



**TETON COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA**

Monday, August 12, 2024

9:00 a.m.

First Floor Commissioners' Meeting Room  
150 Courthouse Dr, Driggs, ID 83422

[ZOOM LINK](#)

*"Open Mic" is 9:00 - 9:15 am to speak to the Board on any item on the agenda.*

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13.2	Action Item: Daydream Ranch Lot 10 Minor Plat Amendment	539 - 577
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13.4	2:30 PM - DISCUSSION ITEM: City of Victor AOI Discussion	636 - 790
14.	<b>ADJOURNMENT</b>	



Teton County, ID

# Expense Approval Report

## By Fund

Post Dates 8/12/2024 - 8/12/2024

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
<b>Fund: 001 - GENERAL FUND (CURRENT EXPENSE)</b>					
<b>Dept: 01 - CLERK / AUDITOR</b>					
<b>Account: 42000 - TRAINING EXPENSES</b>					
IDAHO ASSOC OF COUNTIES	IAC-24-279	08/12/2024	CONFERENCE	001-01-42000	235.00
<b>Account 42000 - TRAINING EXPENSES Total:</b>					<b>235.00</b>
<b>Account: 42100 - SUPPLIES</b>					
PORTERS OFFICE PRODUCTS	864129	08/12/2024	OFFICE SUPPLIES	001-01-42100	159.08
PORTERS OFFICE PRODUCTS	864129-2	08/12/2024	SHEET PROTECTORS	001-01-42100	3.27
PORTERS OFFICE PRODUCTS	864820	08/12/2024	COPY PAPER	001-01-42100	46.87
<b>Account 42100 - SUPPLIES Total:</b>					<b>209.22</b>
<b>Account: 42328 - DUES / MEMBERSHIPS</b>					
US BANK	TVNSUB	08/12/2024	SUBSCRIPTION	001-01-42328	104.00
<b>Account 42328 - DUES / MEMBERSHIPS Total:</b>					<b>104.00</b>
<b>Account: 42520 - POSTAGE</b>					
US BANK	USPS-145673	08/12/2024	STAMPED ENVELOPES	001-01-42520	790.80
<b>Account 42520 - POSTAGE Total:</b>					<b>790.80</b>
<b>Dept 01 - CLERK / AUDITOR Total:</b>					<b>1,339.02</b>
<b>Dept: 02 - ASSESSOR</b>					
<b>Account: 42000 - TRAINING EXPENSES</b>					
IDAHO ASSOC OF COUNTY AS...	IACA-24-040	08/12/2024	CONFERENCE	001-02-42000	370.00
<b>Account 42000 - TRAINING EXPENSES Total:</b>					<b>370.00</b>
<b>Account: 42090 - MISCELLANEOUS EXPENSES</b>					
US BANK	AMZN-1670626	08/12/2024	PRIMIE	001-02-42090	15.89
US BANK	AMZN-PRIME	08/12/2024	HAVALA PERSONAL	001-02-42090	2.98
<b>Account 42090 - MISCELLANEOUS EXPENSES Total:</b>					<b>18.87</b>
<b>Dept 02 - ASSESSOR Total:</b>					<b>388.87</b>
<b>Dept: 03 - TREASURER / TAX COLLECTOR</b>					
<b>Account: 42000 - TRAINING EXPENSES</b>					
IDAHO ASSOC OF COUNTIES	IAC-24-270	08/12/2024	CONFERENCE	001-03-42000	235.00
<b>Account 42000 - TRAINING EXPENSES Total:</b>					<b>235.00</b>
<b>Account: 42100 - SUPPLIES</b>					
PORTERS OFFICE PRODUCTS	864516-0	08/12/2024	PAPER	001-03-42100	236.82
<b>Account 42100 - SUPPLIES Total:</b>					<b>236.82</b>
<b>Dept 03 - TREASURER / TAX COLLECTOR Total:</b>					<b>471.82</b>
<b>Dept: 04 - SHERIFF</b>					
<b>Account: 42000 - TRAINING EXPENSES</b>					
SMITH, JASEN	REIMB-4	08/12/2024	POST	001-04-42000	18.31
ALLISON, JEFFREY	REIMB	08/12/2024	TRAVEL	001-04-42000	707.15
<b>Account 42000 - TRAINING EXPENSES Total:</b>					<b>725.46</b>
<b>Account: 42100 - SUPPLIES</b>					
US BANK	AMZN-7557053	08/12/2024	PRINTER TONER	001-04-42100	52.93
WESTERN RECORDS DESTRUCT..	0709459	08/12/2024	TC SO SHREDDING	001-04-42100	58.00
<b>Account 42100 - SUPPLIES Total:</b>					<b>110.93</b>
<b>Account: 42120 - INVESTIGATIVE SUPPLIES</b>					
TRANSUNION RISK AND ALTE...	5003541-202407-1	08/12/2024	BACKGROUND INVESTIGATIO...	001-04-42120	104.25
KAUFMAN, JAKE	REIMB-4	08/12/2024	KEY DUPLICATES	001-04-42120	13.78
<b>Account 42120 - INVESTIGATIVE SUPPLIES Total:</b>					<b>118.03</b>

Expense Approval Report

Post Dates: 8/12/2024 - 8/12/2024

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
<b>Account: 42160 - CWP/SOR PASS THRU EXPENSES</b>					
IDAHO STATE POLICE	2024-06	08/12/2024	CWP & FINGERPRINTS	001-04-42160	566.25
<b>Account 42160 - CWP/SOR PASS THRU EXPENSES Total:</b>					<b>566.25</b>
<b>Account: 42328 - DUES / MEMBERSHIPS</b>					
ROCKY MOUNTAIN INFO. NE...	26021	08/12/2024	RENEWAL	001-04-42328	50.00
<b>Account 42328 - DUES / MEMBERSHIPS Total:</b>					<b>50.00</b>
<b>Account: 42520 - POSTAGE</b>					
PEAK INDUSTRIES GROUP LLC	48984	08/12/2024	EVIDENCE SHIPPING	001-04-42520	17.97
PEAK INDUSTRIES GROUP LLC	49149	08/12/2024	EVIDENCE	001-04-42520	35.07
PEAK INDUSTRIES GROUP LLC	49473	08/12/2024	EVIDENCE	001-04-42520	16.96
PEAK INDUSTRIES GROUP LLC	49618	08/12/2024	EVIDENCE	001-04-42520	17.03
<b>Account 42520 - POSTAGE Total:</b>					<b>87.03</b>
<b>Account: 42670 - NON-CAP EQUIP &lt;\$1,000</b>					
LN CURTIS & SONS	842235	08/12/2024	BATTERY STICKS	001-04-42670	96.57
<b>Account 42670 - NON-CAP EQUIP &lt;\$1,000 Total:</b>					<b>96.57</b>
<b>Account: 42680 - UNIFORMS - CLOTHING</b>					
US BANK	VIKTOS-V292700	08/12/2024	#25 UNIFORM	001-04-42680	502.85
LN CURTIS & SONS	INV845115	08/12/2024	UNIFORMS	001-04-42680	782.99
LN CURTIS & SONS	849072	08/12/2024	UNIFORM SHIRT #34	001-04-42680	56.99
<b>Account 42680 - UNIFORMS - CLOTHING Total:</b>					<b>1,342.83</b>
<b>Account: 42700 - K9 UNIT</b>					
US BANK	PETFLOW-11865084	08/12/2024	K-9 SUPPLIES	001-04-42700	133.53
<b>Account 42700 - K9 UNIT Total:</b>					<b>133.53</b>
<b>Account: 43004 - REPAIRS/MAINT-VEHICLES</b>					
TETON VALLEY AUTO REPAIR	065717	08/12/2024	UNIT 14 OIL	001-04-43004	106.69
CLAIR & DEE'S TIRE FACTORY -...	1248785	08/12/2024	TIRE SWAP	001-04-43004	90.00
CLAIR & DEE'S TIRE FACTORY -...	1249089	08/12/2024	UNIT 4 OIL	001-04-43004	89.56
O'REILLY AUTO PARTS	5592-199930	08/12/2024	WIPER BLADES	001-04-43004	25.58
O'REILLY AUTO PARTS	5592-201026	08/12/2024	UNIT 11 ANTIFREEZE	001-04-43004	19.99
ALL AMERICAN TIRE AND BRA...	6191	08/12/2024	REPAIRS	001-04-43004	30.00
US BANK	AMZN-8069048	08/12/2024	ANTENNA	001-04-43004	16.58
CLAIR & DEE'S TIRE FACTORY -...	1250380	08/12/2024	UNIT 6 BRAKES OIL	001-04-43004	105.55
MOUNTAIN TOWN CAR WASH	80	08/12/2024	PATROL CAR WASHES	001-04-43004	9.00
<b>Account 43004 - REPAIRS/MAINT-VEHICLES Total:</b>					<b>492.95</b>
<b>Account: 43080 - VEHICLES - FUEL</b>					
GUIMONT, BEN	REIMB-6	08/12/2024	FUEL	001-04-43080	43.64
SMITH, JASEN	REIMB-4	08/12/2024	POST	001-04-43080	36.75
SMITH, JASEN	REIMB-4	08/12/2024	POST	001-04-43080	22.51
SMITH, JASEN	REIMB-4	08/12/2024	POST	001-04-43080	44.75
SMITH, JASEN	REIMB-5	08/12/2024	POST	001-04-43080	40.18
GUIMONT, BEN	REIMB-7	08/12/2024	POST	001-04-43080	36.13
<b>Account 43080 - VEHICLES - FUEL Total:</b>					<b>223.96</b>
<b>Account: 44026 - BACKGROUND INVESTIGATIONS</b>					
DANIELA BARNHILL	2024-07	08/12/2024	BACKGROUND	001-04-44026	350.00
<b>Account 44026 - BACKGROUND INVESTIGATIONS Total:</b>					<b>350.00</b>
<b>Account: 44070 - ILETS CONTRACT</b>					
MERAKAI LLC	639686	08/12/2024	DIGITAL EVIDENCE CABINET	001-04-44070	5,342.00
<b>Account 44070 - ILETS CONTRACT Total:</b>					<b>5,342.00</b>
<b>Account: 80200 - CAPITAL-EQUIPMENT</b>					
PREMIER VEHICLE INSTALLATI...	44788	08/12/2024	CABLING	001-04-80200	506.43
PREMIER VEHICLE INSTALLATI...	44917	08/12/2024	CABLING	001-04-80200	396.28
<b>Account 80200 - CAPITAL-EQUIPMENT Total:</b>					<b>902.71</b>
<b>Account: 80300 - CAPITAL-VEHICLES</b>					
GRAVITY GRAPHICS	9833	08/12/2024	VEHICLE WRAP	001-04-80300	833.82
BANCORP BANK N.A, THE	645697-PT2	08/12/2024	LEASED VEHICLES	001-04-80300	16,446.55
GRAVITY GRAPHICS	1592	08/12/2024	WRAP	001-04-80300	833.82
BANCORP BANK N.A, THE	653191	08/12/2024	LEASE	001-04-80300	16,894.69

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
GRAVITY GRAPHICS	1712	08/12/2024	VEHICLE WRAP	001-04-80300	833.82
<b>Account 80300 - CAPITAL-VEHICLES Total:</b>					<b>35,842.70</b>
<b>Dept 04 - SHERIFF Total:</b>					<b>46,384.95</b>
<b>Dept: 05 - COMMISSIONERS</b>					
<b>Account: 42000 - TRAINING EXPENSES</b>					
US BANK	MAVERIK-570806	08/12/2024	FUEL	001-05-42000	37.58
US BANK	STATEHOSPITAL2	08/12/2024	CPM	001-05-42000	1.59
US BANK	TACO-031010	08/12/2024	MEAL	001-05-42000	14.18
US BANK	TACO-31010	08/12/2024	MEAL	001-05-42000	14.18
US BANK	THAI208	08/12/2024	CPM	001-05-42000	25.00
<b>Account 42000 - TRAINING EXPENSES Total:</b>					<b>92.53</b>
<b>Account: 42100 - SUPPLIES</b>					
US BANK	BYUI-209217	08/12/2024	BIZ CARDS	001-05-42100	15.27
<b>Account 42100 - SUPPLIES Total:</b>					<b>15.27</b>
<b>Dept 05 - COMMISSIONERS Total:</b>					<b>107.80</b>
<b>Dept: 06 - CORONER</b>					
<b>Account: 42000 - TRAINING EXPENSES</b>					
US BANK	CM0000182	08/12/2024	REFUND	001-06-42000	-141.59
US BANK	CM0000183	08/12/2024	REFUND	001-06-42000	-851.49
<b>Account 42000 - TRAINING EXPENSES Total:</b>					<b>-993.08</b>
<b>Dept 06 - CORONER Total:</b>					<b>-993.08</b>
<b>Dept: 07 - PROSECUTING ATTORNEY</b>					
<b>Account: 42000 - TRAINING EXPENSES</b>					
US BANK	CLE-9994383579	08/12/2024	CLE TRAINING	001-07-42000	49.87
<b>Account 42000 - TRAINING EXPENSES Total:</b>					<b>49.87</b>
<b>Account: 42100 - SUPPLIES</b>					
US BANK	AMZN-8922619	08/12/2024	OFFICE SUPPLIES	001-07-42100	9.33
US BANK	AMZN-1017848	08/12/2024	OFFICE SUPPLIES	001-07-42100	39.26
US BANK	AMZN-8922619-2	08/12/2024	OFFICE SUPPLIES	001-07-42100	55.09
US BANK	BYUI-209214	08/12/2024	BIZ CARDS	001-07-42100	12.26
US BANK	BYUI-209215	08/12/2024	BIZ CARDS	001-07-42100	12.26
US BANK	IPAA-8679	08/12/2024	OFFICE SUPPLIES	001-07-42100	36.31
<b>Account 42100 - SUPPLIES Total:</b>					<b>164.51</b>
<b>Account: 44005 - OUTSIDE COUNSEL PROSECUTION</b>					
WELCH LAW PC	2067	08/12/2024	OUTSIDE PROSECUTION	001-07-44005	8,000.00
<b>Account 44005 - OUTSIDE COUNSEL PROSECUTION Total:</b>					<b>8,000.00</b>
<b>Account: 44006 - OUTSIDE COUNSEL - CIVIL</b>					
HOLDEN,KIDWELL,HAHN & C...	241727	08/12/2024	OUTSIDE CIVIL	001-07-44006	5,200.00
NELSON HALL PARRY TUCKER ...	9566.003-JULY	08/12/2024	OUTSIDE CIVIL	001-07-44006	720.00
NELSON HALL PARRY TUCKER ...	9566.004-JULY	08/12/2024	OUTSIDE CIVIL	001-07-44006	60.00
NELSON HALL PARRY TUCKER ...	9566.005-JULY	08/12/2024	OUTSIDE CIVIL	001-07-44006	360.00
<b>Account 44006 - OUTSIDE COUNSEL - CIVIL Total:</b>					<b>6,340.00</b>
<b>Account: 44007 - OUTSIDE COUNSEL - LITIGATION</b>					
HOPKINS RODEN CROCKETT H...	24609	08/12/2024	OUTSIDE LITIGATION	001-07-44007	30.00
HALL ANGELL & ASSOCIATES, ...	14272	08/12/2024	OUTSIDE LITIGATION	001-07-44007	4,070.00
<b>Account 44007 - OUTSIDE COUNSEL - LITIGATION Total:</b>					<b>4,100.00</b>
<b>Account: 44067 - HARDWARE &amp; SOFTWARE</b>					
US BANK	LEXIS-3095192012	08/12/2024	SOFTWARE	001-07-44067	334.00
<b>Account 44067 - HARDWARE &amp; SOFTWARE Total:</b>					<b>334.00</b>
<b>Dept 07 - PROSECUTING ATTORNEY Total:</b>					<b>18,988.38</b>
<b>Dept: 08 - PUBLIC WORKS DIRECTOR</b>					
<b>Account: 42000 - TRAINING EXPENSES</b>					
US BANK	MCKISSOCK-4270	08/12/2024	CE	001-08-42000	475.94
US BANK	COEUR-3	08/12/2024	IACERS CONVENTION	001-08-42000	145.39
<b>Account 42000 - TRAINING EXPENSES Total:</b>					<b>621.33</b>

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
<b>Account: 42090 - MISCELLANEOUS EXPENSES</b>					
ACE HARDWARE	332012	08/12/2024	TAIL LIGHT	001-08-42090	5.57
<b>Account 42090 - MISCELLANEOUS EXPENSES Total:</b>					<b>5.57</b>
<b>Account: 42100 - SUPPLIES</b>					
ACE HARDWARE	331049	08/12/2024	TRAFFIC COUNTERS	001-08-42100	13.62
ACE HARDWARE	331960	08/12/2024	MARKING PAINT, TAIL LIGHT	001-08-42100	50.19
ACE HARDWARE	332241	08/12/2024	TRAFFIC COUNTERS	001-08-42100	11.00
<b>Account 42100 - SUPPLIES Total:</b>					<b>74.81</b>
<b>Dept 08 - PUBLIC WORKS DIRECTOR Total:</b>					<b>701.71</b>
<b>Dept: 09 - COURTHOUSE</b>					
<b>Account: 40200 - SALARIES</b>					
MARQUEE CLEANING SERVICE...	2024303	08/12/2024	CLEANING SERVICES	001-09-40200	5,720.00
<b>Account 40200 - SALARIES Total:</b>					<b>5,720.00</b>
<b>Account: 42058 - FIRE &amp; ELEVATOR-ALL EXPENSES</b>					
IDAHO DIVISION OF OCCUPAT...	H001140-2024	08/12/2024	ANNUAL ELEVATOR FEE	001-09-42058	125.00
IDAHO DIVISION OF OCCUPAT...	H001141-2024	08/12/2024	ANNUAL ELEVATOR FEE	001-09-42058	125.00
<b>Account 42058 - FIRE &amp; ELEVATOR-ALL EXPENSES Total:</b>					<b>250.00</b>
<b>Account: 42090 - MISCELLANEOUS EXPENSES</b>					
WYDAHO WINDOW CLEANING	360	08/12/2024	WINDOW WASHING	001-09-42090	495.00
<b>Account 42090 - MISCELLANEOUS EXPENSES Total:</b>					<b>495.00</b>
<b>Account: 42100 - SUPPLIES</b>					
ACE HARDWARE	331688	08/12/2024	SUPPLIES	001-09-42100	15.35
<b>Account 42100 - SUPPLIES Total:</b>					<b>15.35</b>
<b>Account: 43002 - REPAIRS/MAINT-FACILITIES/BUILDINGS</b>					
ACE HARDWARE	331760	08/12/2024	SCREWS	001-09-43002	2.90
ACE HARDWARE	CM0000181	08/12/2024	CREDIT RETURN	001-09-43002	-1.12
GET'M FIX'T	669850	08/12/2024	DOOR & LIGHT REPAIR	001-09-43002	180.00
<b>Account 43002 - REPAIRS/MAINT-FACILITIES/BUILDINGS Total:</b>					<b>181.78</b>
<b>Account: 45001 - UTILITIES-SEWER</b>					
CITY OF DRIGGS UTILITIES	9.1087.01 JUL24	08/12/2024	WATER & SEWER	001-09-45001	557.43
<b>Account 45001 - UTILITIES-SEWER Total:</b>					<b>557.43</b>
<b>Account: 45002 - GARBAGE</b>					
RAD CURBSIDE	240801066348	08/12/2024	GARBAGE PICKUP	001-09-45002	152.25
<b>Account 45002 - GARBAGE Total:</b>					<b>152.25</b>
<b>Account: 45004 - ELECTRICITY</b>					
FALL RIVER RURAL ELECTRIC	2750015 JUL24	08/12/2024	ELECTRICITY	001-09-45004	1,879.88
<b>Account 45004 - ELECTRICITY Total:</b>					<b>1,879.88</b>
<b>Dept 09 - COURTHOUSE Total:</b>					<b>9,251.69</b>
<b>Dept: 11 - EMERGENCY MANAGEMENT</b>					
<b>Account: 42000 - TRAINING EXPENSES</b>					
US BANK	BROUL-123	08/12/2024	REFRESHMENTS	001-11-42000	27.92
US BANK	BROUL-05-43419	08/12/2024	REFRESHMENTS	001-11-42000	25.48
US BANK	OROURKES35	08/12/2024	EXERCIES	001-11-42000	116.15
<b>Account 42000 - TRAINING EXPENSES Total:</b>					<b>169.55</b>
<b>Account: 42090 - MISCELLANEOUS EXPENSES</b>					
ACE HARDWARE	331300	08/12/2024	ANTENNA MOUNT	001-11-42090	17.66
<b>Account 42090 - MISCELLANEOUS EXPENSES Total:</b>					<b>17.66</b>
<b>Account: 42100 - SUPPLIES</b>					
STANDARD PLUMBING SUPPLY..	XCKD52	08/12/2024	PIPE	001-11-42100	37.99
<b>Account 42100 - SUPPLIES Total:</b>					<b>37.99</b>
<b>Account: 43000 - REPAIRS/MAINT-EQUIPMENT</b>					
HIGH DESERT POWER SYSTEM...	HDP0341	08/12/2024	GENERATOR MAINT	001-11-43000	1,391.32
<b>Account 43000 - REPAIRS/MAINT-EQUIPMENT Total:</b>					<b>1,391.32</b>
<b>Account: 43081 - VEHICLES - FUEL &amp; REPAIRS</b>					
US BANK	OKTIRE40515	08/12/2024	NEW GENERATOR TIRES	001-11-43081	500.04

