sincerely,



ks
David Kampwerth
Field Supervisor

Enclosures



TETON COUNTY
TETON COUNTY, IDAHO
SPECIES LIST 2014

LISTED SPECIES

COMMENTS

Grizzly bear (*Ursus arctos*)

LT

PROPOSED SPECIES

Yellow-billed cuckoo (*Coccyzus americanus*)

PT

CANDIDATE SPECIES¹

Greater sage-grouse (*Centrocercus urophasianus*) C

North American Wolverine (*Gulo gulo luscus*) C

LE - Listed Endangered
LT - Listed Threatened
XN - Experimental/Non-essential population
PT - Proposed Threatened
C - Candidate

¹Candidate species have no protection under the Act, but are included for your early planning consideration. Candidate species could be proposed or listed during the project planning period, and would then be covered under Section 7 of the Act. The Service advises an evaluation of potential effects on candidate species that may occur in the project area.



U.S. Fish and Wildlife Service
Mountain-Prairie Region, P.O. Box 25486
Lakewood, Colorado 80228
phone 303/236-7905, fax 303/236-3815
website: <http://mountain-prairie.fws.gov>



Tips for Residents in Grizzly Country

To reduce the risk of problems with bears on or near your property, we urge you to follow this list of simple precautions. Avoid attracting bears to your residence. Please do your part so people and bears can live together.

Garbage should be stored where bears can neither smell nor gain access to it: either in a bear-resistant container or inside a building bears can't get into. Use outside garbage cans for non-food items only. Haul garbage to an approved disposal site as often as possible, but at least once a week, to avoid build-up of odors.

Fruits trees attract bears, especially when wild foods are scarce. Electric fencing is the most effective way to keep bears out of orchards. Pick all fruit from trees and the ground as soon as possible; do not leave fruit through the fall.

Vegetable and flower gardens also attract bears. Gardens should be located away from forests or shrubs, which bears use for security and travel. Bears will dig up carrots and bulbs, so electric fencing is a good idea.

Composting is not recommended, because the odors attract bears. If you do compost, use an electric fence or enclosed, bear-resistant composter. Don't put meat, grease, or bones in a compost pile.

Livestock and poultry feed, along with pet food, should be stored in bear-resistant containers – such as a 55-gallon drum with a lid that seals – preferably inside a sturdy building that bears can't get into. Reduce spillage of oats and pellets by feeding from buckets or other containers, and don't leave leftover livestock food out overnight.

Dogs and other pets should be kept inside at night. If possible, feed pets inside. If you must feed pets outside, feed only during the day in amounts that will be consumed immediately. Don't leave bowls and pet food out overnight.

Sheep and pigs are easy prey for bears. Sheep should be closely herded. Consider electric fencing for pigs, or not keeping pigs. Do not bury dead livestock – bears will dig them up! Haul them to a landfill or rendering plant.

Bears love honey as well as bee larvae found in hives. You can protect the hives with electric fencing or by elevating the hives on platforms supported by metal poles that bears can't climb.

Bird feeders can also attract bears. Feed suet only during the winter months, and suspend hummingbird feeders out of reach of bears – at least 10 feet off the ground and 4 feet away from any tree trunk or pole.

Closely supervise children when they are playing outdoors. Make sure they are home before dusk and not outside before dawn. Talk with children about bears and teach them what to do if they encounter one.

If bears get into garbage or other food, REMOVE THE ATTRACTANT IMMEDIATELY. Avoid giving bears a repeated food reward. Bears that associate people and places people live with easy food rewards can become dangerous, and may eventually have to be killed.

APPENDIX 3 – THREATENED AND ENDANGERED SPECIES

Proposed Taylor Shadows Subdivision, Teton County, Idaho

Teton County consulted with the US Fish and Wildlife Service (USFWS) regarding the proposed Taylor Shadows Subdivision in March 2014. Correspondence received from the USFWS identified one species listed as threatened (grizzly bear) and one proposed threatened species (yellow-billed cuckoo) under the Endangered Species Act that may occur in the vicinity of the Taylor Shadows project area (Table 1). The USFWS also recommended analysis of potential effects on two candidate species (greater sage-grouse and North American wolverine), as candidate species may be proposed or listed during the project planning period.

Table 1. Wildlife species listed as threatened, proposed threatened, or candidate which may occur within or near the Taylor Shadows Subdivision project area, Teton County, Idaho (USFWS 2014).

Species	Federal Status	Expected Occurrence
Grizzly bear (<i>Ursus arctos</i>)	Threatened	Incidental
Yellow-billed Cuckoo (<i>Coccyzus americanus</i>)	Proposed	Not expected to occur
Greater sage-grouse (<i>Centrocercus urophasianus</i>)	Candidate	Not expected to occur
North American wolverine (<i>Gulo gulo luscus</i>)	Candidate	Not expected to occur

Grizzly Bear (*Ursus arctos*)

Grizzly bears once ranged over most of western North America, from the Arctic Ocean to central Mexico. Although still abundant throughout much of Canada and Alaska, the range of grizzly bears in the lower 48 states is now confined to 6 separate areas in Wyoming, Montana, Idaho, and Washington covering only a small portion of its historic range in the lower 48 states. Grizzly bears currently inhabit much of the Greater Yellowstone Area (GYA), including portions of Yellowstone National Park, Grand Teton National Park, and Bridger-Teton, Shoshone, Caribou-Targhee, Gallatin, and Custer National Forests, but at a relatively low density. The core population of grizzly bears in the region is centered in Yellowstone National Park, though historic observations confirm that the project area is within grizzly bear habitat. Extensive home ranges of Yellowstone grizzly bears (more than 100 mi²) and the availability of prey such as deer, elk, and moose in the vicinity of the project area, suggests that bears may occasionally be present in the vicinity of the project area. All available measures to minimize bear attraction, such as those outlined in the Idaho Yellowstone Grizzly Bear Management Plan (2002), should be implemented.

