



AGENDA
PLANNING AND ZONING COMMISSION
WORK SESSION (with Board) & PUBLIC
HEARING
August 16, 2016
STARTING AT 4:00 PM

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

1. Approve Minutes
 - July 12, 2016
2. Chairman Business
3. Administrator Business

4:00 PM – Item #1 – WORK SESSION: Draft Source Water Protection Plan: Discussion, with the Board of County Commissioners, of the Draft Source Water Protection Plan created by Friends of the Teton River. A Source Water Protection Plan is identified as a Key Action Item in the Comprehensive Plan. Amy Verbeten, Executive Director of Friends of the Teton River, will be present to provide an overview of the Plan and answer any questions. **No public comment will be taken regarding the Draft Source Water Protection Plan.**

5:00 PM - Item #2 – PUBLIC HEARING: Conditional Use Permit: Corner Fox LLC, represented by Aaron Powers, is requesting a Conditional Use Permit for a “Construction/General Contractor” use on two properties (approximately 15 acres) owned by Corner Fox LLC. The property is located north of Victor at 376 W. 5000 S, at the corner of Highway 33. The applicant is requesting to use this property for his business, Powers Excavating Inc., which includes the following uses: topsoil screening, parking trucks and equipment, landscape rock and other gravel products, and using the shop to perform repairs and maintenance on equipment, as well as a small office space. This parcel is zoned A-2.5.

Legal Description: RP04N45E238400; TAX #1105 SEC 23 T4N R45E and RP04N45E238000; TAX #1106 SEC 23 T4N R45E

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- **Written comments received by 5:00 pm, August 9, 2016 will be incorporated into the packet of materials provided to the Planning & Zoning Commission prior to the hearing. Comments received after this date will not be included at the public hear.**
 - Information on the above application(s) is available for public viewing in the Teton County Planning and Zoning Office at the Courthouse between the hours of 9am and 5pm Monday through Friday.
 - The application(s) and related documents are posted, at www.tetoncountyidaho.gov. To view these items, select the Planning & Zoning Commission department page, then select the 8-16-2016 Meeting Docs item in the Additional Information Side Bar.
 - Comments may be emailed to pz@co.teton.id.us. Written comments may be mailed or dropped off at: Teton County Planning & Building Department, 150 Courthouse Drive, Room 107, Driggs, Idaho 83422. Faxed comments may be sent to (208) 354-8410.
 - Public comments at the public hearing are welcome.

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

DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from July 12, 2016
County Commissioners Meeting Room, Driggs, ID

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Cleve Booker, Mr. Bruce Arnold, Mr. Chris Larson, Mr. Jack Haddox, Mr. Pete Moyer, Ms. Sarah Johnston, and Mr. David Breckenridge.

COUNTY STAFF PRESENT: Ms. Kristin Rader, Planning Administrator, Ms. Kathy Spitzer, County Attorney

ELECTED OFFICIALS: Mr. Bill Leake and Ms. Cindy Riegel.

The meeting was called to order at 4:10 pm.

4:00 PM – Item #1 – WORK SESSION: Draft Code: Discussion of Draft Land Use Development Code with the Board of County Commissioners.

Ms. Rader started with the Executive Summary that was requested. She felt a double sided one page summary would be more effective for a quick reference to mail out to property owners, and a longer more detailed summary could be done for the website. She put together a one page flyer for an executive summary with the why, how and what parts of the code are being updated on the front and compliance with the comp plan information on the back. It would have less information, but would be more reader friendly and could have multiple uses as a one page double sided flyer. Mr. Larson commented he liked the idea of a one page document, and Ms. Johnston agreed. Ms. Riegel wanted all the goals included so the public would not think any of the goals were being skipped.

Mr. Leake commented if the summary was 11 x 17 you could include the zoning map, which he believed was what most people were most interested in. He also suggested listing only the key goals rather than all of them and thought a scheduled for future meetings was a good addition.

Mr. Larson was in favor doing a one page small document and then another more detailed executive summary that would be available on the website. Mr. Breckenridge felt that a document any bigger than 8 1/2 x 11 would not be read and he felt the references to documents on the website would lead people there who wanted more information. Mr. Hensel wondered if the map on the back might be of more interest than the goal comparisons to the comp plan.

Mr. Larson suggested having the flyer printed by a professional printer so it would be really legible if a map were added. Mr. Hensel asked the group if they felt page 2 should be a map or the goal comparison. It was the consensus that it should be a map on the back and professionally printed to obtain the highest quality in regards to the map and identifying the different zone districts.

Regarding the first page, Mr. Leake suggested rather than using a meeting schedule on the flyer, it should refer to the most current schedule reflected on the website. Ms. Rader suggested a reference to the full timetable online to send them to the website in order not to clutter up the flyer. Ms. Riegel commented she wanted to see the word “draft” before the word “Code” so people wouldn’t think it was already adopted. Mr. Breckenridge suggested the density/lot size paragraph be revised to make it easier to understand.

Mr. Moyer asked about the scenario tool and if that would be used to bring people to the website. Ms. Rader commented she is still finishing up the scenario tool and will update it after the next meeting. Mr. Leake suggested some kind of banner ad on the county website home page to send people over to the Teton Valley Code website if that is the information they are looking for. Ms. Rader commented she could add something to the county website home page that would be bright and hard to miss that would direct people to the Teton Valley Code website to find the most current information and history about the process so far. Mr. Larson suggested archiving the old stuff so only the most relevant items appeared first. He offered some assistance with the process when he is in town.

Regarding the FAQ sheet, Ms. Rader explained that she designed it to be oriented to draft code questions and would also be adding a general planning & zoning FAQ page to the county website. Mr. Arnold asked about adding the land use table to the list somewhere. Ms. Rader suggested a paragraph that explains how the draft code meets the comp plan goals as another question that refers people to the code website. Mr. Leake suggested a questions on how the code changes affect my CC&Rs. Ms. Johnston suggested referring to the draft code rather than the new code in the Right to Farm Act question and a change to the tiny homes question referring to building code regulations. Mr. Breckenridge suggested a question about the wildlife overlays.

The next topic discussed was controlling short term rentals to try and support the long term rental market for employees of local businesses. Ms. Rader commented she felt it was a good idea to have some guidelines for safety reasons and some mechanism to collect a lodging sales tax. She suggested possibly requiring a CUP for short term rentals with conditions for inspections of the rental and some type of outdoor signage so that a code enforcement inspector could recognize from the street that the home had a permit. Ms. Rader was not suggesting banning short term rentals in every zone but adopting some type of permitting process to offer the option of a short term rental.

Ms. Riegel commented that the lodging tax collected goes to the state and they distribute it to the cities, but not the county. She wanted to know how the county could collect some income from that type of rental. Mr. Arnold commented that Fremont County and the city of Island Park both have a lodging tax for rentals. Mr. Arnold did not want to see the nightly rental market taken away, he felt it was a good option for the valley, but he also wanted to try and help the long term rental market. Ms. Riegel found some information online about short term or transient rentals and commented in Fremont county you have to get a permit that has conditions for health, safety and welfare that you can attach conditions to. The process also requires the applicant to provide their sales tax license information to prove they have registered with the state as a business.

Mr. Haddox asked who would do the inspections on short term rentals in Teton county to ensure maximum occupancy isn't exceeded and things like adequate parking provided and fire safety precautions addressed. Ms. Rader commented it would probably be done by the various departments at the same time through a joint inspection process. Mr. Arnold commented each permit in Fremont county has a maximum occupancy included in the permit conditions. Ms. Rader commented she could email the sheriff's office & fire marshal to ask if they would be able to enforce the maximum occupancy limit.

Mr. Booker commented a VRBO is a business and they can be disruptive to the neighbors. He commented he did not want to stop people from having short term rentals, but wanted to have some regulations in place to protect the owner and renters. Ms. Johnston suggested adding a parking requirement to the permit so as to minimize the impact on the neighbors. Ms. Riegel

commented she understands someone renting out their house through VRBO when they aren't in town, but wondered about the accessory dwelling unit and if the intent for that dwelling is to encourage long term rentals or would short term rentals be allowed as well.

Mr. Hensel suggested Ms. Rader write up something on the short term rental options to go along with the new draft code. Ms. Rader suggested adding it to Article 10. Mr. Leake was concerned with the impact on adopting the new code if short term rental restrictions are added and a lot of people are against the control of short term rentals. He believed that short term rental restrictions were worth pursuing, but thought it would be a good idea to wait until after the new code is adopted.

Mr. Hensel asked for a consensus of whether or not it should go in the new code. Mr. Arnold thought it might be easier to wait rather than add something new that is potentially controversial. Ms. Riegel thought now would be a good time and that it would be easy to add to the draft code. Mr. Breckenridge commented he felt if it isn't added to the draft code now, it would be a long time before it gets addressed. Mr. Leake then agreed that maybe now would be a good time to get it started and changed his mind about waiting. Mr. Leake wanted to also add something about ad hoc campgrounds like camping at the rodeo grounds, which is not legal, and include that in FAQ sheet as well about using your land for camping. Mr. Leake thought because of the event next summer with the eclipse, it would be a good idea if it could be done on a permit basis before then. Ms. Rader commented the temporary use permit section could be a spot for it. Mr. Hensel asked Ms. Rader to come up with a proposal for them.

Ms. Rader then discussed some of the points in the table of changes she put together for the draft code. Ms. Johnston wanted to see a "defined term" placed in italics so that it would stand out and you would know how to find it in the definition section, especially in the FAQ section. Mr. Hensel wanted to have more time to go over the proposed changes list and suggested another meeting to go over them. It was decided the next draft code work session meeting would be in August. Ms. Rader pointed out she would be leaving on the 9th so it will need to be sooner and that the public hearing in August will be on the 16th.

The Work Session was adjourned at 5:45 pm and the Public Hearing was called to order at 6:00 pm.

APPROVAL OF MINUTES:

Motion: Mr. Arnold moved to approve the Minutes from June 14, 2016, as amended. Mr. Booker seconded the motion.

Vote: The motion was unanimously approved.

CHAIRMAN BUSINESS: There was no Chairman's business.

ADMINISTRATIVE BUSINESS: Ms. Rader informed the Commission that Ms. Fox has been hired for the Planning Services Assistant position and that she has accepted the position of Planning Administrator.

6:00 PM - Item #2 – PUBLIC HEARING: Concept Approval for Mountain Legends Ranch Subdivision. Peacock Property LLC is proposing a subdivision on two parcels of land (approximately 197 acres) north of Driggs. The lots will be 2.5 acres, with approximately 100 acres in open space easements. These parcels are zoned A-2.5.

Legal Description: RP05N46E084500 - TAX #6485 SEC 8 T5N R46E FKA Mountain Legends Ranch; RP05N46E078250 - TAX #6484 SEC 7 T5N R46E FKA Mountain Legends Ranch

Mr. Hensel reviewed the process for the public hearing and the order of presenters. He also emphasized that the applicant has 15 minutes to present and that the public must limit their presentation to three minutes. Ms. Johnston recused herself from the hearing because she is working with the applicant.

Staff Introduction:

Ms. Rader reminded the Commissioners that if they have had any communication with anyone regarding the application or have gone to the site, that needs to be disclosed. The application is for a Concept Review for a subdivision on a property owned by Peacock Property, LLC. The property was formerly platted as Mountain Legends Ranch PUD in 2008 and vacated in 2012. The new application is for a subdivision of 76 lots, not a PUD.

Applicant Presentation:

Ms. Sarah Johnston with Arrowleaf Engineering, representing the applicant Harry Statter from Peacock Properties, LLC, gave an overview of the proposed subdivision and location of the project and commented the zoning for the site is Agricultural/Rural Residential 2.5 and the comp plan designates the area as a Rural Neighborhood area. She presented a map of the site showing existing roads, borders, ROWs and existing topography. She commented there is a sliver in the corner of the property that is in the wetlands and waterways overlay, approximately 700 sq. ft., because it is within 300' of the Dry Creek high water line, and there are no floodplains or designated wildlife habitat overlays on the property. Ms. Johnston next pointed out the layout of the lots and the roadways.

Mr. Harry Statter with Stateline Management, who is the manager for Peacock Properties, LLC, showed photos of the site and commented on the work done on the site in the past to maintain the agriculture use. He discussed the previous PUD approval with the concept of an agricultural subdivision that had all open space farmed, proposed defined building envelopes, placement of driveways, and continued ag use in open areas. He emphasized the farming component to manage the open space throughout the subdivision and noted that the property is designated in the comp plan as Rural Neighborhood which includes medium density single family neighborhoods. He also commented that the CIP assumes an average density of 50 to 80 units per 100 acres and the density proposed for Mountain Legends is 38.6 units per 100 acres. He discussed how the site is located in relation to the land use map, proposed phasing, his intent to work with the adjacent neighbors and previous contributions to numerous local non-profit organizations. He emphasized he was at the meeting to find out if the proposed development meets the requirements of a concept hearing only. Regarding the public comment letters received, Mr. Statter pointed out the property is not in any designated wildlife corridor or wetlands area and there are no trees on the property. It is completely agriculture land at this time. He commented on the studies that will be done for the preliminary approval phase and based on the findings of those studies they will have tangible data to use to further plan the development, even if it means reducing the density of the development or revising the design. Mr. Statter once again stated he felt that the concept plan requirements have been met.

Staff Presentation:

Ms. Rader gave an overview of the proposal and commented the access will be from Stateline Road and N 1500 E, which has access off Grand Teton Road that goes through Teewinot Subdivision. She identified some key issues like lot area which cannot include the road ROW, the number of lots proposed, road easements versus dedicated roads, the requirement for a driveway that accesses more than two parcels to have road names, and the various studies and plans that will be required at the preliminary phase. Ms. Rader also commented that the Public Works Director asked her to add a condition that the applicant address through the traffic impact study the distribution of vehicles on Grand Teton Road because it is a county road, not a private road. She commented that Teton County Wyoming is responsible for maintaining Stateline Road and were noticed as a political subdivision but did not provide formal comment. She did send the application to the Planning Dept. and the county engineer for review. The engineer, Shawn O'Malley, told Ms. Rader that he was interested in seeing the results of the traffic impact study on Stateline Road before he makes any official comments. Ms. Rader reviewed the staff conditions for approval and required studies for the preliminary review.

Mr. Hensel asked if there is a connection between the two phases. Ms. Rader commented there is road proposed across the easement that separates the two proposed phases. He also asked about a road adjacent to Teewinot and the western boundary of the property. Ms. Rader commented there is some type of ROW easement but it is unclear if it is an official easement and what it is for.

Mr. Booker asked Ms. Rader if the lots would be tax exempt because they have ag use besides the residential. Ms. Rader commented they need five acres or more to be tax exempt unless approved by the county commissioners. Ms. Spitzer commented if you can create more than five contiguous acres you could apply for an ag exemption.

Mr. Breckenridge asked if the open space provided was counted since it wasn't contiguous. Ms. Rader commented the subdivision process does not require open space so it is up to the applicant on how they want to locate it. Ms. Spitzer commented open space requirements only applied to PUD applications.

Mr. Moyer asked about the need for open space to be well defined. Ms. Rader pointed out open space was not a requirement of approval but the Commission could ask for clarification of any open space provided.

Mr. Hensel asked Ms. Spitzer to clarify the review process as it applies to the comp plan. She said the comp plan should be considered, but subdivisions are only required to comply with current zoning laws. She commented they could not deny a subdivision application based solely on not complying with the comp plan. She emphasized that current zoning laws were all that could be used to judge a subdivision application.

Mr. Booker asked about page 10 of 10, about a statement that says there is no surface water on-site but there is some depicted on the site plan. Mr. Statter commented there is something identified in the wetlands inventory but stated there is no surface water on-site. He explained the remote sensing and topographical differences used to generate a wetlands inventory but insisted that there is no surface water on the site. Mr. Booker asked if that would mean it is a dry swell, and Mr. Statter agreed it was. Mr. Booker next asked about the ability to harvest the ag open space between the lots and how functional the space would really be. Mr. Statter commented he agreed

with the difficulties to farm some of the depicted areas, but did not expect houses to be built close to the lot lines and stated adjustments may be made in the next phase.

Public Comment:

In Favor:

There was no public comment in favor of the application.

Neutral:

Mr. Fred Dormeier, a Teewinot resident, commented he was speaking for the HOA Board of Directors and they are concerned about increased use on Grand Teton Road. It accesses all 32 existing structures in Teewinot and as a Board, they would like to be included in the traffic count since the road is the main access for Teewinot and all owners will be affected by the traffic increase.

Opposition:

Ms. Georgina Worthington, a Teewinot resident, commented that she cross country skis and walks throughout the adjacent property year round. She has elk grazing in her front yard and has followed their tracks right through the proposed subdivision, along with tracks from other various wildlife species. She was concerned what would happen to the wildlife using the land if the subdivision is developed.

Mr. John Greenwood, a Teewinot resident, commented that there are numerous wildlife species living on the site and felt it should be protected for their sake and for the economic value of the wildlife remaining in the area. He did not want to see his real estate values go down because a developer wants to build more lots.

Mr. Chuck Kunz, who is living in the old Peacock home, commented 1500 E. connects to Grand Teton Road, but needs improvements if it is going to be used as access to the proposed subdivision because of visual impairments and the narrow width of the road. He was also concerned that there was no open space required.

Mr. John Unland, adjacent property owner, commented on the legal, financial, and compatibility with Teton county. He referred to Title 9, Consideration for Approval, and felt the comp plan should be used in consideration for approval. He did not want to see more subdivisions approved or lose valuable wildlife habitat. He did not believe the application conformed with the comp plan and felt it should be denied.

Ms. Jan Betts, adjacent property owner, commented she and her husband have lived in their home for 30 years adjacent to Mountain Legends. She talked about the adjacent Bridger Ridge Subdivision that has lots that range from 9 to 20 acres which she felt set a precedence for larger lots in that area. She also had a problem with the two separate parcels being connected by a two track road, and with the open space proposed. She mentioned meeting with Mr. Statter during the PUD process and did not feel the applicant was listening to the neighbors he met with.

Mr. Robert Emerson, a Saddlehorn Subdivision resident, was concerned with the access being Grand Teton Road, which is a school bus route. He was concerned with the lack of buildout in Saddlehorn and Teewinot and did not understand the need to develop more lots. He was also concerned with the ag use adjacent to his property considering it to be disruptive to the residential neighbors. He also suggested a workforce housing fee be assessed.

Mr. Felix Zajac, a resident in nearby Darby Creek, commented his interest is in Teton County as a whole and wanted to support the comments of the adjacent property owners. He did not feel the application was consistent with the comp plan and he wanted to see the application denied because he did not approve of the layout proposed. He also did not feel the open space proposed was viable for farming.

Mr. Richard Welch, a Tetonia resident, commented he is not a neighbor but he did not want to see the project approved, and felt it should be denied based solely on the comp plan. He felt there were other reasons for denial such as increased traffic on existing roads, wildlife habitat destruction, and water quality issues due to the increase in wells in the area.

Ms. Linda Unland, adjacent property owner, commented her 52 acre property is directly adjacent to the subject property. She stated she believes the property is within a wildlife corridor because the overlays are within 300 feet of the northern portion of the site. She believes there is a raptor and songbird overlay as well because she has seen their nests and does not want to see the riparian corridor destroyed. She also commented on the lack of compliance with the comp plan.

Ms. Joy Sawyer Mulligan, a resident on N. Stateline Road for 25 years, urged the Commission to encourage open fields in this type of rural neighborhood and wanted to see the land left undeveloped.

Mr. Mike Mulligan, who lives on Cross Creek Ranch in Alta, commented he was concerned how the interior roads will be maintained and the damage construction equipment will do to Stateline Road and other county roads during construction. He also commented he did not support the use of open space between houses for farming.

Mr. Shawn Hill read a comment from Clint Van Syclen, a Tetonia resident who did not want to see high density housing in the rural areas of the county and wanted to see the comp plan upheld because he felt high density housing should be confined to the vicinity of the towns. Daniella Cotler from Victor also asked Sean to read her letter. She did not want to see a poorly designed subdivision that doesn't consider what is best for Teton Valley and was concerned with wildlife habitat, water quality, and the health of the Teton River. Mr. Hill emphasized that those letters did not reflect the views of VARD. He next discussed his position as Executive Director of VARD and the criterion for approval. His first criterion was with the application's non-conformance to the comp plan and did not feel the criteria expressed in the plan should be ignored. His next point was regarding the availability of public services. He stated on June 30th Teton County Idaho confirmed that Teton County, WY is responsible for maintaining the portion of Stateline Road that appears to be the primary access to the subdivision. He stated Mr. O'Mally told him that he was concerned with the number of units accessing Stateline Road with this application and felt that the improvements needed for Stateline Road to absorb the additional traffic were not in place or funded at this time. Mr. Hill felt it was an issue that should be addressed at the concept plan stage. His next criteria was the conformity with the Teton County Idaho Capital Improvements Plan and the fiscal impacts created by the development. He felt existing taxpayers are subsidizing the

developments that impact community services. His fifth criterion was to listen to the public testimony expressing their concerns as a way to gauge the impact on health, safety and welfare and as a reason to deny the application. He next voiced his concern with where exactly the wildlife boundaries lie and felt that the boundaries should be studied more thoroughly before approval of a concept plan. His last comment was that in his opinion a concept plan can be denied if it does not meet the all the criteria established in Title 9.