Expense Approval Report

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
US BANK	THEDETAIL4280	08/12/2024	COMMAND VEHICLE DETAIL	001-11-43081	260.00
US BANK	SMITHFORD	08/12/2024	OIL CHANGE	001-11-43081	51.27
<b>Account 43081 - VEHICLES - FUEL &amp; REPAIRS Total:</b>					<b>811.31</b>
<b>Account: 45012 - CELL TOWER ELECTRICITY</b>					
FALL RIVER RURAL ELECTRIC	2750022 JUL24	08/12/2024	ELECTRICITY	001-11-45012	41.13
<b>Account 45012 - CELL TOWER ELECTRICITY Total:</b>					<b>41.13</b>
<b>Dept 11 - EMERGENCY MANAGEMENT Total:</b>					<b>2,468.96</b>
<b>Dept: 13 - EXTENSION</b>					
<b>Account: 42053 - OFFICE RENT &amp; UTILITIES</b>					
RAD CURBSIDE	240801066348	08/12/2024	GARBAGE PICKUP	001-13-42053	34.04
<b>Account 42053 - OFFICE RENT &amp; UTILITIES Total:</b>					<b>34.04</b>
<b>Account: 42090 - MISCELLANEOUS EXPENSES</b>					
US BANK	FIGGIE-312090	08/12/2024	STAFF MEETING	001-13-42090	103.09
US BANK	PP-7014	08/12/2024	LAMINATE	001-13-42090	23.80
ACE HARDWARE	331836	08/12/2024	LIGHTBULBS	001-13-42090	13.01
GET'M FIX'T	669850	08/12/2024	DOOR & LIGHT REPAIR	001-13-42090	90.00
<b>Account 42090 - MISCELLANEOUS EXPENSES Total:</b>					<b>229.90</b>
<b>Account: 42100 - SUPPLIES</b>					
US BANK	AMZN-5945059	08/12/2024	TENT	001-13-42100	749.00
ACE HARDWARE	331713	08/12/2024	TOTE	001-13-42100	26.77
PORTERS OFFICE PRODUCTS	865608	08/12/2024	OFFICE SUPPLIES	001-13-42100	366.47
PORTERS OFFICE PRODUCTS	865608-1	08/12/2024	OFFICE SUPPLIES	001-13-42100	8.77
<b>Account 42100 - SUPPLIES Total:</b>					<b>1,151.01</b>
<b>Account: 42561 - SUBSCRIPTIONS &amp; ASSOC FEES</b>					
US BANK	DROPBOX	08/12/2024	STORAGE	001-13-42561	119.88
US BANK	AMZN-5449818	08/12/2024	SUBSCRIPTION SPOTIFY	001-13-42561	99.00
<b>Account 42561 - SUBSCRIPTIONS &amp; ASSOC FEES Total:</b>					<b>218.88</b>
<b>Account: 43000 - REPAIRS/MAINT-EQUIPMENT</b>					
YOST BUSINESS SYSTEMS	B62901	08/12/2024	PRINTER	001-13-43000	177.54
<b>Account 43000 - REPAIRS/MAINT-EQUIPMENT Total:</b>					<b>177.54</b>
<b>Dept 13 - EXTENSION Total:</b>					<b>1,811.37</b>
<b>Dept: 14 - INFORMATION TECHNOLOGY</b>					
<b>Account: 42000 - TRAINING EXPENSES</b>					
IDAHO ASSOC OF COUNTIES	IAC-24-272	08/12/2024	IT MEETING	001-14-42000	40.00
<b>Account 42000 - TRAINING EXPENSES Total:</b>					<b>40.00</b>
<b>Account: 42090 - MISCELLANEOUS EXPENSES</b>					
IDAHO ASSOC OF COUNTIES	IAC-24-259	08/12/2024	IT ASSOCIATION DUES	001-14-42090	150.00
<b>Account 42090 - MISCELLANEOUS EXPENSES Total:</b>					<b>150.00</b>
<b>Account: 44067 - HARDWARE &amp; SOFTWARE</b>					
TYLER TECHNOLOGIES	025-471935	08/12/2024	ERP ANNUAL	001-14-44067	25,167.00
<b>Account 44067 - HARDWARE &amp; SOFTWARE Total:</b>					<b>25,167.00</b>
<b>Account: 45005 - LANDLINE PHONES &amp; INTERNET</b>					
US BANK	STARLINK-6922-86	08/12/2024	ALTERNATE ISP	001-14-45005	120.00
US BANK	STARLINK-922-86	08/12/2024	ALTERNATE ISP	001-14-45005	120.00
SILVER STAR COMMUNICATI...	2024-08-01-48642	08/12/2024	INTERNET	001-14-45005	1,905.27
<b>Account 45005 - LANDLINE PHONES &amp; INTERNET Total:</b>					<b>2,145.27</b>
<b>Account: 45010 - CELL PHONE</b>					
AT&T MOBILITY (2873182754...	287318275404X08012024	08/12/2024	CELL PHONES	001-14-45010	2,033.50
<b>Account 45010 - CELL PHONE Total:</b>					<b>2,033.50</b>
<b>Account: 45011 - AIR CARDS</b>					
AT&T MOBILITY (2873161171...	287316117117X08012024	08/12/2024	AIR CARDS	001-14-45011	406.64
<b>Account 45011 - AIR CARDS Total:</b>					<b>406.64</b>
<b>Dept 14 - INFORMATION TECHNOLOGY Total:</b>					<b>29,942.41</b>

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
<b>Dept: 15 - ELECTIONS</b>					
<b>Account: 42100 - SUPPLIES</b>					
PORTERS OFFICE PRODUCTS	864129	08/12/2024	OFFICE SUPPLIES	001-15-42100	21.09
PORTERS OFFICE PRODUCTS	864129-1	08/12/2024	RUBBER FINGER TIPS	001-15-42100	4.47
<b>Account 42100 - SUPPLIES Total:</b>					<b>25.56</b>
<b>Account: 42520 - POSTAGE</b>					
US BANK	USPS-145673	08/12/2024	STAMPED ENVELOPES	001-15-42520	94.45
<b>Account 42520 - POSTAGE Total:</b>					<b>94.45</b>
<b>Dept 15 - ELECTIONS Total:</b>					<b>120.01</b>
<b>Dept: 17 - LAW ENFORCEMENT CENTER</b>					
<b>Account: 42100 - SUPPLIES</b>					
US BANK	COSTCO-7841	08/12/2024	JANITOR SUPPLIES	001-17-42100	40.26
<b>Account 42100 - SUPPLIES Total:</b>					<b>40.26</b>
<b>Account: 44000 - CONTRACTED PROFESSIONAL SRVCS</b>					
WYDAHO WINDOW CLEANING	367	08/12/2024	WINDOW WASHING	001-17-44000	605.00
<b>Account 44000 - CONTRACTED PROFESSIONAL SRVCS Total:</b>					<b>605.00</b>
<b>Account: 45001 - UTILITIES-SEWER</b>					
CITY OF DRIGGS UTILITIES	9.1147.01 JUL24	08/12/2024	WATER & SEWER	001-17-45001	369.95
<b>Account 45001 - UTILITIES-SEWER Total:</b>					<b>369.95</b>
<b>Account: 45002 - GARBAGE</b>					
RAD CURBSIDE	240801066348	08/12/2024	GARBAGE PICKUP	001-17-45002	92.13
<b>Account 45002 - GARBAGE Total:</b>					<b>92.13</b>
<b>Account: 45004 - ELECTRICITY</b>					
FALL RIVER RURAL ELECTRIC	2750013 JUL24	08/12/2024	ELECTRICITY	001-17-45004	1,323.70
<b>Account 45004 - ELECTRICITY Total:</b>					<b>1,323.70</b>
<b>Dept 17 - LAW ENFORCEMENT CENTER Total:</b>					<b>2,431.04</b>
<b>Dept: 18 - GENERAL</b>					
<b>Account: 42326 - CONTINGENCY ACCOUNT</b>					
RAVEN'S TREE SERVICE	2023/07/05 - 200	08/12/2024	TREE REMOVAL	001-18-42326	800.00
CITY OF DRIGGS	PRIMROSE-2024	08/12/2024	COUNTY PICNIC	001-18-42326	76.00
<b>Account 42326 - CONTINGENCY ACCOUNT Total:</b>					<b>876.00</b>
<b>Dept 18 - GENERAL Total:</b>					<b>876.00</b>
<b>Dept: 19 - DISPATCH</b>					
<b>Account: 42000 - TRAINING EXPENSES</b>					
DOLAN CONSULTING GROUP	W1560-0724-0107-0107	08/12/2024	TRAINING	001-19-42000	75.00
<b>Account 42000 - TRAINING EXPENSES Total:</b>					<b>75.00</b>
<b>Dept 19 - DISPATCH Total:</b>					<b>75.00</b>
<b>Dept: 20 - JAIL</b>					
<b>Account: 42230 - PRISONER - MED, HOSPITALS, ETC</b>					
TETON VALLEY HEALTH CARE	514406V15468	08/12/2024	INMATE MEDICAL	001-20-42230	343.48
TETON VALLEY HEALTH CARE	514407V15468	08/12/2024	INMATE MEDICAL	001-20-42230	141.67
TETON VALLEY HEALTH CARE	517732V15468	08/12/2024	INMATE MEDICAL	001-20-42230	9.30
JEFFERSON COUNTY SHERIFF	64342	08/12/2024	INMATE PHARMACY	001-20-42230	40.55
TETON VALLEY HEALTH CARE ...	524073V15468	08/12/2024	DUI LAB TEST	001-20-42230	7.33
<b>Account 42230 - PRISONER - MED, HOSPITALS, ETC Total:</b>					<b>542.33</b>
<b>Account: 42970 - PRISONER HOUSING</b>					
BONNEVILLE COUNTY	2024-077	08/12/2024	INMATE HOUSING	001-20-42970	1,705.00
BONNEVILLE COUNTY	2024-091	08/12/2024	INMATE HOUSING	001-20-42970	1,650.00
<b>Account 42970 - PRISONER HOUSING Total:</b>					<b>3,355.00</b>
<b>Dept 20 - JAIL Total:</b>					<b>3,897.33</b>
<b>Dept: 21 - PLANNING</b>					
<b>Account: 40200 - SALARIES</b>					
US BANK	ZIP202407	08/12/2024	RECRUITING	001-21-40200	98.68
US BANK	ZIP202407	08/12/2024	RECRUITING	001-21-40200	394.75
<b>Account 40200 - SALARIES Total:</b>					<b>493.43</b>



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<b>Account: 42520 - POSTAGE</b>					
US BANK	STAMP-1461554	08/12/2024	ENVELOPES	001-21-42520	831.25
US BANK	BYUI-209219	08/12/2024	BIZ CARDS	001-21-42520	11.52
					<b>Account 42520 - POSTAGE Total: 842.77</b>
<b>Account: 44000 - CONTRACTED PROFESSIONAL SRVCS</b>					
HARMONY DESIGN & ENGINE...	24228	08/12/2024	BTM	001-21-44000	728.25
					<b>Account 44000 - CONTRACTED PROFESSIONAL SRVCS Total: 728.25</b>
<b>Account: 80200 - CAPITAL-EQUIPMENT</b>					
ACE HARDWARE	331312	08/12/2024	SIGN	001-21-80200	14.87
					<b>Account 80200 - CAPITAL-EQUIPMENT Total: 14.87</b>
					<b>Dept 21 - PLANNING Total: 2,079.32</b>
<b>Dept: 22 - BUILDING</b>					
<b>Account: 40200 - SALARIES</b>					
US BANK	ZIP202407	08/12/2024	RECRUITING	001-22-40200	98.69
US BANK	ZIP202407	08/12/2024	RECRUITING	001-22-40200	197.38
					<b>Account 40200 - SALARIES Total: 296.07</b>
<b>Account: 42100 - SUPPLIES</b>					
US BANK	AMZN-6219400	08/12/2024	KEYPAD	001-22-42100	16.95
US BANK	BYUI-2091218	08/12/2024	BIZ CARDS	001-22-42100	25.55
					<b>Account 42100 - SUPPLIES Total: 42.50</b>
					<b>Dept 22 - BUILDING Total: 338.57</b>
<b>Dept: 23 - GIS</b>					
<b>Account: 42000 - TRAINING EXPENSES</b>					
MARIN, ROBERT	REIMB-1	08/12/2024	GIS PRO CONFERENCE	001-23-42000	675.00
MARIN, ROBERT	REIMB-2	08/12/2024	FLIGHT	001-23-42000	997.50
					<b>Account 42000 - TRAINING EXPENSES Total: 1,672.50</b>
					<b>Dept 23 - GIS Total: 1,672.50</b>
<b>Dept: 31 - ARMORY (AKA ANNEX)</b>					
<b>Account: 42115 - SUPPLIES - CONSUMMABLE</b>					
WAXIE SANITARY SUPPLY	82586709	08/12/2024	JANITOR SUPPLIES	001-31-42115	297.08
					<b>Account 42115 - SUPPLIES - CONSUMMABLE Total: 297.08</b>
<b>Account: 43002 - REPAIRS/MAINT-FACILITIES/BUILDINGS</b>					
ROCKY MOUNTAIN BOILER INC	20242785	08/12/2024	BOILER REPAIRS & MAINTEN...	001-31-43002	2,358.70
					<b>Account 43002 - REPAIRS/MAINT-FACILITIES/BUILDINGS Total: 2,358.70</b>
					<b>Dept 31 - ARMORY (AKA ANNEX) Total: 2,655.78</b>
<b>Dept: 32 - BUXTON AVE</b>					
<b>Account: 45001 - UTILITIES-SEWER</b>					
CITY OF DRIGGS UTILITIES	9.0392.01 JUL24	08/12/2024	WATER & SEWER	001-32-45001	203.04
					<b>Account 45001 - UTILITIES-SEWER Total: 203.04</b>
<b>Account: 45002 - GARBAGE</b>					
RAD CURBSIDE	240801066348	08/12/2024	GARBAGE PICKUP	001-32-45002	35.51
					<b>Account 45002 - GARBAGE Total: 35.51</b>
<b>Account: 45004 - ELECTRICITY</b>					
FALL RIVER RURAL ELECTRIC	2750001 JUL24	08/12/2024	ELECTRICITY	001-32-45004	73.04
FALL RIVER RURAL ELECTRIC	2750005 JUL24	08/12/2024	ELECTRICITY	001-32-45004	49.86
					<b>Account 45004 - ELECTRICITY Total: 122.90</b>
					<b>Dept 32 - BUXTON AVE Total: 361.45</b>
					<b>Fund 001 - GENERAL FUND (CURRENT EXPENSE) Total: 125,370.90</b>
<b>Fund: 202 - ROAD &amp; BRIDGE</b>					
<b>Dept: 00 - NO DEPARTMENT</b>					
<b>Account: 40200 - SALARIES</b>					
US BANK	ZIP202407	08/12/2024	RECRUITING	202-00-40200	394.75
					<b>Account 40200 - SALARIES Total: 394.75</b>

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<b>Account: 42000 - TRAINING EXPENSES</b>					
US BANK	COEUR	08/12/2024	IACERS CONVENTION	202-00-42000	145.39
US BANK	COEUR-2	08/12/2024	IACERS CONVENTION	202-00-42000	145.39
<b>Account 42000 - TRAINING EXPENSES Total:</b>					<b>290.78</b>
<b>Account: 42100 - SUPPLIES</b>					
US BANK	D - STAPLES	08/12/2024	POST IT, PENS, SM BINDERS, H...	202-00-42100	56.41
<b>Account 42100 - SUPPLIES Total:</b>					<b>56.41</b>
<b>Account: 42152 - SUPPLIES - SHOP</b>					
NAPA AUTO PARTS	177743	08/12/2024	HOSE, HOSE END, CIRCUIT TES...	202-00-42152	24.44
NAPA AUTO PARTS	177818	08/12/2024	JACK OIL	202-00-42152	23.99
HIGH COUNTRY LINEN	0448963	08/12/2024	RAGS, COVERALLS	202-00-42152	44.96
HIGH COUNTRY LINEN	0450359	08/12/2024	RAGS, COVERALLS	202-00-42152	44.96
NAPA AUTO PARTS	178524	08/12/2024	BUTANE TORCH, FUEL	202-00-42152	60.98
HIGH COUNTRY LINEN	0451795	08/12/2024	RAGS, COVERALLS	202-00-42152	44.96
NAPA AUTO PARTS	178826	08/12/2024	TERMINALS	202-00-42152	14.97
HIGH COUNTRY LINEN	0453214	08/12/2024	RAGS, COVERALLS	202-00-42152	44.96
NAPA AUTO PARTS	179101	08/12/2024	WIPER BLADES	202-00-42152	24.68
NAPA AUTO PARTS	179219	08/12/2024	OIL DRY, SHOP TOWEL	202-00-42152	51.45
AIRGAS USA, LLC	5509947701	08/12/2024	CYLINDER RENTAL	202-00-42152	48.20
<b>Account 42152 - SUPPLIES - SHOP Total:</b>					<b>428.55</b>
<b>Account: 43000 - REPAIRS/MAINT-EQUIPMENT</b>					
NAPA AUTO PARTS	177743	08/12/2024	HOSE, HOSE END, CIRCUIT TES...	202-00-43000	262.47
NAPA AUTO PARTS	177896	08/12/2024	HOSE, HOSE END, ELECTRICAL...	202-00-43000	256.29
RDO EQUIPMENT CO	W00676R8	08/12/2024	TURBO ACTUATOR	202-00-43000	3,074.29
HENDRICKSON'S TOWING & R...	H13137	08/12/2024	TOW FROM CANYON CREEK T...	202-00-43000	943.00
<b>Account 43000 - REPAIRS/MAINT-EQUIPMENT Total:</b>					<b>4,536.05</b>
<b>Account: 43002 - REPAIRS/MAINT-FACILITIES/BUILDINGS</b>					
HILL HARDSCAPES LLC	1132	08/12/2024	CONCRETE PAD FOR HORIZ T...	202-00-43002	4,450.00
<b>Account 43002 - REPAIRS/MAINT-FACILITIES/BUILDINGS Total:</b>					<b>4,450.00</b>
<b>Account: 43021 - SAFETY EQUIPMENT</b>					
US BANK	BBALL - WALMART	08/12/2024	GATORADE, WATER	202-00-43021	89.98
US BANK	BROULIMS - D	08/12/2024	ICE	202-00-43021	29.92
US BANK	D - BROULIMS	08/12/2024	ICE	202-00-43021	23.93
<b>Account 43021 - SAFETY EQUIPMENT Total:</b>					<b>143.83</b>
<b>Account: 43022 - TRAFFIC CONTROL: SIGNS</b>					
SAFETY SUPPLY & SIGN	190259	08/12/2024	WALDEN CRT, KINGWELL RD	202-00-43022	96.38
<b>Account 43022 - TRAFFIC CONTROL: SIGNS Total:</b>					<b>96.38</b>
<b>Account: 43024 - VEHICLES - TIRES</b>					
CLAIR & DEES POINT S - DRIG...	6012416	08/12/2024	(6) 14.00/R24	202-00-43024	11,277.90
<b>Account 43024 - VEHICLES - TIRES Total:</b>					<b>11,277.90</b>
<b>Account: 43025 - TRAFFIC CONTROL: CONSTRUCTION</b>					
SAFETY SUPPLY & SIGN	190266	08/12/2024	(4) ROLLUP - ROAD WORK AH...	202-00-43025	703.56
SAFETY SUPPLY & SIGN	190404	08/12/2024	(4) ROLLUPS - LOOSE GRAVEL	202-00-43025	634.17
<b>Account 43025 - TRAFFIC CONTROL: CONSTRUCTION Total:</b>					<b>1,337.73</b>
<b>Account: 43060 - PLANT ASPHALT FOR PATCHING</b>					
JEFFERSON COUNTY R&B	862024-1	08/12/2024	3.47T CRS2	202-00-43060	2,156.61
<b>Account 43060 - PLANT ASPHALT FOR PATCHING Total:</b>					<b>2,156.61</b>
<b>Account: 43080 - VEHICLES - FUEL</b>					
US BANK	BBALL - STINKER	08/12/2024	22.911G UNLEADED	202-00-43080	83.37
<b>Account 43080 - VEHICLES - FUEL Total:</b>					<b>83.37</b>
<b>Account: 45001 - UTILITIES-SEWER</b>					
CITY OF DRIGGS UTILITIES	9.0003.01 JUL24	08/12/2024	WATER & SEWER	202-00-45001	1,012.00
<b>Account 45001 - UTILITIES-SEWER Total:</b>					<b>1,012.00</b>
<b>Account: 45002 - GARBAGE</b>					
RAD CURBSIDE	240801066348	08/12/2024	GARBAGE PICKUP	202-00-45002	108.29
<b>Account 45002 - GARBAGE Total:</b>					<b>108.29</b>

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<b>Account: 45004 - ELECTRICITY</b>					
FALL RIVER RURAL ELECTRIC	2750012 JUL24	08/12/2024	ELECTRICITY	202-00-45004	39.00
FALL RIVER RURAL ELECTRIC	2750023 JUL24	08/12/2024	ELECTRICITY	202-00-45004	374.40
<b>Account 45004 - ELECTRICITY Total:</b>					<b>413.40</b>
<b>Account: 45010 - CELL PHONE</b>					
US BANK	DK - AMAZON	08/12/2024	PHONE CASE - J EGBERT	202-00-45010	13.75
AT&T MOBILITY (2873163789...	08012024	08/12/2024	CELL PHONE USAGE	202-00-45010	402.48
<b>Account 45010 - CELL PHONE Total:</b>					<b>416.23</b>
<b>Account: 80200 - CAPITAL-EQUIPMENT</b>					
SMITH CHEVROLET CO INC	2024 CHEV 466258	08/12/2024	V# 1GC1YLE71RF466258	202-00-80200	47,408.00
SUMMIT NATIONAL BANK	19 CAT N9J01266	08/12/2024	5/5 L#00700	202-00-80200	33,024.84
<b>Account 80200 - CAPITAL-EQUIPMENT Total:</b>					<b>80,432.84</b>
<b>Dept 00 - NO DEPARTMENT Total:</b>					<b>107,635.12</b>
<b>Fund 202 - ROAD &amp; BRIDGE Total:</b>					<b>107,635.12</b>
<b>Fund: 206 - DISTRICT COURT &amp; PROBATION</b>					
<b>Dept: 61 - DISTRICT COURT</b>					
<b>Account: 42007 - MILEAGE &amp; OTHER JURY EXPENSES</b>					
US BANK	BROUL-018204	08/12/2024	JURY TREATS	206-61-42007	63.21
<b>Account 42007 - MILEAGE &amp; OTHER JURY EXPENSES Total:</b>					<b>63.21</b>
<b>Account: 44000 - CONTRACTED PROFESSIONAL SRVCS</b>					
BIRCH, BARTON JAY	1449	08/12/2024	CR41-22-1192	206-61-44000	140.00
BIRCH, BARTON JAY	1503	08/12/2024	CR41-23-139	206-61-44000	280.00
BIRCH, BARTON JAY	1507	08/12/2024	JV41-23-02	206-61-44000	180.00
MOULTON LAW OFFICE	1758	08/12/2024	CONFLICT PD	206-61-44000	320.00
MOULTON LAW OFFICE	1759	08/12/2024	CONFLICT PD	206-61-44000	62.50
<b>Account 44000 - CONTRACTED PROFESSIONAL SRVCS Total:</b>					<b>982.50</b>
<b>Account: 44032 - PUBLIC DEFENDER</b>					
JOHN MALEK LAW GROUP PLLC 168		08/12/2024	PD	206-61-44032	12,484.00
<b>Account 44032 - PUBLIC DEFENDER Total:</b>					<b>12,484.00</b>
<b>Dept 61 - DISTRICT COURT Total:</b>					<b>13,529.71</b>
<b>Dept: 62 - PROBATION</b>					
<b>Account: 40200 - SALARIES</b>					
US BANK	ZIP202407	08/12/2024	RECRUITING	206-62-40200	394.75
<b>Account 40200 - SALARIES Total:</b>					<b>394.75</b>
<b>Account: 42000 - TRAINING EXPENSES</b>					
US BANK	AMZN-2496234	08/12/2024	PANTS	206-62-42000	42.39
BURRIS, JOSH	REIMB-1	08/12/2024	MILEAGE	206-62-42000	335.00
<b>Account 42000 - TRAINING EXPENSES Total:</b>					<b>377.39</b>
<b>Account: 42056 - ANKLE MONITORING</b>					
SATELLITE TRACKING OF PEOP...STPINV00123002		08/12/2024	MONITORING	206-62-42056	295.75
SATELLITE TRACKING OF PEOP...STPINV00124883		08/12/2024	MONITORING	206-62-42056	347.75
<b>Account 42056 - ANKLE MONITORING Total:</b>					<b>643.50</b>
<b>Account: 42090 - MISCELLANEOUS EXPENSES</b>					
HERMOSILLO, GABRIELA	2024-05	08/12/2024	TRANSLATION	206-62-42090	151.00
US BANK	VISTAP-MOND	08/12/2024	BIZ CARDS	206-62-42090	130.34
US BANK	AMZN-0402684	08/12/2024	TABLE	206-62-42090	45.89
MARTINEZ, LAURA	2024-07	08/12/2024	TRANSLATION	206-62-42090	133.50
US BANK	ADOBE-2024-07	08/12/2024	ADOBE	206-62-42090	12.99
<b>Account 42090 - MISCELLANEOUS EXPENSES Total:</b>					<b>473.72</b>
<b>Account: 42100 - SUPPLIES</b>					
US BANK	AMZN-9873811	08/12/2024	EXAM GLOVES	206-62-42100	10.06
PINE NEEDLE EMBROIDERY	2158	08/12/2024	EMROIDERY	206-62-42100	26.00
<b>Account 42100 - SUPPLIES Total:</b>					<b>36.06</b>