Yellow-billed cuckoo (*Coccyzus americanus*)

Yellow-billed cuckoo typically inhabit cottonwood-dominated riparian forests and are not expected to occur within the project area.

Greater sage-grouse (*Centrocercus urophasianus*)

Greater sage-grouse are not expected to occur within the project area. The Upper Snake Sage-grouse Local Working Group published a Plan for Increasing Sage-grouse Populations (2009), at which time the planning area boundary was extended to include all of Teton County, excluding the Big Hole Mountains. There is no currently occupied or potential future habitat for greater sage-grouse on or in the vicinity of the project area, and proposed development will not impede the stated goals of the local working group plan.

North American wolverine (*Gulo gulo luscus*)

The North American wolverine has been found to occupy a wide variety of habitats, but it readily selects habitat that is isolated from the presence of humans. Due to their vast home ranges only a few wolverines are likely to be present in the Tetons, and they are not expected to occur within the project area.

APPENDIX 4 – GENERAL LAND USE RECOMMENDATIONS

Proposed Taylor Shadows Subdivision, Teton County, Idaho

The following recommendations, if implemented, would aid in protecting, preserving, and improving the wildlife and habitat values associated with the property.

1. **Agriculture.** The pasturing of livestock on the parcel is not recommended since the vegetation communities have little forage value for domestic livestock and these communities represent very important wildlife habitat and are used by elk, mule deer, and moose. Any livestock kept on the properties should be kept in corrals or paddocks to minimize impacts on native vegetation and wildlife habitat. Measures should be taken to reduce the likelihood of attracting deer, elk, and/or moose to hay/feed stockpiles and livestock feeding areas.
2. **Fences.** An assessment of site-specific fencing needs should be made for the property. Fences frequently disrupt or discourage normal movement and use patterns of wildlife or actually present hazards to wildlife and their use should be avoided or minimized. If the control of livestock is not necessary, perimeter fences around the parcel should be removed. In situations where perimeter fences are necessary, they should be constructed in such a way so as to reduce their potential negative impacts to wildlife. Unless fences are intended to exclude wildlife (e.g., for gardens) or restrain domestic pets, fence construction should closely adhere to the recommendations provided below for wildlife-compatible fences.

Recommendations for any fences internal to or around the parcel are provided below:

- 1) The preferred fence design is a combination of pressure-treated posts, wire strands, and a pressure-treated top pole. This design effectively controls livestock while promoting wildlife movements.
- 2) The spacing of fence posts should be on 12-foot centers.
- 3) The overall height of the fence should not exceed 42 inches; the preferred height is 38 inches in most situations and 40 inches if problems develop.
- 4) Installed fence posts should have extra height to allow raising or lowering top pole 38-42 inches above the ground.
- 5) The bottom wire should consist of smooth twisted wire located 16-17 inches above the ground. This will allow small and medium-sized mammals, such as moose/ elk calves and deer fawns, to crawl under the fence.
- 6) The second and third wire strands can be barbed wire (if necessary) and spaced evenly over the 26-27 inches distance between the bottom strand and the top of fence (e.g., the second strand is at 25 inches and the third strand is at 34 inches). It may be that only one strand of wire is actually needed and could be placed at about 29 inches. Spacing between the top pole and the first strand of wire also varies between 6 in on 38-in high fence and 10 inches on 42- inches fence.
- 7) The top pole spiked to the side of the fence posts will facilitate animals attempting to jump the fence and protect them from injuries resulting from rubbing or becoming entangled in a top strand of wire. The top pole should be set at either 38 or 42 inches due to alternating top rails.
- 8) Gates should be constructed of wire with an optimal height of 38 inches. The gates should be installed at least every 450-foot of continuous fence. The spacing of the wires should be the same as that on the fence (i.e., bottom at 16-17 inches above ground, top at no more than 42 inches, and either one or two strands spaced evenly between). The top and bottom strands should be of smooth-twisted wire. The middle strand(s) can be barbed wire, if necessary. Opening gates will allow wildlife access to the property during periods when livestock control is unnecessary. Gates should be left opened whenever possible to facilitate ease of wildlife movement.

These recommendations generally follow guidelines developed by the Wyoming Game and Fish Department and the Bureau of Land Management. If adhered to, the fences resulting from these recommendations will be "wildlife friendly" and promote the continued use of the important wildlife habitat found on the parcel. In particular, crucial wildlife winter habitats will be easily accessible to animals, especially if efforts are taken to lower top poles or open gates when livestock are not present.