Ms. Rader read into the record five different statements in opposition who did not want to read it themselves. The first letter was from Mr. Robert Whipple who was concerned with 76 new septic tanks and the elevated N-P levels that will come with them. The second letter was from Lynn Lebolt who opposed the application based on the increased traffic on the road and the infrastructure. The next letter was from Kenneth & Diane Murphy who were concerned with plans, costs, projected buildout, and traffic on Stateline Road. In the letter he submitted he suggested a plan used in Ada County, Idaho to deal with road impacts and improvements as the project is built out. The fourth letter was from Mr. Michael Peters who was not in favor of the project based on density and wildlife corridor impacts and wanted to see the application delayed until after the Land Use Plan is finalized and made official. The last letter was from Jeri Lockman who was opposed based on impact on water, roads, water pollution (air & light) and wildlife impacts.

Mr. Tom Booth, living on Middle Teton Road, wanted to echo the comments of previous speakers. He was concerned with the water supply because of the 76 potential septic systems and additional traffic on the existing roads. He wanted to see the final application delayed until after the draft code is approved.

Applicant Rebuttal:

Mr. Herbert Heimerl, legal council representing the applicant, commented the concept application phase was not the place for the public to try and further their personal views and values. He pointed out there is no requirement for open space in the subdivision process and that it was included to improve the development. He also talked about Title 9 and references to the comp plan. He believed case law supports the fact that a subdivision application does not have to comply with the comp plan, only the existing zoning. He quoted the purpose of the conceptual review as stated in Title 9, which is to discuss in general the feasibility and possibility of the proposed subdivision in the conceptual stage. Mr. Heimerl also commented on the workforce housing tax suggested by someone and encourage people to take that concept to the BoCC. Regarding an existing wildlife corridor, Mr. Heimerl commented that the property is not within any established wildlife corridors and the applicant will be doing a natural resource analysis before the preliminary phase that will address wildlife and other natural resources issues at that time.

Ms. Megan Smith, wildlife ecologist, stated she was asked to write the natural resource analysis for the applicant and will do that once the application is approved. She emphasized that the natural resource analysis will be done at the next step because it requires an in-depth study. She pointed out there is a difference between designated habitat and areas that are used by wildlife, and all that will be considered in the natural resource analysis. She will investigate the public comments made, contact Fish & Game for their thoughts, and incorporate environmental priorities and analysis into the next phase of the plan. Ms. Smith also commented on the Dry Creek corridor and pointed out that the habitat is different than the habitat in the uplands agriculture meadow and that difference is significant between the two habitats.

Ms. Johnston addressed the right of ways question and the road issue. She stated she did not find any proof of an existing easement or right of way on the property for Grand Teton Road, which turns into 1500 E. A prior approval involved granting an easement there, but it was her understanding that the additional easement granted for 1500 E. was vacated with the original approval of Mountain Legends PUD. She commented the surveyor will verify the easements through a deed check at the next phase. In her opinion all lot areas shown do not include road easement areas. Regarding shared driveways needing to be roads, she commented they understand the need for the driveways not to access more than two parcels, so no driveways will need to be roads. She verified that 1500 E. is a county road and the applicant will work with the county engineer to meet all requirements at the next stage. Regarding the wetlands overlay, she commented that the amount of land in the overlay is only 700 sq. ft. of the property, which is only .008% of the project area, and that is why they are doing an N-P analysis and natural resources analysis to address any potential issues.

Mr. Statter commented he wanted to address zombie subdivisions. He agreed that there were a majority of lots in Teewinot and Saddlehorn subdivisions that are not built on, and pointed out there is not an open space management plan for either subdivision to address the weeds prevalent in the open spaces in either subdivision. His felt his proposed subdivision was a better plan because of the ag component of the open space alone. He pointed out that regardless of how many lots are sold in the subdivision, the remaining lots will be part of the open space management plan and will be taken care of. Mr. Statter commented he believes that his subdivision is in a unique area with full Teton views and he believed his subdivision would sell better than most areas on the north part of the valley because of the unique location. He emphasized the studies that will be undertaken before the preliminary application and insisted they will be adhered to based on their results. He stated he would reconfigure the application if all the studies indicate the need, but he cannot make decisions on changing the design until after more information is obtained.

Mr. Arnold asked how many acres are in the farming easement being designated as open space. Mr. Statter commented there are approximately 130 acres that could be farmed, but will not all be used for farming.

Mr. Breckenridge asked if there was an actual road easement through that bisects the property. Mr. Statter stated there was an access/utility easement in place when the property was purchased. Mr. Breckenridge then asked if someone could fence off their 2.5 acre completely. Mr. Statter stated they could not, and that is addressed in the CC&Rs.

Mr. Booker asked for clarification of the natural resource overlay not requiring a wildlife study. Ms. Rader commented that the wildlife habitat portion of the natural resource assessment is only required if they are in one of the habitat overlays, per Title 9. The natural resource assessment will not include the wildlife habitat section.

Mr. Moyer asked about the road overlapping the lot boundaries and possibly requiring some adjustments. Ms. Rader said more clarification is needed to determine if it is just a road easement through two lots or a dedicated ROW easement that would split the lots. The lots have to be a minimum of 2.5 acres and none of that can be part of the subdivision road.

Mr. Hensel asked the Commission how they wished to proceed. They agreed to take a break and come back and deliberate. They took a break at 8:25 pm and returned at 8:35 pm.

The Commission discussed how to proceed since there is a Scenic Corridor application to be heard as well. The consensus was to continue deliberations for Mountain Legends Ranch and then hear the Scenic Corridor application after that.

Commission Deliberation:

Mr. Arnold asked if the applicant would be required to do a wildlife study as part of the natural resources assessment. Ms. Rader said it is not required because the site is not in a habitat overlay area, but it could be requested. Mr. Arnold felt a wildlife study should be required as part of this application prior to the preliminary hearing due to the amount of wildlife in the area. He also did not feel the proposed ag use was compatible with the subdivision design. Mr. Arnold also commented that he didn't believe the site needed to be designed at maximum density.

Mr. Breckenridge commented he felt the application did meet the concept criteria, but he did not feel the ag part would work well as proposed. He suggested relocating some of the building envelopes in some of the more critical farming areas to create more workable ag space. Regarding the wildlife study suggested, he commented he was not concerned with studying the wildlife just because they are there, especially since it isn't in a currently designated wildlife overlay area. He was in favor of a natural resource assessment and the other studies recommended.

Mr. Moyer commented he understood the application was for a concept plan approval, but did not feel the application was in compliance with the comp plan that encourages more open space. He was concerned with the impact 76 individual home sites will have on the property and on the neighbors the way it is being proposed. He was also concerned with the difficult accesses off of 1500 N., Grand Teton Drive and Stateline Road. Mr. Moyer was also concerned with water quality issues because of so many individual wells and septic systems so close together and the fact that there are already documented high levels of nitrates in the soil along Grand Teton Drive. He felt the results of the N-P study alone would likely require a reduction in density and a redesign before the preliminary application is submitted.

Mr. Haddox commented he wanted to be sure information was obtained from Teton County, WY regarding the traffic study since Stateline Road will be the main access for the proposed Phase I. He asked about a fiscal analysis and wanted to see how it would tie into the capital improvement plan, and wanted to have a time frame for buildout. Mr. Haddox was also concerned about the N-P levels existing in that area. Regarding the open space easement for farming, he also did not think that was practical. His last comment was to request more information about the CC&Rs regarding fencing restrictions and open space management.

Mr. Larson commented he was disappointed in the application because of how it does not relate to the comp plan and the new draft code. He agreed with the previous comments regarding the proposed ag operation's potential for success, and felt the site would need some redesign to make it work. His last comment was to encourage the applicant to try and be more in compliance with the comp plan going forward.

Mr. Booker commented he did appreciate the developer's plan from a business standpoint wanting to make a profit on his land, but he still believed the application should be more in line with the comp plan. He supported asking for studies that will help with the final design at the preliminary stage, but wasn't sure a wildlife study was necessary. He felt the wildlife will adapt to their environment. He was also concerned with the ag use proposed on open space areas because he

did not feel it was functional farm ground. Regarding fencing, he commented he would not want to have restrictions preventing him from putting up fencing on his property, and with the proposed ag use it cannot be fenced.

Mr. Hensel commented he felt the application was a bad concept plan. He was troubled by the road layout and would not be able to vote in favor of a subdivision laid out in the manner proposed. Regarding open space usage for farming, he felt that it was a good idea using a management plan to maintain open space before the subdivision reaches buildout. He also voiced concern for the fiscal viability for the proposed design because it was no different than existing subdivided property that has yet to sell. He felt they had a responsibility to the tax payers and other residents to look at the fiscal viability of the project when considering approval. He was disappointed that Teton County, WY did not provide comments since they are responsible for maintaining Stateline Road in that area and he felt they should be actively involved in the review process. Regarding fencing, he did not want to see any on individual lots and he was in favor of a wildlife study. He wanted to make sure the road ROWs and easements were identified correctly before the preliminary phase. He restated his biggest concern was the fiscal responsibility concerns approving another large subdivision in this area.

Mr. Larson commented he did not have a big problem approving the concept plan but wanted to make sure the developer has listened to their comments going forward. Mr. Booker was concerned the developer would be wasting his time going forward unless he is willing to address the concerns of the Commission and consider redesigning the site based on the results of the studies required, especially the access and traffic concerns with Stateline Road.

Mr. Statter commented he heard what the Board is saying, and committed that the work will be done at the preliminary plat stage if he can get a concept approval to move forward. He stated he believed he would be able to address the concerns voiced if he is allowed to move forward. If major redesign is warranted, especially after a fiscal analysis is done, he insisted he will do what is necessary to develop a quality subdivision.

Ms. Rader reminded the Commission that whatever decision they make it must be followed by a reason statement addressing the approval criteria in the code. A wildlife study is not part of the approval criteria in Title 9 because it is not in an overlay area, and in the existing code it would not be required but could be requested.

Mr. Hensel commented they do have the ability to ask for additional studies that are not required by Title 9 and he would like not only to see a wildlife study done, but also a fiscal analysis showing the viability of the project and a project buildout timeline.

MOTION: Mr. Larson moved that having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) can be satisfied with the inclusion of the following conditions of approval:

1. Provide an updated plan with the public road right of ways of N. Stateline Road and N 1500 E shown and removed from the lot areas, show the addition to the subdivision road with the road surface removed from the lot area, and include an updated number of lots proposed for this subdivision.
2. Provide an open space management plan as part of the preliminary plat application stating how much open space will be dedicated to agriculture, wildlife habitat, and pedestrian use.

Also include a map of where these uses will be located and elaborate on what pedestrian use means. Include in this plan how the open space easements will be managed. If no open space is proposed a management plan will be provided for all vacant lots.

3. Obtain access approval from Teton County, ID Road & Bridge for N 1500 E and N. Stateline Road.
 4. Begin working with EIPH for septic approval.
 5. Begin working with Teton County Fire District for fire suppression approval.
 6. Conduct/update required studies/plans for Preliminary Review: Traffic Impact Study, Public Service/Fiscal Analysis, Landscape Plan, Stormwater and Infrastructure Plans, Phasing Plan (if required), Natural Resource Analysis, and Nutrient Pathogen Study. The traffic impact study will include the distribution of traffic on Grand Teton Road.
 7. We request a year round wildlife study and a fiscal viability analysis.
- and having found that the considerations for granting the Concept Plan Approval to Peacock Property LLC can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
 - and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
 - I move to APPROVE the Concept Plan for Mountain Legends Ranch Subdivision as described in the application materials submitted June 7, 2016 and June 21, 2016 and as supplemented with additional applicant information attached to this staff report.

Mr. Arnold seconded the motion.

VOTE: After a roll call vote the motion was unanimously approved.

Mr. Hensel closed the public hearing at 9:45.

7:00 PM – Item #3 - SCENIC CORRIDOR DESIGN REVIEW: Halsey Hewson. Building a storage shed on his property south of Victor, in the Victor Area of Impact, located at the corner of Highway 33 and E 9500 S. The property is completely within the Scenic Corridor Overlay.

Legal Description: RP03N45E134210; TAX #6795 SEC 13 T3N R45E

Ms. Rader stated it is a Scenic Corridor application and Mr. Halsey Hewson is requesting to build a storage shed on his property south of Victor, in the Victor Area of Impact, located at the corner of Highway 33 and E 9500 S. The property is completely within the Scenic Corridor Overlay and borders the city limits. Mr. Hewson submitted a completed scenic corridor design review application on June 28, 2016, and is currently working on getting his building permit application together. Before the building permit can be approved, a scenic corridor design review must occur and be approved for the structure. The proposed storage shed will be 50 feet from the outer edge of Highway 33's right of way, and this proposal complies with all required setbacks. Construction of the addition has not begun. Some photos of design options were included in the application and Mr. Hewson has submitted his two color choices for the building as well.

Applicant Presentation:

Mr. Hewson, applicant, commented he is aware of how high profile the property is and stated he wants to build a storage shed in a spot with as little visual impact as possible. He explained he will be building a Mormon style barn/house on the sagebrush flats after the new Comp Plan is

adopted and will be building the shed tucked away in the trees. He has located it in the trees for screening, and will plant additional landscaping once water is installed. He explained his color selection for the shed was based on colors that will blend well in the trees. He also pointed out that the shed will be around 5' to 6' below the surface of the road so it will be well hidden.

Commission Deliberation:

Mr. Larson asked if there were any water concerns on the site. Mr. Hewson commented there is an irrigation ditch on the site that flows in the spring. Mr. Hensel asked Mr. Hewson if he will be putting in additional landscaping when he builds his house. He stated he would once he has water available. Ms. Rader explained the shed didn't require additional landscaping and his building plans will be reviewed when he is building the house so landscaping could be a condition of approval at that time.

MOTION: Mr. Arnold moved that having found that the proposed development for Halsey Hewson is consistent with the Teton County development ordinances, specifically Title 8-5-2-D, and Idaho State Statute, I move to approve the scenic corridor permit with the following conditions of approval:

1. Must comply with all federal, state, and local regulations.
2. All structures require a Teton County Building Permit and must comply with the Teton County Building Code.
3. If outdoor lighting is desired, it must comply with Teton County Code lighting requirements.
4. Building materials shall not be highly reflective materials.

Mr. Larson Seconded the motion.

VOTE: After a roll call vote the motion was unanimously approved.

MOTION: Ms. Johnston moved to adjourn. Mr. Larson seconded the motion.

VOTE: The motion was unanimously approved.

The meeting was adjourned at 10:05 pm.

Respectfully submitted,
Sharon Fox, Scribe

Dave Hensel, Chairman

Sharon Fox, Scribe

Attachments:

1. PZC July 12, 2016 Meeting Packet
2. July 12, 2016 Public Comment
3. Written Decision for Mountain Legends Ranch



August 16, 2016

**Teton County Planning & Zoning Commission
Written Decision for Mountain Legends Subdivision Concept Approval**

Overview

On July 12, 2016, Harry Statter came before the Teton County Planning & Zoning Commission to request Concept Plan approval of a proposed subdivision on property located northeast of Driggs, on Stateline Road, for a 76-lot subdivision.

Planning & Zoning Commissioners Present: Mr. Dave Hensel, Mr. Cleve Booker, Mr. Bruce Arnold, Mr. Chris Larson, Mr. Jack Haddox, Mr. Pete Moyer, Ms. Sarah Johnston, and Mr. David Breckenridge.

Applicant(s)/Representative(s) Present: Harry Statter; Sarah Johnston, Arrowleaf Engineering; Herb Heimerl, Heimerl Law Firm, PC.

Motion

Mr. Larson moved that having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) can be satisfied with the inclusion of the following conditions of approval:

1. Provide an updated plan with the public road right of ways of N. Stateline Road and N 1500 E shown and removed from the lot areas, show the addition to the subdivision road with the road surface removed from the lot area, and include an updated number of lots proposed for this subdivision.
 2. Provide an open space management plan as part of the preliminary plat application stating how much open space will be dedicated to agriculture, wildlife habitat, and pedestrian use. Also include a map of where these uses will be located and elaborate on what pedestrian use means. Include in this plan how the open space easements will be managed. If no open space is proposed a management plan will be provided for all vacant lots.
 3. Obtain access approval from Teton County, ID Road & Bridge for N 1500 E and N. Stateline Road.
 4. Begin working with EIPH for septic approval.
 5. Begin working with Teton County Fire District for fire suppression approval.
 6. Conduct/update required studies/plans for Preliminary Review: Traffic Impact Study, Public Service/Fiscal Analysis, Landscape Plan, Stormwater and Infrastructure Plans, Phasing Plan (if required), Natural Resource Analysis, and Nutrient Pathogen Study. The traffic impact study will include the distribution of traffic on Grand Teton Road.
 7. We request a year round wildlife study and a fiscal viability analysis.
- and having found that the considerations for granting the Concept Plan Approval to Peacock Property LLC can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,
 - and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
 - I move to APPROVE the Concept Plan for Mountain Legends Ranch Subdivision as described in the application materials submitted June 7, 2016 and June 21, 2016 and as supplemented with additional applicant information attached to this staff report.

Mr. Arnold seconded the motion.

After a roll call vote, the motion was unanimously approved.

Conclusions

Having given due consideration to the application and evidence presented, and to the criteria of approval defined in Teton County Code, Title 9-3-2(B-4), the Teton County Planning & Zoning Commission hereby makes the following conclusions:

1. In general, the proposed subdivision conforms with the goals outlined in the 2012-2030 Teton County Comprehensive Plan.
2. Public services are being utilized by the surrounding property owners, so they are available in the area. The subdivision is proposed to utilize private well and septic systems. The development will be accessed from Stateline Road and N 1500 E. Studies at the Preliminary Plat phase will provide additional information on the impact to public services.
3. Applicable impact fees will be required for all lots within the proposed subdivision, as adopted by Teton County.
4. The fiscal impact of the proposed development will be better understood after the Public Service/Fiscal Impact Study, as required by Teton County Code, is provided during the Preliminary Plat phase.
 - a. In addition to this, the Planning & Zoning Commission and the public were concerned with the fiscal viability of the proposed development due to the number of existing subdivision lots in Teton County that remain vacant. Because of this, the Planning & Zoning Commission has requested the applicant to provide a Fiscal Viability Analysis to better understand how the development would be fiscally successful after approval and to better understand the impacts to Teton County and its taxpayers.
5. The proposed development does not appear to negatively impact the health, safety, or general welfare of the County with the information presented for the Concept Plan. More information on this is required for the Preliminary Plat phase.
 - a. Water quality concerns were discussed. A Nutrient Pathogen Study, as required by Teton County Code, must be submitted at the Preliminary Plat phase, which will provide more information on how the proposed development may impact water quality and how that will be mitigated.
 - b. Traffic concerns were also discussed. A Traffic Impact Study, as required by Teton County Code, will be submitted at the Preliminary Plat phase, which will provide more information on how the proposed development may impact traffic and how it will be mitigated.
 - c. Wildlife habitat on this property and the impact the proposed development would have on Natural Resources in the area was also discussed. A Natural Resources Analysis, as required by Teton County Code, will be submitted at the Preliminary Plat phase. This property is not mapped in a Wildlife Habitat Overlay, so the Teton County Code does not require the applicant to perform a Wildlife Habitat Assessment. However, the Planning & Zoning Commission has requested the applicant to perform a year-round wildlife study on this property due to these concerns and the goals related to wildlife habitat outlined in the Comprehensive Plan.
6. The proper legal requirements for advertisement of the public hearing have been fulfilled as required by Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Zoning Ordinance. The public hearing was duly noticed in the Teton Valley News on June 23, 2016 and June 30, 2016. A notification was sent via mail to surrounding property owners within a 300-foot buffer area, as well as all property owners in subdivisions that intersect with the 300-foot buffer. A notice was also posted on the property providing information about the public hearing.
7. Other persons in attendance expressed neutral and opposing comments of the proposed subdivision. All public comments are on file with the minutes of July 12, 2016.
8. This proposal is not in conflict with the provisions of any adopted Teton County ordinances.