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<b>Account: 43080 - VEHICLES - FUEL</b>					
US BANK	BASIN-094028	08/12/2024	FUEL	206-62-43080	45.23
<b>Account 43080 - VEHICLES - FUEL Total:</b>					<b>45.23</b>
<b>Dept 62 - PROBATION Total:</b>					<b>1,970.65</b>
<b>Fund 206 - DISTRICT COURT &amp; PROBATION Total:</b>					<b>15,500.36</b>
<b>Fund: 215 - CONSOLIDATED ELECTIONS</b>					
<b>Dept: 00 - NO DEPARTMENT</b>					
<b>Account: 42100 - SUPPLIES</b>					
PORTERS OFFICE PRODUCTS	864129	08/12/2024	OFFICE SUPPLIES	215-00-42100	30.02
<b>Account 42100 - SUPPLIES Total:</b>					<b>30.02</b>
<b>Dept 00 - NO DEPARTMENT Total:</b>					<b>30.02</b>
<b>Fund 215 - CONSOLIDATED ELECTIONS Total:</b>					<b>30.02</b>
<b>Fund: 223 - SOLID WASTE</b>					
<b>Dept: 00 - NO DEPARTMENT</b>					
<b>Account: 42100 - SUPPLIES</b>					
US BANK	AMZN-3400229	08/12/2024	GAUGE SET	223-00-42100	39.95
PORTERS OFFICE PRODUCTS	864129	08/12/2024	ENVELOPE MOISTENER	223-00-42100	4.34
PORTERS OFFICE PRODUCTS	864582	08/12/2024	COPY PAPER	223-00-42100	86.54
US BANK	HOMEDEPOT-777410	08/12/2024	SUPPLIES	223-00-42100	549.46
PORTERS OFFICE PRODUCTS	864820	08/12/2024	COPY PAPER	223-00-42100	42.77
ACE HARDWARE	331704	08/12/2024	FAN	223-00-42100	55.79
US BANK	AMZN-12239	08/12/2024	REFRIDGERANT	223-00-42100	47.97
<b>Account 42100 - SUPPLIES Total:</b>					<b>826.82</b>
<b>Account: 42322 - ADVERTISING / LEGAL NOTICES</b>					
US BANK	INDEED-94492432	08/12/2024	JOB RECRUITMENT	223-00-42322	318.73
<b>Account 42322 - ADVERTISING / LEGAL NOTICES Total:</b>					<b>318.73</b>
<b>Account: 42328 - DUES / MEMBERSHIPS</b>					
US COMPOSTING COUNCIL	300007271	08/12/2024	MEMBERSHIP	223-00-42328	525.00
<b>Account 42328 - DUES / MEMBERSHIPS Total:</b>					<b>525.00</b>
<b>Account: 42974 - PROFESSIONAL SERVICES</b>					
HIGH COUNTRY LINEN	0448650	08/12/2024	LINENS	223-00-42974	13.06
PARKERS SEPTIC TANK SERVICE	60129	08/12/2024	SERVICE	223-00-42974	143.98
HIGH COUNTRY LINEN	0454330	08/12/2024	LAUNDRY	223-00-42974	13.06
RAPID RESULTS BACKGROUND...	8349	08/12/2024	BACKGROUND CHECKS	223-00-42974	24.95
<b>Account 42974 - PROFESSIONAL SERVICES Total:</b>					<b>195.05</b>
<b>Account: 43004 - REPAIRS/MAINT-VEHICLES</b>					
NAPA AUTO PARTS	178141	08/12/2024	DEF	223-00-43004	65.94
<b>Account 43004 - REPAIRS/MAINT-VEHICLES Total:</b>					<b>65.94</b>
<b>Account: 43005 - REPAIRS/MAINT-OTHER</b>					
NAPA AUTO PARTS	178819	08/12/2024	GREASE, GLOVES, DEF	223-00-43005	139.85
ACE HARDWARE	331945	08/12/2024	GREASE	223-00-43005	22.30
<b>Account 43005 - REPAIRS/MAINT-OTHER Total:</b>					<b>162.15</b>
<b>Account: 43021 - SAFETY EQUIPMENT</b>					
US BANK	TETON21648	08/12/2024	PRESCRIPTION SAFETY GLASSES	223-00-43021	485.00
AIRGAS USA, LLC	9151586794	08/12/2024	GLOVES	223-00-43021	112.71
AIRGAS USA, LLC	9151614488	08/12/2024	GLOVES	223-00-43021	308.22
US BANK	AMZN-5177857	08/12/2024	BOOTS	223-00-43021	114.95
US BANK	ARLO-9778852	08/12/2024	CAMERA	223-00-43021	12.99
<b>Account 43021 - SAFETY EQUIPMENT Total:</b>					<b>1,033.87</b>
<b>Account: 43080 - VEHICLES - FUEL</b>					
JOHN C BERRY & SONS INC	98604	08/12/2024	FUEL	223-00-43080	168.90
JOHN C BERRY & SONS INC	98630	08/12/2024	DIESEL	223-00-43080	1,563.16
JOHN C BERRY & SONS INC	98636	08/12/2024	FUEL	223-00-43080	108.89
<b>Account 43080 - VEHICLES - FUEL Total:</b>					<b>1,840.95</b>
<b>Account: 44079 - HAZARDOUS WASTE DISPOSAL</b>					
BAUCH, GUILLAUME	HAZWASTE	08/12/2024	HAZ WASTE DISPOSAL	223-00-44079	150.00

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GARDNER, BETH	HAZMAT	08/12/2024	HAZARDOUS WASTE DISPOSAL	223-00-44079	24.00
UPSON, DIRK	HAZMAT	08/12/2024	HAZARDOUS WASTE DISPOSAL	223-00-44079	153.31
WIEDIE, JON	HAZWASTE	08/12/2024	HAZ WASTE DISPOSAL	223-00-44079	17.00
<b>Account 44079 - HAZARDOUS WASTE DISPOSAL Total:</b>					<b>344.31</b>
<b>Account: 44080 - HAULING TO CIRCULAR BUTTE</b>					
JEFFERSON COUNTY SOLID W...	2024-07	08/12/2024	2024-07	223-00-44080	51,357.40
RAD CURBSIDE	240807014048	08/12/2024	RAD HAULING	223-00-44080	59,005.76
<b>Account 44080 - HAULING TO CIRCULAR BUTTE Total:</b>					<b>110,363.16</b>
<b>Account: 45001 - UTILITIES-SEWER</b>					
CITY OF DRIGGS UTILITIES	9.1133.01 JUL24	08/12/2024	WATER & SEWER	223-00-45001	88.19
<b>Account 45001 - UTILITIES-SEWER Total:</b>					<b>88.19</b>
<b>Account: 45004 - ELECTRICITY</b>					
FALL RIVER RURAL ELECTRIC	2750010 JUL24	08/12/2024	ELECTRICITY	223-00-45004	360.89
FALL RIVER RURAL ELECTRIC	2750016 JUL24	08/12/2024	ELECTRICITY	223-00-45004	39.00
FALL RIVER RURAL ELECTRIC	2750007 JUL24	08/12/2024	ELECTRICITY	223-00-45004	10.00
<b>Account 45004 - ELECTRICITY Total:</b>					<b>409.89</b>
<b>Account: 81000 - LOADER LEASE</b>					
ARNOLD MACHINERY COMPA...	RS1001393-12	08/12/2024	RENTAL	223-00-81000	1,000.00
<b>Account 81000 - LOADER LEASE Total:</b>					<b>1,000.00</b>
<b>Dept 00 - NO DEPARTMENT Total:</b>					<b>117,174.06</b>
<b>Fund 223 - SOLID WASTE Total:</b>					<b>117,174.06</b>
<b>Fund: 227 - WEEDS</b>					
<b>Dept: 00 - NO DEPARTMENT</b>					
<b>Account: 42019 - CHEMICALS</b>					
TREE NINJAS LLC	1240	08/12/2024	WEED MAINT	227-00-42019	4,050.00
<b>Account 42019 - CHEMICALS Total:</b>					<b>4,050.00</b>
<b>Account: 42100 - SUPPLIES</b>					
ACE HARDWARE	331045	08/12/2024	SUPPLIES	227-00-42100	11.90
ACE HARDWARE	331394	08/12/2024	SUPPLIES	227-00-42100	69.98
US BANK	BYUI-209216	08/12/2024	BIZ CARDS	227-00-42100	15.27
ACE HARDWARE	331990	08/12/2024	SUPPLIES	227-00-42100	84.22
ACE HARDWARE	332203	08/12/2024	SUPPLIES	227-00-42100	41.84
<b>Account 42100 - SUPPLIES Total:</b>					<b>223.21</b>
<b>Account: 45004 - ELECTRICITY</b>					
FALL RIVER RURAL ELECTRIC	2750024 JUL24	08/12/2024	ELECTRICITY	227-00-45004	43.66
<b>Account 45004 - ELECTRICITY Total:</b>					<b>43.66</b>
<b>Dept 00 - NO DEPARTMENT Total:</b>					<b>4,316.87</b>
<b>Fund 227 - WEEDS Total:</b>					<b>4,316.87</b>
<b>Fund: 233 - SPECIAL ROAD LEVY</b>					
<b>Dept: 00 - NO DEPARTMENT</b>					
<b>Account: 43085 - CHIP SEAL</b>					
JOHNNY B TRANSPORT	0577315A	08/12/2024	FREIGHT + DEMURRAGE	233-00-43085	1,619.80
AVAIL VALLEY CONSTRUCTION...	11562	08/12/2024	70.85T HOT MIX	233-00-43085	6,273.78
JOHNNY B TRANSPORT	0577310	08/12/2024	FREIGHT / CANCELLED LOAD	233-00-43085	250.00
RC HEAVY HAUL INC	1863	08/12/2024	TRUCKING	233-00-43085	13,158.00
JOHNNY B TRANSPORT	0577308	08/12/2024	FREIGHT	233-00-43085	250.00
<b>Account 43085 - CHIP SEAL Total:</b>					<b>21,551.58</b>
<b>Dept 00 - NO DEPARTMENT Total:</b>					<b>21,551.58</b>
<b>Fund 233 - SPECIAL ROAD LEVY Total:</b>					<b>21,551.58</b>

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<b>Fund: 236 - PROSECUTOR'S SPECIAL DRUG FUND</b>					
Dept: 00 - NO DEPARTMENT					
Account: 42120 - INVESTIGATIVE SUPPLIES					
TRANSUNION RISK AND ALTE...	5003541-202407-1	08/12/2024	BACKGROUND INVESTIGATIO...	236-00-42120	104.25
<b>Account 42120 - INVESTIGATIVE SUPPLIES Total:</b>					<b>104.25</b>
<b>Dept 00 - NO DEPARTMENT Total:</b>					<b>104.25</b>
<b>Fund 236 - PROSECUTOR'S SPECIAL DRUG FUND Total:</b>					<b>104.25</b>
<b>Fund: 244 - EMERGENCY 911 COMM: 31-4809</b>					
Dept: 00 - NO DEPARTMENT					
Account: 42261 - STATE RADIO SYSTEM					
TETON COMMUNICATIONS INC	27320	08/12/2024	RELAY RIDGE	244-00-42261	170.00
<b>Account 42261 - STATE RADIO SYSTEM Total:</b>					<b>170.00</b>
Account: 42270 - SILVERSTAR 911 LINES					
SILVER STAR COMMUNICATI...	2024-08-01	08/12/2024	PHONE & INTERNET	244-00-42270	1,299.36
<b>Account 42270 - SILVERSTAR 911 LINES Total:</b>					<b>1,299.36</b>
Account: 45005 - LANDLINE PHONES & INTERNET					
CENTURY LINK - 216B	2024-07-25	08/12/2024	911 LINES	244-00-45005	1,032.14
<b>Account 45005 - LANDLINE PHONES &amp; INTERNET Total:</b>					<b>1,032.14</b>
<b>Dept 00 - NO DEPARTMENT Total:</b>					<b>2,501.50</b>
<b>Fund 244 - EMERGENCY 911 COMM: 31-4809 Total:</b>					<b>2,501.50</b>
<b>Fund: 245 - EXTENSION &amp; 4H PROGRAMS</b>					
Dept: 42 - EXTENSION					
Account: 42060 - REFRESHMENTS					
US BANK	BROUL-03107	08/12/2024	DRINKS	245-42-42060	13.03
<b>Account 42060 - REFRESHMENTS Total:</b>					<b>13.03</b>
<b>Dept 42 - EXTENSION Total:</b>					<b>13.03</b>
<b>Fund 245 - EXTENSION &amp; 4H PROGRAMS Total:</b>					<b>13.03</b>
<b>Fund: 251 - MOSQUITO ABATEMENT DISTRICT</b>					
Dept: 00 - NO DEPARTMENT					
Account: 44000 - CONTRACTED PROFESSIONAL SRVCS					
RAL VENTURES INC	1045	08/12/2024	AUG 2024	251-00-44000	22,500.00
<b>Account 44000 - CONTRACTED PROFESSIONAL SRVCS Total:</b>					<b>22,500.00</b>
<b>Dept 00 - NO DEPARTMENT Total:</b>					<b>22,500.00</b>
<b>Fund 251 - MOSQUITO ABATEMENT DISTRICT Total:</b>					<b>22,500.00</b>
<b>Fund: 254 - VESSEL/WATERWAYS: IC 67-7013</b>					
Dept: 00 - NO DEPARTMENT					
Account: 42153 - WATER WAYS EXPENDITURES					
RAD CURBSIDE	240801066348	08/12/2024	GARBAGE PICKUP	254-00-42153	348.57
<b>Account 42153 - WATER WAYS EXPENDITURES Total:</b>					<b>348.57</b>
<b>Dept 00 - NO DEPARTMENT Total:</b>					<b>348.57</b>
<b>Fund 254 - VESSEL/WATERWAYS: IC 67-7013 Total:</b>					<b>348.57</b>
<b>Fund: 276 - ARPA</b>					
Dept: 00 - NO DEPARTMENT					
Account: 80200 - CAPITAL-EQUIPMENT					
MOTOROLA SOLUTIONS INC	8230458093	08/12/2024	6500	276-00-80200	6,500.00
<b>Account 80200 - CAPITAL-EQUIPMENT Total:</b>					<b>6,500.00</b>
<b>Dept 00 - NO DEPARTMENT Total:</b>					<b>6,500.00</b>
<b>Fund 276 - ARPA Total:</b>					<b>6,500.00</b>
<b>Fund: 282 - FAIRGROUNDS &amp; FAIR</b>					
Dept: 00 - NO DEPARTMENT					
Account: 42000 - TRAINING EXPENSES					
SHARON NIEMI ENTERPRISES ...	0730	08/12/2024	TRAINING	282-00-42000	35.00
<b>Account 42000 - TRAINING EXPENSES Total:</b>					<b>35.00</b>

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<b>Account: 42090 - MISCELLANEOUS EXPENSES</b>					
US BANK	CAL-219150	08/12/2024	HOG PANELS	282-00-42090	286.10
<b>Account 42090 - MISCELLANEOUS EXPENSES Total:</b>					<b>286.10</b>
<b>Account: 42092 - REFUNDS</b>					
SOSA, VIRIDIANA CARMEN JI...	DEPOSIT-REFUND	08/12/2024	DEPOSIT REFUND	282-00-42092	500.00
<b>Account 42092 - REFUNDS Total:</b>					<b>500.00</b>
<b>Account: 42100 - SUPPLIES</b>					
ACE HARDWARE	330999	08/12/2024	BANNER CORDS	282-00-42100	42.76
US BANK	SAM10191923017	08/12/2024	CLEANING SUPPLIES	282-00-42100	100.54
<b>Account 42100 - SUPPLIES Total:</b>					<b>143.30</b>
<b>Account: 42292 - FAIR BOOK EXPENSES</b>					
PEAK INDUSTRIES GROUP LLC	49147	08/12/2024	FAIR BOOKS	282-00-42292	4,000.00
PEAK INDUSTRIES GROUP LLC	49256	08/12/2024	FAIR BOOKS	282-00-42292	554.00
PEAK INDUSTRIES GROUP LLC	49417	08/12/2024	FAIR BOOKS	282-00-42292	308.50
<b>Account 42292 - FAIR BOOK EXPENSES Total:</b>					<b>4,862.50</b>
<b>Account: 42293 - FAIR EXPENSES</b>					
US BANK	SHERBUCK-D50754	08/12/2024	FAIR BUCKLES	282-00-42293	1,530.00
US BANK	FAIR-88700-01	08/12/2024	FAIR ADS	282-00-42293	133.83
ACE HARDWARE	331620	08/12/2024	FAIR BANNERS	282-00-42293	39.10
PEAK INDUSTRIES GROUP LLC	49044	08/12/2024	BANNER	282-00-42293	44.20
PEAK INDUSTRIES GROUP LLC	49046	08/12/2024	FAIR BANNERS	282-00-42293	172.54
PEAK INDUSTRIES GROUP LLC	49204	08/12/2024	THANK YOU BANNER	282-00-42293	77.00
US BANK	AMZN-2754618	08/12/2024	ANIMAL BEDTIME STORIES	282-00-42293	122.64
MANGUM, KADE	REIMB-1	08/12/2024	COOLANT HOSE, GAS	282-00-42293	53.80
SHARON NIEMI ENTERPRISES ...	0730	08/12/2024	ADVERTISING	282-00-42293	615.00
GARCIA, MANUEL	DJ	08/12/2024	SALSA DJ	282-00-42293	300.00
<b>Account 42293 - FAIR EXPENSES Total:</b>					<b>3,088.11</b>
<b>Account: 42296 - 4-H FAIR EXPENSES</b>					
TETON COUNTY 4-H	LOFTIN-439	08/12/2024	CATTLE NUMBERS	282-00-42296	140.45
TETON COUNTY 4-H	REGALIA-386363	08/12/2024	RIBBONS	282-00-42296	259.73
TETON COUNTY 4-H	REGALIA-386408	08/12/2024	RIBBONS	282-00-42296	1,181.08
TETON COUNTY 4-H	219486	08/12/2024	FAIR AWARDS	282-00-42296	1,254.16
<b>Account 42296 - 4-H FAIR EXPENSES Total:</b>					<b>2,835.42</b>
<b>Account: 42322 - ADVERTISING / LEGAL NOTICES</b>					
OLDHAM, STACEY WALKER	202431101	08/12/2024	FAIR ADS	282-00-42322	200.00
<b>Account 42322 - ADVERTISING / LEGAL NOTICES Total:</b>					<b>200.00</b>
<b>Account: 43002 - REPAIRS/MAINT-FACILITIES/BUILDINGS</b>					
ACE HARDWARE	332019	08/12/2024	BOLT EYES	282-00-43002	187.54
ACE HARDWARE	332243	08/12/2024	BRUSHES	282-00-43002	37.44
<b>Account 43002 - REPAIRS/MAINT-FACILITIES/BUILDINGS Total:</b>					<b>224.98</b>
<b>Account: 43005 - REPAIRS/MAINT-OTHER</b>					
ACE HARDWARE	331440	08/12/2024	SHACK	282-00-43005	31.54
<b>Account 43005 - REPAIRS/MAINT-OTHER Total:</b>					<b>31.54</b>
<b>Account: 43081 - VEHICLES - FUEL &amp; REPAIRS</b>					
HILLMAN, LANE	REIMB	08/12/2024	WATER TRUCK	282-00-43081	91.92
US BANK	AGRISERVICE-P93053	08/12/2024	TRACTOR PARTS	282-00-43081	297.20
BLACK WIDOW WELDING	1102	08/12/2024	TRACTOR REPAIRS	282-00-43081	821.00
AGRI-SERVICE	W18828	08/12/2024	MOWER REPAIR	282-00-43081	1,689.75
ACE HARDWARE	332120	08/12/2024	TRACTOR	282-00-43081	17.60
<b>Account 43081 - VEHICLES - FUEL &amp; REPAIRS Total:</b>					<b>2,917.47</b>
<b>Account: 44075 - CONTRACTS - LANDSCAPING</b>					
LANDGANICS	1092	08/12/2024	THISTLE MITIGATION	282-00-44075	465.00
LANDGANICS	1191	08/12/2024	WEED MITIGATION	282-00-44075	465.00
GET'M FIX'T	669848	08/12/2024	BLEACHERS	282-00-44075	504.00
LANDGANICS	1271	08/12/2024	WEED CONTROL	282-00-44075	465.00
<b>Account 44075 - CONTRACTS - LANDSCAPING Total:</b>					<b>1,899.00</b>