3. **Non-native Plants.** The introduction of any non-native plants that might compete with or harm native species and result in their decline is discouraged. Exceptions to this would be the introduction of a non-native species that would improve or prevent undue damage to the natural environment (e.g., soil stabilization) or plants within the immediate confines of the building envelope.
4. **Non-native Fauna.** The introduction into the wild of any non-native or domesticated animal species that might compete with or harm native species and result in a decline in their use is strongly discouraged.

5. **Vegetation Alteration.** The destruction, removal or alteration of living or dead vegetation is discouraged except when absolutely necessary. This is particularly important for properties that have wildlife use occurring within stands of woody overstory and shrubby understory vegetation. Standing dead trees, and dead and down vegetation provide important habitat for a variety of smaller wildlife species and greatly diversifies a piece of land. Woodpeckers forage for insects in standing dead trees and create nesting cavities for themselves and numerous other bird species. Fallen, rotten plant material creates shelter used by many small mammals while simultaneously returning nutrients to the soil.
6. **Roads.** The construction of roads should be minimized.
7. **Habitat Enhancement.** Wildlife habitat enhancements are acceptable physical alterations to the property. A plan describing enhancements and delineating affected areas should be developed by a qualified, county-approved consultant. This plan should consider negative impacts to non-target species.
8. **Herbicides.** The use of chemical herbicides and pesticides are discouraged except for controlling noxious weeds. Application of state-approved herbicides should be done responsibly by persons appropriately licensed and trained, and application instructions should be strictly adhered to.
9. **Burning.** The burning of any materials or vegetation is discouraged except in accordance with government regulations, and in the case of vegetation, where burning is shown to be beneficial to wildlife.
10. **Off-road Vehicle Use.** Control the use of any off-road vehicles such as all-wheel drives, motorcycles, all-terrain vehicles, and snowmobiles, except when necessary for specified activities on existing roads. This will allow wildlife to adapt to predictable patterns of human use.
11. **Topographic Alterations.** The filling, excavating, dredging, mining, drilling, or removing of topsoil, sand, gravel, rock, minerals, or other materials, or other changes of the topography of the property is discouraged, except where absolutely necessary or associated with approved development and enhancement plans.
12. **Domestic Pets.** Free-roaming, unrestrained domestic pets disturb wildlife. Unrestrained pets can easily disrupt wildlife use on parcels and must be controlled. Dogs will readily chase, harass, and even kill both small and large mammals, as well as birds. Although less conspicuous than dogs, free-roaming cats can be as damaging to wildlife as dogs. Cats are effective predators of small birds and mammals and free-roaming cats have a high potential (both short- and long-term) for disturbing many wildlife species.
13. **Wildlife Feeding.** Intentionally feeding moose, deer, and elk anywhere in Teton County, Idaho is illegal.
14. **Wildlife Harassment.** Mule deer, elk, and moose will be present on the property at various times of the year. This is because important habitats for these ungulates are found on and in the vicinity of the parcel. The presence of these and other wildlife species should be expected and tolerated. People residing or owning property within the subdivision should be both respectful of and sensitive to wintering wildlife and not purposefully harass these animals as they struggle to survive harsh winter conditions. Moose, in particular, can be expected to browse upon landscaped vegetation and this activity can sometimes cause significant damage to this vegetation. Project proponents should make a concerted effort to educate themselves and future residents on how to minimize wildlife harassment.
15. **Trash Storage.** If the project area is located in bear habitat, bear-resistant garbage containers should be used to prevent bear-human conflicts. If non bear-resistant garbage containers are used, they should be stored inside an enclosed building or bear-resistant enclosure until the morning of waste pick-up, and promptly returned to secure storage after waste pick-up.

AW Engineering
Box 139 Victor Id 83455
208-787-2952
aweng@ida.net

Subject: Taylor Shadows Sub
Victor, Area, Teton co. Id.

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PLANNING & ZONING

Aug 4 2014

To whom it may concern ;
AW Engineering has corrected or changed the items listed in the June 18 letter from P&Z a on the Taylor Shadows subdivision.

The items corrected by Aw Eng are;
Storm Water and Erosion Plan :

Reviewed calculations and showed basins with acreage for the two main storage pond areas.
Drainage Area 1 has 6.6 acres in it.
Drainage Area 2 has 6.98 acres in it.

Both of these areas are close but less than the 7.0 acres used in the report. Therefore no changes were made in the report

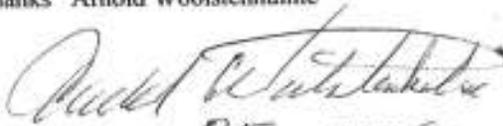
Delineate basins on map. This was done and the new map included.
The arrows flowing in wrong direction were corrected and some new ones added.
Legend was reviewed and corrected.

Soils Report: The descriptions for the soil that was left of is attached to this letter and can be included in the submitted soils report. It was a very small soils group in the SE corner and up on the hill that we are not doing any work on.

Road Plan

10% grade was OK'd before AW did the design and is according to Road Standards.
Pull out added to road plans and plan sheet showing them is attached.