Dave Hensel
Chair of Teton County Planning & Zoning Commission

Date

2016

Source Water Protection Plan for Teton County, Idaho



Prepared by Friends of the Teton River
on behalf of the Teton County Source
Water Planning Team

6/20/2016

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1.0 INTRODUCTION

According to the Idaho Department of Environmental Quality, source water protection is “a voluntary effort a community can implement to help prevent contamination of the source water that supplies its public water system. The effort may involve creating a source water (or drinking water) protection plan and implementing regulatory and/or non-regulatory management practices. Preventing contaminants from entering a public water system supply greatly benefits the community by minimizing the problems that can occur from contaminants in the water supply, such as increased health risks to the public, expanded drinking water monitoring requirements, additional water treatment requirements, and expensive environmental cleanup activities.”¹

Teton County, Idaho, has developed this Source Water Protection Plan (SWPP) in recognition that a sustainable supply of clean and reliable drinking water is needed to support economic vitality and quality of life in our community. Preventing contaminants from entering our drinking water supply will help to minimize potential problems, such as increased health risks, expanded drinking water monitoring requirements, additional water treatment requirements, or expensive environmental cleanup activities.

1.1 Drinking Water Systems in Teton County

This plan is designed to benefit all existing public drinking water sources in Teton County, Idaho (See Fig.1). Additionally, this plan recognizes that a substantial percentage of Teton County’s population is rural, and receives their drinking water from individual domestic wells, rather than from a public drinking water system. This plan is designed to promote cooperation among citizens, local governments, federal agencies, businesses, agricultural producers, and professional water managers in order to protect *all* of Teton County’s drinking water sources.

Fig. 1: Public Water Systems (PWS) in Teton County, Idaho, as listed in the Idaho Department of Environmental Quality Source Water Assessment Database as of 7/18/2016²

ID7410001	MOOSE CREEK RANCH	WELL 1	Active
ID7410002	HIGH PEAKS HEALTH AND FITNESS	WELL 1	Active
ID7410003	DARBY WATER ASSN	DARBY SPRING	Active
ID7410004	DRIGGS CITY OF	HUNTSMAN WELL	Active
ID7410004	DRIGGS CITY OF	VALLEY CENTRE WELL (EMERGENCY)	Active
ID7410004	DRIGGS CITY OF	TETON CREEK WELL	Active
ID7410004	DRIGGS CITY OF	WELL #1, TANK (EMERGENCY)	Active

ID7410004	DRIGGS CITY OF	HIGH SCHOOL WELL	Active
ID7410004	DRIGGS CITY OF	WELL #3, LIONS (EMERGENCY)	Active
ID7410004	DRIGGS CITY OF	WELL #2, DALLEY (EMERGENCY)	Active
ID7410004	DRIGGS CITY OF	TETON CR SPRINGS/MANIFOLD	Active
ID7410006	PACKSADDLE SUBD	PACKSADDLE WELL	Active
ID7410008	TETON VALLEY CAMPGROUND	WELL 1	Active
ID7410011	TETON VALLEY LODGE	WELL 1	Active
ID7410012	TETONIA CITY OF	WELL #1	Active
ID7410013	VICTOR CITY OF	SPRING #2	Active
ID7410013	VICTOR CITY OF	SPRING #3	Active
ID7410013	VICTOR CITY OF	SPRING #5	Active
ID7410013	VICTOR CITY OF	WILLOW CREEK WELL	Active
ID7410013	VICTOR CITY OF	NORTH WELL	Active
ID7410013	VICTOR CITY OF	SPRING #1	Active
ID7410013	VICTOR CITY OF	SPRING #6	Active
ID7410013	VICTOR CITY OF	SPRING #4	Active
ID7410014	USFS MIKE HARRIS CAMPGROUND	WELL	Active
ID7410016	BADGER CREEK OUTDOOR CENTER	WELL #1	Active
ID7410018	ROCKING H MOBILE PARK	WELL 1	Active
ID7410019	EE DAH HOW ACRES SUBD	WELL #1	Active
ID7410020	GROVE CREEK SUBD WATER ASSN	WELL #1	Active
ID7410022	JACKALOPE ASSN	WELL #1	Active

ID7410023	DRIGGS SUPER 8	WELL #1	Active
ID7410024	TARGHEE MEADOWS WATER USERS ASSN	WELL #1	Active
ID7410027	TETON VALLEY CABINS	WELL #1	Active
ID7410028	GOOD SHEPHERD CATHOLIC CHURCH	WELL #1	Active
ID7410033	TETON SPRINGS WATER AND SEWER COMPANY	WELL #1	Active
ID7410033	TETON SPRINGS WATER AND SEWER COMPANY	WELL #2	Active
ID7410034	FOX CREEK COUNTRY CLUB ESTATES	WELL #2	Active
ID7410034	FOX CREEK COUNTRY CLUB ESTATES	WELL #1	Active
ID7410035	TETON CREEK RESORT	WELL # 2/FIRE WELL	Inactive
ID7410035	TETON CREEK RESORT	WELL # 1	Inactive
ID7410036	VALLEY VISTA ESTATES	WELL #2	Active
ID7410036	VALLEY VISTA ESTATES	WELL #1	Active
ID7410038	CHILLER ICE	WELL	Active
ID7410039	LINN GUEST RANCH	MAIN WELL	Active
ID7410042	THE LEARNING ACADEMY	MAIN WELL	Active
ID7410044	RIVER RIM RANCH SUBDIVISION #1 AND LODGE	RIVER RIM WELL NO. 1	Active

Detailed information about each public water system covered by this plan is available on the Idaho Department of Environmental Quality website.

1.2 Project Background

Currently in Idaho, most Source Water Protection Plans (SWPPs) are developed by individual Public Water Systems (PWSs), such as those run by a city, a public utility, a subdivision, or a resort. However, there is recognition that, while these PWS-specific plans are very useful and should continue to be developed, they also leave gaps unfilled. When PWS-specific plans are developed by non-governmental entities, these entities often lack the authority that is needed to

actually implement drinking water protection measures. Additionally, whether the SWPP is developed by a governmental agency or not, land within a water source's delineation zone* often falls under multiple jurisdictions, again making it difficult for the entity completing the SWPP to actually implement protection measures defined in the plan. For example, the delineation zone for the City of Driggs Spring Water Source (PWS #ID7410004) covers a land area that is administered by the US Forest Service; Teton County, Idaho; and Teton County, Wyoming. Land uses within this area range from grazing, recreation, irrigated and non-irrigated agriculture, residential development, and resort development. The ability of the city, which does not actually administer any of the land within the delineation zone, to affect protection measures in these areas is clearly limited.

In recognition of these challenges, Friends of the Teton River (FTR), a 501(c)(3) non-profit organization that works for clean water, healthy streams, and resilient fisheries in the Teton Watershed, worked with Teton County, Idaho and regional Idaho Department of Environmental Quality (IDEQ) staff to apply for an IDEQ Source Water Protection Grant. This grant, which was received in 2011, funded the Drinking Water Source Protection Plan for Teton County, Idaho project. The goal of this project was to bring together a diverse group of community stakeholders to create a county-wide SWPP that protects all existing drinking water sources in Teton County, Idaho; the plan is also intended to serve as a resource, or model, for other entities interested in creating a county or regional-scale SWPP in Idaho. The plan was completed by Friends of the Teton River, on behalf of the Teton County Source Water Protection Planning Team, received approval from the Idaho Department of Environmental Quality in 2015, and was formally adopted by Teton County, Idaho in 2016.

1.5 The Need for Drinking Water Protection in Teton County

Thanks in large part to Teton County, Idaho's low density, rural population; its location high in the headwaters of the Teton Mountain range; and the relatively low-impact land uses that occur in much of its land area, most of the county's residents enjoy very high quality drinking water, and are free of many of the drinking water concerns that affect heavily industrialized and/or urban areas. However, despite the comparatively pristine condition of most of the community's drinking water sources, research conducted prior to embarking on this plan revealed water quality and quantity issues in some portions of the county that are of significant concern, both now and in the future. Additionally, there is recognition in Teton County that the only way to ensure good water quality and quantity for future generations is to implement measures now to protect this valuable resource.

Detailed Source Water Assessments[†] have been completed for most of the PWSs in Teton County, Idaho, and additional research on ground and surface water quality and quantity has been conducted by IDEQ, FTR, and others. While risks and contamination sources vary according to location, the following generalizations can be made:

* A *delineation zone* is the physical area around a well, spring, or surface water intake from which ground water or surface water is drawn. See section 4.0 for more information.

[†] See section 5.0 for more information on Source Water Assessments

- Portions of Teton County are included in the Ashton/Drummond Nitrate priority Area, which was ranked #13 of the 32 most severely degraded ground water areas in the state, according to the IDEQ 2008 Nitrate Priority Area Delineation and Ranking Process document (See Fig.1).
- The Teton River and many of its tributaries have been listed under Clean Water Act Section 303(d) for excessive nutrients, and several streams in the region have established Total Maximum Daily Loads that have been developed in attempt to limit their nutrient loads. Since 2001, water quality studies conducted by FTR and IDEQ have shown consistently high levels of nitrogen in surface water sources throughout Teton County, as well as areas of moderate nitrogen in some groundwater wells.
- Teton County, Idaho has experienced a rapid transition of land from irrigated agriculture to development, with 14.3% of the County’s previously irrigated agricultural land being converted to development between 1970 and 2008. Because aquifer recharge incidental to irrigation is a major component of the watershed’s current hydrology, further land conversion may continue to reduce groundwater quantity available for PWS use.³
- Numerous potential sources of contamination[‡] exist within the delineation zones of virtually all PWSs in Teton County for which Source Water Assessments have been completed. These include a decommissioned landfill; petroleum storage tanks; agricultural chemical storage sites; transportation corridors (including an airport runway, dirt roads, and highways); subdivisions and individual residences with septic tanks; irrigated agricultural land use; old wells; a cemetery; irrigation canals; and surface water streams. In the event of a spill or failure of one of these potential contaminant sources, one or more PWS water sources, and potentially a significant portion of the groundwater aquifer, would be at risk of contamination from inorganic chemicals (IOCs), synthetic organic chemicals (SOCs), volatile organic chemicals (VOCs), and/or microbial contaminants.

1.5 Elements of a Certified Source Water Protection Plan

Teton County has prepared this source water protection plan with guidance provided in the document “[Protecting Drinking Water Sources in Idaho](#)”⁴ and addresses the eight required elements for a state certified source water protection plan. These eight elements are:

- 1) Description of Planning Team Participants, Roles, and Duties
- 2) Delineation of the Source Water Protection Area
- 3) Inventory of Potential Sources of Contamination
- 4) Tools and Protection Measures to Manage Potential Sources of Contamination
- 5) Contingency Plan
- 6) Plan for future drinking water sources
- 7) Public Participation and Education
- 8) Implementation Strategy

[‡] If a business, facility, or property is identified as a potential contaminant source, this should not be interpreted to mean that they are in violation of any local, state, or federal environmental law or regulation. What it does mean is that the *potential* for contamination exists due to the nature of the business, industry, or operation.

This Source Water Protection Plan (SWPP) was completed in 2014 by Friends of the Teton River, on behalf of the Teton County Source Water Planning Team, with funding from a Source Water Protection grant awarded by the Idaho Department of Environmental Quality.

2.0 COMMUNITY PLANNING TEAM PARTICIPANTS, ROLES, AND DUTIES

The first step in the development of a Source Water Protection Plan consists of forming a planning team, and defining roles and duties.

2.1 Formation of the Community Planning Team

As noted in section 5.2.1a, development of this plan was preceded by a community-driven process to revise the Teton County Comprehensive Plan. Amy Verbeten, Executive Director for Friends of the Teton River, served as the Chair of the Natural Resources and Outdoor Recreation Sub-Committee of the Comprehensive Plan. During the comprehensive planning process, Amy compiled a list of individuals who expressed an interest in drinking water or watershed protection. Added to this list were individuals who directly manage public water systems, irrigation companies, plumbing businesses, and other water-related industries; staff and elected officials of local governmental entities, as well as state and federal agencies, that make decisions about land use; individuals who represent industries with a significant land use in Teton County, such as agriculture, residential, and resort development. These individuals were invited to participate in the first Teton County Source Water Planning Team meeting, or to suggest another individual who should represent their demographic if they were unable or unwilling to attend. Additionally, at the first planning team meeting, an agenda item was to brainstorm additional team members; these members were invited to attend the second meeting, or were invited to meet individually with planning team coordinator Amy Verbeten to add to meeting notes if they were unable to attend meetings. At each subsequent meeting, all attending participants were asked whether any individuals and/or important community demographics were underrepresented, and any individuals identified were invited to participate.

2.2 Planning Team Participants

During development of this plan, the following individuals participated as members of the Teton County Source Water Planning Team:

Fig. 2: Teton County Source Water Planning Team Participants

Participant Name	Affiliation
Carl Allen	Trail Creek Sprinkler Irrigation Company
Randy Blough	Targhee Town Water District
Rachel Burnside	Teton Soil Conservation District, Idaho
Ryan Colyer	Biota Research and Consulting; Teton County Planning and Zoning Commission
Rachel Daluge	Teton Conservation District, Wyoming
Michael Dronen	Eastern Idaho Public Health District
Jarod Gunderson	City of Driggs
Ron Hansen	Teton County Idaho Farm Bureau
Merrill Hemming	Eastern Idaho Public Health District
Robert Heuseveldt	City of Victor

Harley Hill	Teton Soil Conservation District, Idaho
Sherry Hill	Citizen
Ashley Koehler	City of Driggs
Stacy Lerwill	Teton Soil Conservation District, Idaho
Lindsay Markegard	Natural Resources Conservation Service
Glen Nelson	Farmer; Teton Soil Conservation District
Ron Overson	Grand Targhee Resort
Kelly Park	Teton County Idaho Board of County Commissioners
Wyatt Penfold	Darby Water Company
Shayne Rammell	Three Peaks Plumbing, Inc.
Caroline Reynolds	Citizen; Environmental Science background/interest
Marlene Robson	Farmer; Citizen
Mitch Smaellie	City of Tetonia
Randy Thomas	City of Victor
Harvey Walker	Grand Teton Canal Company
Louis Wasniewski	Caribou-Targhee National Forest
Allen Wilder	Wilder System Solutions; Contract Operator

Technical assistance was provided by:

Flint Hall, Idaho Department of Environmental Quality Regional Office, Idaho Falls

Melinda Harper, Source Water Protection Specialist, Idaho Rural Water Association

Miles Edwards, USDA Source Water Specialist, Wyoming Association of Rural Water Systems

Dan Chamberlain, Small Systems Circuit Rider, Wyoming Association of Rural Water Systems

2.3 Planning Team Roles and Duties

Amy Verbeten, of Friends of the Teton River, served as the team coordinator during development of the plan. At the first planning team meeting, it was agreed that her role would consist of the following:

- Coordinating and facilitating all team meetings during the planning stage, as well as future meetings to review and revise the plan.
- Taking detailed notes at each meeting, and providing a meeting summary for review and editing to all planning team members and other relevant parties as needed.
- Writing and revising the Source Water Protection Plan Document according to planning team recommendations, and presenting the plan to the Teton County Source Water Planning Team and the Teton County Idaho Board of County Commissioners for final review and approval.
- Presenting the plan to the Idaho Department of Environmental Quality for State Certification.

- Coordinating and ensuring that the protection measures and activities identified in this protection plan are implemented.
- Serving as the primary contact for questions related to this plan. Amy can be reached at the Friends of the Teton River Office, at 208-354-3871 x 13.

Future duties of the planning team will include:

- Holding meetings every two (2) years to review and update this protection plan and its components.
- Updating the contaminant source inventory every two years when the rest of the protection plan is under review, adding any new point or nonpoint sources of contamination identified in the delineated source water area.
- Evaluating and prioritizing new and proposed contaminant sources within the delineated source water area for their risk to the water system.

2.4 Planning Team Meetings

The full planning team met three times during the development of this plan, and multiple individual or small-group meetings to follow up on action steps were conducted between meetings or following the final large group meeting, at the recommendation of the planning team. A detailed agenda was provided to all planning team members prior to each meeting, and a meeting summary was provided after each meeting for review and editing. The final plan has been submitted to all planning team members for editing and review, and a summary of comments and how each comment will be addressed will be attached as an appendix to this document prior to final adoption and publication. Meeting agendas are attached as an appendix to this document, and meeting summaries are available upon request from Amy Verbeten by calling 208-354-3871 x 13, or emailing amy@tetonwater.org.

2.5 Planning Team Protection Strategy

There was general consensus among the planning team about the following points, which were used to guide the development of the overall protection strategy:

- Most drinking water in Teton County currently meets or exceeds all EPA drinking water quality standards, and is available in a quantity that will meet the county's near-term future needs.
- More data needed is needed to determine the degree of risk to individual drinking water sources, and to identify reason(s) for data that shows elevated nitrates in individual wells and surface water.
- At this time, non-regulatory measures and activities, such as education and outreach, monitoring/research and planning, and implementation of best management practices, are the most appropriate way to address the known or perceived risks to Teton Valley's drinking water sources.

- In some cases, there may be a need for more enforcement of current regulations.
- If regulatory measures are proposed in the future, the planning team should evaluate the following before deciding whether these measures should be implemented:
 - Data indicating that a specific water quality problem exists or is looming
 - Data that identifies the cause of the problem
 - A detailed summary of the pros, cons, costs, and efficiency of the proposed solution

3.0 DELINEATION OF THE SOURCE WATER PROTECTION AREA

The next step in the development of a source water protection plan requires delineating the source water area from which each of Teton County's public water sources issues water. In response to Safe Drinking Water Act requirements, DEQ developed the *Idaho Source Water Assessment Plan* (DEQ, 1999) that describes the major components of, and procedures for, conducting source water assessments.

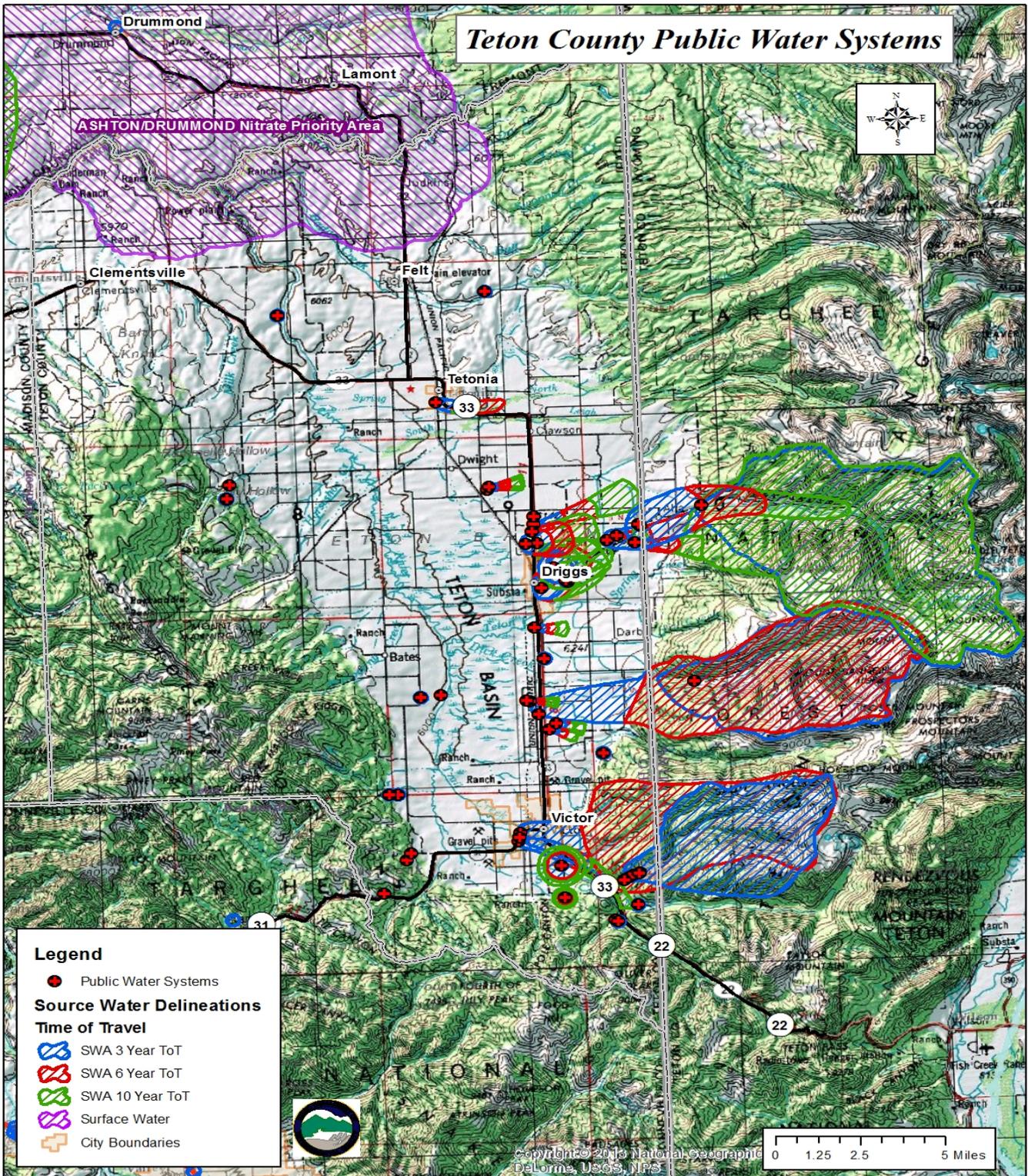
The delineation process, completed in the source water assessment for each public water system, establishes the physical area around a well, spring, or surface water intake from which ground water or surface water is drawn. The process uses a refined analytical model approved by the Environmental Protection Agency (EPA) to map the boundaries of the assessed source water area(s) into three separate time of travel (TOT) zones. Time of travel represents the number of years necessary for a particle of water to travel to reach the well, spring, or surface water intake.