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<b>Account: 45003 - PROPANE/OIL</b>					
FALL RIVER PROPANE	2625414	08/12/2024	PROPANE	282-00-45003	305.82
<b>Account 45003 - PROPANE/OIL Total:</b>					<b>305.82</b>
<b>Account: 45004 - ELECTRICITY</b>					
FALL RIVER RURAL ELECTRIC	2750008 JUL24	08/12/2024	ELECTRICITY	282-00-45004	215.53
FALL RIVER RURAL ELECTRIC	2750018 JUL24	08/12/2024	ELECTRICITY	282-00-45004	214.91
<b>Account 45004 - ELECTRICITY Total:</b>					<b>430.44</b>
<b>Account: 45006 - PORTABLE TOILETS</b>					
A-1 RENTAL	257271BO-1	08/12/2024	TOILET	282-00-45006	158.00
A-1 RENTAL	353464-1	08/12/2024	TOILETS	282-00-45006	751.00
<b>Account 45006 - PORTABLE TOILETS Total:</b>					<b>909.00</b>
<b>Account: 80200 - CAPITAL-EQUIPMENT</b>					
YOST BUSINESS SYSTEMS	A43641	08/12/2024	NEW PRINTER	282-00-80200	2,069.00
<b>Account 80200 - CAPITAL-EQUIPMENT Total:</b>					<b>2,069.00</b>
<b>Dept 00 - NO DEPARTMENT Total:</b>					<b>20,737.68</b>
<b>Fund 282 - FAIRGROUNDS &amp; FAIR Total:</b>					<b>20,737.68</b>
<b>Fund: 704 - CIVIL PROCESS</b>					
<b>Dept: 00 - NO DEPARTMENT</b>					
<b>Account: 22010 - RESTITUTION PAYABLE</b>					
BONNEVILLE COLLECTIONS	2024-07	08/12/2024	CV33-23-0333	704-00-22010	1,080.65
BONNEVILLE COLLECTIONS	2024-07	08/12/2024	CV33-24-0098	704-00-22010	470.00
SMITH DRISCOLL AND ASSOCI...	2024-07	08/12/2024	CV41-24-56	704-00-22010	592.16
SMITH DRISCOLL AND ASSOCI...	2024-07	08/12/2024	CV26-24-38	704-00-22010	476.00
SMITH DRISCOLL AND ASSOCI...	2024-07	08/12/2024	CV26-24-38	704-00-22010	440.00
SMITH DRISCOLL AND ASSOCI...	2024-07	08/12/2024	CV-2011-5237	704-00-22010	289.44
SMITH DRISCOLL AND ASSOCI...	2024-07	08/12/2024	CV26-23-705	704-00-22010	270.87
TETON AUTO CREDIT	2024-07	08/12/2024	CV10-23-2232	704-00-22010	121.56
BONNEVILLE COLLECTIONS	2024-07	08/12/2024	CV33-24-0098	704-00-22010	264.00
<b>Account 22010 - RESTITUTION PAYABLE Total:</b>					<b>4,004.68</b>
<b>Dept 00 - NO DEPARTMENT Total:</b>					<b>4,004.68</b>
<b>Fund 704 - CIVIL PROCESS Total:</b>					<b>4,004.68</b>
<b>Grand Total:</b>					<b>448,288.62</b>

\_\_\_\_\_  
Cindy Riegel

\_\_\_\_\_  
Michael Whitfield

\_\_\_\_\_  
Bob Heneage

Attest:

\_\_\_\_\_  
Kim Keeley, Clerk





Teton County, ID

# Budget Report Group Summary

For Fiscal: FY24 Period Ending: 08/31/2024

Account Typ...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance (Unfavorable)	Percent Remaining
<b>Fund: 001 - GENERAL FUND (CURRENT EXPENSE)</b>						
Expense	8,392,075.04	8,937,905.83	338,125.89	6,281,703.47	2,656,202.36	29.72%
<b>Fund: 001 - GENERAL FUND (CURRENT EXPENSE) Total:</b>	<b>8,392,075.04</b>	<b>8,937,905.83</b>	<b>338,125.89</b>	<b>6,281,703.47</b>	<b>2,656,202.36</b>	<b>29.72%</b>
<b>Fund: 202 - ROAD &amp; BRIDGE</b>						
Expense	3,739,332.00	4,368,805.00	136,850.52	1,973,672.33	2,395,132.67	54.82%
<b>Fund: 202 - ROAD &amp; BRIDGE Total:</b>	<b>3,739,332.00</b>	<b>4,368,805.00</b>	<b>136,850.52</b>	<b>1,973,672.33</b>	<b>2,395,132.67</b>	<b>54.82%</b>
<b>Fund: 206 - DISTRICT COURT &amp; PROBATION</b>						
Expense	915,771.00	916,395.00	36,925.56	1,022,299.64	-105,904.64	-11.56%
<b>Fund: 206 - DISTRICT COURT &amp; PROBATION Total:</b>	<b>915,771.00</b>	<b>916,395.00</b>	<b>36,925.56</b>	<b>1,022,299.64</b>	<b>-105,904.64</b>	<b>-11.56%</b>
<b>Fund: 209 - COURT FACILITY: IC 31-867(3)</b>						
Expense	15,000.00	15,000.00	0.00	4,094.76	10,905.24	72.70%
<b>Fund: 209 - COURT FACILITY: IC 31-867(3) Total:</b>	<b>15,000.00</b>	<b>15,000.00</b>	<b>0.00</b>	<b>4,094.76</b>	<b>10,905.24</b>	<b>72.70%</b>
<b>Fund: 215 - CONSOLIDATED ELECTIONS</b>						
Expense	85,396.00	85,396.00	2,202.03	66,161.41	19,234.59	22.52%
<b>Fund: 215 - CONSOLIDATED ELECTIONS Total:</b>	<b>85,396.00</b>	<b>85,396.00</b>	<b>2,202.03</b>	<b>66,161.41</b>	<b>19,234.59</b>	<b>22.52%</b>
<b>Fund: 216 - INDIGENT AND CHARITY</b>						
Expense	7,000.00	7,000.00	0.00	285.08	6,714.92	95.93%
<b>Fund: 216 - INDIGENT AND CHARITY Total:</b>	<b>7,000.00</b>	<b>7,000.00</b>	<b>0.00</b>	<b>285.08</b>	<b>6,714.92</b>	<b>95.93%</b>
<b>Fund: 218 - EMPLOYEE BENEFIT ACCOUNT</b>						
Expense	0.00	0.00	0.00	943,255.55	-943,255.55	0.00%
<b>Fund: 218 - EMPLOYEE BENEFIT ACCOUNT Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>943,255.55</b>	<b>-943,255.55</b>	<b>0.00%</b>
<b>Fund: 220 - REVALUATION</b>						
Expense	191,474.00	191,474.00	0.00	161,130.00	30,344.00	15.85%
<b>Fund: 220 - REVALUATION Total:</b>	<b>191,474.00</b>	<b>191,474.00</b>	<b>0.00</b>	<b>161,130.00</b>	<b>30,344.00</b>	<b>15.85%</b>
<b>Fund: 223 - SOLID WASTE</b>						
Expense	3,954,919.00	3,954,919.00	141,431.11	2,045,092.06	1,909,826.94	48.29%
<b>Fund: 223 - SOLID WASTE Total:</b>	<b>3,954,919.00</b>	<b>3,954,919.00</b>	<b>141,431.11</b>	<b>2,045,092.06</b>	<b>1,909,826.94</b>	<b>48.29%</b>
<b>Fund: 224 - TORT</b>						
Expense	236,000.00	236,000.00	0.00	215,820.00	20,180.00	8.55%
<b>Fund: 224 - TORT Total:</b>	<b>236,000.00</b>	<b>236,000.00</b>	<b>0.00</b>	<b>215,820.00</b>	<b>20,180.00</b>	<b>8.55%</b>
<b>Fund: 227 - WEEDS</b>						
Expense	160,364.00	162,364.00	6,924.73	69,161.25	93,202.75	57.40%
<b>Fund: 227 - WEEDS Total:</b>	<b>160,364.00</b>	<b>162,364.00</b>	<b>6,924.73</b>	<b>69,161.25</b>	<b>93,202.75</b>	<b>57.40%</b>
<b>Fund: 230 - PARKS &amp; RECREATION</b>						
Expense	72,860.00	72,860.00	0.00	100.00	72,760.00	99.86%
<b>Fund: 230 - PARKS &amp; RECREATION Total:</b>	<b>72,860.00</b>	<b>72,860.00</b>	<b>0.00</b>	<b>100.00</b>	<b>72,760.00</b>	<b>99.86%</b>
<b>Fund: 233 - SPECIAL ROAD LEVY</b>						
Expense	1,692,295.00	1,692,295.00	26,235.84	409,649.62	1,282,645.38	75.79%
<b>Fund: 233 - SPECIAL ROAD LEVY Total:</b>	<b>1,692,295.00</b>	<b>1,692,295.00</b>	<b>26,235.84</b>	<b>409,649.62</b>	<b>1,282,645.38</b>	<b>75.79%</b>
<b>Fund: 236 - PROSECUTOR'S SPECIAL DRUG FUND</b>						
Expense	0.00	0.00	104.25	8,427.65	-8,427.65	0.00%
<b>Fund: 236 - PROSECUTOR'S SPECIAL DRUG FUND Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>104.25</b>	<b>8,427.65</b>	<b>-8,427.65</b>	<b>0.00%</b>
<b>Fund: 244 - EMERGENCY 911 COMM: 31-4809</b>						
Expense	108,865.00	108,865.00	3,507.98	105,106.07	3,758.93	3.45%
<b>Fund: 244 - EMERGENCY 911 COMM: 31-4809 Total:</b>	<b>108,865.00</b>	<b>108,865.00</b>	<b>3,507.98</b>	<b>105,106.07</b>	<b>3,758.93</b>	<b>3.45%</b>
<b>Fund: 245 - EXTENSION &amp; 4H PROGRAMS</b>						
Expense	27,550.00	27,550.00	13.03	4,679.21	22,870.79	83.02%

**Budget Report**

**For Fiscal: FY24 Period Ending: 08/31/2024**

Account Typ...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
<b>Fund: 245 - EXTENSION &amp; 4H PROGRAMS Total:</b>	<b>27,550.00</b>	<b>27,550.00</b>	<b>13.03</b>	<b>4,679.21</b>	<b>22,870.79</b>	<b>83.02%</b>
<b>Fund: 251 - MOSQUITO ABATEMENT DISTRICT</b>						
Expense	399,263.00	399,263.00	23,585.33	306,074.25	93,188.75	23.34%
<b>Fund: 251 - MOSQUITO ABATEMENT DISTRICT Total:</b>	<b>399,263.00</b>	<b>399,263.00</b>	<b>23,585.33</b>	<b>306,074.25</b>	<b>93,188.75</b>	<b>23.34%</b>
<b>Fund: 254 - VESSEL/WATERWAYS: IC 67-7013</b>						
Expense	4,500.00	4,500.00	2,695.34	10,585.21	-6,085.21	-135.23%
<b>Fund: 254 - VESSEL/WATERWAYS: IC 67-7013 Total:</b>	<b>4,500.00</b>	<b>4,500.00</b>	<b>2,695.34</b>	<b>10,585.21</b>	<b>-6,085.21</b>	<b>-135.23%</b>
<b>Fund: 275 - HEALTH</b>						
Expense	70,000.00	70,000.00	0.00	70,000.00	0.00	0.00%
<b>Fund: 275 - HEALTH Total:</b>	<b>70,000.00</b>	<b>70,000.00</b>	<b>0.00</b>	<b>70,000.00</b>	<b>0.00</b>	<b>0.00%</b>
<b>Fund: 276 - ARPA</b>						
Expense	1,500,000.00	1,500,000.00	6,500.00	342,147.59	1,157,852.41	77.19%
<b>Fund: 276 - ARPA Total:</b>	<b>1,500,000.00</b>	<b>1,500,000.00</b>	<b>6,500.00</b>	<b>342,147.59</b>	<b>1,157,852.41</b>	<b>77.19%</b>
<b>Fund: 282 - FAIRGROUNDS &amp; FAIR</b>						
Expense	280,073.00	280,073.00	27,267.70	215,544.73	64,528.27	23.04%
<b>Fund: 282 - FAIRGROUNDS &amp; FAIR Total:</b>	<b>280,073.00</b>	<b>280,073.00</b>	<b>27,267.70</b>	<b>215,544.73</b>	<b>64,528.27</b>	<b>23.04%</b>
<b>Fund: 286 - GRANTS</b>						
Expense	51,299.00	51,299.00	5,098.20	237,758.04	-186,459.04	-363.47%
<b>Fund: 286 - GRANTS Total:</b>	<b>51,299.00</b>	<b>51,299.00</b>	<b>5,098.20</b>	<b>237,758.04</b>	<b>-186,459.04</b>	<b>-363.47%</b>
<b>Fund: 290 - IMPACT FEES-REC FACILITIES</b>						
Expense	0.00	0.00	0.00	15,495.18	-15,495.18	0.00%
<b>Fund: 290 - IMPACT FEES-REC FACILITIES Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>15,495.18</b>	<b>-15,495.18</b>	<b>0.00%</b>
<b>Fund: 291 - IMPACT FEES-SHERIFF FACILITIES</b>						
Expense	320,000.00	320,000.00	0.00	37,521.90	282,478.10	88.27%
<b>Fund: 291 - IMPACT FEES-SHERIFF FACILITIES Total:</b>	<b>320,000.00</b>	<b>320,000.00</b>	<b>0.00</b>	<b>37,521.90</b>	<b>282,478.10</b>	<b>88.27%</b>
<b>Report Total:</b>	<b>22,224,036.04</b>	<b>23,401,963.83</b>	<b>757,467.51</b>	<b>14,545,765.00</b>	<b>8,856,198.83</b>	<b>37.84%</b>

### Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance	
					Favorable (Unfavorable)	Percent Remaining
001 - GENERAL FUND (CURRENT E	8,392,075.04	8,937,905.83	338,125.89	6,281,703.47	2,656,202.36	29.72%
202 - ROAD & BRIDGE	3,739,332.00	4,368,805.00	136,850.52	1,973,672.33	2,395,132.67	54.82%
206 - DISTRICT COURT & PROBATION	915,771.00	916,395.00	36,925.56	1,022,299.64	-105,904.64	-11.56%
209 - COURT FACILITY: IC 31-867(3	15,000.00	15,000.00	0.00	4,094.76	10,905.24	72.70%
215 - CONSOLIDATED ELECTIONS	85,396.00	85,396.00	2,202.03	66,161.41	19,234.59	22.52%
216 - INDIGENT AND CHARITY	7,000.00	7,000.00	0.00	285.08	6,714.92	95.93%
218 - EMPLOYEE BENEFIT ACCOUNT	0.00	0.00	0.00	943,255.55	-943,255.55	0.00%
220 - REVALUATION	191,474.00	191,474.00	0.00	161,130.00	30,344.00	15.85%
223 - SOLID WASTE	3,954,919.00	3,954,919.00	141,431.11	2,045,092.06	1,909,826.94	48.29%
224 - TORT	236,000.00	236,000.00	0.00	215,820.00	20,180.00	8.55%
227 - WEEDS	160,364.00	162,364.00	6,924.73	69,161.25	93,202.75	57.40%
230 - PARKS & RECREATION	72,860.00	72,860.00	0.00	100.00	72,760.00	99.86%
233 - SPECIAL ROAD LEVY	1,692,295.00	1,692,295.00	26,235.84	409,649.62	1,282,645.38	75.79%
236 - PROSECUTOR'S SPECIAL DRU	0.00	0.00	104.25	8,427.65	-8,427.65	0.00%
244 - EMERGENCY 911 COMM: 31	108,865.00	108,865.00	3,507.98	105,106.07	3,758.93	3.45%
245 - EXTENSION & 4H PROGRAM:	27,550.00	27,550.00	13.03	4,679.21	22,870.79	83.02%
251 - MOSQUITO ABATEMENT DIS	399,263.00	399,263.00	23,585.33	306,074.25	93,188.75	23.34%
254 - VESSEL/WATERWAYS: IC 67-	4,500.00	4,500.00	2,695.34	10,585.21	-6,085.21	-135.23%
275 - HEALTH	70,000.00	70,000.00	0.00	70,000.00	0.00	0.00%
276 - ARPA	1,500,000.00	1,500,000.00	6,500.00	342,147.59	1,157,852.41	77.19%
282 - FAIRGROUNDS & FAIR	280,073.00	280,073.00	27,267.70	215,544.73	64,528.27	23.04%
286 - GRANTS	51,299.00	51,299.00	5,098.20	237,758.04	-186,459.04	-363.47%
290 - IMPACT FEES-REC FACILITIES	0.00	0.00	0.00	15,495.18	-15,495.18	0.00%
291 - IMPACT FEES-SHERIFF FACILI	320,000.00	320,000.00	0.00	37,521.90	282,478.10	88.27%
<b>Report Total:</b>	<b>22,224,036.04</b>	<b>23,401,963.83</b>	<b>757,467.51</b>	<b>14,545,765.00</b>	<b>8,856,198.83</b>	<b>37.84%</b>



**TETON COUNTY**  
**BOARD OF COUNTY COMMISSIONERS MINUTES**

**July 8, 2024**  
**9:00 a.m.**

**First Floor Commissioners' Meeting Room**  
**150 Courthouse Dr, Driggs, ID 83422**

Commissioners Present:            Bob Heneage  
    Cindy Riegel  
    Michael Whitfield

Staff:                                     Dan Reyes, County Manager  
    Kim Keeley, Clerk  
    Darryl Johnson

- 1. MEETING CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADOPT AGENDA**

**MOVER:** Bob Heneage  
**SECONDER:** Michael Whitfield

Motion: Approve the agenda with the following two changes: Add 6.7 to Public Works to discuss road plowing actions because it is time sensitive; and delete item 12.6 Written Decision for Sidney Hinton Variance Request, placed in the agenda packet by mistake.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

- 4. ACTION ITEMS: CONSENT AGENDA**

Motion: Approve the consent agenda as presented with all minutes removed for discussion.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

1. Claims Report

Approve the Claims Report as presented.

2. Action Item: Minutes for Approval

Approve the minutes of \_\_\_\_\_ as presented.

3. Action Item: Catering Permit for Briam LLC

Approve the catering permit as presented..

- a. Alcohol License for Teton County

Approve Alcohol License for Teton County Fair Dance as presented.

4. Action Item – Payroll Forms

Approve Payroll Forms.

## 5. OPEN MIC

Ida Hansen asked for the time allowed for developers to complete their subdivision infrastructure be extended due to the Teton Pass closure and the shortage of equipment operators. She had asked that it be put on this agenda. She cited JayCee Ranches and Patrick Trucco.

## 6. PUBLIC WORKS

1. Report: Public Works Dept. Update

Public Works Director Darryl Johnson presented his report.

Jeff Roelke was present to request materials from the County Road 5750N to improve the road leading to his property. The County has a policy that allows this if the use of the materials doesn't hinder the County's ability to work on scheduled maintenance and improvements. The Board was concerned that the cost of materials was not included in the request. The Board discussed adding more language to the policy to clarify what roads are eligible.

Mr. Roelke asked about the timeframe of getting the materials. Mr. Johnson gave Mr. Roelke the Road & Bridge Supervisor's contact to arrange for the delivery.

2. Action Item – Fair Pavilion Expansion Contract Amendment

Mr. Johnson explained the addendum to the contract. The scope of work was expanded to include Task 2, 3 & 5.

**MOVER:** Michael Whitfield

**SECONDER:** Cindy Riegel

Motion: Approve amending the Fairground Pavilion Expansion contract to include tasks 1, 2, 3 and 5 as outlined in the original request for bids for a not to exceed amount of \$415,000.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

- 3. Action Item – Idaho Department of Parks and Recreation Off-Road Motor Vehicle Grant Agreement

Mr. Johnson presented the item. He pointed out that the grant is reimbursement, so the County will need to front the funds. The Board discussed the need to do a site plan for the Buxton property. Mr. Johnson will put this on the next Regular Agenda.

Approve the ORMV Grant Agreement form between Teton County and the Idaho Department of Parks and Recreation for the Teton County Recreational Motorized Storage and Maintenance Facility

- 4. Action Item – Old Jackson Hwy Advisory Striping Contract Award

The increased cost for striping increases the County's match to \$15,676. The Board asked if Mr. Johnson had coordinated with ITD and their scheduled construction on HWY 33. He will contact ITD.

**MOVER:** Michael Whitfield  
**SECONDER:** Bob Heneage

Motion: Approve award of the Old Jackson Highway Advisory Striping and Signing contract to BFC Diversified LLC in the amount of \$25,676. Funding to be paid from 202-00-43086.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

- 5. Action Item – Teton County HWY33 Multi-modal Pathway Supplemental Agreement

The City of Driggs and County are combining the pathway cost in the hopes of a more efficient overall project cost. Harmony Design will combine the bid documents.

**MOVER:** Cindy Riegel  
**SECONDER:** Bob Heneage

Motion: Approve the Teton County Hwy 33 Multi-Modal Pathway Supplemental Agreement as presented for combining County and City pathway projects. Costs to be paid from 286-81-82000.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

6. Action Item – Trucking Contract for Chip Seal

**MOVER:** Bob Heneage

**SECONDER:** Michael Whitfield

Motion: Approve contracting trucking services during chip seal week to RC Heavy Haul at a rate of \$125/hour. Estimated trucking costs of \$75,000 to be paid from 233-00-43085

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

7. Discussion Item: Snow Plowing alternative option using private contractor(s) for one or more routes

The Board asked Mr. Johnson about the potential of hiring a contract drivers for snow plowing. The suggestion was to bid out one route and compare the costs to the current operations. Mr. Johnson will explore some options.

**7. IT/EMERGENCY MANAGEMENT**

1. Action Item – Data Center Warranty and Support

**MOVER:** Michael Whitfield

**SECONDER:** Bob Heneage

Motion: Approve the purchase of the Support and Warranty extension for the Datacenter for 6 months for \$7,443.85 out of account 1-14-44069.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

2. DISCUSSION ITEM –IT and EM Monthly Report

Emergency Manager Greg Adams presented his report. The Board had no questions.

**8. Operations**

1. Operations Report

County Manager Dan Reyes reported that the bulk of his time was spent dealing with the Teton Pass Slide emergency.

**9. CLERK**

1. Action Item: Upper Valley Community Guardians Fund

**MOVER:** Bob Heneage

**SECONDER:** Michael Whitfield

Motion: Approve creating Fund 277 Upper Valley Board of Community Guardians in order to track those funds separately from County funds.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

2. 7/8/24 Budget Discussion

The Clerk presented the current version of the budget. The Board scheduled a Special Meeting for Thursday July 11 at noon to discuss the budget.

## 10. COMMISSIONERS

1. ELECTED OFFICIALS & DEPARTMENT HEADS MEETING

Elected Officials and Department Heads met to discuss items of mutual concern.

2. EXECUTIVE SESSION: 74-206(1)(F) Legal

**MOVER:** Bob Heneage

**SECONDER:** Michael Whitfield

Go into executive session per IC74-206(1)(f) legal.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

3. COMMISSIONER'S REPORTS

### **Commissioner M. Whitfield Report**

06-25 Teton Pass Tour with WYDOT

1. Excellent progress and solid confidence in safety of the short-cut. Hope to replace the failed big fill before the "dead of winter."