Thanks Arnold Woolstenhulme


PE 2860

43B702—Beehunt-Conner complex, 20 to 60 percent slopes

Map Unit Setting

General landscape: Mountains (fig. 1)

Major land resource area (MLRA): 43B—Central Rocky Mountains

Elevation: 6,030 to 7,590 feet

16

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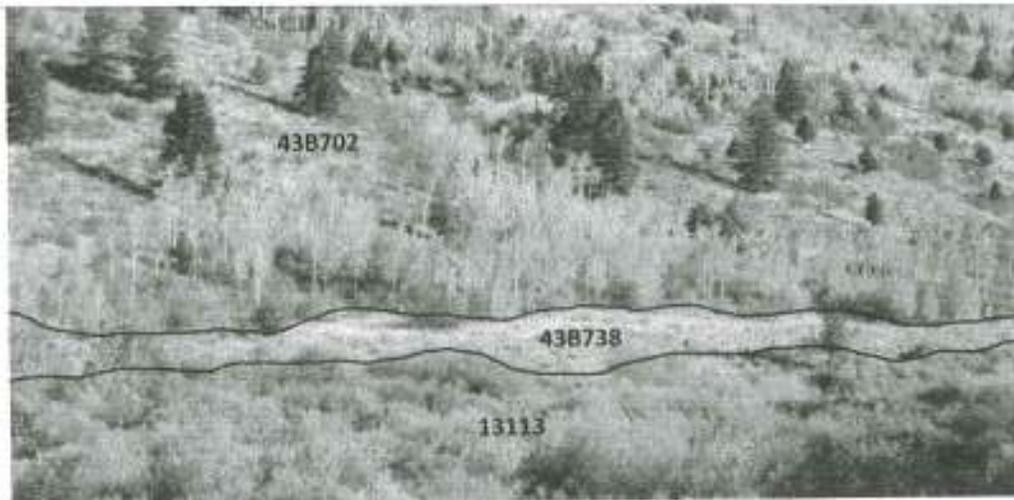


Figure 1.—Vegetative patterns in an area of Beehunt-Conner complex, 20 to 60 percent slopes (43B702), on mountain slopes adjacent to Game Creek, southeast of Victor. Dra-Pinochle-Rock outcrop complex, 4 to 25 percent slopes (43B738), and Foxcreek mucky peat, 0 to 2 percent slopes (13113), are in foreground.

Mean annual precipitation: 18 to 28 inches

Mean annual air temperature: 43 to 46 degrees F

Frost-free period: 70 to 100 days

Map Unit Composition

Beehunt, very bouldery surface, and similar soils: 45 percent

Conner, extremely stony surface, and similar soils: 25 percent

Dissimilar minor components: 30 percent

Characteristics of Beehunt, Very Bouldery Surface

Setting

Landform: Mountain slopes

Geomorphic position (two-dimensional): Backslopes, footslopes

Down-slope shape: Linear, concave

Across-slope shape: Linear

Aspect (representative): Southwest

Aspect (range): Southeast to west (clockwise)

Properties and qualities

Parent material: Colluvium derived from sandstone

Slope range: 20 to 60 percent

Percentage of surface area covered by rock fragments: 0 to 0.5 percent with stones, 0.1 to 3.0 percent with boulders

Depth to restrictive feature: None within a depth of 60 inches

Drainage class: Well drained

Capacity of the most limiting soil layer to transmit water (Ksat): Moderately high

17

5-11

Flooding frequency: None

Ponding frequency: None

Seasonal high water table (minimum depth): More than 72 inches

Salinity (maximum): Nonsaline (about 0.6 millimho per centimeter)

Sodicity (maximum): Not sodic

Available water capacity (entire profile): Very low (about 2.6 inches)

Interpretive groups

Land capability subclass (nonirrigated): 7e

Ecological site: STEEP SOUTH 16-22 ARTRV/PSSPS (R013XY003ID)

Typical profile

A1—0 to 8 inches; extremely gravelly loam

A2—8 to 21 inches; extremely cobbly loam

BA—21 to 37 inches; extremely cobbly loam

Bt—37 to 54 inches; extremely cobbly loam

BC—54 to 60 inches; extremely cobbly loam

Characteristics of Conner, Extremely Stony Surface

Setting

Landform: Mountain slopes

Geomorphic position (two-dimensional): Shoulders, backslopes

Down-slope shape: Convex, linear

Across-slope shape: Linear, convex

Aspect (representative): South

Aspect (range): Southeast to west (clockwise)

Properties and qualities

Parent material: Colluvium derived from sandstone over residuum derived from sandstone

Slope range: 20 to 60 percent

Percentage of surface area covered by rock fragments: 3 to 15 percent with stones

Depth to restrictive feature: 20 to 40 inches to lithic bedrock

Drainage class: Well drained

Capacity of the most limiting soil layer to transmit water (Ksat): Moderately high

Flooding frequency: None

Ponding frequency: None

Seasonal high water table (minimum depth): More than 72 inches

Salinity (maximum): Nonsaline (about 1 millimho per centimeter)

Sodicity (maximum): Not sodic

Available water capacity (entire profile): Very low (about 1.2 inches)

Interpretive groups

Land capability subclass (nonirrigated): 7e

Ecological site: STONY LOAM 16-22 ARTRV/PSSPS (R013XY019ID) (fig. 2)

Typical profile

A—0 to 11 inches; very gravelly loam

Bk—11 to 22 inches; extremely gravelly loam

R—22 to 31 inches; bedrock

Dissimilar Minor Components

Sweetloam soils, loamy

Percentage of map unit: 10 percent

Landform: Swales of mountain slopes

Geomorphic position (two-dimensional): Footslopes, toeslopes



Figure 2.—Typical vegetation on Conner very gravelly loam in an area of Beehunt-Conner complex, 20 to 60 percent slopes. The ecological site is STONY LOAM 16-22 ARTRV/PSSPS (R013XY019ID).