Three TOT zones are mapped:

- The 0-3 year TOT zone, referred to as Zone IB. Water in this zone takes 0-3 years to travel through the aquifer and reach the spring, well, or intake being assessed.
- The 3-6 year TOT zone, referred to as Zone II. Water in this zone takes 3-6 years to travel through the aquifer and reach the spring, well, or intake being assessed.
- The 6-10 year TOT zone, referred to as Zone III. Water in this zones take 6-10 years to travel through the aquifer and reach the spring, well, or intake being assessed.

Figure 2 provides a compiled map of the source water delineations all Public Water Systems in Teton County (each PWS mapped in Fig. 2 is listed in Fig. 1). The Source Water Assessment Final Report for each of these Public Water Systems provides a detailed description of the water system's delineated source water area. These reports are available on IDEQ's website at: www2.deq.idaho.gov/water/swaOnline/SearchSwa.aspx.

Fig. 3: Map of Public Water Systems in Teton County, Idaho



4.0 POTENTIAL SOURCES OF GROUND WATER CONTAMINATION

Development of a drinking water source protection plan requires performing an inventory of contaminant sources within the delineated source water area.

4.1 Potential Contaminant Source Inventory

For virtually all of the Public Water Systems (PWSs) in Teton County, potential contaminant sources within the delineated source water area (Fig. 2) were identified and documented as part of the Source Water Assessment process. Additional research on ground and surface water quality in Teton County has been conducted by IDEQ, Friends of the Teton River, and others. Detailed information about potential contaminant sources for each individual PWS can be found on IDEQ’s website: www2.deq.idaho.gov/water/swaOnline/SearchSwa.aspx.

As noted in Fig. 4, an implementation step identified by this plan includes conducting an enhanced potential contaminant source inventory for the public water systems operated by the cities of Driggs, Teton, and Victor. These inventories will be documented in the individual Source Water Protection Plan developed by each city, either as an implementation step, or in the section that details potential sources of groundwater contamination. Contaminant inventories will be updated as specified in the cities’ source water protection plans.

4.2 Prioritization of Potential Contaminant Sources

The Planning Team has accomplished an additional step by identifying known or perceived threats to the aquifer that supplies and serves as a public drinking water source for all of Teton County’s PWSs and individual domestic wells. The following were identified by the planning team as the highest priority threats to Teton County’s Public Water System sources and/or the aquifer in general, listed in Fig. 3 in alphabetical order. It is important to note that, if a land use, industry, facility, or property is identified as a potential contaminant source, this should not be interpreted to mean that they are in violation of any local, state, or federal environmental law or regulation, or that they are currently operating in a manner that contaminates a water source(s) or the aquifer. What it does mean is that the *potential* for contamination exists due to the nature of the land use, industry, or operation.

Fig. 4: Known or perceived threats to drinking water sources in Teton County, as identified by Teton County Source Water Planning Team

Potential Contaminant Source/Threat	Description	Potential Contaminants [§]
Agricultural Hazardous Waste	Agriculture represents a significant land use within Teton County. Improper use, storage, and/or disposal of agricultural chemicals could result in source water contamination.	IOC, SOC
Fertilizer Application	Teton County is considered a high nitrogen fertilizer use area. Improper application of fertilizers on resort,	IOC

[§] IOC=inorganic compound; VOC=volatile organic compound; SOC=synthetic organic compound; M=microbials

	agricultural, or residential land could result in source water contamination.	
Forest Management Practices & Forest Recreation	Forest management (including fire prevention, wildfire suppression, grazing, timber harvest, campground operation, dispersed camping, road maintenance, and recreation management), if not conducted in accordance with Best Management Practices, could result in source water contamination.	IOC, VOC, SOC, M, Sediment
Grazing/Dairy /Feedlot	Grazing, feedlot, and/or dairy operations exist within the source water delineation zones of several Teton County water sources. If not managed properly, these operations could present a risk of contamination.	IOC, M
Household Hazardous Waste	Residential development represents a significant land use within Teton County. Improper use, storage, and/or disposal of household chemicals could result in source water contamination.	IOC, SOC, VOC
Increased demand/water management changes	Aquifer recharge incidental to irrigation and stream flow are major components of the region's hydrology. Increased withdrawal of water from the aquifer, reduction in irrigated agriculture or closure of canals, and changes in stream flow level could reduce the amount of water available for public water system use.	Water Quantity
Irrigation Backflow	Many residences in Teton County utilize non-potable water in irrigation systems that are directly connected to individual wells or public potable water supply systems. Absence, improper use, and/or failure of a backflow prevention device could result in source water contamination.	IOC, M
Landfill	Teton County, Idaho closed its old landfill in 2007, and has been working with IDEQ to prevent leaking of leachate. Continued leachate leakage could result in source water contamination.	IOC, VOC, SOC, M
Roads	Major and minor roads throughout the county pose a risk of contamination due to road salt application and chemical spills.	IOC, VOC, SOC
Septic Tanks	A significant percentage of Teton County residences utilize individual septic tanks for waste water treatment. Improper installation, maintenance, and/or increased density of septic tanks could result in source water contamination.	IOC, SOC, M
Surface Water	The delineation zones of numerous public water sources in Teton County are located within the floodplain of the Teton River and/or its tributaries. Flooding could result in source water contamination.	IOC, VOC, SOC, M, Sediment
Underground Storage Tanks	Numerous underground storage tanks exist in the County, particularly at the Driggs Reed Memorial	VOC, SOC

	Airport, and in industrial/commercial zones within and surrounding the cities of Driggs, Teton, and Victor	
Wells (Residential)	A significant percentage of Teton County residences utilize individual wells as their primary source of drinking water. Improper installation, maintenance, and/or use of individual wells, or improper capping of defunct wells, could result in source water contamination.	IOC, SOC, M

Priority threats will be reviewed and updated if needed when this source water protection plan is updated every other year.

5.0 SOURCE WATER PROTECTION MANAGEMENT TOOLS

The Teton County Source Water Planning Team has identified the following general management tools as appropriate ways to protect Teton County’s drinking water sources and groundwater aquifer from potential sources of contamination. Specific ways in which these tools will be applied are presented in Section 6. This section will be reviewed and updated every other year if needed, when the source water protection plan is updated.

5.1 Public Education and Information

Public education and information is one of the primary protection tools identified by the planning team as appropriate for Teton County at this time. Public education and information will include:

- Continuing to offer a Water Awareness Week water festival for all 6th grade students in Teton County. This annual water festival, coordinated by Friends of the Teton River, offers students the opportunity to learn about water resources and drinking water protection from water resource professionals in the community. All 6th grade students in Teton County School District #401, in addition to most of the county’s private school 6th graders, have attended this event annually since 2004.
- Continuing to provide free testing for nitrates for Teton County residents with individual residential wells. Friends of the Teton River, in partnership with several local plumbers, Teton High School, and the Teton Conservation District, has offered 6 public well testing events since 2011, in addition to offering this service free of charge in the FTR office by appointment. These events include information about drinking water protection for individual homeowners. Free well testing events will continue to be offered on a minimum annual basis as an implementation step of this plan, provided that funding can be secured.
- Providing online drinking water protection information to Teton County adults, in the form of a web page, hosted by Friends of the Teton River and linked to by Teton County and the cities of Driggs, Teton, and Victor; as well as community education classes and forums, that highlight information specific to:
 - General information about drinking water sources and source water protection in Teton County, Idaho

- Recommended use and maintenance of individual residential septic systems
 - Recommended testing, maintenance and protection of individual residential wells
 - Prevention of backflow from residential irrigation systems
 - Proper disposal of household hazardous waste, including pharmaceuticals
 - Recommendations for safe application of fertilizers for lawns and landscaping
 - Recommendations for water conservation in residential households
 - Recommendations for properly closing abandoned wells and unused septic systems.
- Providing an online copy of the Teton County Source Water Protection Plan final document, and updated revised versions, hosted on the Teton County website, and linked by Friends of the Teton River and any other interested entities. Hard copies of the document will also be available in the Teton County planning department and at the Friends of the Teton River office.

5.2 Community Planning and Monitoring

A number of planning and monitoring activities have been identified by the planning team as appropriate means for protecting drinking water in Teton County. These include:

- The Cities of Driggs, Teton, and Victor will each complete and/or continue to update a city-specific Source Water Protection Plan, and integrate it with the Teton County plan.
- The cities of Driggs, Teton, and Victor will perform an enhanced potential contaminant source inventory as an implementation step of their Source Water Protection Plans, and use this to update the Teton County Plan if necessary.
- Conducting detailed monitoring studies to determine source of high nitrates in Teton River and moderate nitrates detected in groundwater samples from private wells.
- Conducting detailed study of changing water management and climate on water availability for future municipal and rural residential growth in Teton County

5.2.1a: Integration with Teton County Comprehensive Plan

The Idaho Local Land Use Planning Act (I.C. 67-6537) requires local governing boards to consider the impact on ground water quality when amending, repealing, or adopting a comprehensive plan. In August of 2012, the Teton County, Idaho Board of County Commissioners approved a revised Comprehensive Plan.⁵

The revised Comprehensive Plan was developed as a grassroots, with community participation as the cornerstone of the process. Public input was solicited through a variety of means, including public workshops, open houses, stakeholder interviews, a “plan van” that attended many local events, online surveys, and targeted landowner workshops. This resulted in over 4,000 input occurrences, with a large percentage of Teton County’s approximately 10,000 residents participating in the process. This community input was evaluated and assimilated into the final plan by citizen committees made up of dedicated volunteers who represented the breadth of community values.

Amy Verbeten, Executive Director of Friends of the Teton River, served as Chair of the Natural Resources and Outdoor Recreation (NROR) Subcommittee of the Comprehensive Plan. This committee, and the public input it received, laid the groundwork for the subsequent Teton County Source Water Protection Plan.

Drinking water protection consistently ranked as a high value priority for Teton County residents in public input solicited prior to and during the comprehensive planning process. As a result, the NROR Subcommittee incorporated drinking water protection into the Comprehensive Plan in the following manner:

- NROR Goal 1: Conserve our public lands, trail systems, and natural resources (air, water, wildlife, fisheries, wetlands, dark skies, viewsheds, soundscape, soils, open space, native vegetation).
 - Policy 1.4: Work with municipalities and public water systems to ensure safe and adequate drinking water.
 - Action Items:
 - Develop a source water protection plan
 - Ensure developments have adequate supply of drinking water and ability for adequate wastewater treatment prior to approval.

Now that the revised Comprehensive Plan has been approved, the Teton County Planning and Zoning Commission is analyzing and reviewing Teton County's Land Use Code, with an anticipated completion date in fall of 2016. The goal of this revision is to bring the land use code into alignment with the comprehensive plan. It is intended that the Teton County Source Water Protection Plan will be used as a reference document during this process.

5.3 Non-Regulatory Best Management Practices

Development or implementation of voluntary best management practices has been identified by the planning team as an appropriate means for protecting drinking water in Teton County. Areas in which best management practices have been targeted for development or implementation include:

- Offering agricultural hazardous waste disposal events at times and locations that are practical for agricultural producers.
- Ensuring that best management practices are being used on US Forest Service land to promote watershed and source water protection, with particular emphasis on decreasing potential sediment and inorganic compound effects from forest roads, dispersed camping areas, grazing, and/or wildfire.
- Continuing to work with agricultural producers to research, implement, and monitor cutting-edge best management practices that further reduce potential for water contamination, particularly in the areas of fertilizer application, grazing, dairy, and feedlot operations, buffer zone use, and tillage practices.

- Offering household hazardous waste disposal events at times and locations that are practical for homeowners.
- Researching best management practices for irrigation recharge wells, and ensuring they are followed in the event that permits for irrigation recharge wells are applied for.
- Developing a coordinated emergency response plan to prevent water contamination in the event of an emergency that disrupts delivery by one or more of the public water systems in Teton County.
- Developing an incentive program that encourages residents to perform regular maintenance on individual septic tanks.
- Developing and implementing municipal storm water standards.

5.4 Regulations and Permits

While no new regulations are recommended at this time, the following have been identified by the planning team as areas where current regulations should be implemented more effectively, or where inspection should be continued or increased:

- Continuing to inspect subdivision construction to ensure that approved plans for irrigation backflow prevention, septic/sewer placement and maintenance, storm water management, and well siting are followed, and investigate whether additional capacity is needed for increased inspection in the future.
- Continuing to implement and monitor steps to prevent leakage of leachate from the old Teton County landfill.
- Ensuring that regulations regarding use and inspection of underground storage tanks are followed, and continuing to monitor groundwater near the Driggs Reed Memorial Airport to ensure early detection and containment of any potential contamination event.

6.0 MANAGEMENT TOOLS AND PROTECTION MEASURES FOR PRIORITY POTENTIAL CONTAMINANT SOURCES

Teton County’s planning team identified measures and activities designed to addressing the highest priority known or perceived threats to drinking water sources that were identified in Fig. 4. Protection measures are listed in an order that corresponds to the threats listed alphabetically in Fig. 4.

Fig. 5: Measures and activities to address potential sources of drinking water contamination in Teton County, Idaho.

Contaminant Source/Threat Addressed**	Protection Measure	Specific Tasks (Responsible Party)	Anticipated Date of Completion
All	Planning: Source Water Protection Plan	<ul style="list-style-type: none"> The Cities of Driggs, Tetonia, and Victor will each complete a Source Water Protection Plan, and integrate it with the Teton County plan (Idaho Rural Water Association) 	Tetonia plan is complete Driggs, Victor plans currently in progress
All	Planning: Enhanced potential contaminant source inventory	<ul style="list-style-type: none"> The cities of Driggs, Tetonia, and Victor will perform an enhanced potential contaminant source inventory as an implementation step of their Source Water Protection Plans, and use this to update the Teton County Plan if necessary (Idaho Rural Water Association, IDEQ) 	By 2021
Unknown; may address one or more of the following: <ul style="list-style-type: none"> Fertilizer application Forest management practices & forest recreation Grazing/dairy/feed-lot Septic tanks 	Planning: Groundwater monitoring and surface water monitoring	<ul style="list-style-type: none"> Conduct detailed monitoring studies to determine source of high nitrates in Teton River and moderate nitrates detected in groundwater samples from private wells (Idaho Department of Environmental Quality; Friends of the Teton River) 	By 2021 (contingent on funding)
Agricultural hazardous waste	Best management Practice: Proper storage and disposal of agricultural hazardous waste	<ul style="list-style-type: none"> Offer agricultural hazardous waste disposal events at times and locations that are practical for agricultural producers (Friends of the Teton River, Teton Soil Conservation District, Teton County Farm Bureau, Teton County) 	By 2017 (contingent on funding)

** See Fig. 3 for description of known or perceived threats to drinking water sources in Teton County

		<p>Community Recycling, Teton County Landfill)</p> <ul style="list-style-type: none"> • Seek funding sources to support education & disposal events (Friends of the Teton River) 	
<ul style="list-style-type: none"> • Fertilizer application • Irrigation backflow • Septic tanks • Wells (residential) 	Education, Outreach, and Public Information	<ul style="list-style-type: none"> • Continue school-based annual water festival for 6th graders to educate about water quality protection (Friends of the Teton River) 	Ongoing
Forest management practices & forest recreation	Best Management Practices: Forest practices that promote source water protection	<ul style="list-style-type: none"> • Coordinate with US Forest Service to promote BMPs designed to promote watershed and source water protection, with particular emphasis on decreasing potential sediment and inorganic compound effects from forest roads, dispersed camping areas, grazing, and/or wildfire. (Friends of the Teton River) 	Ongoing
<ul style="list-style-type: none"> • Fertilizer Application 	Best Management Practices: Conservation Tillage	<ul style="list-style-type: none"> • Conduct a soil health initiative that includes a low-cost no-till drill rental program, cover crop incentives, education/outreach to agricultural producers, and research/monitoring to evaluate and document effects (Teton Soil Conservation District, Friends of the Teton River) 	By 2017 (contingent on funding)
<ul style="list-style-type: none"> • Fertilizer Application • Grazing/Dairy/Feedlot 	Best Management Practices: Various	<ul style="list-style-type: none"> • Continue to work with agricultural producers to research, implement, and monitor a variety of best management practices to further reduce potential for water contamination (Teton County Farm Bureau, NRCS, Teton Soil Conservation District, Teton Conservation District) 	
Household Hazardous Waste	<ul style="list-style-type: none"> • Education, Outreach, and Public Information 	<ul style="list-style-type: none"> • Distribute educational information to residents about proper disposal of household 	By 2016 (contingent on funding)

	<ul style="list-style-type: none"> • Best Management Practice: Proper disposal of household hazardous waste 	<p>hazardous waste (Friends of the Teton River; Teton Valley Community Recycling)</p> <ul style="list-style-type: none"> • Work with Teton County Community Recycling & Teton County Landfill to offer household hazardous waste disposal events at times and locations that are practical for homeowners (Friends of the Teton River) • Seek funding sources to support education & disposal events (Friends of the Teton River) 	
Increased demand/water management changes	Planning: Impact Studies	<ul style="list-style-type: none"> • Conduct detailed study of changing water management on water availability for future agricultural, municipal and rural residential use in Teton County (Friends of the Teton River, Teton Water Users Association) • Seek funding sources to support research (Friends of the Teton River, Teton Water Users Association) 	By 2021 (contingent on funding)
<ul style="list-style-type: none"> • Irrigation backflow • Septic tanks • Surface water • Wells (residential) 	Regulations and Permits: Inspections and Technical Assistance	<ul style="list-style-type: none"> • Ensure that approved plans for irrigation backflow prevention, septic/sewer placement and maintenance, storm water management, and well siting are followed (Eastern Idaho Public Health District) 	Ongoing
Landfill	Regulations and Permits: Inspections and Technical Assistance	<ul style="list-style-type: none"> • Continue to work with IDEQ to implement and monitor steps to prevent leakage of leachate (Teton County) 	Ongoing
<ul style="list-style-type: none"> • Roads • Surface water • Natural disaster 	Best Management Practice: Coordinated Emergency Response Plan	<ul style="list-style-type: none"> • Work with fire department, cities, and small public water systems to educate about source water delineation areas, map and distribute source water delineation areas, and develop a coordinated emergency response plan to 	By 2021

		prevent water contamination in the event of an emergency that disrupts delivery by one or more public water systems (Teton County)	
Septic Tanks	<ul style="list-style-type: none"> • Education, Outreach, and Public Information • Best Management Practice: Proper location and maintenance of private septic tanks 	<ul style="list-style-type: none"> • Distribute educational information to residents and potential buyers about proper septic system location and maintenance • Work with Teton County and local plumbing companies to develop an incentive program that encourages residents to perform regular maintenance on individual septic tanks. Potential incentives could include property tax relief; payment vouchers; rebates; and/or sponsored discounts with local plumbing companies. (Friends of the Teton River) • Seek funding sources to support incentive program (Friends of the Teton River) • Ensure that private septic permitting is including with applicable County permits and comply with county code (Teton County) 	By 2017 (contingent on funding)
Surface water	Best Management Practices: Storm water management	<ul style="list-style-type: none"> • Incorporate storm water management into land use code update, and ensure compliance with county code (Teton County) • Coordinate with Cities of Driggs, Teton, and Victor to develop and implement municipal storm water standards (IDEQ, Idaho Rural Water Association) 	By 2021 (contingent on funding)
Underground Storage Tanks	Regulations and Permits: Inspections and Technical Assistance	<ul style="list-style-type: none"> • Continue monitoring groundwater in airport area to ensure early detection and 	Ongoing

		containment of any potential contamination event (IDEQ)	
<ul style="list-style-type: none"> • Wells (residential) • Fertilizer application • Irrigation backflow • Septic tanks Wells (residential) 	Education, Outreach, and Public Information	<ul style="list-style-type: none"> • Expand Water Awareness Week activities and other Community Education Programs to include additional free well testing for nitrates, an adult/community water festival that highlights water quality protection, and wide distribution of water quality protection educational information in written and electronic formats (Friends of the Teton River) 	By 2016 (contingent on funding)

7.0 EMERGENCY RESPONSE (CONTINGENCY) PLAN

A source water protection emergency response plan is designed to serve as a guide in the event that an emergency occurs in which one or more of Teton County’s public drinking water systems become unable to deliver safe drinking water to its users. Examples of emergencies that may prevent safe drinking water delivery include contamination, loss of power, equipment failure, and natural disasters such as earthquakes, drought or flooding. The development and implementation of an emergency response plan increases the likelihood that correct and immediate action will be taken, and that any damage or potential health risk, both in the long and short term, will be minimized.