06-26 Altura (ECIPDA) Board Meeting

2. Major leadership transition. Terry Butikofer retiring after 40 years of leadership, new leadership divided between two senior staff members



3. Presentation from Idaho Workforce Development Council (WIOA). . helped many people in four programs: Adult, Dislocated Workers, Youth, Adult Education). Change in structure,
4. Bylaws changes. Staff leadership can select key staff.
5. Business Report. Now have \$81 Million in active loans. Getting good compliance with loan terms. Resolved two outstanding loans that were in default.
6. Community Consulting. Approved \$500,000 for Madison County Fire and Rescue

06-27 Eastern Idaho Regional Solid Waste District

1. Review and Sign Draw Request #20
2. DeAtley Construction = \$1,163,651.16
3. Forsgren Associates Inc. = \$8484.00
4. TOTAL = \$1,172,135.16
5. Approved the District President and Secretary to sign resolution 2024-07 To authorize the sale of solid waste revenue bonds to the United States of America, acting through the Department of Agriculture at private sale in the principal amount not to exceed \$3,866,000.
6. Approved the District President and Secretary to sign resolution 2024-07 To authorize the issuance of a bond anticipation note in the total aggregate sum not to exceed \$3,866,000 with a fixed tax-exempt interest rate of 6.27%.
7. Clearwater Financial Update and Discussion
8. From financial perspective, the ability to speed up excavation would not ensure that the liner could be placed this year. Total draws have been \$11,771,939.84 Interest accrued to date would be \$322,000. Excavation, road paving, building will expend about another \$4MM by end of November. Now looks like will require removal of 100,000 cubic yards less than earlier estimated, which will save funds. .
9. Engineering Update and Transition Schedule
10. The excavation is about 50% completed. There are about 55 days of construction to go after liner is in place. Also need fluff layer on top of liner for first part of garbage placement. So liner placement best in spring.
11. Well drilling results, found water Started getting water at 980 feet. Sufficient water at 1050. Drilled down to over 1105. The drill hole

needs to be cased because of instability on portions of the drill hole. There are cavities such as at 625 feet where they had to put in 60 yards of concrete to fill void. At 800 feet down there are loose rocks. Would require \$107,000 to case the entire drill hole.

07-02 Teton Valley Health Care CEO

1. We discussed the new staff additions at the Hospital, plus growing patient numbers, but high levels of Accounts Receivable and very low Cash on Hand. We need a work session as soon as possible.

### **Commissioner Heneage Reports**

June 26 - TREC Executive Director retirement party for Brian McDermott and read the County Resolution.

June 28 - Met with County Manager Dan Reyes regarding the website go-live.

July 3rd - Met with Driggs DURA and approved the FY25 budget. The revenue numbers are difficult to predict. the Clerk suggested possibly looking for a legislative change to the statute to allow the fiscal year to be changed to the calendar year.

### **Commissioner Riegel Committee Reports**

Attended numerous meetings with relevant agencies to facilitate communications around the Teton Pass Slide. The overall outreach effort went well, as well as the collaboration with local NGO's.

There were two official Emergency Operations Center meetings to help coordinate with the various agencies, managed by Emergency Manager Greg Adams.

July 1 - NACO Public Lands Committee meeting. She is continuing to promote policies regarding ski area expansions.

Hospital Work Session tentatively set for July 17th at 9AM.

4. Action Item - Svenskaland Request for Application Extension

Frederick Marmsater, representing the applicant, addressed the Board regarding the request. His parents are the applicants and are experiencing health issues. He was alerted by his parents' that the deadline for completing the outstanding items for their subdivision had been missed. The conditions have been met. He is asking that the deadline be extended so he can receive final plat approval.

Sharon Woolstenhulme, representing the applicant, stated that Mrs. Marmsater was her the primary contact with this application. Communications with her dropped off and Ms. Woolstenhulme did not realize the applicants' circumstances.

The Board asked Planning Administrator Jade Krueger to ask legal to ask if there is a mechanism to legally extend the deadline due to extenuating circumstances.

The item will be put on the agenda for the first Regular Meeting in August.

No action was taken.

5. Action Item - Request for Mediation/ Request for Reconsideration

The Board felt that due to the many issues with this plat, reconsideration is the better path forward.

**MOVER:** Cindy Riegel

**SECONDER:** Michael Whitfield

Motion: Grant the Trestles Subdivision request for reconsideration to be on the next Regular Meeting and deny the request for mediation.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

6. Action Item -2024 Pesticide Discharge Management Plan

Mosquito Director Ronn Carlentine presented the 2024 Pesticide Discharge Management Plan. Allan Loe, owner of RAL Ventures, was present to answer questions. The Board asked if any pesticides are used in Teton County. Mr. Loe stated that he uses an adulticide called permectin, which has no setback from water.

**MOVER:** Bob Heneage

**SECONDER:** Cindy Riegel

Motion: Approve the 2024 Teton County Mosquito Abatement District Pesticide Discharge Management Plan.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

**11. SHERIFF'S DEPARTMENT**

1. Action Item – Purchase Digital Forensic Equipment

County Manager Dan Reyes presented the item.

**MOVER:** Michael Whitfield

**SECONDER:** Cindy Riegel

Motion: Approve the request for purchase of Digital Forensic Equipment from MOS Equipment for \$5,342 from fund 001-04-44070.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

## **12. PLANNING AND ZONING**

1. 1:00 PM -- PUBLIC HEARING: Northern Lights Subdivision Preliminary Plat Hearing [CONTINUED]

Planning Administrator Jade Krueger presented the staff report for the Prelim Plat Public Hearing for Northern Lights Subdivision. The Board asked for and has received legal review. The applicant did submit updated CC&R's that are not reviewed or included in the packet.

Ryan Poole, representing the applicant, stated that the updated CC&R's were submitted in May and contends that they resolve the identified issues. Further, he submitted that the meeting was not noticed properly as a public hearing and as such no further comments should be allowed. He clarified that no new information (submitted after the conclusion of the last meeting), including information provided by the applicant, should be considered in the Board's decision.

The Board asked Ms. Krueger to clarify the contention that the meeting was not noticed correctly. Ms. Krueger stated that her understanding is that this as a preliminary plat public hearing that was continued.

Public comment was opened at 1:14 PM:

Anne Callison, Tetonia resident, expressed disdain that there was an updated traffic study that she knew nothing about. She believes the subdivision is too dense, and allows wildlife unfriendly fencing and screening.

Lea Beckett, Tetonia resident and near neighbor, has maintained/plowed 7000N for eighteen years. She is in favor of the development in the hopes that the road will be brought to county standards.

Gaylen Hilliard, neighbor, also plows a portion of the road. She does not believe this development will fix the road issue. She is opposed to the density and the aesthetics this far out of city limits.

Pat Boyce, walks the roads along the subdivision five days a week. She contends that the roads are not up to County standards and do not allow a person to walk safely. The roads have very steep embankments.

Sherry Weber, neighbor, is opposed to the density and impact on wildlife.

Don Weber, neighbor, is very concerned about the impacts of the individual septic systems on the surrounding environment. It is a critical wildlife corridor. The roads are not up to County standards.

Troy Black, neighbor, wonders why the taxpayer should pay for the aggregate to improve the 7000N for the developer. Mr. Black is not opposed to a subdivision, just requests that it be done right.

Kelly Broile, neighbor, is concerned about the damage all the construction traffic would do to area roads.

Genie Perry, neighbor, is concerned about the loss of rural character the subdivision would bring, increased safety risks, and the impact on County infrastructure.

Diane Stewart, neighbor, is concerned about the density of subdivision, the financial burden of maintaining rural roads, and the safety of roads.

Keaton Boyce Stewart, is concerned the subdivision will negatively impact wildlife for future generations.

Robert Stewart, neighbor, rebutted the developers attorney assertion that the opposition is all anecdotal. He contends the developer has been disingenuous and misleading with their application. He questioned the County's policy to provide road material.

Wallace Couch, neighbor, wondered why there is no NP study required due to proximity to Spring Creek. Mr. Couch seconded all the concerns voiced in the meeting.

Curt Behle, local developer, commended the Public Works Director on the job he does with a limited budget. He is for providing aggregate to individuals willing to provide the construction costs of road improvement.

Ida Hansen, appreciates how much people love the valley, but believes we need to follow the established rules. Neutral to this subdivision.

Public comment was closed at 1:58 PM.

Applicant rebuttal. Mr. Poole clarified that the applicant does want the updated Traffic Study considered. He restated that the public comment given in this meeting should not be considered based on IC 67-6535 (2)(b).

Board deliberation. The Board was unwilling to render a decision based on not having legal representation. The Board discussed continuing the item or approving the application with a lot of conditions for approval.

**MOVER:** Cindy Riegel

**SECONDER:** Bob Heneage

Motion: Continue deliberation on the Prelim Plat hearing for Northern Lights Subdivision hearing to July 22nd 3 PM.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

2. 1:30 PM – PUBLIC HEARING: River Rim Major Plat Amendment Final Hearing

Ms. Krueger presented the staff report for the River Rim Major Plat Amendment final public hearing.

Doug Gemmel, representing the applicant, was present to answer questions.

Public comment was opened at 2:17 PM.

No one present wished to speak.

Public comment was closed at 2:17 PM

**MOVER:** Bob Heneage

**SECONDER:** Cindy Riegel

Motion: Having concluded that the Criteria for Approval of a Major Plat Modification found in LDC 4-E have been met, I move to approve the application for Amendment #7 for River Rim Ranch PUD as described in the application materials submitted July 24, 2023 and as supplemented with additional applicant information attached to this staff report, with the following conditions:

1. Language be added to the development agreement that an extension of the Letter Of Credit for the turn lanes and pavement costs will be provided to Teton County BEFORE the LOC expires on July 1, 2026. Or the Development Agreement may be amended to ensure those improvements are completed before July 1, 2026.

2. Final technical survey review be completed before mylars are printed.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

3. 1:45 PM – PUBLIC HEARING: Peaked Mountain Subdivision Final Plat Hearing

Ms. Krueger presented the staff report for the Peaked Mountain Ranch Subdivision final plat hearing.

Allison Ehlert, representing the applicant, was present to answer questions. She stated that the application has gone through a lot of

updates and changes based on public and agency input. Ms. Ehlert feels that this is an excellent example of a private public partnership.

Public comment was opened at 2:25.

No one present wished to speak. Public comment was closed at 2:25 PM.

Commissioner deliberation. The Board had no further questions.

**MOVER:** Bob Heneage

**SECONDER:** Michael Whitfield

Having concluded that the Criteria for Approval of a Subdivision Final Plat found in Teton County Title 9-3-2(D) can be satisfied, I move to APPROVE the Final Plat for Peaked Mountain Ranch Subdivision as described in the application materials, with the following conditions:

1. Applicant will need to a) submit an updated and current will-serve letter from the City of Driggs for water and sewer connections for 16 connections and b) comply with water and sewer main extension requirements found in section 7.3.13 of the City Code and Public Works Standards.

2. The plat needs to be amended to reflect the current will serve letter date.

3. Final technical survey review be complete before mylars can be printed.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

4. 2:05 PM – PUBLIC HEARING: Greenback Subdivision Final Plat Hearing

Asst Planner Torin Bjorklund presented the staff report for the Greenback Subdivision final plat hearing.

Ms. Ehlert, representing the applicant, stated that all of the conditions have been met. The trail has been taken out (and was discussed at the preliminary plat hearing). The cost estimate for the sign and landscaping plan were submitted and left out of the packet. The survey review is with the County Engineer awaiting review.

The Board asked if the open space easement could be changed to allow development in the future. Ms. Ehlert stated that it could be done with a plat amendment.

Regarding CC&R's 8.1C, the Board asked about the perimeter wall and its inconsistency with notion of wildlife friendly fencing.

Public comment was opened at 2:55 PM

Curt Behle, developing the property to the east (Dorothy Gayle), thanked the applicant for including the neighbors in their planning.

Public comment was closed at 2:57 PM.

Board deliberation. The Board discussed the letter from Idaho Dept of Lands regarding mineral rights. The information provided will need to be added to the CC&R's.

**MOVER:** Michael Whitfield

**SECONDER:** Cindy Riegel

Having concluded that the Criteria for Approval of a Final Plat found in Title 9-3-2-D can be satisfied, I move to APPROVE the Final Plat for Greenback Subdivision as described in the application materials submitted April 22, 2024 and additional materials attached to the staff report. With the following conditions of approval:

1. Final technical survey be completed before mylars are printed.
2. The CC&R's be amended as follows:
  - a) 8.1c will reflect that perimeter fencing will be wildlife friendly; and
  - b) 7.8 will be amended to note that the State of Idaho holds at least a portion of the mineral rights on the property.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

5. 2:30 PM – PUBLIC HEARING: Blackhorse Ranch Preliminary Plat Hearing

Mr. Bjorklund presented the staff report for the Blackhorse Ranch preliminary plat hearing.

Taylor Cook representing the applicant, clarified that the septic plan is included in the improvement plan. Lots 3 & 4 will need shared septic with lots 2 & 5 if there is no secondary access for lots 3 & 4.

Public comment opened at 3:18 PM.

No one present wished to speak.

Public comment was closed at 3:18 PM.

Board deliberation. The Board discussed the secondary access, but recognized it needs some technical review before approving it. Ms.



Krueger recommended holding off on any changes to the plat for the NP Study to be approved.

**MOVER:** Michael Whitfield

**SECONDER:** Cindy Riegel

Motion: I move to continue the public hearing for Blackhorse Ranch Subdivision Preliminary Plat in order to obtain additional information from the applicant and Public Works regarding a secondary access , and completion of an approved NP Study, from the applicant or other agencies to August 26 at 1 PM.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

6. PUBLIC HEARING: Dorothy Gail Preliminary Plat Hearing (Continued)

Ms. Krueger presented the updated staff report for the Dorothy Gayle Subdivision Prelim Plat hearing. Staff received new public comments and comments from the applicant. The access issue needs to be resolved between the applicant and adjacent landowners prior to Board approval. The Board cannot adjudicate access issues. Idaho Dept of Lands submitted a letter stating that the State of Idaho owns all mineral rights.

Curt Behle, representing the applicant, reiterated that this application concept hearing was in November of 2021 where access issues were flagged. Planning & Zoning requested that legal access be proven prior to approval. He stated that the pivot will no longer be used for farming. They will adjust the CC&R's to reflect the IDL letter regarding mineral rights.

Public comment was opened at 3:37 PM.

Chris Biggerson, is concerned about the number of lots the access will serve.

Glen Moradian, neighbor, asked if the legal review happened and if the Board was going to make a decision today.

Public comment was closed at 3:41 PM.

Applicant rebuttal.

Mr. Behle stated that the CC&R's restricting the number of lots (Instrument #169400) had been subsequently vacated (Instrument #190814).

Board deliberation. Commissioner Heneage summarized the conversation he had with Mr. Moradian. Mr. Moradian invited Commissioner Heneage to come out and tour the property which Commissioner Heneage declined. Mr. Moradian also made Commissioner Heneage aware of the CC&R's attached to this packet.

**MOVER:** Michael Whitfield  
**SECONDER:** Bob Heneage

Motion: Having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-C can be satisfied, I move to approve the Preliminary Plat for Dorothy Gayle Subdivision as described in the application materials submitted on August 10, 2023 and additional information attached to the staff report, with the following conditions of approval:

1. The financial guarantee (125% of the cost estimate) needs to be fully provided by the time of final plat application. The draft letter provided is adequate for a draft only.
2. The CCRs should be updated to include: a. Teton County Dark Sky lighting requirements. b. Fencing should be wildlife friendly fencing given the location of the NROs and suggestions from the Wildlife Biologist as a mitigation measure. All mitigation measures provided should be included in the CCRs. c. Trail maintenance is in the CCRs but a pathway isn't provided with the application d. General septic tank maintenance per current DEQ and EIPH recommendations e. Include the owner of the property – Currently Curt Behle is listed as the owner of the property in the CCRs but there is not ownership documentation.
3. Improvement Plans need to be reviewed and approved by the Public Works Director (before final plat application).
4. Address Public Works Comments: a. Culverts should be incorporated at all road profile low points.
5. Address the fire marshal's review of the access for the subdivision (6/19/24) to ensure that Fire and EMS have access.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

**13. ADJOURNMENT**

**MOVER:** Michael Whitfield  
**SECONDER:** Bob Heneage

Adjourn the meeting.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

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Cindy Riegel, Chairperson

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County Clerk or Deputy



**TETON COUNTY**  
**BOARD OF COUNTY COMMISSIONERS MINUTES**  
**SPECIAL MEETING**

July 11, 2024  
12:00 p.m.

**First Floor Commissioners' Meeting Room**  
**150 Courthouse Dr, Driggs, ID 83422**

Commissioners Present: Bob Heneage  
Cindy Riegel  
Michael Whitfield

Staff: Dan Reyes, County Manager  
Kim Keeley, Clerk

**1. MEETING CALL TO ORDER**

**MOVER:** Bob Heneage  
**SECONDER:** Michael Whitfield

Approve the agenda.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

**2. SPECIAL TOPICS**

The Board reviewed the current draft of the budget and further cuts. The Clerk will enter all of the new changes and meet again to review on July 12.

1. Budget Discussion

**3. COMMISSIONERS**

1. EXECUTIVE SESSION: 74-206(1)

No executive session was held.

**4. ADJOURNMENT**

**MOVER:** Cindy Riegel  
**SECONDER:** Michael Whitfield

Continue the meeting to July 12 at 9 AM.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

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Cindy Riegel, Chairperson

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County Clerk or Deputy



**TETON COUNTY**  
**BOARD OF COUNTY COMMISSIONERS MINUTES**  
**SPECIAL MEETING**

**July 12, 2024**  
**9:00 a.m.**

**First Floor Commissioners' Meeting Room**  
**150 Courthouse Dr, Driggs, ID 83422**

Commissioners Present: Bob Heneage  
Cindy Riegel  
Michael Whitfield

Staff: Jade Krueger

**1. MEETING CALL TO ORDER (This is a continuation of the 7/11/24 Special Meeting)**

**2. SPECIAL TOPICS**

1. FY25 Budget Discussion (continued from 7/11/24)

The Board reviewed the changes, and asked the Clerk to send department heads the current draft present the balanced budget on Monday July 22. Department Heads will get an opportunity to ask for changes at that meeting.

**3. COMMISSIONERS**

1. EXECUTIVE SESSION: 74-206(1)

No executive session was held.

**4. ADJOURNMENT**

**MOVER:** Bob Heneage  
**SECONDER:** Cindy Riegel

Adjourn the meeting.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

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Cindy Riegel, Chairperson

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County Clerk or Deputy



**TETON COUNTY**  
**BOARD OF COUNTY COMMISSIONERS MINUTES**  
**SPECIAL MEETING**

July 17, 2024  
9:00 a.m.

**First Floor Commissioners' Meeting Room**  
**150 Courthouse Dr, Driggs, ID 83422**

Commissioners Present:            Bob Heneage  
    Cindy Riegel  
    Michael Whitfield

Staff:                                        Dan Reyes, County Manager  
    Kim Keeley, Clerk

**1. MEETING CALL TO ORDER**

**MOVER:** Michael Whitfield  
**SECONDER:** Bob Heneage

Approve the agenda.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

**2. SPECIAL TOPICS**

1. DISCUSSION ITEM: Work Session regarding Teton Valley Healthcare Facility

Also in attendance: Ken Dunn, Teton Valley Health (TVH) Board Member, Andrew Erickson TVH Controller, Trent Christiansen, TVH Director.

Commissioner Riegel opened the meeting with introductions. Commissioner Whitfield gave a brief background on the history of the hospital. Currently the County owns the facility and leases it for \$70,000/year per the 2012 Liquid Asset Transfer Agreement and the 2015 Amended Lease.

Trent Christiansen gave a summary of the current state of the hospital. Nationally, rural hospitals are struggling. TVH Hospital's demand for



services are increasing while at the same time the facility requires significant upgrades. TVH is having difficulty obtaining financing due to not owning the facility (unable to secure debt).

TVH is proposing purchasing the facility. The Board brought up that unless there are exceptions that they are not aware of, County property needs to be sold in a public auction.

The Board requested that an elected official be included on the TVH Board.

The Board suggested that TVH speak with the School District regarding their facilities plans for the RUES campus just north of the hospital.

TVH will explore potential solutions and present a proposal at a future meeting.

**3. COMMISSIONERS**

1. EXECUTIVE SESSION: 74-206(1)

No executive session was required.

**4. ADJOURNMENT**

**MOVER:** Cindy Riegel

**SECONDER:** Michael Whitfield

Adjourn the meeting.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

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Cindy Riegel, Chairperson

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County Clerk or Deputy



**TETON COUNTY**  
**BOARD OF COUNTY COMMISSIONERS MINUTES**  
**SPECIAL MEETING**

**July 29, 2024**  
**9:00 a.m.**

**First Floor Commissioners' Meeting Room**  
**150 Courthouse Dr, Driggs, ID 83422**

Commissioners Present:        Bob Heneage  
    Cindy Riegel  
    Michael Whitfield

Staff:                                 Dan Reyes, County Manager  
    Kim Keeley, Clerk  
    Darryl Johnson  
    Jade Krueger  
    Wendy Danielson  
    Tiffany Hicks

**1. MEETING CALL TO ORDER**

**MOVER:** Michael Whitfield  
**SECONDER:** Bob Heneage

Approve agenda.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

**2. SPECIAL TOPICS**

1. Action Item – Request for Gravel & Road Grader

Hallie Poirier the Fair Board Administrator presented this item with Public Works Director Darryl Johnson in attendance. She claims that dust has been drifting into spectator's food. Commissioner Riegel explained that County gravel is a limited resource, and that County gravel, its value, and requests need to be brought to the Commissioners. She also explained that requests from the Fair Board need to be added to agenda items as well for the record. Commissioner Heneage added that he wants the value of gravel tracked in some fashion.

**MOVER:** Michael Whitfield  
**SECONDER:** Bob Heneage

Approve the use of up to \$900 worth, or no more than 12 truckloads of County gravel, and to use Action Excavation for material transport at a rate of \$140 an hour, to come from account 43005 for dust reduction and bleacher stabilization, and the use of a County road grader on Saturday, August 10<sup>th</sup> for the Figure 8 Races.

**Adopted**

2. Action Item – Tolling Agreement RE Trestles Subdivision Preliminary Plat  
Commissioner Riegel presented this item, stating that this is an agreement to allow the reconsideration to happen despite procedural time requirements.

The Board of County Commissioners, with input from the Planning Administrator, made changes to the agreement, recorded by the Planning Administrator, to be sent to the applicants for approval and signature.

**MOVER:** Cindy Riegel  
**SECONDER:** Bob Heneage

Approve the Tolling Agreement regarding Trestles subdivision preliminary plat request for reconsideration as revised.

AYES (2): Bob Heneage, and Cindy Riegel

Absent (1): Michael Whitfield

**Adopted (2 to 0)**

### 3. COMMISSIONERS

1. EXECUTIVE SESSION: 74-206(1)(b [personnel]) & (f [legal])

**MOVER:** Bob Heneage  
**SECONDER:** Michael Whitfield

Move to go into executive session per Idaho Code 74-206(1) f Legal

Roll Call, Commissioner Bob Heneage Aye Commissioner Cindy Riegel Aye Commissioner Michael Whitfield Aye

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

**MOVER:** Bob Heneage  
**SECONDER:** Michael Whitfield

Move to go into executive session per Idaho Code 74-206(1) b Personnel  
Roll Call, Commissioner Bob Heneage Aye Commissioner Cindy Riegel  
Aye Commissioner Michael Whitfield Aye

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

**Adopted (3 to 0)**

**4. ADJOURNMENT**

**MOVER:** Cindy Riegel

**SECONDER:** Bob Heneage

Adjourn the meeting.