Beehunt soils

Percentage of map unit: 5 percent

Landform: Mountain slopes

Geomorphic position (two-dimensional): Backslopes, footslopes

Pinochle, extremely stony surface

Percentage of map unit: 5 percent

Landform: Mountain slopes

Geomorphic position (two-dimensional): Backslopes

Rock outcrop

Percentage of map unit: 5 percent

Rubble land

Percentage of map unit: 5 percent

Custom Soil Resource Report

Table—Hydrologic Soil Group

Hydrologic Soil Group— Summary by Map Unit — Teton Area, Idaho and Wyoming (ID650)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
43B708	Grouse-Ezbin complex, 12 to 30 percent slopes	C	0.0	0.1%
43B737	Dra-Pinochle-Rock outcrop complex, 25 to 55 percent slopes	C	3.3	69.1%
13438	Altaby-Alpine complex, 0 to 4 percent slopes	C	1.5	30.8%
Totals for Area of Interest			4.8	100.0%

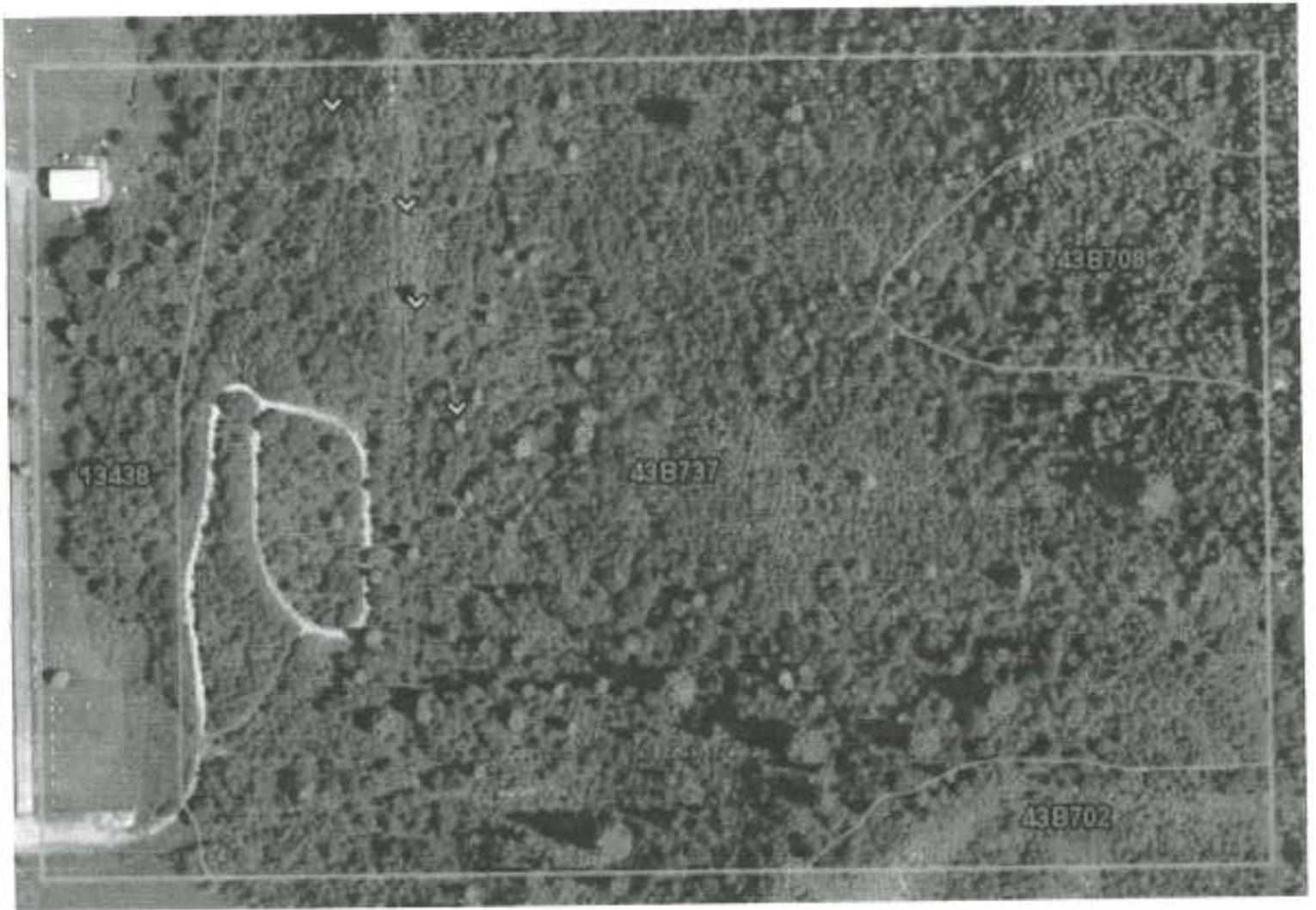
Rating Options—Hydrologic Soil Group

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

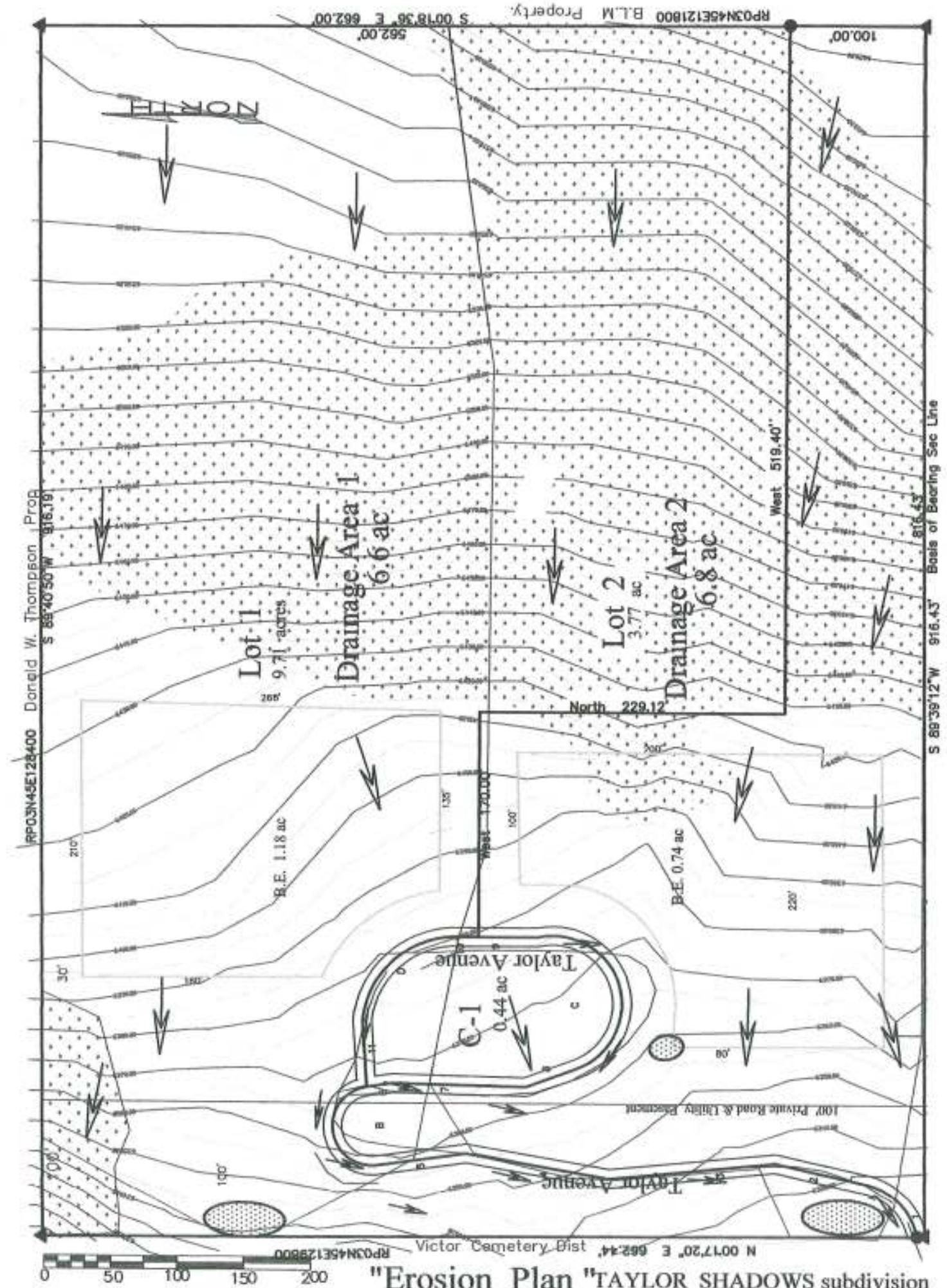
Tie-break Rule: Higher

Soils Survey Drawing

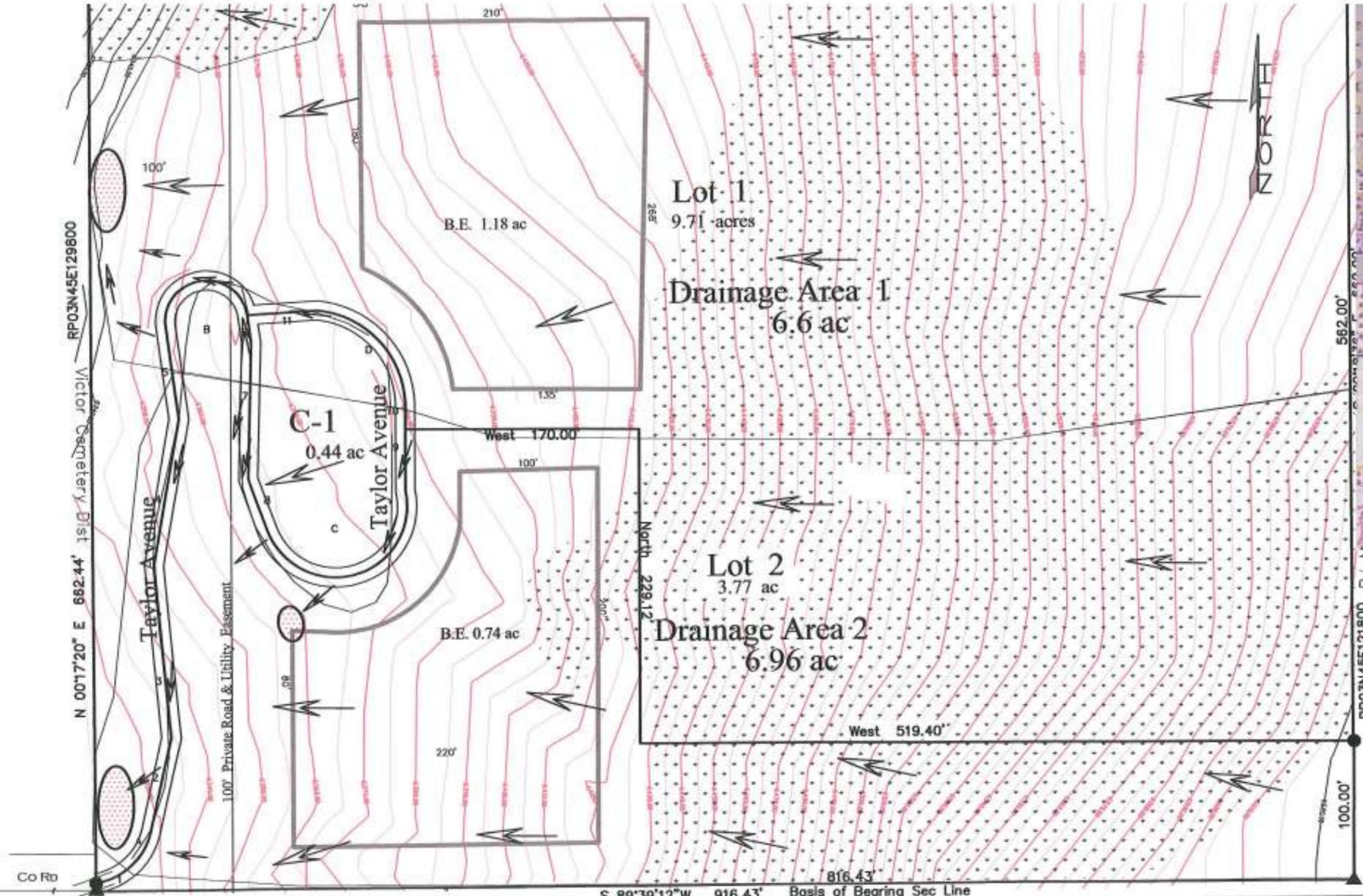


Teton Area, Idaho and Wyoming (ID650)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
43B702	Beehunt-Conner complex, 20 to 60 percent slopes	0.9	4.1%
43B708	Grouse-Ezbin complex, 12 to 30 percent slopes	1.7	7.7%
43B737	Dra-Pinochle-Rock outcrop complex, 25 to 55 percent slopes	16.5	75.6%
13438	Altaby-Alpine complex, 0 to 4 percent slopes	2.7	12.6%
Totals for Area of Interest		21.8	100.0%

S-15
M-2

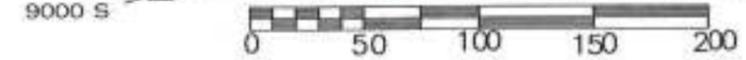


"Erosion Plan" TAYLOR SHADOWS subdivision



Sec 12, Twp. 3N, Rng. 45 E., Teton Co., Idaho
VICINITY MAP

TETON COUNTY
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- PRELIMINARY PLAT NOTES**
- 1- Individual water and sewer systems on site
 - 2- Building envelopes less than 20% grade
 - 3- Private lane 12' wide road reconstruction Grades 10% or less 12' x 10' wide turnouts
 - 4- Access: East end Rd 9000 S, Victor approved.
 - 5- Property lies in Big Game Winner Overlay
 - 6- No wetlands on this property
 - 7- Not in FEMA 100 yr flood plain.
 - 8- No water rights or irrigation water on this property.
 - 9- Zoning: Teton Co A 2.5

- EROSION PLAN NOTES**
- 1- Minor road and site work because existing drive way at 12 feet wide
 - 2- Place 3 small Drainage Swales as shown
 - 3- Place at least 6 straw bales around lower area of Swales
 - 4- Install approx 140 feet of silt fence in areas shown or as needed
 - 5- Install any or all other BMP's as needed to control sediment or erosion.