Because Teton County does not operate its own public water system, its role in the development of an emergency response plan will be to provide education to, and act as a coordinator for, region-wide emergency response agencies. As noted in Fig. 5, an implementation step of this Source Water Protection Plan is to work together with the fire department, the cities of Driggs, Teton, and Victor, and small public water systems to educate about source water delineation areas, and to develop a coordinated emergency response plan to prevent water contamination in the event of an emergency that disrupts delivery by one or more public water systems. This will occur by or before 2021, and will be coordinated with the development of individual Source Water Protection Plans being developed by each of the cities. Once development of the emergency response plan is finalized, it will be included as a separate document that serves as an appendix to the source water protection plan. Regular updates to the source water protection plan, which will occur every two years, will also include updates to the emergency response plan.

8.0 PLANNING & PROTECTION STRATEGIES FOR NEW DRINKING WATER SOURCES

During the development of this source water protection plan, Teton County has been recovering from its largest ever development boom/bust cycle to date. From 2000 to 2010, Teton County, Idaho was one of the fastest growing counties in the nation; it then experienced a precipitous

decline in the real estate market that rippled through the area’s entire economy. There is currently a great deal of speculation about future rates of development, but little confidence in projections.

The general consensus of the Planning Team was that, on a regional scale, there appears to be adequate drinking water quality and quantity to meet Teton County’s near-term future needs. Finer scale evaluation of current and future need for new water sources will occur with the development of individual Source Water Protection Plans for the cities of Driggs, Teton, and Victor (see Fig. 5). The contingency plan will be reviewed, and updated if needed, when this source water protection plan is updated every other year.

Additionally, as noted in Fig. 5, an implementation step of this plan is to conduct a detailed study of the potential impacts of changing water management and climate on water availability for longer-term future municipal and rural residential growth in Teton County. Provided that funding can be secured, this step is anticipated for completion by 2021.

In the event that the need for additional drinking water source development does arise in the near-term future, the source water area will be estimated to determine the safest location for a new water source. The new drinking water source will then be delineated in a manner consistent with the delineation process for existing drinking water sources. In addition, if there are major changes to construction, discharge rate or pumping rate of any public water systems within Teton County, the planning team should be notified, and the existing delineation should be reviewed to ensure that it still represents the appropriate source water delineation. The assessed source water delineation may be updated or modified if significant new information becomes available. The delineation for any new or modified source water site should be inventoried for any potential contaminant sources, and the risk evaluated. Anticipated pumping rate and existing knowledge of the aquifer will be used to determine which proposed location for a potential new drinking water source would provide the least risk of contamination. The planning team can then recommend appropriate actions to prevent contamination of the proposed new source water site, and this plan will be updated as needed.

9.0 IMPLEMENTATION STRATEGY

It is anticipated that source water protection measures identified in this plan will be implemented on the following timeline, provided that funding can be secured. The source water protection plan will be updated to reflect completed items when it is reviewed every two years.

Fig. 6: Implementation Schedule for Teton County Source Water Protection Plan

Year 1 (September 2016-September 2017)	<ul style="list-style-type: none"> • Final approval of Teton County Source Water Protection Plan by Teton County Board of County Commissioners • Source water protection plans completed for Driggs, Victor • Offer agricultural and household hazardous waste collection events • Develop and implement pilot Soil Health Initiative • Water Awareness Week events for 6th grade students and adults • Develop educational information about proper septic system location and maintenance, backflow prevention, residential fertilizer
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	<p>application, and residential well maintenance and testing. Post on websites and distribute at community events.</p> <ul style="list-style-type: none"> • Develop and seek sustainable funding source for septic maintenance incentive program • Seek funding for detailed study of changing water management on water availability for agricultural, municipal, and rural residential uses
Year 2 (October 2017-September 2018)	<ul style="list-style-type: none"> • Begin seeking funding for research to identify source of high nitrates in groundwater and surface water in Teton County • Agricultural and household hazardous waste collection events • Water Awareness Week events for 6th grade students and adults • Offer pilot septic maintenance incentive program • Conduct study of changing water management on water availability for agricultural, municipal, and rural residential uses; develop implementation strategy for meeting/sustaining future needs
Year 3 (October 2018-September 2019)	<ul style="list-style-type: none"> • Planning team meeting(s) to review and update all sections of Teton County Source Water Protection Plan • Conduct research to identify source(s) of high nitrates in groundwater and surface water in Teton County • Annual agricultural and household hazardous waste collection events • Water Awareness Week events for 6th grade students and adults • Implement septic maintenance incentive program • Begin implementing strategies to meet/sustain future water needs
Year 4 (October 2019-September 2020)	<ul style="list-style-type: none"> • Conduct research to identify source(s) of high nitrates in groundwater and surface water in Teton County • Annual agricultural and household hazardous waste collection events • Water Awareness Week events for 6th grade students and adults • Implement septic maintenance incentive program
Year 5 (October 2020-September 2021)	<ul style="list-style-type: none"> • Planning team meeting(s) to review and update all sections of Teton County Source Water Protection Plan • Planning team meeting(s) to conduct 5-year review of success of Teton County source water protection efforts • Enhanced potential contaminant inventory completed for Driggs, Tetonia, Victor and Teton County contaminant inventory updated • Publish report and recommendations on source(s) of high nitrates in groundwater and surface water in Teton County. Incorporate recommendations as necessary into update of SWPP. • Annual agricultural and household hazardous waste collection events • Water Awareness Week events for 6th grade students and adults • Finalize Drinking Water Emergency Response Plan, and include as separate document with updated SWPP. • Implement septic maintenance incentive program • Finalize development and implementation of municipal storm water standards for Driggs, Tetonia, and Victor

The following implementation steps are already in progress, and will continue as ongoing action items over the course of the 5-year timeline described above:

- Work with US Forest Service to implement forest best management practices in source water protection areas on USFS lands.
- Work with agricultural service agencies and producers to research, educate about, implement, and monitor agricultural best management practices for source water protection.
- Ensure that existing regulations for irrigation backflow prevention, septic/sewer placement and maintenance, storm water management, and well siting are being followed. Consider whether increased inspection is needed.
- Continue to work with IDEQ to meet regulations on preventing leachate from leaking from old Teton County landfill.
- Continue to monitor groundwater in and around the Driggs Reed Memorial Airport to ensure early detection and containment of a potential contamination event

APPENDIX A: GLOSSARY

Adapted from the IDEQ Document, “*Protecting Drinking Water Sources in Idaho*”

Aquifer - A geological formation of permeable saturated material, such as rock, sand, gravel, etc., capable of yielding economically significant quantities of water to wells and springs.

Best Management Practice (BMP) - A practice or combination of practices determined to be the most effective and practical means of preventing or reducing contamination to ground water and/or surface water from nonpoint and point sources to achieve water quality goals and protect the beneficial uses of the water.

Contaminant - Any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste product, or other substance which does not occur naturally in ground water or which naturally occurs at a lower concentration.

Contamination - The direct or indirect introduction into ground water or surface water or source water of any contaminant caused in whole or in part by human activities.

Delineation (delineate) - The process of defining or mapping a boundary that shows the areas that contribute water to a particular water source used as a public water supply. For surface waters, the land area usually consists of the watershed for a reservoir or stream. For groundwater sources, the boundary typically encompasses the areal extent of the aquifer that contributes water to the public water supply.

Ground Water - Any water of the state which occurs beneath the surface of the earth in a saturated geologic formation of rock or soil.

Monitoring- the process of watching, observing, or checking (in this case water). The entire process of a water quality study including: planning, sampling, sample analyses, data analyses, and report writing and distribution.

Potential Contaminant Source Inventory - The process of identifying and inventorying contaminant sources within delineated source water areas. Inventory steps include: using existing contaminant sources locations and description data, identifying likely sources for further information, and verifying accuracy and reliability of the data sets.

Public Drinking Water System - A water system which provides piped water to the public for human consumption. The system must have at least 15 service connections or regularly serve at least 25 individuals daily for at least 60 days.

Source Water - Any aquifer, surface water body, or watercourse from which water is taken either periodically or continuously by a public water system for drinking or food processing purposes.

Source Water Assessment - A source water assessment provides information on the potential contaminant threats to public drinking water sources. Each source water assessment consists of a delineation of the water source area, a contaminant inventory, and a susceptibility analysis.

Source Water Assessment Area - The part of the watershed or ground water area that contributes to the water supply.

Surface Water(s) - All water which is open to the atmosphere and subject to surface runoff. Includes lakes, ponds, streams, rivers, and other water bodies which lie on the surface of the land. Surface waters may be partially or fully supplied by groundwater.

Time of Travel (TOT) - The time required for a contaminant to move in the saturated zone from a specific point to a well.

Watershed - A drainage area or basin in which all land and water areas drain or flow toward a central collector such a stream, river, or lake at a lower elevation. The whole geographic region contributing to a water body

APPENDIX B:
Teton County Source Water Planning Team Meeting Agendas

Meeting 1 Agenda:

- Agree upon planning team roles, responsibilities, logistics,
- Identify additional planning team members
- Identify strengths, weaknesses, threats, opportunities of current drinking water protection in Teton County & its cities
- Identify and assign planning team action steps

Meeting 2 Agenda:

- Review public water system delineations
- Discuss contaminant inventory action steps
- Review and discuss current management tools, and changes needed to current management tools
- Identify and assign action steps

Meeting 3 Agenda:

- Discuss current contingency plan, strengths and gaps
- Discuss outreach plan and means for gaining additional public input
- Discuss timeline for creating and reviewing written Source Water Protection Plan

Follow Up:

- 1-on-1 meetings as needed for follow up on action items identified in meetings
- Public outreach and nitrate testing
- Write Source Water Protection Plan
- Planning team, Teton County planning staff, IDEQ staff review/revise draft plan
- Plan edited based on recommendations by planning team and technical advisors
- Final plan presented to Teton County, Idaho Board of County Commissioners for approval
- Final plan presented to Idaho Department of Environmental Quality for state certification

APPENDIX C: Potential Funding for Source Water Protection Plan Implementation

Listed below are funding resources most likely to be applicable funding sources for action steps identified in Teton County’s source water implementation plan.

In addition, the Rural Community Assistance Corporation (RCAC) publishes a comprehensive document, updated every other year, entitled “*RCAC Funding and Resource Guide: Idaho Water/Wastewater Systems*”⁶.

Funding Source	Who is Eligible?	How Can Funds Be Used?	Contact Information
<p>IDEQ Source Water Protection Grants</p>	<ul style="list-style-type: none"> • Public water systems • State and local government agencies • Special districts (such as soil conservation districts) • Associations • Nonprofit organizations • Educational institutions 	<p>Projects must contribute to improved protection of one or more public water supply sources. Eligible projects include:</p> <ul style="list-style-type: none"> • Contaminant source identification (research) • Contaminant pathway removal (closure of abandoned or unused wells) • Contaminant removal (hazardous waste collection, pollution prevention, and waste reduction) • Contaminant management (implementation of best management practices (BMPs), ordinance development and implementation of a source water protection plan, structures to divert contaminated runoff from the source) • Education and information sharing (brochures, workshops, media campaigns) 	<p>https://www.deq.idaho.gov/water-quality/grants-loans/source-water-protection-grants.aspx</p>
<p>IDEQ Public Water System Planning Grants</p>	<p>Most public water systems owned by Idaho municipalities, special water districts, and associations.</p>	<p>Provides assistance for facility planning projects designed to ensure safe and adequate supplies of drinking water. Grants awarded under this program are used to develop engineering reports identifying the most cost-effective, environmentally sound method of upgrading a public drinking water system to achieve and maintain compliance with state and federal standards. Grants cover up to 50% of eligible planning costs, with a matching share funded by local sources.</p>	<p>https://www.deq.idaho.gov/water-quality/grants-loans/water-system-planning-grants.aspx</p>

<p>IDEQ Construction Loans</p>	<p>Community water systems and non-profit, non-community water systems</p>	<p>Provides below-market-rate interest loans to help repair or build new drinking water facilities. Loans of up to 100% of project costs may be awarded for project design and/or construction.</p>	<p>https://www.deq.idaho.gov/water-quality/grants-loans/water-system-construction-loans.aspx</p>
<p>USDA Rural Development water and waste direct loans and grants</p>	<p>Communities in rural areas up to 10,000 population</p>	<ul style="list-style-type: none"> • Construct, enlarge, extend, or improve rural water, sanitary sewage, solid waste disposal, and storm wastewater disposal facilities. • Relocate buildings, roads, bridges, fences, or utilities associated with the project • Payment of utility connection charges • Reasonable fees and costs such as: engineering, legal, administrative, environmental analysis, surveys, and planning • Costs of acquiring interest in land, waters rights, leases, permits, rights-of-way, etc. • Purchase or rent equipment • Cost of applicant labor or other expenses • In extraordinary situations, connecting user to the mainline 	<p>http://www.rurdev.usda.gov/SupportDocuments/ID_WEP_Water_WasteDirectLoans_Grants.pdf</p>
<p>USDA Agricultural Conservation Programs</p>	<p>Agricultural landowners</p>	<p>The Natural Resources Conservation Service (NRCS) offers a variety of programs for water quality protection and improvement, well head protection, and water resource conservation on eligible farmland. These include the Conservation Reserve Program (CRP), Conservation Stewardship Program (CSP), Environmental Quality Incentives Program (EQIP), and Agricultural Water Enhancement Program (AWEP)</p>	<p>NRCS Teton Soil Conservation District Driggs Service Center (208) 354-2680</p>

275 Old Railro
Driggs, ID 83

APPENDIX D: REFERENCES

¹ Idaho department of Environmental Quality Website: Source Water Protection
<https://www.deq.idaho.gov/water-quality/source-water/protection.aspx>

² Idaho Department of Environmental Quality Searchable Source Water Assessment Database.
www2.deq.idaho.gov/water/swaOnline/SearchSwa.aspx

³ Liegel, L., 2011. Landscapes in Transition: Exploring the Intersections Between Land Use Planning and Water Management in Henry's Fork Watershed, IDA. http://humboldt-dspace.calstate.edu/bitstream/handle/2148/717/Liegel_thesis.pdf?sequence=1

⁴ Idaho Department of Environmental Quality Publication: Protecting Drinking Water Sources in Idaho. Revised 2007. http://www.deq.idaho.gov/media/499488-drinking_water_protection_guidance.pdf

⁵ Teton County, Idaho Comprehensive Plan -- A Vision and Framework 2012-2030
www.tetoncountyidaho.gov/pdf/codePolicy/120928_TetonID_CompPlan_FINAL.pdf

⁶ Rural Community Assistance Corporation Funding and Resource Guide: Idaho Water/Wastewater Systems <http://www.rcac.org/assets/Idaho/IDresourceGuide10pg.pdf>



A REQUEST FOR A CONDITIONAL USE PERMIT

BY: Aaron Powers (Corner Fox LLC)
FOR: Construction/General Contractor Use
WHERE: Corner of Hwy 33 & 5000 S
PREPARED FOR: Planning & Zoning Commission
Public Hearing of August 16, 2016

APPLICANT & LANDOWNER: Aaron Powers (Corner Fox LLC)

APPLICABLE COUNTY & STATE CODES: Conditional Use Permit pursuant to Title 8, Chapter 6, of the Teton County Zoning Ordinance, (amended 9/9/2013); Teton County Comprehensive Plan (A Vision & Framework 2012-2030). Idaho State Statutes 67-6512.

REQUEST: Corner Fox LLC, represented by Aaron Powers, is requesting a Conditional Use Permit for a "Construction/General Contractor" use on two properties (approximately 15 acres) owned by Corner Fox LLC. The property is located north of Victor at 376 W. 5000 S, at the corner of Highway 33. The applicant is requesting to use this property for his business, Powers Excavating Inc., which includes the following uses: topsoil screening, parking trucks and equipment, landscape rock and other gravel products, and using the shop to perform repairs and maintenance on equipment, as well as a small office space. This parcel is zoned A-2.5.

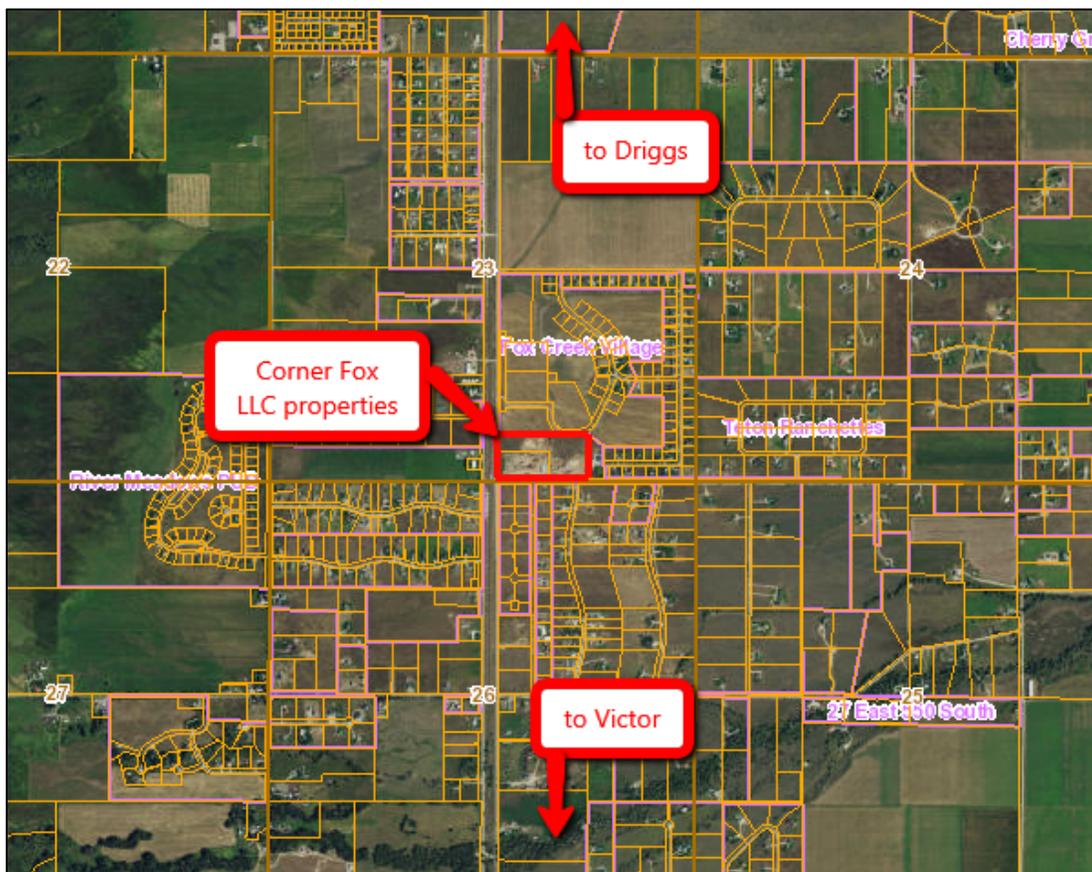
LEGAL DESCRIPTION: RP04N45E238400; TAX #1105 SEC 23 T4N R45E & RP04N45E238000; TAX #1106 SEC 23 T4N R45E

LOCATION: 376 W 5000 S (Victor)

ZONING DISTRICT: A-2.5; located in the Scenic Corridor

PROPERTY SIZE: 5 ac. & 9.25 ac. (14.25 acres total)

VICINITY MAP:



AERIAL IMAGE OF PROPERTY



PROJECT BACKGROUND

Aaron Powers, representing Corner Fox LLC, submitted an application for a Conditional Use Permit on July 5, 2016 (Attachments 1-6). A Development Review Committee (DRC) Meeting was held on July 12, 2016 with Teton County Planning, Public Works, Prosecuting Attorney, Fire District, and Eastern Idaho Public Health to discuss the application materials. The applicant was invited to this meeting but did not attend.