AYES (2): Bob Heneage, and Cindy Riegel

Absent (1): Michael Whitfield

**Adopted (2 to 0)**

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Cindy Riegel, Chairperson

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County Clerk or Deputy



## AGENDA ACTION ITEM

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DATE: Click or tap to enter a date.  
TO: Board of County Commissioners  
FROM:  
ITEM TITLE: **Action Item -**

### **Summary:**

*Add Summary information here. Who does this benefit?*

### **Sponsor's & Benefactors:**

*Who else is involved in this project, benefits from this? Has any contract been reviewed by legal?*

### **Fiscal Impact:**

*What is this going to cost, has it been budgeted for, what fund line will this come from.*

### **Attachments:**

*List any attachments here.*

### **SUGGESTED MOTION:**

Click or tap here to enter text.

## Certificates of Residency: 2024-2025

Last Name	First Name	College	Date Approved	Semester
Pressly	Mace	CEI		F & S
Griffith	Molly	NIC		F & S
Mace	Luke	CEI		F & S
Klingler	Staeleigh	CEI		F & S
Orlando	Melinda	CEI		F & S
Morales	Rogelio	CEI		F & S



# PAYROLL FORM

- NEW EMPLOYEE
- CHANGE EXISTING EMPLOYEE

EMPLOYEE NAME: Joshua Burris

**TO BE COMPLETED BY SUPERVISOR**

Start Date: 7-29-2024  
 Department: Probation  
 Position: Probation Technician  
 Base hours per week: 40  
 Current Status:  Full Time  Part Time no benefits

REQUEST EFFECTIVE DATE: 7-29-24

**ALL NEW HIRES & PAY INCREASES MUST BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS**

Pay Rate: \$ 22.86 Hourly  
 \$ X Salaried

Employee Pay Grade: 5

Pay Rate is 100 % of market rate

Budget Account # \_\_\_\_\_  
 FUND      DEPT      ACCOUNT

**PAYROLL CHANGES CAN ONLY OCCUR AT THE BEGINNING OF A NEW PAY PERIOD**

- Change Rate of Pay:
- Merit Increase (attach Performance Evaluation)
  - Promotion
  - Other \_\_\_\_\_
- From \$ \_\_\_\_\_  
 To \$ \_\_\_\_\_

Termination (Must attach Employee Separation Report):  
 Last Day Worked: \_\_\_\_\_

- Voluntary
- Discharged
- Laid Off

Comments:

**TO BE COMPLETED BY EMPLOYEE**

Mailing Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_ - 1  
 Physical Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Emergency Contact: \_\_\_\_\_  
 ER Contact phone #: \_\_\_\_\_

**TO BE COMPLETED BY PAYROLL DEPARTMENT**

DATE OF FIRST PAYCHECK: \_\_\_\_\_  
 INSURANCE ELIGIBILITY DATE: \_\_\_\_\_

- W-4
- I-9
- Supporting ID for I-9
- Direct Deposit
- Personnel Manual Acknowledgement
- PERSI Forms
- 118 for Law Enforcement
- Seasonal Form
- Report New Hire to ID Dept. of Labor
- Add Benefit Sick Leave Hrs.
- Notify I.T.
- Facilities
- R&B
- Contact AFLAC representative
- Contact NBS (Laura Woolston)

Accrual Activation Date for Benefited Employee: \_\_\_\_\_

Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

**SIGNATURE**

Submitted by: Josh B.

7/30/24  
Date

Approved by the Board of County Commissioners: \_\_\_\_\_

\_\_\_\_\_  
Date



# PAYROLL FORM

NEW EMPLOYEE

CHANGE EXISTING EMPLOYEE

### TO BE COMPLETED BY SUPERVISOR

Start Date: 8/5/2024

Department: Assessor - DMV/DL's

Position: Motor Vehicle/Driver's License Specialist

Base hours per week: 40

Current Status:  Full Time  Part Time no benefits

**REQUEST EFFECTIVE DATE: 08-05-2024**

**ALL NEW HIRES & PAY INCREASES MUST BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS**

Pay Rate: \$20.00 Hourly

\$ \_\_\_\_\_ Salaried  
4

Employee Pay Grade: \_\_\_\_\_

Pay Rate is \_\_\_\_\_ % of market rate

Budget Account # 001-02-40200  
FUND DEPT ACCOUNT

**PAYROLL CHANGES CAN ONLY OCCUR AT THE BEGINNING OF A NEW PAY PERIOD**

Change Rate of Pay:

Merit Increase (attach Performance Evaluation)

Promotion  Other \_\_\_\_\_

From \$ \_\_\_\_\_

To \$ \_\_\_\_\_

Termination (Must attach Employee Separation Report):

Last Day Worked: \_\_\_\_\_

Voluntary  Discharged  Laid Off

Comments: **Starting pay is within 6% of hire rate and reflective of dual job duties.**

EMPLOYEE NAME: DAVIS, KAYDENCE

### TO BE COMPLETED BY EMPLOYEE

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Physical Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Emergency Contact: \_\_\_\_\_

ER Contact phone #: \_\_\_\_\_

### TO BE COMPLETED BY PAYROLL DEPARTMENT

DATE OF FIRST PAYCHECK: \_\_\_\_\_

INSURANCE ELIGIBILITY DATE: \_\_\_\_\_

- W-4
- I-9
- Supporting ID for I-9
- Direct Deposit
- Personnel Manual Acknowledgement
- PERSI Forms  118 for Law Enforcement
- Seasonal Form
- Report New Hire to ID Dept. of Labor
- Add Benefit Sick Leave Hrs.
- Notify I.T.  Facilities  R&B
- Contact AFLAC representative
- Contact NBS (Laura Woolston)

Accrual Activation Date for Benefited Employee \_\_\_\_\_

Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

### SIGNATURE

Submitted by: Havala Arnold

8/5/2024  
Date

Approved by the Board of County Commissioners: \_\_\_\_\_

\_\_\_\_\_  
Date

**Deliver this original form to the Dan and a copy to the Payroll Department**





# PAYROLL FORM

- NEW EMPLOYEE
- CHANGE EXISTING EMPLOYEE

EMPLOYEE NAME: Tristan Kolb

### TO BE COMPLETED BY SUPERVISOR

Start Date: 12/5/2022

Department: Public Works

Position: Staff Engineer

Base hours per week: 40 hours

Current Status:  Full Time  Part Time no benefits

**REQUEST EFFECTIVE DATE: 12/5/2022**

**ALL NEW HIRES & PAY INCREASES MUST BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS**

Pay Rate: \_\_\_\_\_ Hourly  
 \_\_\_\_\_ Salaried

Employee Pay Grade: 8 from 9

Pay Rate is \_\_\_\_\_ % of market rate

Budget Account #	01	08	403	50%
	33	00	403	50%
	FUND	DEPT	ACCOUNT	

**PAYROLL CHANGES CAN ONLY OCCUR AT THE BEGINNING OF A NEW PAY PERIOD**

**Change Rate of Pay:**

Merit Increase (attach Performance Evaluation)

Promotion  Other Demotion

From \$29.94

To \$28.44

**Termination (Must attach Employee Separation Report):**

Last Day Worked: \_\_\_\_\_

Voluntary  Discharged  Laid Off

Comments: **Deomotion to Engineer Technichian until EIT certification is compleoted**

### TO BE COMPLETED BY EMPLOYEE

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Physical Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Emergency Contact: \_\_\_\_\_

ER Contact phone #: \_\_\_\_\_

### TO BE COMPLETED BY PAYROLL DEPARTMENT

DATE OF FIRST PAYCHECK: \_\_\_\_\_


INSURANCE ELIGIBILITY DATE: \_\_\_\_\_

- W-4
- I-9
- Supporting ID for I-9
- Direct Deposit
- Personnel Manual Acknowledgement
- PERSI Forms  118 for Law Enforcement
- Seasonal Form
- Report New Hire to ID Dept. of Labor
- Add Benefit Sick Leave Hrs.
- Notify I.T.  Facilities  R&B
- Contact AFLAC representative
- Contact NBS (Laura Woolston)

Accrual Activation Date for Benefited Employee \_\_\_\_\_

Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

### SIGNATURE

Submitted by: Darryl Johnson - Public Works Director  8/6/2024

Approved by the Board of County Commissioners: \_\_\_\_\_ Date \_\_\_\_\_

**Deliver this original form to the Holly and a copy to the Payroll Department**



# PAYROLL FORM

NEW EMPLOYEE

CHANGE EXISTING EMPLOYEE

### TO BE COMPLETED BY SUPERVISOR

Start Date: 8/5/2024

Department: Assessor - DMV/DL's

Position: Motor Vehicle & Driver's License Specialist

Base hours per week: 40

Current Status:  Full Time  Part Time no benefits

**REQUEST EFFECTIVE DATE: 08-05-2024**

**ALL NEW HIRES & PAY INCREASES MUST BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS**

Pay Rate: \$20.00 Hourly

\$ \_\_\_\_\_ Salaried  
4

Employee Pay Grade: \_\_\_\_\_

Pay Rate is \_\_\_\_\_ % of market rate

Budget Account # 001-02-40200  
FUND DEPT ACCOUNT

**PAYROLL CHANGES CAN ONLY OCCUR AT THE BEGINNING OF A NEW PAY PERIOD**

Change Rate of Pay:

Merit Increase (attach Performance Evaluation)

Promotion  Other \_\_\_\_\_

From \$ \_\_\_\_\_

To \$ \_\_\_\_\_

Termination (Must attach Employee Separation Report):

Last Day Worked: \_\_\_\_\_

Voluntary  Discharged  Laid Off

Comments: **Starting pay is within 6% of hire rate and reflective of dual job duties.**

EMPLOYEE NAME: Needham, Jared

### TO BE COMPLETED BY EMPLOYEE

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Physical Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Emergency Contact: \_\_\_\_\_

ER Contact phone #: \_\_\_\_\_

### TO BE COMPLETED BY PAYROLL DEPARTMENT

DATE OF FIRST PAYCHECK: \_\_\_\_\_

INSURANCE ELIGIBILITY DATE: \_\_\_\_\_

W-4

I-9

Supporting ID for I-9

Direct Deposit

Personnel Manual Acknowledgement

PERSI Forms  118 for Law Enforcement

Seasonal Form

Report New Hire to ID Dept. of Labor

Add Benefit Sick Leave Hrs.

Notify I.T.  Facilities  R&B

Contact AFLAC representative

Contact NBS (Laura Woolston)

Accrual Activation Date for Benefited Employee \_\_\_\_\_

Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

### SIGNATURE

Submitted by: Havala Arnold

8/5/2024  
Date

Approved by the Board of County Commissioners: \_\_\_\_\_

\_\_\_\_\_  
Date

**Deliver this original form to the Dan and a copy to the Payroll Department**



## AGENDA ACTION ITEM

---

DATE: Click or tap to enter a date.

TO: Board of County Commissioners

FROM:

ITEM TITLE: **Action Item – Weed Supervisor Certification Salary Adjustment**

### **Summary:**

#### *Certification Salary Adjustment*

Weed Supervisor, Cameron Hieronymus, was hired with the condition that he needed to obtain his weed applicators certification as quickly as possible. A condition of his hire was that he would receive a salary adjustment upon certification. Cameron has received the necessary certifications and, per the conditions of his offer, his compensation should be adjusted to \$25.79/hour (93% market).

### **Fiscal Impact:**

*The compensation adjustment is from \$23.79/hour to \$25.79/hour*

### **Attachments:**

*Payroll Form  
Offer Letter*

### **SUGGESTED MOTION:**

Approve the rate of pay adjustment for Cameron Hieronymus to \$25.79/hour as a condition of employment for weed applicator's certification



# PAYROLL FORM

NEW EMPLOYEE

CHANGE EXISTING EMPLOYEE

EMPLOYEE NAME: Cameron Hieronymus

### TO BE COMPLETED BY SUPERVISOR

### TO BE COMPLETED BY EMPLOYEE

Start Date: 6/10/2024

Mailing Address: \_\_\_\_\_

Department: Public Works

City, State, Zip: \_\_\_\_\_

Position: Weed Superintendent

Physical Address: \_\_\_\_\_

Base hours per week: 40 hours

City, State, Zip: \_\_\_\_\_

Current Status:  Full Time  Part Time no benefits

Telephone: \_\_\_\_\_

Emergency Contact: \_\_\_\_\_

ER Contact phone #: \_\_\_\_\_

**REQUEST EFFECTIVE DATE: 6/10/2024**

**ALL NEW HIRES & PAY INCREASES MUST BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS**

### TO BE COMPLETED BY PAYROLL DEPARTMENT

Pay Rate: \$23.79 Hourly

**PAYROLL CHANGES CAN ONLY OCCUR AT THE BEGINNING OF A NEW PAY PERIOD**

\_\_\_\_\_ Salaried

Employee Pay Grade: 7

Pay Rate is 86 % of market rate

Budget Account #	<u>227</u>	<u>00</u>	<u>40200</u>
	FUND	DEPT	ACCOUNT

DATE OF FIRST PAYCHECK: \_\_\_\_\_

INSURANCE ELIGIBILITY DATE: \_\_\_\_\_

W-4

I-9

Supporting ID for I-9

Direct Deposit

Personnel Manual Acknowledgement

PERSI Forms  118 for Law Enforcement

Seasonal Form

Report New Hire to ID Dept. of Labor

Add Benefit Sick Leave Hrs.

Notify I.T.  Facilities  R&B

Contact AFLAC representative

Contact NBS (Laura Woolston)

Accrual Activation Date for Benefited Employee \_\_\_\_\_

Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

#### Change Rate of Pay:

Merit Increase (attach Performance Evaluation)

Promotion  Other Certification

From \$23.79

To \$25.79

Termination (Must attach Employee Separation Report):

Last Day Worked: \_\_\_\_\_

Voluntary  Discharged  Laid Off

Comments:

### SIGNATURE

Submitted by: \_\_\_\_\_ Date \_\_\_\_\_

Approved by the Board of County Commissioners: \_\_\_\_\_ Date \_\_\_\_\_

**Deliver this original form to the Holly and a copy to the Payroll Department**



# PAYROLL CHANGE FOR

## EMPLOYEE INFORMATION

Employee Name: Maureen Green Date: 08/22/16  
 Mailing Address: \_\_\_\_\_ Emp ID: 0000  
 City, State, Zip: Alta, WY 83014 Social Security #: 000-00-0000  
 Telephone: \_\_\_\_\_ Department: Treasurer  
 Title: Chief Deputy  
 Current Status:  Full Time  Part Time  Other \_\_\_\_\_ Shift: 32/week

## CHANGE REQUEST

EFFECTIVE DATE: 10/1/2016 0:00

New Employee, Enter on Payroll  Change Withholding Rate (attach W-4)  
 Transfer to: (dept) \_\_\_\_\_  Leave of Absence:  
 Paid?  yes  no  
 Change Shift to: From 35 to 32 hrs. per week(4 x8) Return Date: \_\_\_\_\_  
 Change Title to: \_\_\_\_\_  
 Change of Address: (attach W-4)  Change Status to  FT  PT  
 Other \_\_\_\_\_

Change Rate of Pay:  
 New Employee \$ \_\_\_\_\_ per \_\_\_\_\_ grade \_\_\_\_\_  
 Merit Increase  See Performance Appraisal  
 Promotion  Other \_\_\_\_\_  
 From \$ \_\_\_\_\_ per year grade \_\_\_\_\_ Date of last payroll change: \_\_\_\_\_  
 to \$ \_\_\_\_\_ per year grade \_\_\_\_\_

Terminated, Remove from Payroll (complete Exit Interview)  
 Voluntary  Discharged  Laid Off  Other \_\_\_\_\_  
 List remaining Vacation and Comp Time to be paid: \_\_\_\_\_ vac hours \_\_\_\_\_ comp hours  
 Final hours worked this pay period: \_\_\_\_\_

Remarks: **There will be exceptions, aprox 8 weeks a year of 40 hrs. Anything over 32 gets paid regular time. No comp time.**

Submitted By: \_\_\_\_\_ Supervisor \_\_\_\_\_ 8/22/2016  
 Title \_\_\_\_\_ Date \_\_\_\_\_  
 Approved By: \_\_\_\_\_ Supervisor \_\_\_\_\_ 8/22/2016  
 Title \_\_\_\_\_ Date \_\_\_\_\_





# PAYROLL CHANGE FOR

## EMPLOYEE INFORMATION

Employee Name: John Doe Date: 03/10/07  
 Mailing Address: No Name Alley, PO Box 0000 Emp ID: 0000  
 City, State, Zip: Jackson, WY 83002 Social Security #: 000-00-0000  
 Telephone: (307) 739-0000 Department: Sheriff / Patrol  
 Title: Deputy Sheriff  
 Current Status:  Full Time  Part Time  Other \_\_\_\_\_ Shift: 40/week

## CHANGE REQUEST

EFFECTIVE DATE: 3/15/2007 5:00 pm end of shi

- New Employee, Enter on Payroll
- Change Withholding Rate (attach W-4)
- Transfer to: (dept) \_\_\_\_\_
- Leave of Absence:
- Change Shift to: \_\_\_\_\_ Paid?  yes  no
- Change Title to: \_\_\_\_\_ Return Date: \_\_\_\_\_
- Change of Address: (attach W-4) \_\_\_\_\_
- Change Status to  FT  PT
- Other \_\_\_\_\_

- Change Rate of Pay:
  - New Employee \$ \_\_\_\_\_ per \_\_\_\_\_ grade \_\_\_\_\_
  - Merit Increase  See Performance Appraisal
  - Promotion  Other \_\_\_\_\_
  - From \$ \_\_\_\_\_ per \_\_\_\_\_ grade \_\_\_\_\_ Date of last payroll change: \_\_\_\_\_
  - To \$ \_\_\_\_\_ per \_\_\_\_\_ grade \_\_\_\_\_

- Terminated, Remove from Payroll (complete Exit Interview)
  - Voluntary  Discharged  Laid Off  Other \_\_\_\_\_
  - List remaining Vacation and Comp Time to be paid: 120 vac hours 80 comp hours
  - Final hours worked this pay period: 80 hrs 3/1/07 - 3/15/07

Remarks:

Submitted By: \_\_\_\_\_ Supervisor \_\_\_\_\_ 3/10/2007  
 Title \_\_\_\_\_ Date \_\_\_\_\_  
 Approved By: \_\_\_\_\_  
 Title \_\_\_\_\_ Date \_\_\_\_\_











## AGENDA ACTION ITEM

---

DATE: 2024-08-12  
TO: Board of County Commissioners  
FROM: Teton Basin Water Users Association  
ITEM TITLE: **Action Item – Fund Request**

### **Summary:**

*This Action Item is for the Board to consider providing funds for a GIS project to map out canals, ditches, pipelines, and right of ways within the TBWUA area*

The Teton Basin Water Users Association (TBWUA) is a diverse group led by agricultural producers, conservation groups, municipal and county leaders, and experts in hydrology and economics of the rural west working together to develop a more stable water supply for all users in Teton Valley.

One of our goals that will benefit the county is to map all the water systems in the Valley. This includes the canals, ditches, pipelines, and right of ways within our membership area.

With the growth of the area this is a very important need which will allow government officials, developers, landowners and farmers to access the mapping system through the county GIS website.

Teton Basin Water Users is asking all the beneficiaries of this activity to contribute both monetarily and with labor to achieve this goal.

We are in the process of applying for grants and we need help in finding the matching funds to make this happen.

### **Sponsor's & Benefactors:**

This could help reduce conflict with landowners and canal companies.

### **Fiscal Impact:**

The Water Users group has found a potential sponsor, but they are looking for local interest. The TBWUA is seeking \$5-10k from the County to demonstrate local interest.

### **SUGGESTED MOTION:**

Approve \$ from fund \_\_\_\_ to support the Teton Basin Water Users' Association mapping project.



## AGENDA DISCUSSION ITEM

---

DATE: 2024-08-12  
TO: Board of County Commissioners  
FROM: Fire District Chief Maltaverne  
ITEM TITLE: **DISCUSSION ITEM – Joint Emergency Response Campus**

### **Summary:**

*This Discussion Item is for the Board to consider what amount of space it will need at the future Emergency Campus proposed by the Teton County Fire District Chief Maltaverne.*

April 22<sup>nd</sup>, 2024, the Board of County Commissioners' (BoCC) signed a letter of interest, supporting Teton County Fire & Rescue (the Fire District) Chief Maltaverne's proposal for a joint emergency response campus. Chief Maltaverne is participating in the planning process being undertaken by the City of Driggs. Harmony design is the contractor. They are asking the Fire District to determine spatial needs in order to determine how many acres will be needed for the joint campus.

Chief Maltaverne needs to know what square footage the County needs broken down into cold storage, heated, vehicle space, and office space.

Once the master plan draft is created, the City of Driggs will finalize and approve. At that point, the Fire District will acquire the land from the City of Driggs and then negotiate with the County on facilities use.

In order to facilitate this request, the County Manager and staff need direction to begin determining which departments would be a part of the Campus and what those identified department's needs would be.

This could include Dispatch, Emergency Management, Law Enforcement, and/or Search and Rescue. The new search & rescue building and the EM storage facility have the potential to be repurposed for other County needs. The current law enforcement building could be repurposed but at a seemingly greater difficulty.

### **Sponsor's & Benefactors:**

This proposal for a joint campus would consolidate emergency response efforts to increase collaboration between the Fire District and County operations benefitting the entire County

### **Fiscal Impact:**

At this point, the Fire District is not looking for any Financial Commitment.

### **Next Steps / Expected Outcome**

The Board of County Commissioners needs to determine to what level to be involved in this project. The

County Managers' recommendation is identified departments to determine the proposal.



for the Facilities Supervisor to work with amount space needed in the building



## AGENDA ACTION ITEM

---

DATE: 2024-08-12  
TO: Board of County Commissioners  
FROM: Dave Hudacksko  
ITEM TITLE: **Action Item – Teton County Environmental Stewardship Policy & Resolution 2024-0812B**

### **Summary:**

*This Action Item is for the Board of County Commissioners to consider adopting an Environmental Stewardship Policy and a resolution Recognizing Teton County as a Leader in Responsible Resource Management & Conservation.*

Mr. Hudacsko, owner of RAD Curbside, and a stakeholder group, are asking Teton County to adopt a formal Environmental stewardship policy and a resolution.

This policy would commit Teton County to renewing the Teton County Waste diversion plan within 180 days of adoption; presenting the plan to the cities alongside this policy to encourage adoption by each entity; to the formation of a committee that meets no less than annually to review the plan; and to an annual town hall made up of local and non-local actors.