LEGEND - NOTES	
	Topo lines 10'
	Topo lines 5'
	Building envelope
	Lot & property lines
	Private drive & utility easement 20' each side property line
	Building Envelopes Lot 1 build envelope 51,360 sf Lot 2 build envelope 48,200 sf
	+ 30 % Slope
	Ground Slope
	Road Grade Slope
	Rd Area Improved 27,000 SF
	Storm Storage Pond Total capacity 15,000 gal storage
	Straw Bales along low side min 6
	Sediment Fence 24"x140' Tot Leng
	Small drainage ditch & berm

"Erosion Plan"

TAYLOR SHADOWS subdivision

Part of W1/2 SE 1/4, Sec 12, Twp 3 N, Rng 45 E, B.M., TETON COUNTY, IDAHO

Daniel & Rachel Bender
89' 0345E 128650
4417 Forge Rd
Perry Hill, M.D. 21128



255 SOUTH MAIN P.O. BOX 139
VICTOR, IDAHO 83455
(208) 787-2852 aweng@idnet.net

Survey: D/C 12-04-13
Survey file: 12-05-13.dwg

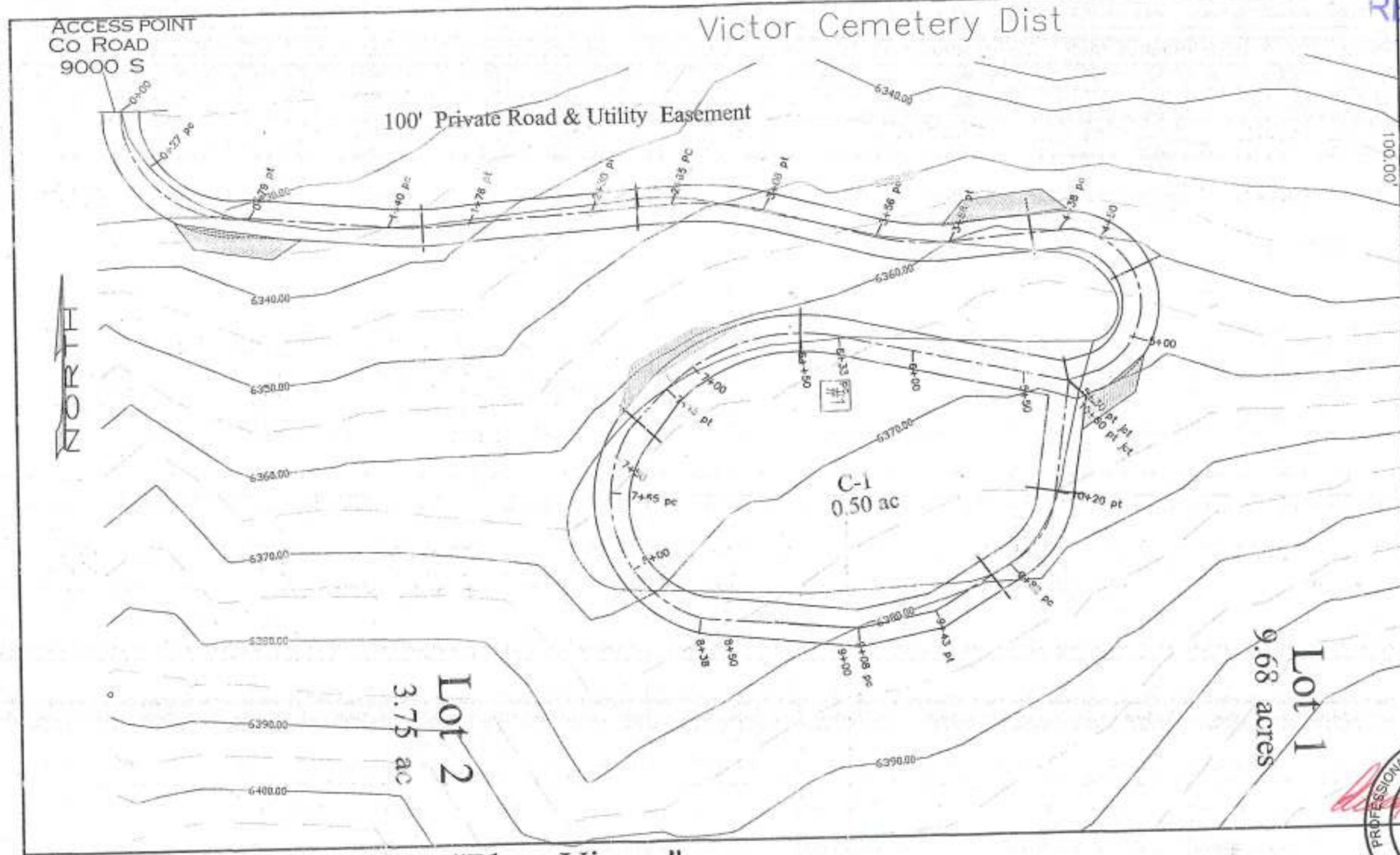
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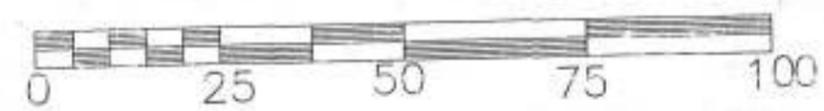
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"Plan View"




PULL OUT
TYPICAL 10' x 35'

Survey: CLC 12-04-13
Survey file 12-05-13.dot
Draw aw 02-12-14

Daniel & Rachel Bender
RP 03N45E 128850
4417 Forge Rd
Perry Hill M.O. 21128

AW ENGINEERING

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(208) 787-2952 aweng@ida.net

Print # 2013-111 Bender

"ROAD PLANS"

TAYLOR SHADOWS Subdivision

SW1/4 SE 1/4 SEC. 12, TWP 3 N, RNG 45 E,
Teton County, Idaho

PAGE 2 of 5