This application is for two adjacent properties, both owned by Corner Fox LLC. Both properties are zoned A-2.5 and partially located in the Scenic Corridor. Both properties are currently being used by the owner for the proposed use without permit approval. One of the properties (the 5-acre piece) does have a grandfathered use to store limestone and equipment. However, this use and the location of the use have changed and expanded. Teton County has received several complaints about this property in the last two years, and the applicant was notified several times that he was out of compliance. One option to come into compliance was to obtain a Conditional Use Permit for the properties, which is the cause for this application. Any development that occurs in the Scenic Corridor will require a Scenic Corridor Design Review.

PROJECT DESCRIPTION:

Aaron Powers is proposing to use two of his properties for a Construction/General Contractor use located at the corner of Highway 33 and 5000 South.

The Teton County Code, Title 8 defines Construction/General Contractor as:

CONSTRUCTION/GENERAL CONTRACTOR: A person who earns an income from any of the activities commonly referred to as construction and shall include clearing and grubbing, excavation, foundation work, framing, finish carpentry, hardwood flooring, sheetrock, painting, cabinets, plumbing, heating, wiring, roofing, siding, interior construction or remodeling, insulating, exterior construction repair, concrete, tile, log work, stone/brick work, landscaping, installing pools/hot tubs, demolition, road

building, paving, and utility installation, plus maintenance of the above. A contractor's residence may include an on-site storage area; however, a contractor's outdoor storage area shall not include inoperable vehicles, junk, or any equipment not related to the contractor's business. (amd 2013-09-09)

The applicant is requesting to use this property for his business, Powers Excavating Inc. (PEI) for the following uses:

- park their fleet of trucks and equipment on site when not in use
- haul topsoil to the property to be screened and resold wholesale
- hauling landscape rock and other gravel products
- utilize the existing shop for repairs and maintenance to service PEI and RAD Curbside vehicles
- hours of operation: Monday through Saturday 7am – 6pm
 - topsoil screening between 7:30am-5pm
 - company vehicles may return to the property outside of these hours

DRC MEETING - KEY ISSUES:

On July 12, 2016, we had a DRC meeting with Eastern Idaho Public Health (Mike Dronen), Teton County Fire District (Earle Giles), Teton County Public Works Director (Darryl Johnson), Teton County Prosecuting Attorney (Kathy Spitzer), and Teton County Planning Administrator (Kristin Rader). The applicant was invited but did not attend. From this meeting, the following key issues were identified (see Attachment # for more details).

- Roads
 - Visibility for drivers
 - Debris (mud & dirt) transferred to 5000 S and Hwy 33
 - Dust control on site
- Fire Protection
 - The Fire District must do an annual inspection on this property because it is a business.
 - The Fire District will also need to inspect the fuel storage and electrical to ensure compliance with the Fire Code.
 - No residential uses may be on site.
- Sewer/Septic
 - The proposed building on the site plan would need to obtain a new septic permit.
 - Mike Dronen has verified that the existing septic system is large enough to accommodate the existing facility and can continue to be used.
 - The use of the existing building for maintenance and mechanical work on equipment would require some form of disposal system. This cannot go into the existing septic system.
 - *I requested information from IDEQ about the rules they have for disposal systems for this type of potential waste. I spoke to Christy Swenson, and she said without knowing exactly what is taking place in the building to identify all of the potential wastes, she suggests that you contact an environmental consultant to properly establish what management systems may need to be put in place. She also stated that if there has been an impact to the soil or ground water, you are obligated to report that to IDEQ and are responsible for any remedial action required.*
- General Concerns

In general, following items were identified as possible concerns:

 - Safety of drivers on Highway 33 and 5000 S.

- This is a concern because of decreased visibility (dust, landscaping locations, height of stockpiles), increased truck traffic, and debris on the roads.
- A portion of this property is in the scenic corridor, so any development planned in the scenic corridor would have to get design review approval.
- The impact to neighbors (noise, dust, etc.)

OTHER AGENCY COMMENTS

IDEQ: Christy Swenson recommended contacting Ben Jarvis about pollution prevention for this proposed use. He addresses pollution prevention with IDEQ. He commented the following:

Based on the applicant's intended use, I would limit my comments to voluntary pollution prevention measures concerning vehicle maintenance. To be clear, these are voluntary suggestions only, and may not be feasible for the type of maintenance needs incurred by their operation.

- Store and operate equipment so as to achieve manufacturer recommended maintenance intervals.
- Follow manufacturers recommended maintenance schedule to ensure proper vehicle function. Properly running equipment can reduce vehicle emissions.
- Limit idling of motor vehicle equipment when not in use.
- Identify hazardous materials utilized for maintenance purposes such as solvents or degreasers and evaluate Safety Data Sheet for human health and environmental hazards.
 - Compare active ingredients in these materials to chemicals added to EPA's Safer Choice List <https://www.epa.gov/saferchoice/safer-ingredients#useclassList> or contact DEQ's P2 program for information on potential safer replacement chemicals.
 - Consider replacing any products with active ingredients absent from the Safer Choice List with products utilizing only ingredients added to the Safer Choice List
- If utilizing aerosol products for brake cleaning, evaluate the potential for the use of non-chlorinated, low VOC products utilizing only active ingredients on EPA's safer choice list. Consider whether or not maintenance needs, procedures, and workplace safety would support the replacement of chlorinated solvent cleaners with less toxic, but flammable, acetone based cleaners.
- Recycle any spent aerosol cans for brake cleaning if possible.
- Recycle spent automotive fluids if possible.
- Identify and correct any automotive fluid leaks.
- In general identify opportunities for source reduction by reducing the need for inputs that generate waste.

These suggestions are focused on prevention. From a prevention standpoint, you can't eliminate the need to change motor oil, and in fact proper maintenance is the most important way to keep equipment functioning properly and to improve longevity, so really the best suggestion is that they see if it is possible to recycle it if they aren't already. When things like automotive fluids do become wastes however, that is when rules for storage and disposal so as to prevent release go into effect.

US EPA: I spoke to Cyndi Grafe about the possible impacts of this proposed use. She responded with: We were also pleased that the floor drains will be closed off as we've seen issues with floor drains and maintenance facilities. If the project >1 acre, then we do have a Construction General Permit pertaining to stormwater. Lastly, I'm not familiar with the

fuel storage and waste disposal requirements, but I think you're on the right track in contacting IDEQ about this. I'm not clear on the size of the facility, but I would think there would be requirement for SPCC.

I believe SPCC that Cyndi is referring to stands for the US EPA's Spill Prevention, Control, and Countermeasure rules.

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE: Idaho Code, Title 67; Section 67-6512, and Title 8, Section 8-6-1 of the Teton County Zoning Ordinance. The public hearing for the Planning & Zoning Commission was duly noticed in the Teton Valley News. A notification was sent via mail to surrounding property owners within a 300-foot buffer area, including all property owners in subdivisions within the 300-foot buffer area. Political Subdivisions providing services in the area were also noticed, and a notice was also posted on the property providing information about the public hearing.

COMMENTS FROM NOTIFIED PROPERTY OWNERS & PUBLIC AT LARGE

Staff has received several written comment letters from the public at the time of this report. See Attachment 10.

SECTION 8-6-1-B-7 CRITERIA FOR APPROVAL OF A CONDITIONAL USE

The following findings of fact shall be made if the Conditional Use is being recommended for approval. If the application is being recommended for denial, the Commission should likewise specify the reasons for denial based on the items listed below.

1. Location is compatible to other uses in the general neighborhood.

- This property is predominantly surrounded by residentially zoned properties and residential uses.
- Three properties to the north are allowed some industrial uses as part of the approval for Fox Creek Village PUD. However, the only uses permitted on these parcels are storage units, covered rental units, light industrial units, and warehouse. All of these uses require a Conditional Use Permit. See Fox Creek Village PUD Final Plat (Inst. #124033)
- A property to the west (Grand Teton Log Homes) is zoned C-3 to allow a lumber mill. However, this property does have a development agreement with Teton County recorded that states if this use ends, it will revert back to A/RR-2.5 zoning.
- Two lots to the south (Alpine Acres), and two lots to the west (Peakview Estates) were platted as "commercial" lots in 1993. However, these are platted subdivisions, not planned unit developments. There is no record that these lots went through a rezoning process that complied with Teton County Code or LLUPA, so these are not considered commercially zoned properties.
- The applicant's narrative references a trailer park to the south and a dump truck business to the east. These are not permitted uses in that neighborhood.
- The proposed use is dissimilar in use to the adjacent properties. Screening should be required in compliance with Title 8, Chapter 12 – screening is required for this use in the A-20 zone through the Permitted with Conditions process. In my opinion, the proposed use is dissimilar in character to the neighboring residential uses, so High Impact Screening should be required. The property to the north is one of the industrial lots of Fox Creek Village PUD; however, because specific uses are called out for that property, mentioned above, I feel it is still dissimilar in character for High Impact Screening versus usually dissimilar in character for Medium Impact Screening.

- Below are the screening definitions from Title 8, Chapter 12:
 - *High Impact Screening (H): A 100% opaque screen between land uses that are dissimilar in character. A high impact screen shall have both of the following installed:*
 - *A six-foot-high wall or fence;*
 - *Low impact screening shall be planted on the exterior side of the wall or fence.*
 - *Medium Impact Screening (M): A 70% semi-opaque screen between land uses that are usually dissimilar in character. Semi-opaque screening should partially block views from adjacent land uses. A medium impact screen shall be a minimum of either a landscape screen or a fence, meeting one of the following options:*

Screen A

Shade Trees	1/500sf
Ornamental Trees	1/750sf
Evergreen Trees	1/300sf
Shrubs	1/200sf

Screen B

Shade Trees	1/1000sf
Ornamental Trees	1/500sf
Evergreen Trees	1/300sf
Shrubs	1/200sf

Screen C

Shade Trees	1/750sf
Ornamental Trees	1/750sf
Evergreen Trees	1/250sf
Shrubs	1/200sf

- *Low Impact Screening (L): An open screen between relatively similar land uses. Open screening shall provide an attractive separation and must portray one of the following screening options:*

Screen A

Shade Trees	1/500sf
Ornamental Trees	1/750sf
Evergreen Trees	1/500sf
Shrubs	1/500sf

Screen B

Shade Trees	1/1000sf
Ornamental Trees	1/500sf
Evergreen Trees	1/500sf
Shrubs	1/500sf

Screen C

Shade Trees	1/750sf
Ornamental Trees	1/750sf
Evergreen Trees	1/750sf
Shrubs	1/200sf

2. Use will not place undue burden on existing public services and facilities in the vicinity.

- This use has the potential to impact County Road 5000 S. The applicant has stated he uses the Fox Creek Quarry (located in Teton County, WY) to obtain some materials, which can only be accessed from 5000 S. This would mean he would need to drive his trucks back and forth down 5000 S to get materials from the quarry to his site, in addition to transporting materials to work sites.
- After consulting with the Teton County, ID Public Works Director and Road & Bridge Supervisor, they feel 5000 S could handle this traffic as long as weight limits are followed. The Idaho Transportation Department has truck weight limits identified based on vehicle type (i.e. number of axels) and road type. This is what the Road & Bridge Supervisor would recommend.

3. Site is large enough to accommodate the proposed use and other features of this ordinance.

- Based on the proposed site plan (Attachment 5), the site appears large enough to accommodate the proposed activities associated with this use.
- Noise and dust are a concern for neighboring properties, and it is unclear how exactly the applicant will address these concerns. Without knowing this, it is unclear if the site is large enough to accommodate this. The applicant should provide a plan to address noise and dust abatement.
- Screening should be required, as mentioned above. Title 8, Chapter 12 requires that all required screening be located in a landscape easement, recorded with the Teton County Recorder's Office. If High Impact Screening is required, this would require a 6' tall fence and plants. The visibility for drivers on Highway 33 and 5000 S may not be blocked. It is unclear if the visibility would be affected with the proposed landscaping plan, not including a 6' tall fence. The applicant should provide a site plan analysis to determine where the screening should be located to prevent blocking visibility for drivers. After this is determined, there should be a better understanding of how much space is available on the site for the proposed use.

4. Proposed use is in compliance with and supports the goals, policies and objectives of the Comprehensive Plan.

This area is identified as Rural Neighborhood on the Framework Map. This area is identified as an area with some commercial and light industrial development. The desired future character and land uses identified for this area include open spaces, residential development, safe street and pathway connection. And amenity based neighborhoods. Additional commercial and industrial uses are not identified as a future character.

Many of the goals and policies identified in the Comprehensive Plan are not applicable to this application (i.e. improving educational facilities, adding recreational opportunities, etc.). In general, this application is in compliance with the following Goals, Policies, and Objectives of the Comprehensive Plan:

Goal ED 1: Develop a coordinated and collaborative economic development strategy that encourages, promotes and supports locally-owned businesses and creates a hospitable and attractive environment for businesses and tourists

1.3 Encourage and support local commerce

Goal CEF 4: Adequately fund existing and future public services and facilities.

4.5 New development shall be approved only when adequate public facilities and services are available, or when necessary improvements will be made as part of the development project.

This application is in conflict with or partially in conflict with the following Goals, Policies, and Objectives of the Comprehensive Plan:

Goal ED 4: Accommodate additional population by supporting development that is economically responsible to the County and the community.

4.5 Limit commercial retail business to Driggs, Victor and Teton.

The applicant is not requesting retail, so this is not a direct conflict, but the proposal is a commercial business.

Goal T 1: Provide well-maintained transportation infrastructure including roads, paved pathways and sidewalks.

1.1 Improve the conditions and safety for vehicles, bicycles and pedestrians of existing transportation infrastructure, especially roads important for agriculture.

It is still unclear how this use will be mitigated to reduce safety concerns (i.e. road visibility, debris on road, and dust). This could be addressed with conditions of approval requiring the applicant to mitigate these concerns.

Goal CEF 1: Provide high-quality public and private services and facilities in a coordinated manner for the health, safety, and enjoyment of the community.

1.1 Encourage locating new facilities in existing population centers to maximize efficiency and convenience and minimize costs

This use is not in one of the cities or in one of the Area of Impacts. However, it is part of an existing use with an existing facility.

Goal NROR 1: Conserve our public lands, trail systems and natural resources (air, water, wildlife, fisheries, wetlands, dark skies, viewsheds, soundscape, soils, open space and native vegetation).

This property is not located in any mapped wildlife habitat areas or other sensitive areas (floodplain, wetlands, steep slopes, etc.). There are concerns about the environmental impact this use may have in terms of waste removal, soil or water pollution, the scenic corridor view impact, and noise levels. These could be addressed by the applicant.

Goal ARH 1: Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.

1.4 Maintain the County's rural heritage through the scenic corridors

Throughout the comprehensive plan, rural heritage is identified as agricultural uses and the "small town feel". This proposed use does not provide either of those.

8-6-1-B-8: Additional Conditions

Upon granting of conditional use permit, conditions may be attached including, but not limited to:

- Controlling the duration of development;
- Assuring that development is maintained properly;
- Designating the exact location and nature of development;
- Requiring the provision for on-site public facilities or services;
- Requiring more restrictive standards than those generally required in this title;
- Minimizing adverse impact on other development;
- Controlling the sequence and timing of development;
- Designating of the number of non-family employees in the home occupation or home business based on the type of business and the location.

POSSIBLE CONDITIONS OF APPROVAL

1. Comply with all state and federal regulations and obtain any applicable permits.
2. High Impact Screening in accordance with Teton County Title 8, Chapter 12 will be required along property boundaries to screen the view of the use from roads and neighboring properties. This includes recording landscape easements where the screening is located.
3. Provide a landscaping plan, to be approved by Teton County, outlining the type of landscaping used for screening and a management plan to ensure plants survive.
4. Provide a site analysis, to be approved by Teton County, identifying appropriate locations for screening and activities associated with this use to prevent the visibility of drivers on Highway 33 and 5000 S being blocked.
5. Provide a dust abatement plan, to be approved by Teton County, to limit adverse impacts on neighboring properties.
6. Provide a noise abatement plan, to be approved by Teton County, to limit adverse impacts on neighboring properties.
 - a. *Could limit noise to a certain decibel level. Other uses (blacksmith, cabinet shop, vehicle body shop) limit noise to 60 decibel levels at the property lines.*
7. Provide clean outs at each access point to reduce debris being transferred to county roads and Highway 33.
8. Parking must be provided in accordance with Teton County Title 8.
9. No residential uses, permanent or temporary, will be allowed on this property while this Conditional Use Permit is in effect.
10. Any development in the Scenic Corridor must obtain Scenic Corridor Design Review approval.
11. The hours of operation will be limited to Monday – Saturday, ##### am - ##### pm.
 - a. *Hours of operation should be specified. Other uses (blacksmith, vehicle body shop) limit hours from 7am – 6pm and 7am-7pm*
12. Vehicles and equipment associated with this use must adhere to the weight limits identified by Idaho Transportation Department to reduce impacts to local roads.
13. If any of these conditions are violated, Teton County will notify the property owner, who will have 30 days to come into compliance.
14. If any of these conditions are violated more than two times, this approval will be voided and the use shall cease.

Additional conditions may be applicable.

POSSIBLE PLANNING & ZONING COMMISSION ACTIONS | Conditional Use Permit

- A. Recommend approval of the CUP, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Recommend approval of the CUP with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. Recommend denial of the CUP application request and provide the reasons and justifications for the denial.
- D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

POSSIBLE MOTIONS

The following motions could provide a reasoned statement if a Commissioner wanted to recommend approval or denial of the application:

APPROVAL

Having concluded that the Criteria for Approval of a Conditional Use Permit found in Title 8-6-1 can be satisfied with the inclusion of the following conditions of approval:

1. ...
- *and having found that the considerations for granting the Conditional Use Permit can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,*
- *and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,*
- *I move to RECOMMEND APPROVAL to the Teton County Board of County Commissioners for the Conditional Use Permit for Corner Fox LLC as described in the application materials submitted on July 5, 2016 and as supplemented with additional applicant information attached to this staff report.*

DENIAL

Having concluded that the Criteria for Approval of a Conditional Use Permit found in Title 8-6-1 have not been satisfied, I move to RECOMMEND DENIAL to the Teton County Board of County Commissioners for the Conditional Use Permit for Corner Fox LLC as described in the application materials submitted on July 5, 2016 and as supplemented with additional applicant information attached to this staff report. The following could be done to obtain approval:

1. ...

Prepared by Kristin Rader on 8-8-2016

ATTACHMENTS:

- | | |
|---|--|
| 1. Application (3 pages) | 6. Visual Mitigation Examples (1 page) |
| 2. Warranty Deed (1 page) | 7. DRC Notes (2 pages) |
| 3. Certificate of Organization (1 page) | 8. Adjacent Landowner Notification (2 pages) |
| 4. Narrative (2 pages) | 9. Code Violation Letter (2 pages) |
| 5. Site Plan (1 page) | 10. Public Comment letters (20 pages) |

End of Staff Report



RECEIVED

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

CONDITIONAL USE PERMIT APPLICATION

Teton County, Idaho

The planning staff is available to discuss this application and answer questions. Once a complete application is received, it will be reviewed by the planning administrator or his designee and then scheduled for a public hearing with the Planning and Zoning Commission, who will make a recommendation to the Board of County Commissioners. A second public hearing will be scheduled with the Board of County Commissioners who will make the final decision. It is recommended that the applicant review Title 8 of the Teton County Code and 67-6512 of the Idaho Code. Application materials may be viewed on the Teton County Idaho website at www.tetoncountyidaho.gov.

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

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Cornier Fox LLC

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

Phone: (208) 707.5377 Mailing Address: PO box 669

City: Victor State: ID Zip Code: 83455

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

Address: _____ E-mail: _____

Location and Zoning District: _____

Address: 376 W 5000 S Parcel Number: RP04N45E238400

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

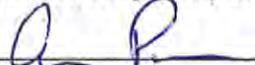
Zoning District: Ag 2.5 Requested Land Use: Construction/General Contractor

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

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

Fees are non-refundable.