This policy would impact policy formation and procurement processes.

### **Sponsor's & Benefactors:**

*Laurel Eastman - Western Regional Coordinator for Citizens Climate Lobby  
Iris Saxer- B on 33 and RAD Curbside's outreach coordinator  
Molly Nash – Executive Director of TVCR  
Dawn Smith – Independent Supporter/Member Driggs Design Committee  
Shannon Shruptrine - River Wind Foundation  
David Hudacsko – RAD Curbside*

### **Fiscal Impact:**

*This policy claims to save Teton County over \$28 million in avoided expenses and hauling reduction. It commits County staff, time, and resources to meetings, public outreach, and plan revisions.*

### **Attachments:**

*Introduction to a Teton County Environmental Policy & Resolution*

*Proposed Teton County Environmental  
Proposed Resolution 2024-0812;  
Letter of support: Citizens Climate  
Letter of Support: Teton Valley  
Letter of Support: River Wind*



*Stewardship Policy;  
Lobby  
Community Recycling  
Foundation*

SUGGESTED MOTION:

Approve Teton County Environmental Stewardship Policy & Resolution 2024-0812B Recognizing Teton County as a Leader in Responsible Resource Management & Conservation.

Continue the Policy & Resolution until staff work sessions have been conducted.

Deny the Policy & Resolution because\_\_

**Vision:** Preserve and protect the area's ecosystem in order to ensure a healthy environment, community, and economy for current and future generations.

**Environmental stewardship** is the responsibility for environmental quality shared by all those whose actions affect the environment. Environmental stewardship is recognized as a path to having a more sustainable and climate resilient future.

Teton County's commitment is inclusive of responsible resource management, environmental stewardship, and waste diversion. This policy describes and incorporates our community's environmental ethics, values, and goals.

**This policy's purpose** is to establish the means in which we operate with an environmentally conscious approach, to help with decisions today, and to guide future elected officials and staff in their decision-making.

Environmental stewardship, resource efficiency and waste diversion involves, but is not limited to, lowering our community's environmental impact, making choices and plans with environmentally conscious checks and balances, maintaining responsible and equitable waste management practices, and establishing new efforts to mitigate landfill waste by recycling or creating other opportunities for waste diversion.

This policy aims to establish and sustain a positive environmental legacy for the Teton Valley community today and for future generations. In doing so, the County is committed to minimizing its overall impact on the environment while encouraging and activating environmentally responsible behavior on the part of its residents and visitors.

This policy will assist in conserving energy, protecting water, and preserving ecosystems; reducing greenhouse gas emissions; minimizing waste and inspiring public consciousness in support of environmental sustainability. Teton County will identify, measure and understand the direct and indirect impact of its operations and develop innovative and realistic solutions for mitigating those impacts. It also complies with, and in some cases exceeds, environmental laws and regulations.

Establish Teton County's commitment to regularly communicating progress in implementing initiatives, results, establishing targets and achieving goals.

This policy aids in shaping future decisions, policies, amending existing policies, guiding the formation of partnerships with Teton County, as well as integrating select requirements associated with memberships or partnerships.



## **Section 1: Environmental Impact and Proactive Decision-Making**

1. Our philosophy accepts that natural resources must be used in the most ethical, economical, and sustainable way possible as Earth and human systems are interconnected and interdependent.
2. Sustainability is defined as "the ability to meet the needs of the present without compromising the ability of future generations to meet their own needs" (*Brundtland Commission of the United Nations, March 20, 1987*)
3. Our waste diversion and recycling initiative is a whole systems approach that aims to change the way materials flow through our community, resulting in reusing waste-resources, and minimizing the amount of waste we haul to the landfill, thus saving economic and environmental resources. This is a conceptual ideal rather than a hard target. Our waste diversion goals are to maintain a rate of at least 34% with a near term (3-year) goal of +50% and long-term goal of +65% in 5 years of all material diverted from being sent to a landfill ( or other better, agreed upon measurement).
4. The guiding principles of environmental resource efficiency and waste diversion are: thinking of waste as a *resource, instead of used-up landfill bound waste*; conserving natural resources through waste prevention and recycling; enabling and promoting food waste prevention practices; turning discarded resources into jobs and new products; promoting products and materials that are durable and recyclable; discouraging products and materials that can only become trash after their use; and using education as a tool to maximize community engagement.

## **Section 2: Objectives & Desired Results** (each ties to an economic value)

- Protect our local environment
- Maintain & prevent contamination of surface and groundwater resources
- Preserve landfill space
- Reduce liabilities due to additional screening of materials (removing divertible materials)
- Reduce liabilities due to less material being landfilled
- Reduce hauling to the landfill costs (since recyclable materials can subsidize hauling costs to processing centers)
- Create local jobs

## **Section 2: Maintains The Right to Pursue Diversion Initiatives**

1. Teton County Idaho's operational initiatives, such as waste diversion, do not currently align with all partners or their operational initiatives. We must preserve Teton County's ethical values & goals as well as be in manageable oversight of operations.
2. Retain all decision making and rights of management for all types of waste & diversion without administrative restriction or financial repercussions
3. Avoid management situations that may cause diversion services or operations to become more expensive or reduced.
4. Avoid situations that could regulate or inhibit diversion infrastructure and operational expansions
  - *Many current County agreements' structures have the ability to impact operational financials and potentially inhibit diversion*
5. Continue to support and seek collaboration with a wide range of community stakeholders including municipalities, NGO's, and citizens to ensure successful and sustainable diversion initiatives.

## **Teton County Idaho Recycling/Waste Diversion percent Formula:**

- Total inbound waste (Trash Transfer Station and Recycling Center) - "minus" - Outbound waste (shipped to landfill) – "divided-by" – Total inbound waste.

- *Example from 2023:* 38,770 tons – 25,536tons/38,770 = 34% recycling/waste diversion rate (Based on 2023 waste data for Teton County Idaho)

### **Specific Points in Teton County Idaho Resolution**

- The highest and best uses of waste resources are:
  - 1) Reduce (or source consumption reduction via education about and instilling habit for environmentally sound purchasing habits)
  - 2) Reuse
  - 3) Recycling
  - 4) Diversion...
  - 5) Mitigation of Hazardous Waste entering our ecosystem
  - 6) Advancing value based initiatives such as *composting, energy recovery and* alignment with the US EPA's Waste Management Hierarchy
- Local governments have the unique opportunity to lead by example and establish criteria needed to promote resource efficiency and minimize waste, so that manufacturers produce, and businesses sell materials that can be safely recycled or composted.
- Recognizing that capital investments may be required to provide adequate indoor and outdoor space and infrastructure for expanded recycling and other waste diversion and waste-recovery programs.
- Natural resources such as clean water, clean air, healthy wildlife populations, and open spaces are paramount to the well-being of our community

### **History of Waste Diversion in Teton County**

- Diverting waste (specifically construction) since 2000
- Encouraging reduce-reuse-recycling habits since 2005
- Diverting/Recycling since ~2009 when the current recycling tent floor was repaired
- Refined Recycling since ~2015 when the diversion plan was adopted via

### **Action Commitments & Progress Measurements:**

- Within 180 days of Environmental Policy Adoption;
  - 1) Renew the Waste Diversion Plan:
    - a. review, update, revise existing Waste Diversion Plan's operational, statistical, and strategic plans previously produced by Teton Valley Community Recycling, RAD Curbside & Teton County to guide this process. Thus, creating a 1 year, 5 year and 10 year plan and outlook
    - b. Regularly publicize where each diverted material went to, what it was turned into or how it was used/exists
- Presentation & suggested adoption of both Policy and Plan by each city within Teton County Idaho boundaries as well as Alta, Wyoming & Grand Targhee Resort
- Identify a select group including County Public Works Director, Transfer Station Supervisor, Teton Valley Community Recycling & RAD Curbside that will commit to reviewing the plan annually and updating/revision.
  - Representatives from each of the above jurisdictions shall be included and required to participate in the annual review/revision/update of the plan
  - This plan shall be revised and designed to achieve the initial goal of increasing waste diversion for Teton County as a whole, to \_\_\_% or better by the year 2030.
  - Establish an annual review of the plan & its 1-year, 5-year, & 10-year objectives
- Integrate the Environmental Policy throughout applicable and appropriate County decision making and operations.

- Add to all County RFPs & RFQ's to request information regarding environmental impact, resource conservation, waste plans, waste reduction practices & waste mitigation efforts.
- Review household hazardous waste (HHW) policies and set goals to improve HHW management at Teton County in efforts to protect our watershed. Take the necessary actions to mitigate potential danger to source water, water quality & recreation waterways, etc
- water?

#### **Public Awareness & Engagement**

- **Commitment to Host Annual Public Question & Answer Meetings with a panel:** Teton County Commissioners; Teton County Transfer Station Supervisor; Teton Valley Community Recycling; B on 33: Beautifying Our Byways; RAD Curbside; Citizens' Climate Lobby; Riverwind Foundation

July 23, 2024

**Teton County Commissioners**

Teton County Courthouse  
150 Courthouse Drive  
Driggs, Idaho 88422

Dear Teton Valley Board of County Commissioners,

I am writing to express my strong support for the Environmental Policy and Resolution currently under consideration.

As a volunteer leader with Citizens' Climate Lobby Tetons Chapter, I believe that prioritizing sustainability in future decisions is crucial for our community.

This resolution will not only solidify Teton County's leadership in responsible resource management but also foster a healthier environment and economy for current and future generations.

By embracing this initiative, we can create a model of conservation and stewardship that benefits everyone.

Sincerely,

Laurel Eastman  
Citizens' Climate Lobby  
*Tetons Chapter Volunteer*  
*Mountain West Regional Coordinator*  
*Outdoor Industry Action Team Leader*





July 23, 2024

Dear Teton Valley Board of County Commissioners:

Sustainable Business Leaders (SBL) is Jackson Hole's regional green business recognition program and membership-based association managed by Teton County ISWR and Riverwind Foundation. Teton County, WY, and Teton Valley, ID businesses, nonprofits, and government agencies are encouraged to apply for membership. Currently we have over 120 members and we would like to expand our Teton Valley, Idaho membership. We provide training, workshops and consulting to support busy business owners who understand the connection between a thriving business and a healthy ecosystem and community. Collectively, we are working towards Teton County, WY goals of Road to Zero Waste 2030 and Net Carbon Zero 2030. There is much cost savings to be had through energy and waste reduction in any business. We would like to encourage Idaho businesses to meet Teton County, Idaho goals, as well.

To that end, I would like to voice my support for your acceptance of the Environmental Policy and the Resolution before you. Stating your commitment to a healthy, thriving future creates a bedrock for building successful and impactful programs like SBL, RAD, Community Recycling, Citizens' Climate Lobby, and Beautifying our Byways which improve the community and protect the ecosystem on which we all rely. It allows for community alignment, purpose, and momentum. We live in one of the most special places on the planet and I encourage you to take this opportunity to be leaders in protecting this place.

Sincerely,

Shannon Shuptrine  
Executive Director, Riverwind Foundation  
[shannon@riverwindfoundation.org](mailto:shannon@riverwindfoundation.org)



---

*RAD Curbside – Teton Valley’s Stewards of Service, Community and Environment*

## **Introduction to a Teton County Environmental Policy & Resolution**

### **Collaborative Group**

Laurel Eastman - Western Regional Coordinator for Citizens Climate Lobby  
Iris Saxer - B on 33 and RAD’s outreach coordinator  
Molly Nash - new ED of TVCR  
Dawn Smith – Independent Supporter /Member Driggs Design Committee  
Shannon Shruptrine - River Wind Foundation  
David Hudacsko – RAD Curbside

**ISSUE** - Our core environmental values only exist within the TVCR diversion plan and the RAD Curbside Agreement. Our community is growing, so our environment, watershed and landscape will inevitably be impacted, as will the volumes of our waste & recycling.

**ASK** – Formalize existing environmental preservation standards and waste reduction goals into a stand-alone Environmental Commitment policy & Resolution.

Links to Drafts: [Policy Link](#) & [Resolution Link](#)

**PURPOSES** of the Policy & Resolution are to sustain the financial and environmental benefits of responsible resource management in future decision making and to maintain values successful past initiatives.

**HISTORICAL VALUES** include:

- Creating Local, Living-Wage Jobs – At Transfer Station & RAD
- Cost-Savings - \$3 Million in *NOT* hauling to the landfill over 10 years
- Reduce Landfill Liabilities & Preserve Landfill space
- Cost-Avoidance - \$25 million in transfer station renovations that did not promote diversion or recycling

**Grant Value** - Recycling and diversion brings grant money for development and expansion of processing systems. On the other hand, landfilling requires increasing tax burden to residents and future liabilities. A great example is the C/D sorting pad where public, private and non-profit turned the fire at the transfer station into new infrastructure that created jobs, reduced landfilling and saves money.

Furthermore, there is significant value when a non-profit that applies for a grant can include that the local government

In this way, we are asking that you enable community organizations to get grant money to pay for community infrastructure and preservation efforts!

**CONTINUED GROUP CONTRIBUTION** - Our group wants to collaborate with & will be a resource for the County & its staff to develop the draft into a well-rounded policy to benefit all County taxpayers

### **Our Asks:**

- We would like to see the Policy and Resolution on the next Commissioners meeting
- We would like each of you & County Staff to review/comment on each document







## Resolution 2024-0812B

### RECOGNIZING TETON COUNTY AS A LEADER IN RESPONSIBLE RESOURCE MANAGEMENT & CONSERVATION

**WHEREAS**, Teton County defines responsible resource management as a system of practices that are healthy for the community (people), environment (planet), and economy (profit) and can be maintained for current and future generations. We strive to emphasize sustainable natural resource management in the principles and policies, to honor our agriculture origins, and to be good stewards of our native landscape and wildlife., and; in particular: resource sustainability that limits pollution, encourages energy conservation; promotes a diverse and balanced economy; and sets forth our community to be a model of stewardship to protect future generations.

**WHEREAS**, Teton County, Idaho, and its Transfer Station, specifically addresses responsible waste-resource management by adopting solid waste diversion plans via hauler franchise agreements and will develop additional resource efficient action plans. The County will *incorporate into each of the "Council of Government" agendas*, whose mission is to address sustainability, and adopted resolutions for reducing, reusing, and recycling waste materials; reducing energy and fuel usage, and minimizing pollution while promoting the use of renewable energy and exploring alternative fuel/energy options.

**WHEREAS**, Teton County, Idaho and its Transfer Station recognize this resolution is in alignment with the Teton County, Idaho Environmental Stewardship Policy.

**WHEREAS**, Teton County Idaho's mission includes actions that reflect stewardship of our natural resources, highlight our outstanding assets and amenities and strive toward resource efficiency and a strategic plan that sets forth the goal of focusing on the preservation, conservation and stewardship of resources for future generations.

**WHEREAS**, community and destination private and public stakeholders participate in responsible resource management education and technical assistance programs,

**WHEREAS**, the guiding principles of environmental resource efficiency and waste diversion are: thinking of waste as a resource, instead of used-up landfill bound waste; conserving natural resources through waste prevention and recycling; enabling and promoting food waste prevention practices; turning discarded resources into jobs and new products; promoting products and materials that are durable and recyclable; discouraging products and materials that can only become trash after their use; and using education as a tool to maximize community engagement.

**THEREFORE, BE IT RESOLVED**, that we, the Board of County Commissioners of Teton County, Idaho support initiatives that contribute to the fulfillment of community goals and standards for environmental, social, and economic sustainability.

**BE IT FURTHER RESOLVED** that the Board of County Commissioners of Teton County, Idaho support initiatives that find solutions to prevent, mitigate, and manage the increasing environmental and community impacts of community growth and visitation to protect the integrity of our environment and community upon which the health of our economy and quality of life is dependent.

**APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

(Signature page follows)

**Teton County Board of County Commissioners**

\_\_\_\_\_  
Cindy Riegel, Chair, Teton County Commissioner

\_\_\_\_\_  
Michael Whitfield, Teton County Commissioner

\_\_\_\_\_  
Bob Heneage, Teton County Commissioner

**ATTEST:**

\_\_\_\_\_  
Kim Keeley, County Clerk



## AGENDA DISCUSSION ITEM

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DATE: 2024-07-22

TO: Board of County Commissioners

FROM: County Manager Dan Reyes

ITEM TITLE: **DISCUSSION ITEM – Update from Upper Valley Board of Guardians (UVBOG)**  
**County representative Carol Taylor**

### **Summary:**

*County representative on UVBOG to describe her experiences and give update.*

The Upper Valley Board of Guardians (UVBOG) is a five county board consisting of Teton, Jefferson, Lemhi, Madison, and Fremont Counties. Established by a Joint Powers Agreement (JPA), the UVBOG works within the court system, according to IC.15-5-601 to provide court appointed guardianship for individuals. Guardians provide a number of benefits for wards, to include advocacy and help navigating different aspects of their lives ensuring the greatest amount of independence and self-determination.

The Board is comprised of an oversight committee and a guardianship committee. The oversight committee is primarily responsible for appointing guardians and volunteer companions to the board. According to the JPA, the volunteer companions were to be designated as the actual individuals that spent time with wards; however, due to lack of volunteers, the board members have been doing a lot of this work.

Carol Taylor is the County’s representative on the Upper Valley Board of Guardians. As a medical social worker for over 40 years, Carol has worked in hospitals, home health, hospice and long-term care settings as well as mental health clinics and assisted living facilities. She is a consultant and trainer and has collaborated with countless professionals, organizations and lay persons exploring the joy of working with elders, aging well, understanding difficult end-of-life issues, memory loss, cognitive decline and self-care issues for family care partners and professionals care providers.

Carol’s passion is working with elders suffering from neuro-degenerative conditions, cognitive impairment and memory loss. Throughout her career, she has developed and facilitated support groups for those suffering from persistent memory loss as well as family support sessions. Carol has spearheaded community education events and activities to increase awareness of the needs of elders with cognitive deficits and memory loss, while focusing on “aging in place”, community engagement and creating circles of care for elders and their families.

She has served on the Idaho Commission on Aging, by Governor appointment and was a legislative appointee to the 1981 White House Conference on Aging. She co-authored an end-of-life graduate course for Boston University’s Institute for Geriatric Social Work. She served as consultant and resource specialist for those with dementia and cognitive impairment through St. John’s Institute for Cognitive Health in Jackson, Idaho.

Wyoming. She frequently appears both participating in educational forums, activities and conference sessions.



regionally and nationally directing and keynote addresses, community awareness

Carol was nominated for Robert Wood been Chairperson and board member of

Johnson Community Service Award and has the Idaho Area Health Education Center.

Carol currently serves as the Chairperson for the University of Wyoming's Center on Aging. Carol received the prestigious 2013 Social Worker of the Year award for the State of Wyoming, National Association of Social Workers. Carol has dedicated her professional career to the various aspects of elder issues and understands the unique challenges faced by spouses, partners, and adult children of aging loved ones. She prides herself on superior outcomes. Her direct and inclusive style of communication, gentle humor and deep compassion shepherd clients and families through the maze of elder care.

Carol will be describing her experiences as a member of the UVBOG to the Board of County Commissioners.



## AGENDA ACTION ITEM

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DATE: 2024-08-12  
TO: Board of County Commissioners  
FROM: Darryl Johnson, Public Works Director  
ITEM TITLE: **Action Item – 2024 Scrap Metal Recycling Contract**

### **Summary:**

#### *2024 Scrap Metal Recycling Contract*

Teton County recently opened bids for scrap metal recycling. Western Metals Recycling LLC was the highest of the three bids received. Attached is the bid summary. The Transfer Station solicits bids for a third party to remove our metal pile, aluminum, tin and batteries approximately once a year. Prices are based on estimated tonnages. Bids are for ton unit price. Final payment will be based on actual tonnage of materials and unit price provided in the bid.

### **Fiscal Impact:**

*Revenue based on estimated tonnages is \$101,017*

### **Attachments:**

*Bid Summary*

### **SUGGESTED MOTION:**

Award the 2024 Scrap Metal Recycling contract for sell of scrap metal, tin, aluminum and batteries to Western Metals Recycling LLC



**TETON COUNTY, IDAHO**  
ENGINEERING  
150 Courthouse Drive  
Driggs, ID 83422

Project: **2024 Scrap Metal Recycling Services**  
Subject: Bid Comparison  
By: DWJ  
Date: 8/8/2024

COMPANY	Scrap Metal Pile	Aluminum Bales	Batteries	BID (\$)
1. Western Metals Recycling	\$80,857.00	\$18,880.00	\$1,280.00	\$101,017.00
2. Millcreek Metals LLC	\$70,700.00	\$19,840.00	\$1,440.00	\$91,980.00
3. Pacific Recycling	\$85,400.00	\$13,600.00	\$800.00	\$99,800.00



**DEPARTMENT UPDATE  
PUBLIC WORKS**

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DATE: 2024-08-12  
TO: Board of County Commissioners  
FROM: Darryl Johnson, Public Works Director  
ITEM TITLE: **Report: Public Works Dept. Update**

**Public Works:**

**Northern Lights Off Site Improvements** – The Northern Lights Subdivision applicant has asked Public Works to confirm whether or not County gravel material will be provided for the improvements required on all County roads relating to the subdivision development.

**BUILD Grant Update** – See attached correspondence from Jorgensen Associates with component updates

**N500W Update** – LHTAC is still on schedule to advertise this project fall/winter of this year and construct in 2025

**Road & Bridge:**

**R&B Coordinator Commute Assistance Request** – Denise Kaelberer, employee of 22 years, lives in Ashton and is requesting commute cost assistance. Denise has requested the BoCC consider one of the following options:

- Teton County provide her with a company vehicle (gas provided by the County) for commuting back and forth to work. This option could include pick up/drop off other R&B Employees.
- Teton County provide her with a fuel stipend for commute in personal vehicle
- Teton County allow Denise to work remotely 2 days per week

I would like to discuss these options with the BoCC.

**Solid Waste:**

Attached is the FY24 Q3 report prepared by Dann O'Donnell, Solid Waste Supervisor.

Attached is a press release and flyer addressing bags/films recycling RAD recently distributed

**Facilities:**

**Courthouse Door Repairs** – The ADA access (door on SW corner of courthouse) has disfigured over time and is currently not closing properly enough to engage the locks without human assistance. Facilities reached to a vendor to help identify solutions. It is assumed that the sun on the door has caused the door to expand over time. Facility Solutions has offered both a temporary and permanent solution for the problem. Short term, they are recommending to grind the door and hinges to get the clearance needed to latch. Long term solution is to order a slightly smaller door (not frame). Short term solution could happen immediately. Estimated cost for repairs is \$700. Long term will be 6+ weeks to fabricate the door. Cost for the new door is

still to be determined.