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

• Owner Signature:  Date: 5-12-2016

SECTION I: REQUIRED ITEMS

1. Latest Recorded Deed to the Property
2. Affidavit of Legal Interest
3. Application fee paid in full in accordance with current fee schedule
4. Twelve (12) copies of information and data (pictures, diagrams, etc.) necessary to assure the fullest presentation of the facts for evaluation of the request.
5. Twelve (12) copies of a site plan drawn to scale.
6. Narrative explaining the following:
 - Location is compatible to other uses in the general neighborhood.
 - Use will not place undue burden on existing public services and facilities in the vicinity.
 - Site is large enough to accommodate that proposed use and other features of this ordinance.
 - Proposed use is in compliance with and supports the goals, policies, and objectives of the Comprehensive Plan

SECTION III: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

1. Upon the granting of a conditional use permit, conditions may be attached to a conditional use permit including, but not limited to, those:
 - Minimizing adverse impact on other development;
 - Controlling the sequence and timing of development;
 - Controlling the duration of development;
 - Assuring that development is maintained properly;
 - Designating the exact location and nature of development;
 - Requiring the provision for on-site or off-site public facilities or services;
 - Requiring more restrictive standards than those generally required in this Title;
 - Designating the number of non-family employees in the home occupation and home business based on the type of business and the location;
 - Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.
2. Prior to granting a conditional use permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed conditional use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one (1) parcel of land to another.
3. Commercial Development Agreement for all land uses in the C-1, C-2, C-3, and M zoning designations are required to include the following, as applicable:
 - A site plan and/or survey prepared by a professional surveyor to include current and proposed plan;
 - A professionally prepared landscaping plan;
 - Financial guarantee for public improvements which may include but not be limited to: roads, phone, electric, water, sewer, fire protection, and lighting;
 - Professionally prepared final construction drawings.



RECEIVED

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

CONDITIONAL USE PERMIT APPLICATION

Teton County, Idaho

The planning staff is available to discuss this application and answer questions. Once a complete application is received, it will be reviewed by the planning administrator or his designee and then scheduled for a public hearing by the Planning and Zoning Commission, who will make a recommendation to the Board of County Commissioners. A public hearing will be scheduled with the Board of County Commissioners who will make the final decision. If recommended that the applicant review Title 8 of the Teton County Code and 67-6512 of the Idaho Code, the materials may be viewed on the Teton County Idaho website at www.tetoncountyidaho.gov.

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

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Corner Fox LLC

Applicant: Corner Fox LLC E-mail: aaron@cpw

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

City: Victor State: ID Zip Code: _____

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

Address: _____ E-mail: _____

Location and Zoning District: _____

Address: 376 W 5000 S Parcel Number: RPO4N45E288000

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

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

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

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

Fees are non-refundable.

1216
92-379/1241, 7691
3828489009

Date: 7-1-16

Pay to the Order of: Teton County Idaho \$ 1,260.⁰⁰
Twelve hundred sixty and 00/100 Dollars

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

WELLS FARGO Bank, N.A.
Idaho
wellsfargo.com

Security Features: MICR VOID

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

*BEING RE-RECORDED TO CORRECT LEGAL DESCRIPTION

WARRANTY DEED

DEC24 13 10:34AM

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

Tax#1105

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

Tax#1106

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

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

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

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

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

STACY A. STEWART
Notary Public
State of Idaho

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

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



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

2013 NOV 14 AM 8:44

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Corner Fox LLC

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

1545 Shire Drive, Victor, Idaho 83455

(Street Address)

P.O. Box 669, Victor, Idaho 83455

(Mailing Address, if different than street address)

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

Julie Stomper

(Name)

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

(Street Address)

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

Name

Address

Aaron Powers

P.O. Box 669, Victor, Idaho 83455

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

P.O. Box 669, Victor, Idaho 83455

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

Signature of a manager, member or authorized person.

Signature

Typed Name: Aaron Powers

Signature _____

Typed Name: _____

Secretary of State use only

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

W131140

Corner Fox LLC CUP Application Narrative

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

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

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

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

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

The adjoining properties to Corner Fox are as follows:

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

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

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

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

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



VIEW ONE - EXISTING CONDITIONS



VIEW TWO- EXISTING CONDITIONS



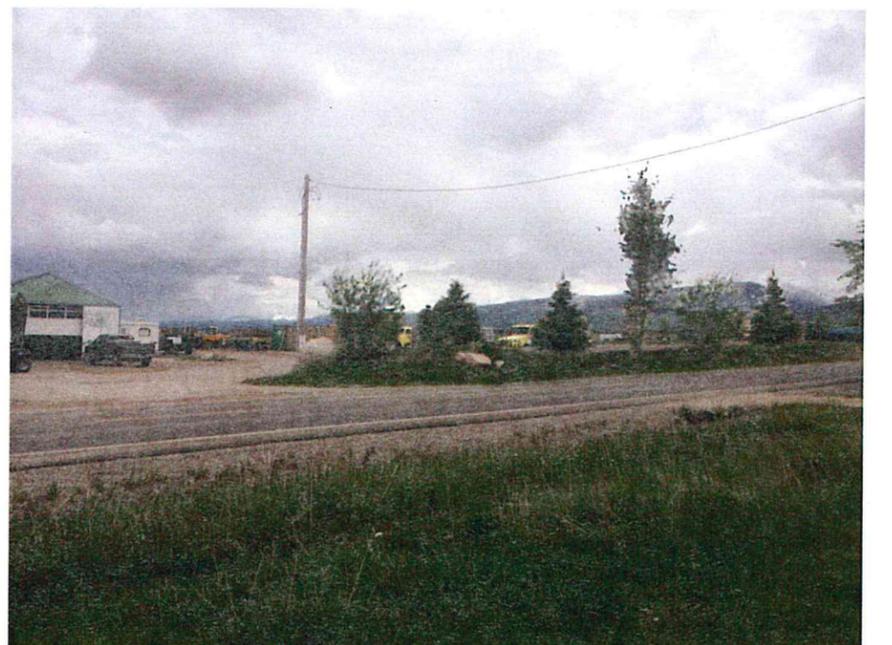
VIEW THREE- EXISTING CONDITIONS



VIEW ONE - PROPOSED TREES & SHRUBS



VIEW TWO- COMPLETED BERM W/ TREES & SHRUBS



VIEW THREE - PROPOSED BERM W/ TREES & SHRUBS

POWERS EXCAVATION
VISUAL MITIGATION EXAMPLES



Teton County Planning Department
150 Courthouse Drive, Room 107 | Driggs, ID 83422
Phone (208) 354-2593 | Fax: (208) 354-8410
www.tetoncountyidaho.gov

FROM: Kristin Rader, Planning Administrator

TO: Aaron Powers

CC: Darryl Johnson, Teton County Public Works Director; Kathy Spitzer, Teton County Prosecuting Attorney; Earle Giles, Teton County Fire District; Mike Dronen, EIPH; Ben Burke, ITD; Christy Swenson, IDEQ

RE: Corner Fox LLC – DRC Meeting Notes

DATE: August 3, 2016

Aaron, the purpose of this letter is to summarize the Development Review Committee meeting we had on Tuesday, July 12, 2016. During this meeting, waste disposal of potentially hazardous waste was discussed because the application references using one of your buildings as a work area for vehicles and equipment. I have been waiting to hear back from IDEQ prior to sending this letter, so I could verify those comments that addressed waste disposal. You did not attend this meeting, so please let me know if you have any questions about the following items.

Roads

- Please be aware of the Sight Triangle for the intersection of Hwy 33 and 5000 S. This may not be blocked.
- Cleanouts will need to be provided at each access point to restrict the amount of dirt and mud being transferred to 5000 S and Hwy 33.
 - This could be cobble.
- Dust needs to be controlled on the property.
 - This could be done by spraying mag. chloride.

Fire Protection

- The Fire District must do an annual inspection on this property because it is a business.
- The Fire District will also need to inspect the fuel storage and electrical to ensure compliance with the Fire Code.
- No residential uses may be on site.

Sewer/Septic

- The proposed building on the site plan would need to obtain a new septic permit.
 - Mike Dronen has verified that the existing septic system is large enough to accommodate the existing facility and can continue to be used.
- The use of the existing building for maintenance and mechanical work on equipment would require some form of disposal system. This cannot go into the existing septic system.
- *I requested information from IDEQ about the rules they have for disposal systems for this type of potential waste. I spoke to Christy Swenson, and she said without knowing exactly what is taking place in the building to identify all of the potential wastes, she suggests that you contact an environmental consultant to properly establish what management systems may need to be put in place. She also stated that if there has been an impact to*

the soil or ground water, you are obligated to report that to IDEQ and are responsible for any remedial action required.

General Concerns

In general, following items were identified as possible concerns:

1. Safety of drivers on Highway 33 and 5000 S.
 - a. This is a concern because of decreased visibility (dust, landscaping locations, height of stockpiles), increased truck traffic, and debris on the roads.
2. A portion of this property is in the scenic corridor, so any development planned in the scenic corridor would have to get design review approval.
3. The impact to neighbors (noise, dust, etc.)

Public Hearing Information:

You are scheduled for the Teton County Planning and Zoning Commission public on **Tuesday, August 16, 2016 at 5:00 PM**. This public hearing is at the Teton County Courthouse, 150 Courthouse Drive, Driggs, Idaho. A notice, agenda, and meeting packet will be sent to you no later than the week before the meeting.



July 22, 2016

RE: Notice of Public Hearing and Solicitation for Comments from property owners within 300 feet of a property that has an application for a conditional use permit.

Dear Property Owners:

This letter is to notify you that an application for a Conditional Use Permit (CUP) for a “Construction/General Contractor” use has been submitted to the Teton County Planning Department by a nearby landowner. A CUP is an allowed approval process in Idaho State Code and the Teton County Zoning Ordinance. CUPs are allowed for uses that require an additional level of review, special conditions placed upon them prior to approval, or specific limits placed upon them due to the nature and/or location of the proposed use.

The planning staff is soliciting comments from people in the vicinity of the applicant’s property so that we can be aware of neighborhood issues and then include your comments in the packet of information provided to the Teton County Planning & Zoning Commission for their consideration prior to the hearing.

Please provide comments related to this application and the CUP criteria of approval:

1. The location of the proposed CUP use is compatible to other uses in the general neighborhood;
2. The proposed CUP use will not place undue burden on existing public services and facilities in the vicinity;
3. The site is large enough to accommodate the proposed CUP use and other features as required by Teton County Code;
4. The proposed CUP use is in compliance with and supports the goals, policies, and objectives of the Comprehensive Plan.

Applicant & Landowner: Aaron Powers (Corner Fox LLC)

Legal Description: RP04N45E238400; TAX #1105 SEC 23 T4N R45E and RP04N45E238000; TAX #1106 SEC 23 T4N R45E

Parcel Size: 5 ac. & 9.25 ac. (14.25 acres total)

Physical Address: 9444 South Highway 31, Victor, ID 83455

Zoning District: A-2.5; located in the Scenic Corridor

Description of the Request: Corner Fox LLC, represented by Aaron Powers, is requesting a Conditional Use Permit for a “Construction/General Contractor” use on two properties (approximately 15 acres) owned by Corner Fox LLC. The property is located north of Victor at 376 W. 5000 S, at the corner of Highway 33. The applicant is requesting to use this property for his business, Powers Excavating Inc., which includes the following uses: topsoil screening, parking trucks and equipment, landscape rock and other gravel products, and using the shop to perform repairs and maintenance on equipment, as well as a small office space. This parcel is zoned A-2.5.

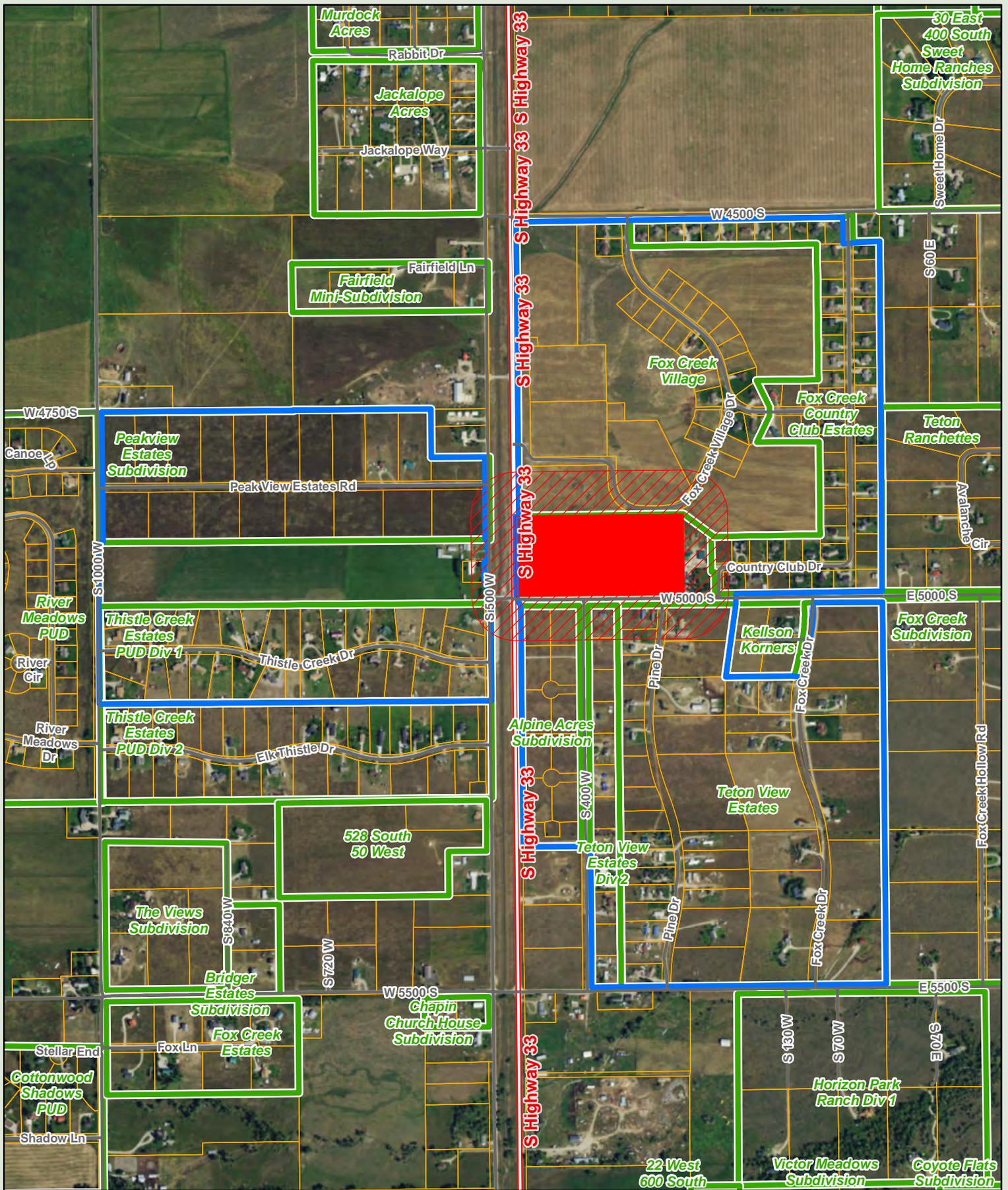
PUBLIC HEARING & COMMENTS

The Teton County Planning & Zoning Commission will hold a public hearing in the Commissioners’ Chamber located on the First Floor (lower level, southwest entrance) at 150 Courthouse Drive, Driggs, Idaho on **August 16, 2016** on this matter. This application is scheduled to be heard at **5:00 pm**.

Information on the above application is available for public viewing in the Teton County Planning Department at the Teton County Courthouse in Driggs, Idaho. The development application and various related documents are also posted, as they become available, at www.tetoncountyidaho.gov. To view these items, go to the Planning & Zoning Commission department page, then select the 8-16-2016 Meeting Docs item in the Additional Information Side Bar. **Written comments will be included in the packet of information provided to the Commission for consideration prior to the hearing if they are received in the Planning Department no later than 5:00pm on August 9, 2016. Comments received after this time will not be included at the public hearing.** Written comments may be e-mailed to pz@co.teton.id.us, mailed to the address above, or faxed. You may also present your comments in person at the hearing.

The public shall not contact members of the Planning & Zoning Commission or Board of County Commissioners concerning this application, as their decision must, by law, be confined to the record produced at the public hearing.

If you have any further questions, please do not hesitate to contact Kristin Rader, Planning Administrator (krader@co.teton.id.us | 208-354-2593 ext. 200).



Legend

- 300 ft Notification Buffer
- Subject Parcel
- Notified Parcels
- Subdivisions / Phases
- Parcels

CONDITIONAL USE PERMIT APPLICATION NOTIFICATION

CORNER FOX LLC

(CONSTRUCTION/GENERAL CONTRACTOR)

Printed: July 22, 2016





Kathy Spitzer, Prosecuting Attorney
Teton County Courthouse
230 N. Street, Suite 125 Driggs, ID 83422
(208) 354-2990 phone
(208) 354-2994
kspitzer@co.teton.id.us

January 7, 2015

PEI Construction
Attn: Aaron Powers
2365 N HWY 33
Driggs, ID 83422

Re: Illegal Uses

Dear Mr. Powers,

We have received numerous complaints regarding your property located at the corner of 5000 S. and Highway 33. The purpose of this letter is to notify you that you are in violation of Teton County Land Use Code and request you remedy the violations immediately. Below is a list of violations that County has identified.

- 1) Expanded area of “Non-Conforming Use” onto neighboring property-
8-7-1-C.- Nonconforming uses may expand, but only on the lot occupied by the land use on the effective date of the zoning ordinance in effect on March 11, 1996. It appears you have placed the storage of equipment and materials on the neighboring property (Property to the north and east), as the attached photos show.

Please cease using the neighboring property for storage (of material, equipment and other items) and processing, and return it to its natural state. If you would like to use the neighboring property moving forward, you must obtain a Conditional Use Permit for a Landscaping Contractor Business.

- 2) The original “Non-Conforming Use” of material storage has expanded to include processing and selling materials.
 - a. On August 9, 2010 you received a letter of determination from Teton County regarding a request to temporarily screen topsoil in order to level the site. The determination concluded that temporary screening for this limited purpose may be permissible with certain conditions. You were given two consecutive days in 2010 in which to screen topsoil and clean up the property. Your use of the property as it is operating today would be considered a Landscaping Contractor Business (8-4-2) and requires a Conditional Use Permit (8-4-1, Land Use Matrix). The processing of material does not qualify as a non-conforming use on your property.
 - b. Teton County Planning department received an inquiry from your business wanting a sign to highlight the prices of materials you were selling, so the public could see your prices. From this inquiry we assume that you are either selling

materials or have a desire to sell material to the general public. No onsite sales are permitted.

Please cease any material processing activities at this location. If you would like to obtain the right to process material you must apply for a Conditional Use Permit for a Landscaping Contractor Business. No onsite sales are permitted as an outright use or as a conditional use.

- 3) The two RV's located next to the shop cannot be used for habitation, long or short term. Any property containing two or more RV's is considered a campground (8-4-2) and requires a Conditional Use Permit approval. If only one RV is inhabited, there is a 6 month limit.

Please remove the RVs or obtain a Conditional Use Permit for a Campground.

- 4) You appear to be accessing 5000 S. in two locations on the eastern parcel (RP04N45E238000) (see attached pictures). Any access to a county road requires a permit.

Please work with Teton County Road and Bridge Department to obtain proper permits to access 5000 South. Until such permit is received you must refrain from using those accesses.

If you have any questions or concerns about the violations and the resolution options please feel free to contact me or the Teton County Planning Department.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kathy Spitzer', with a stylized flourish at the end.

Kathy Spitzer

Kristin Rader

From: Itidaho [REDACTED]
Sent: Sunday, July 31, 2016 3:38 PM
To: PZ
Subject: CUP for PEI

Comments to be considered in review of CUP for PRI:

We have lived in Fox Country Club Estates since April 2014 and have seen many changes in the PEI property that don't make sense.

1. At various times there are 1 or more RV campers parked there and are being lived in as we have seen lights on at very late hours.
2. Last summer a row of trees were put at end of property and maintained by MD Nursery as their trucks were parked near trees at watering times.
3. RAD garbage trucks are being serviced in PEI building as recently as 7/29. Occasional RAD trucks and other equip parked on PEI lot
4. On occasion a loud beeping can be heard very early and at times later in evenings during the week but also on the weekends. This could be the sound on their soil separator machine?? A very loud beeping. . The type of beeping like when a large truck backing up. . . .

This goes on for sometime at various times but most annoying early hours on weekends.

We did not realize that excavation would be happening on their properties when we moved here. We thought they brought soil here to sort, ect from other locations but they are digging on their property so then the question becomes -does that affect the area? Does it affect the water table of the area??

5. As piles of soil grow taller the area becomes less appealing of a place to call home. As we look out our back deck we see mounds of soil. . .and when it gets windy you can see dirt flying around.

We knew there were some things that we would have to tolerate when buying our home close to PEI but it seems like it becomes harder and harder to enjoy our home in this area.

Best Regards

Torsten Muesse/Liz Cowie

[REDACTED]
Victor, ID 83455
[REDACTED]

Kristin Rader

From: r. calvin cathcart <[REDACTED]>
Sent: Thursday, August 04, 2016 11:51 AM
To: PZ
Cc: asvictor[REDACTED]; Bob & Lori Spoelhof; Steve Crow
Subject: Corner Fox LLC application for CUP

Teton County Planning and Zoning Commission
150 Courthouse Dr., Rm. 107
Driggs, ID 83422 Via email to pz@co.teton.id.us
Re: CUP Application for Corner Fox LLC

Dear Commissioners;

These comments are in response to the Notice of Public Hearing and Solicitation for Comments dated July 22, 2016, directed to close property owners pertaining to the above application. We are property owners essentially one lot away from the subject property to the east. Our lot is Lot 47 in Fox Creek Country Club Estates.

We appreciate the opportunity to comment as we believe there are material issues to consider. It would have been helpful to the process if the Notice provided had described more specifically what activities the CUP would allow that the current zoning does not. Current observations of activity at the property would show that all the activities proposed pursuant to the CUP are currently being conducted at the property. As a threshold matter we do not believe that the CUP process should be used to reward non-compliant current activity.

We have owned our lot for approximately 15 years and have watched over that time what has come to be a gradual, but considerable, expansion of the activities at the subject property. We have wondered whether this expansion was allowable under the current zoning and this CUP application would seem to be an affirmation of our suspicions that these activities are not currently permitted. It would seem an important part of the process to consider directly why the current zoning does not permit these activities rather than starting in a vacuum. Hence, the importance of the first point above that the notice should describe what the CUP would allow that current zoning does not and why, for better or worse, a change is proposed and what of public value it would accomplish.

Our comments fall into two general categories. The first of these is compatibility with other uses in the neighborhood. Obviously, the nature of the general neighborhood is residential with only minor agricultural uses mixed in. There are no other uses on the east side of Highway 33 for several miles to the north and for approximately a mile to the south. There are few other non-residential uses on the west side of Highway 33 for several miles in either direction and those that exist are of very long standing such as Teton Log Homes and the welding business.

It would seem correct to consider whether the existing zoning and overall county planning support or discourage this sort of commercial/industrial activities in a generally residential area. The uses made of the subject property for almost all of the time we have lived in the area have been very low key. There was really very little activity at all for most of that time. It has only been in the last year or so that the activities expanded noticeably (perhaps with new ownership, we are not sure). The added activities have been storage and maintenance of quite a bit of heavy equipment as well as use of heavy equipment to process, store and load rock products on site. These activities involve a good bit of heavy truck traffic in and out of the subject property. These activities are noisy, dusty and generally unsightly in a residential neighborhood. Basically, ask yourself whether you want these activities across the street or next door to your home? Do these activities enhance or detract from the residential property values in the neighborhood? Without question you don't want them there and they detract from the residential property values and home ownership experience.

The second consideration is the impact on traffic safety and road maintenance. The road maintenance issue is primarily of concern for the new paving on 5000 South and at the intersection with Highway 33. This

new paving was a considerable expense for the county and is a valuable upgrade and serves a substantial residential population to the east of Highway 33. There is no question that heavy truck traffic is hard on roads, especially one which as I understand it was installed with just 2 inches of asphalt rather than the standard 4 inches. In other words 5000 South is especially susceptible to degradation from this heavy truck traffic and will result in a considerable expense to the County to avoid.

As everyone in Teton Valley is aware Highway 33 carries a substantial volume of traffic on what basically is a 2 lane highway. The Highway has numerous danger areas and intersections which have a high volume of turns are especially dangerous areas. While the turn lanes at the intersection of Highway 33 and 5000 South are helpful, these lanes are narrow and don't well accommodate heavy trucks with or without trailers. This is true not only for the left turn lanes, but also for the northbound right turn lane to go east on 5000 South. The inside of that corner is a perpetual maintenance problem because of its inadequate radius. The presence of increased heavy truck traffic at this intersection is clearly dangerous.

This generally increased danger is made worse by a recent habit of the PEI truck drivers using the northbound right turn lane to immediately "duck into" the westernmost entrance to the subject property after making the turn off the highway—i.e. sort of a slalom maneuver. This is very dangerous for any vehicle, especially heavy trucks. We have personally witnessed this maneuver numerous times recently. The intersection needs to be heavily policed at undoubtedly additional expense.

Bottom Line, as the proposed CUP would apparently accommodate these burdensome activities at the subject property we believe it should be denied and the current non-compliant activities should be curtailed. Thank you for considering these comments.

Robert and Myra Cathcart

Kristin Rader

From: Lynn Wilson [REDACTED]
Sent: Friday, August 05, 2016 6:02 PM
To: PZ
Cc: 'robert spoelhof'
Subject: FW: PEI, Rock Sorting Business

We also feel the same way that Bob and Lori Spoelhof feel about this issue.

We are located at 5025 Country Club and feel threatened by the application.

The PEI business on the corner is already an eye sore. It continues to spread and looks like a junk yard. It has slowly overtaken the beauty of the residential area that we live in. It is now starting to define the immediate area.

PEI should establish their proposed expanded commercial business somewhere else. Enough is enough.

Jim Fleming
Lynn Wilson

Kristin Rader

From: robert spoelhof [REDACTED]
Sent: Saturday, August 06, 2016 12:41 PM
To: PZ
Subject: Aaron Powers CUP application

Planning and Zoning of Teton County,

I live in Fox Creek Country Club Estates, just east of PEI property. I hope that you deny Power's the CUP for construction/general contractor use. The use is not compatible with the neighborhood and the scenic beauty of Teton Valley. Heavy duty mining equipment, huge earth hauling trucks, a parking lot for workers and assorted extraneous equipment degrade the looks of 5000S and cause me distress. I did not buy the property thinking that it would turn into an industrial site.

Lori Spoelhof
5100 Country Club Dr.

Kristin Rader

From: robert spoelhof [REDACTED]
Sent: Friday, August 05, 2016 5:16 PM
To: PZ
Subject: CUP Application for Corner Fox LLC

Teton County Planning and Zoning Commission

150 Courthouse Dr., Rm. 107

Driggs, ID 83422 Via email to pz@co.teton.id.us

Re: CUP Application for Corner Fox LLC

Dear Commissioners:

These comments are in response to the Notice of Public Hearing and Solicitation for Comments dated July 22, 2016 as directed to nearby property owners pertaining to the above application. We are property owners situated four lots east of the subject property. Our home is located on Lot 42 in Fox Creek Country Club Estates. We are down-wind from the subject property and must pass that property each trip to and from our home.

I understand that the PEI property is zoned Residential/Agricultural and I have objected to the current use of the property at one of the County Commission's open-mic sessions. I now wish to restate my objection to the current use of the property which clearly does not fit any common understanding of Residential or Agricultural. The property is being used as a heavy-industry mining-product processing facility and storage yard. Multiple heavy haulage trucks are stored on the property each evening and the rock sorter machinery is in operation sometimes very early in the morning. Surplus equipment is stored east of the active yard. You will note the proximity of homes to the industrial activity in Photos 3-5.

When we bought our home in 2007, there was little use made of the PEI property, and, in fact there was almost no activity there as of June 1994 nor in August 2013 (Google Earth images). Since then the threat to our property value as a result of the PEI activity has most probably increased dramatically. I am certainly distraught by having to pass an industrial zone on the way to our house, and the value of our neighborhood has been diminished in my view of community aesthetics.

I ask that the application be denied as being invasive in the neighborhood setting, as being not in keeping with the scenic-corridor ideal, and as not being appropriate for the Agricultural/Residential zoning upon which neighborhood planning has been based.

Thank you for your consideration of my concerns.

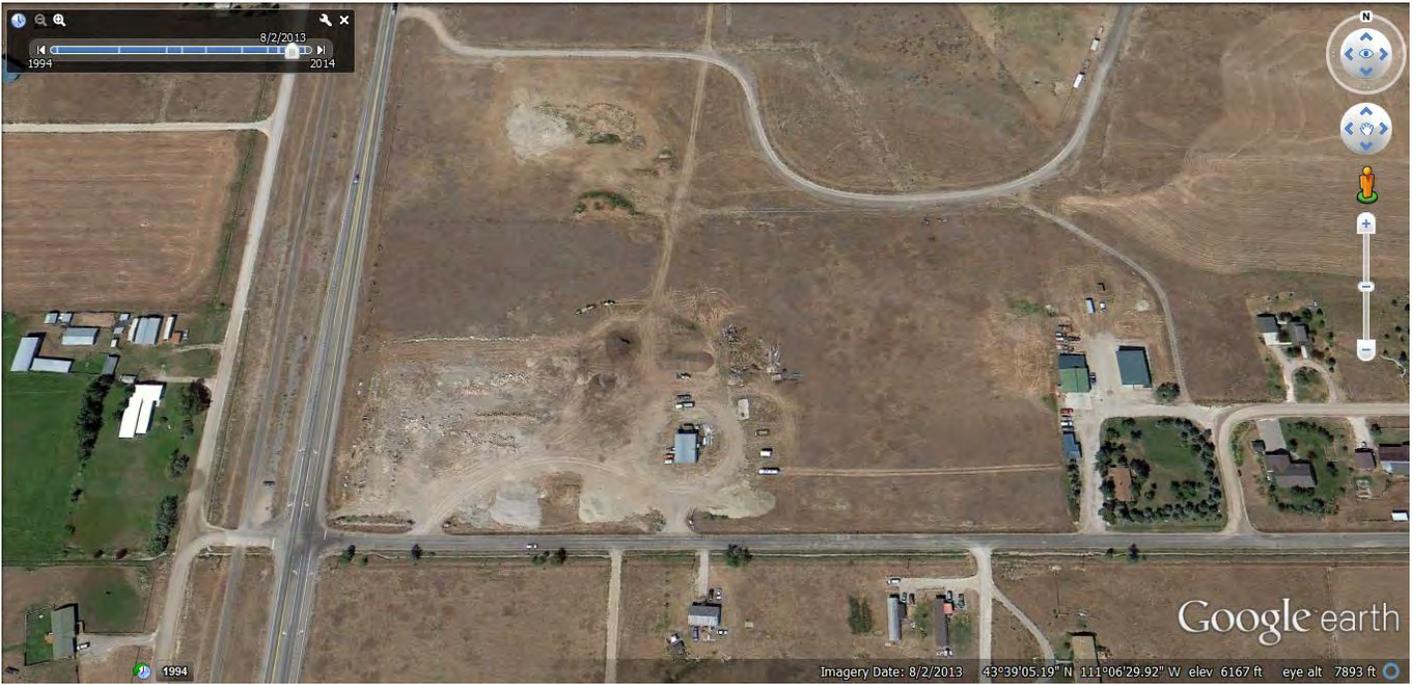
Sincerely,

Robert Spoelhof

5 Photo Attachments



06/26/1994



08/02/2013





08/05/2016

From: Jean Kitchen [REDACTED]

Sent: Monday, August 08, 2016 9:25 PM

To: PZ

Subject: Corner Fox LLC Aaron powers request for conditional use permit

Dear Planning and Zoning Commissioners

,

Unfortunately I will not be able to attend the hearing as I will be out of town so

I would like to provide the following written comments on the proposed conditional use permit before you for a construction/general contractor use permit on two properties owned by Corner Fox LLC.

Although I am not within 300 feet of the property, and technically not an abutter, I live off of 4500 S. on Sweet Home Dr. I pass by 5000 S. almost daily. I believe the request by Mr. Powers should be denied for the following reasons :

1. I believe the request is incompatible with current uses in the neighborhood. It is residential housing off of 5000 as well at 4500 with some agricultural usage. The area is zoned residential agricultural and should remain as such and not become an industrial use. Having a commercial industrial use , (which I believe is what rocks and gravel storage, and commercial truck parking is no matter how it is portrayed or disguised) as well as would destroy the scenic corridor. In fact I believe the property has been currently expanded within the last year or two, without a permit (I.e. Non compliant), and should be curtailed.
2. I do not believe the request is compatible with the goals of the comprehensive plan.
3. The use that Mr. Powers is requesting I.e. Dumping landscape rocks and other gravel materials, as well as parking trucks and other related equipment, and having a repair shop for his (and others) equipment is not appropriate in an agricultural residential zoned area.

Thank you for considering my comments.

Jean Kitchen

3830 Sweet Home Dr.

Teton County Planning & Zoning Commission
150 Courthouse Dr., Rm. 107
Driggs, ID 83422

pz@co.teton.id.us

RE: CUP Application, Corner Fox LLC

Dear P & Z Commissioners:

I am submitting this comment letter with regard to Corner Fox LLC's application for a CUP for Construction/General Contractor. However, before I specifically address that application, I would like to supply a little background information.

For the past few years I have been concerned about the expanding activities on the property at the corner of Highway 33 & 5000 S., a property my husband and I go past almost every day, since we use the connector road 5000 S to get to and from town.

In particular, I have been concerned that the activities on the property were out of compliance with the property's "grandfathered" non-conforming use status. I have discussed my concerns with prior County Planning Administrators. This past winter, I filed a formal complaint and asked to be kept informed about the county's investigation of my complaint. Not only was I concerned about the unsightliness of the property, but I was concerned that the County was not enforcing its code.

As a follow-up to my complaint, I received a copy of a letter that County Attorney Kathy Spitzer sent to Aaron Powers, which I have attached. It is dated Jan. 7, 2015, although that date should say 2016. As you will read, the County determined that the uses on portions of this property did not qualify under the non-conforming use designation and that there were also other violations on the property. Ms. Spitzer advised Mr. Powers to cease using neighboring property to the north and east of the original non-conforming lot and return those areas to their natural state. She also informed Mr. Powers that he would need to obtain a Conditional Use Permit for a Landscaping Contractor Business in order to process material on the property.

Since a CUP should be obtained before any of the requested activities have been started on the property, I ask that you imagine this property as an empty lot in an A/RR-2.5 zone, which is the current zoning at this location. This CUP application should be evaluated on its own merits, according to the county's established criteria for approval. The prior non-conforming use status for a portion of the property and the recent efforts to clean up the property should not be considerations for this CUP application.

I question whether Construction/General Contractor is the best description of the uses that are occurring on the property. The business activities seen on the property involve

sorting rocks and sifting/piling dirt. It appears to be a heavy industrial use, considering the number of trucks involved and the machinery being used.

Whatever term is used, any CUP needs to be evaluated according to the same 4 criteria, briefly:

- 1) Is the proposed use on the site compatible with other uses in the neighborhood?
- 2) Will the proposed use place an undue burden on existing public services and facilities in the vicinity?
- 3) Is the proposed site large enough to accommodate the proposed use?
- 4) Is the proposed use in compliance with the comprehensive plan?

Criterion #3 is not a concern, but the other three are.

Neighborhood Compatibility:

Most of the area around and near this property is residential. Although it hasn't been developed yet, there is a 5.5 acre parcel abutting the subject property on the northeast which has been platted for 16 residential units in 4 multi-family buildings. The M-1 zone mentioned in the application abuts on the northwest portion of the property. According to Teton County Code 8-3-6.H, uses in an M-1 zone must not be obtrusive to the adjacent zoning districts. It seems reasonable to conclude that activities that are conditionally permitted in an A/RR zone should also not be obtrusive. Obtrusive means "noticeable or prominent in an unwelcome or intrusive way." The activities on the subject property are definitely noticeable and prominent to everyone who passes by this property--which is in the Scenic Corridor--and are unwelcome to many of the immediate neighbors.

Existing Public Facilities:

The question here would be whether 5000 S can handle the heavy truck traffic, in terms of safety as well as road surface. (Ms. Spitzer's Jan. letter also indicates that those access points need permits.) Clearly, our County Engineer and Road and Bridge Department should be consulted.

Compliance with Comprehensive Plan:

The 2012 Comprehensive Plan has this to say about the scenic corridor: "The area within the scenic corridor can be developed in accordance with the underlying zoning, but building, landscaping, and site design will need to meet high standards of visual quality in order to maintain the scenic character of the area and protect the viewshed from the scenic corridor."

The Framework Map that is part of the Comp Plan allows industrial uses (which is how I would categorize the activities currently occurring on the subject property) only in the areas of Driggs Centre (east of Driggs and far from the scenic corridor) and the airport area.

In conclusion, this proposal fails in terms of neighborhood compatibility, and more information is needed to determine if it would place an undue burden on existing public facilities. The proposal also fails in terms of compliance with the Teton County Comprehensive Plan, which does not allow industrial uses in this area.

Please keep in mind that this CUP is to be considered without regard to the current uses, which may or may not qualify as non-conforming uses based on historical records. That is a separate question, and not the one that this public hearing is addressing.

Decisions like this are always difficult, as I know from firsthand experience serving on the PZC and the BoCC, but the Comprehensive Plan must be followed in each and every decision. Please be careful to set a wise precedent that follows the community vision in the Comp Plan, which allows industrial uses in only a few very specific locations.

Thank you for your service on the PZC and thank you for carefully considering all public comments.

Sincerely,
Alice Stevenson
1101 E 5250 S
Victor, ID 83455

Submitted electronically, August 9, 2016, including attached letter from Kathy Spitzer

Bethany S. Manning
Dolf A. Ivener
DBA: DBS LLC

[REDACTED]
Sioux City, IA 51104
[REDACTED]

Teton County Planning Department
150 Courthouse Drive, Room 107
Driggs, ID 83422

August 8, 2016

Dear Sirs,

My partner, Dolf Ivener and I own the property described as Lot 1, Teton View Estates, Div. II, Sec 26 T4N R45E, which is located directly across S. Highway 33 from Corner Fox, LLC, 9444 South Highway 33, Victor, ID.

We strongly object to the issuance of a Conditional Use Permit for this property. The property is surrounded by residential property and expanding the Excavating Business is detrimental to the houses which are located nearby.

It is our understanding that Corner Fox LLC has expanded the scope of business over the past several years and that it is presently not in compliance with and not supporting of the goals, policies and objectives of the Comprehensive Plan for this area.

We request that the Planning Department rejects this request and forces Corner Fox to limit its business to the letter and spirit of the laws governing the use of the 14.25 acres in question.

Thank you for your time and attention.

Sincerely,

Bethany S. Manning

From: Matt Strong [REDACTED]

Sent: Tuesday, August 09, 2016 12:06 AM

To: PZ

Subject: CUP Powers

1. Power's has been digging out pit run to resale at his jobs and refilling the holes with waste from jobs , some with asphalt
2. He has not obtained proper permits from state or the county to do so
3. Also has continued to screen with out proper permits from the county I have a video of
- 4 . Does the owner know powers is selling their minerals
5. All the other pits and screening areas that I am aware of are consolidated in certain area or have been there for very long time , others have tried to obtain permits for this in other areas and have been denied. Only the right to stockpile on their properties
6. There is no other cup in the area that is of similarities in that area .
7. Falls into the scenic corridor

These are some of my concerns sincerely Matthew Strong ,

land owner to the north and business owner thank you for your time









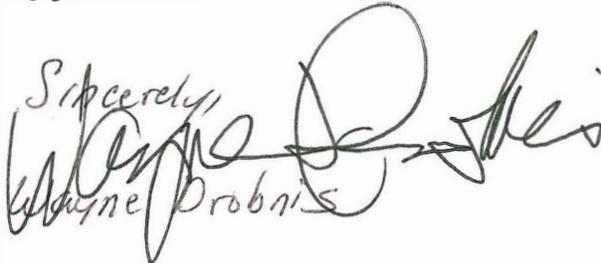
July 31, 2014

To whom it may concern:

I own Property at Teton View Estates.
I object Vehemently against This type of
business So close to my property. I feel
it will decrease the property Value.

A business that would be useful to the
community would be better suited.

A dirty, noisy, unpleasant business is not.
Suitable.

Sincerely,

Wayne Probnis

TETON COUNTY
PLANNING & ZONING

AUG 08 2014

RECEIVED