**Weeds:**

Attached for your review are notification protocol and associated documents for weed enforcement complaints

**Attachments:**

*BUILD Grant Update*

*Solid Waste Q3 Report*

*RAD Plastics*

*Weeds Enforcement Protocol*

*Weeds Letter to Owner*

*Weeds Enforcement Letter*





## TMCI BUILD Project Component(s) Status Update

1 message

Bill Jones, PE <bjones@jorgeng.com>

Wed, Aug 7, 2024 at 9:15 AM

To: Bob Hammond <bob.hammond@wyo.gov>, Jared Smith <jaredasmith@msn.com>, Darryl Johnson <djohnson@co.teton.id.us>, Mark Layton <mark.layton@itd.idaho.gov>, "Abigail S. Moore" <amoore@tetoncountywy.gov>, "hank.doering" <hank.doering@wyo.gov>, Doug Self <dself@driggsidaho.org>, Mary Kate Buckley <marykate.buckley@jacksonhole.com>, Brian Schilling <bschilling@tetoncountywy.gov>, Karen Hiatt <karen.hiatt@itd.idaho.gov>, "Applebee, Lisa (FHWA)" <lisa.applebee@dot.gov>, Drew Meppen <drew.meppen@itd.idaho.gov>, "Stinchcomb, Peter" <peter.stinchcomb@wyo.gov>, "Bill.Schreiber" <Bill.Schreiber@jacksonhole.com>, "sara.ellis" <sara.ellis@wyo.gov>, "Bill Jones, PE" <bjones@jorgeng.com>, "Reed Armijo, PE" <rarmijo@jorgeng.com>, Bruce Abel <babel@jacksonwy.gov>, Amy Ramage <aramage@tetoncountywy.gov>, Johnny Ziem <jziem@jacksonwy.gov>, "timyoung@adventuredesign.org" <timyoung@adventuredesign.org>, Charlotte Frei <cfrei@tetoncountywy.gov>, Tyler Sinclair <tsinclair@jacksonwy.gov>, Curtis Calderwood <Curtis.Calderwood@itd.idaho.gov>, Heather Overholser <hoverholser@tetoncountywy.gov>  
Cc: "Jaclyn Knori, PE" <jknori@jorgeng.com>, Kevin Meagher <kmeagher@jorgeng.com>, "Aaron Japel, PE" <ajapel@jorgeng.com>, Jen Zung <jen.zung@harmonydesigninc.com>, "Ryan Hughes, EI" <rhughes@jorgeng.com>

Good Morning,

There has been quite a bit of positive momentum and activities taking place these last few months and I wanted to get out a brief update of the status of the BUILD project components. If you had any questions, please let me know...Thanks

### Component 1: Stilson Transit Center

- 100% Plans and specifications are complete
- Dick Anderson Construction is Preparing to advertise for subconsultant services. Advertisements will run through August 28
  - GMP package for client review is anticipated in September/October and prepare for JIM presentation in November 2024
- Construction anticipated by Spring 2025
- Jackson Hole Public Art has selected an artist for inclusion of artwork at the site (Separate activity from BUILD)

### Component 2: Transit Signal Prioritization (TSP)

- Agreement between WYDOT and START has been generated and WYDOT Attorney General draft document is under review by START
- Design plans for each intersection are concurrently under development
- Anticipated calendar year 2025 installation

### Component 3: Commuter Buses (2) - COMPLETE

- Delivered in October 2023

### Component 4: "Electric" Buses (2)

- The FTA determined that hybrid buses meet the intent of an "electric" description
- START is preparing to solicit quotes

- Currently anticipating a late 2025 delivery and this date will be adjusted if needed

## **Component 5: Wilson Active Transportation**

- 90% plans production continues
- Continued coordination on access points / driveways, etc. continue as needed
- The project requires temporary construction easements (TCE) to blend/ grade in the improvements and allow for working platforms
- Just compensation offer packages are being developed for delivery to property owners for the use of the TCE's
- Construction anticipated to start in Spring 2025 and complete in late 2025

## **Component 6: Wilson to Stilson Pathway - COMPLETE**

- Construction Complete

## **Component 7: Teton Pass Trail**

- Design plan development continues
- Exploring the use of existing "on-site" fill material with WYDOT that may be available for use
- Easements will be required and coordination between WYDOT, FTA, FHWA, and USFS will be undertaken once the final mapping of required easements are finalized
- Construction is anticipated to begin in Spring 2025 and be completed by late 2026

## **Component 8: Driggs Downtown Transit Center**

- Design plan development continues for bid / procurement in late 2024
- Construction planned for calendar year 2025

## **Component 9: Driggs 5<sup>th</sup> Street Park and Ride**

- Design plan development self-performed by City of Driggs
- Construction planned for calendar year 2026

## **Component 10: Driggs Pathway to the Airport - COMPLETE**

- Construction complete

## **Component 11: Old Jackson Highway Advisory Shoulders**

- Bids received and construction to be completed by September 2024

## **Component 12: SH 33 @ Baseline Road (ITD)**

- Construction ongoing – completion anticipated by end of 2024

## **Component 13: SH 33 Passing Lane (ITD)**

- Construction ongoing – completion anticipated by end of 2024



**Bill Jones, PE**  
**Consultant to Jorgensen**

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D: 813.390.2041

M: 813.390.2041

[bjones@jorgeng.com](mailto:bjones@jorgeng.com)

Jackson, WY • Pinedale, WY  
Kemmerer, WY

Teton County Solid Waste Quarterly Report

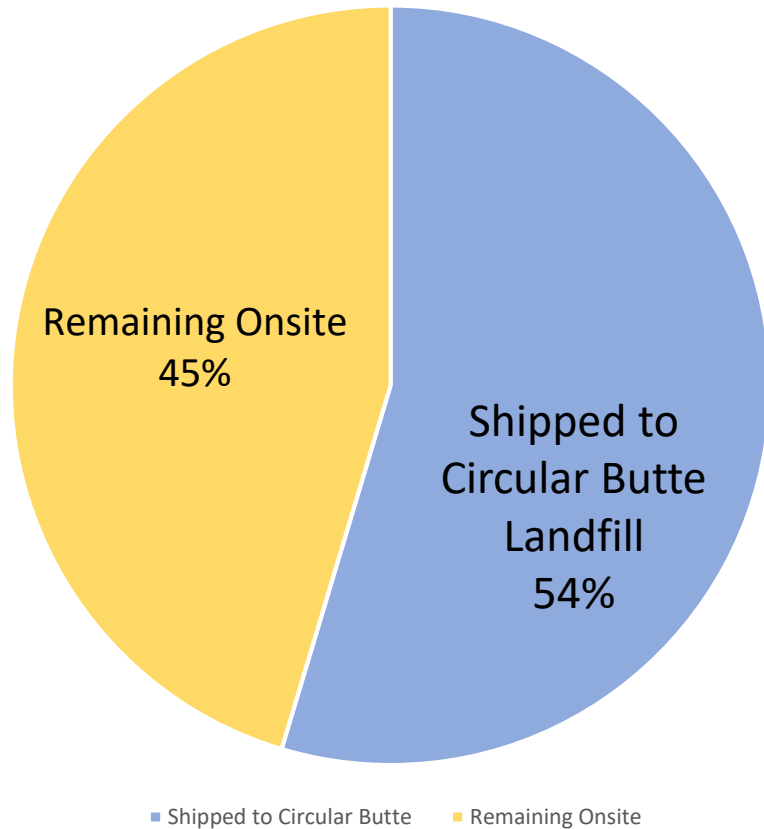
# Quarter 3 FY2024

April 1, 2024 through June 30, 2024

# Destination of Waste

5906 Tons of Incoming Material to Teton County Solid Waste

Destination for Incoming Material FY2024 Q3



Destination of Incoming Material This Quarter	Tons
Shipped to Circular Butte	3226.69
Remaining Onsite (Recycling, Sorted, C&D)	2679.31
Total	5906

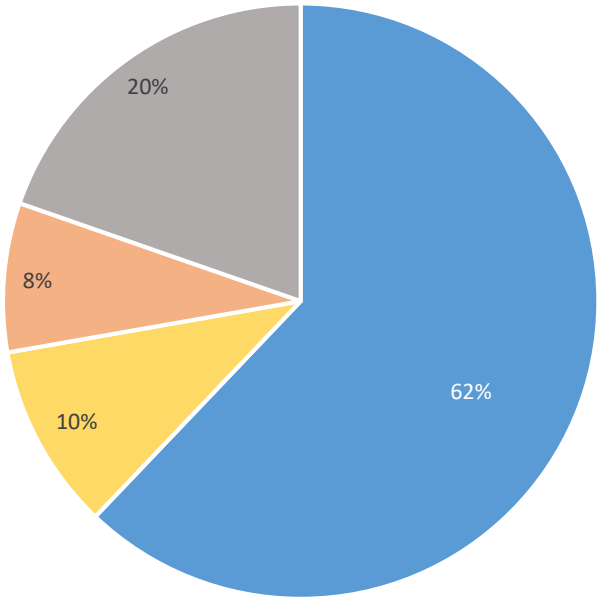
This quarter, approximately 54% of the incoming material was shipped to Circular Butte Landfill. The slow season typically ends around Mother’s day, and approximately 60% of the incoming waste TCSW receives is between May and October.

# Character of Waste sent to Circular Butte Landfill

TCSW sent 3230.84 tons of material to Circular Butte Landfill during the third quarter of FY2024

Material	Tons
Categorized as Household	2006.83
Estimated Portion of Household from Mixed Sorted and Recycling Loads	327.18 of 725.82 Tons Brought in as mixed sorted loads
Categorized as Non Household	261.57
Estimated portion of Unsorted Waste shipped to Circular Butte	635.26 of 724.72 Tons Brought in as Unsorted Waste
<b>Total</b>	<b>3230.84</b>

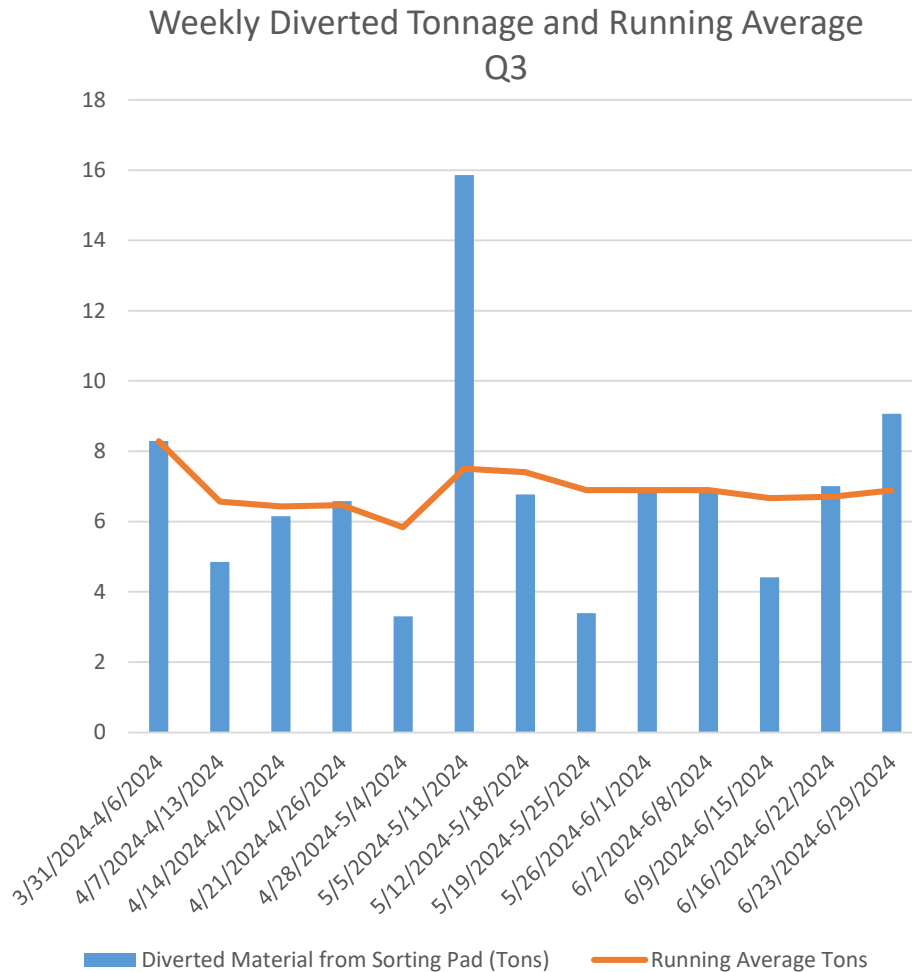
Material Shipped to Circular Butte (Tons)



Compared to the third quarter of previous fiscal year, TCSW shipped about 10% fewer tons to Circular Butte. Construction and non-household waste took up about 27% of the weight sent to sent to Circular Butte. TCSW sent 154 semi-truck loads of waste to Circular Butte landfill this quarter.

■ Household   ■ HH from Mixed Sorted Loads   ■ Non Household   ■ Unsorted Non-Household

# Construction Waste at the Sorting Pad



This quarter, the sorting pad diverted 89.6 tons of wood, scrap metal and other miscellaneous material from shipment to Circular Butte. 90 tons of unchipped dimensional lumber represent approximately 9 to 10 truckloads.

Much of the divertible, unsorted construction waste which goes to Circular Butte is shipped because of time and space constraints at the sorting pad. A larger working pad, another laborer and a grapple will increase the amount of waste diverted from Circular Butte.

This quarter, Teton County Solid Waste estimates that an additional 8 to 10 trips to Circular Butte could have been prevented through diversion at the sorting pad.

At present, the sorting Pad diverts approximately 14% of the unsorted construction waste which comes into the solid waste facilities.

# TIPPING RATES AND COSTS FOR MATERIALS SHIPPED TO CIRCULAR BUTTE LANDFILL

Material	Tons	Cost to Haul/Ton	Tipping Fees at Circular Butte/Ton	Approximate Total Cost per Material Category sent to Circular Butte Landfill
Household	2006.83	\$53.52	\$39.98	\$187,638.61
Household Portion of Sorted Mixed Loads	327.18	\$53.52	\$39.98	\$30,591.33
Non-Household	261.57	\$53.52	\$39.98	\$24,456.80
Unsorted	635.26	\$79.74	\$39.98	\$76,053.33

Hauling to and Tipping at Circular Butte Landfill are the largest costs incurred by Teton County Solid Waste. “Tipping & Shipping” make up approximately 59% of spending in quarter three of this fiscal year. Shipping and Tipping costs are drastically reduced by diversion and recycling efforts.



# Recycling & Salvage Revenue

Incoming Material			
	Tons	Tipping Revenue	Tipping Revenue/Ton
Commercial Cardboard	27.86	\$420.00	\$15.08
Contaminated Commercial Cardboard	6.49	\$227.00	\$34.98
Recycling	73.69	\$2,569.00	\$34.86
Recycling portion of HR mix (Estimated)	65.01	\$4,925.96	\$75.77
Tires (Estimated)	20.53	\$5,534.00	\$269.56
<b>Total</b>	<b>193.58</b>	<b>\$13,675.96</b>	<b>\$70.65</b>

Baled and Processed Material		
	Bales	Tons
Aluminum	18	6.3
Cardboard	147	82.32
Paper	6	3.18
Plastic Bottles and Jugs	17	3.91
Steel/Tin Cans	6	1.44
<b>Total</b>		<b>97.15</b>

Outgoing Material (Recycling)			
Material	Tons	Revenue	Broker/Buyer
Cardboard	63.78	\$3657.05	ACP
Ewaste Out	3.39	0	R.O.M.
Paper Out	21.51	\$2,473.65	Hamilton MFG
Plastic Out	11.66	\$1668.00	ACP
Salvaging Out	56.18	\$1,389.00	Public
Tires Out	38.88	-\$5,130.40	Idaho Tire Recycle
Used Oil	3.02	-\$1,281.50	Thermofluids
<b>Total</b>	<b>198.42</b>	<b>\$2775.80</b>	

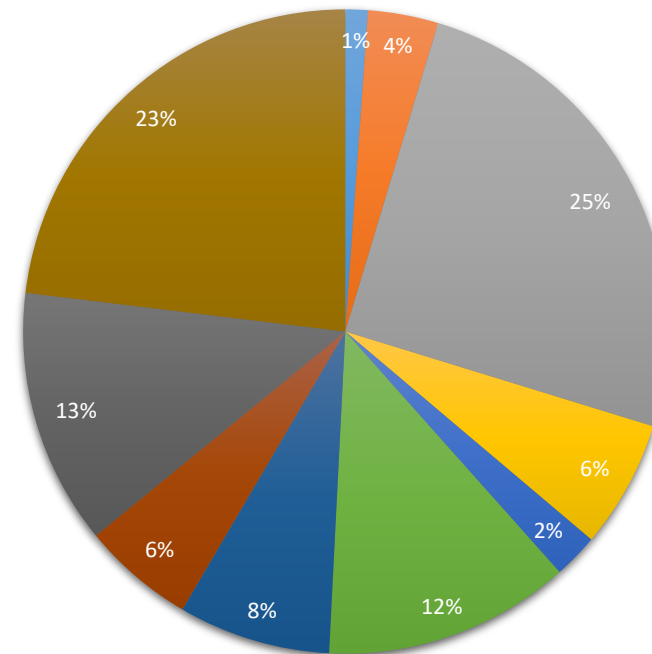
This Quarter, just over 190 tons of material was brought to the TCSW facility for Recycling. TCSW shipped out nearly 200 tons of material for recycling, salvage or other repurpose this quarter.

# Other Diversion by Category

TCSW received 1445 tons of material which it does not ship to Circular Butte but also did not classify as recycling. These are materials TCSW classifies as “sorted”. Most of the material is dimensional lumber. Dimensional lumber is made available to salvagers and the material which is not salvaged is chipped. Some of the chipped material can be composted along with grass, manure, brush and animals, but most of it does not have another outlet and is buried in the construction and demolition pit when other uses or avenues of disposal are not available. Teton County Solid waste puts its collected scrap metal up for bid every year and separates concrete for potential crushing and reuse onsite.

Incoming Material Category	Tons	Tipping Revenue
C&D	16.29	\$3,421.00
Concrete	51.01	\$766.00
Lumber	362.78	\$5,501.00
Metal	92.77	\$1,532.00
Animals	32.49	\$563.00
Brush	178.95	\$2,834.00
Grass	110.4	\$1,766.00
Manure	81.57	\$1,228.00
Sorted (Combination of any of the above)	185.56	\$3,056.00
Sorted portion of Sorted Household (Estimated)	333.63	\$14,397.68
<b>Total</b>	<b>1445.45</b>	<b>\$35,064.68</b>

Incoming Diverted Material



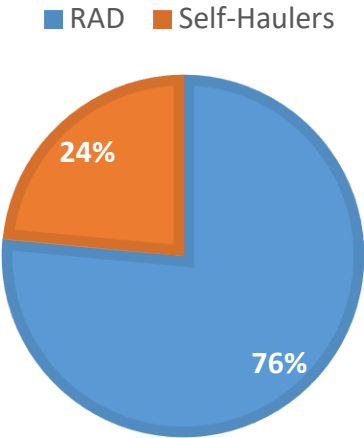
# Nature of the Users of the TCSW Facilities

Teton County Solid Waste receives waste from the public via two avenues. The main avenue for household municipal waste, RAD Curbside, is contracted by Teton County for curbside pickup of household waste and recycling. RAD also picks up commercial waste and construction and demolition waste through a roll-off bin or dumpster drop off and pickup operation. The other avenue is from public individuals and entities who choose to haul their own waste to the solid waste facilities.

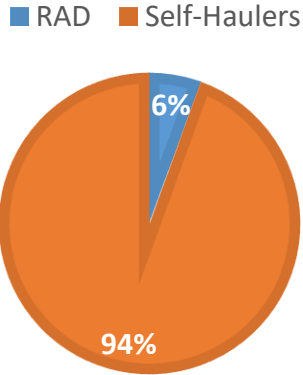
The lion's share of household municipal waste comes in through RAD curbside. About 76% of the household waste shipped to Circular Butte came to the transfer station from RAD's curbside pickup operations.

Self Haulers were responsible for 94% of the recycling and sorted material tonnage which came to the transfer station this quarter, but self-haulers were also responsible for 60% of the non-household and construction waste sent to Circular Butte this quarter.

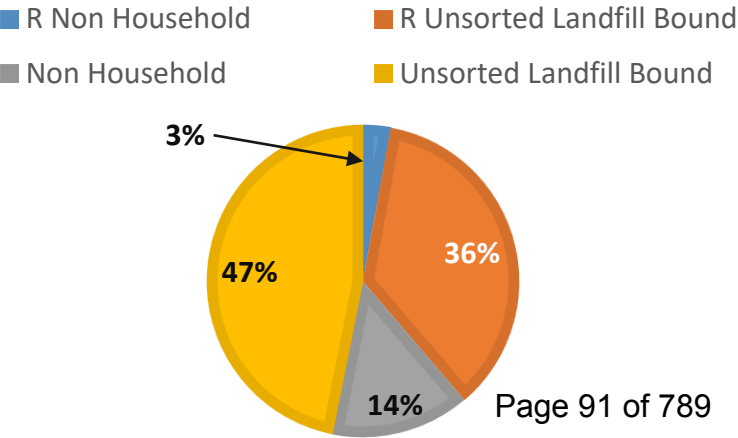
**HOUSEHOLD TONNAGE TO CB**



**DIVERTED RECYCLING & SORTED TONNAGE**

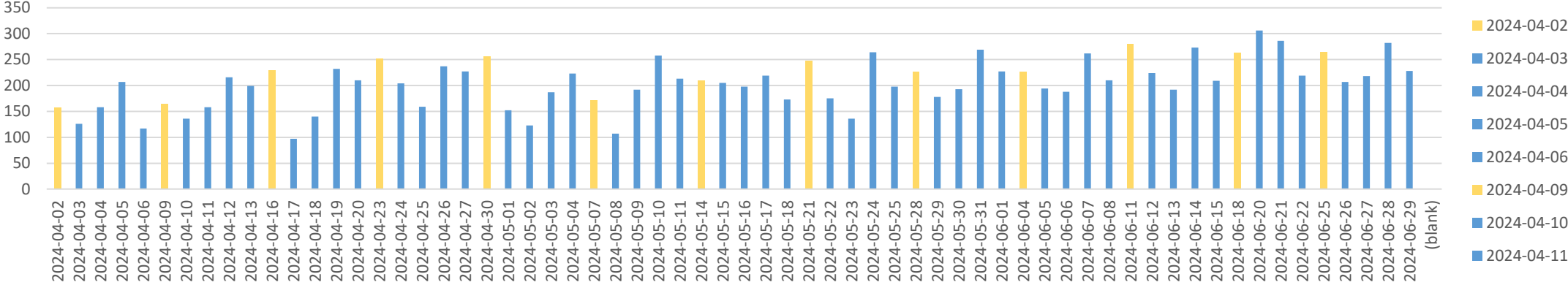


**CONSTRUCTION TONNAGE TO CB**



# Visitation and Impact on Operations

Daily Visitations to the Teton County Transfer Station



This quarter TCSW had approximately 13300 visitors to the transfer station. May 18<sup>th</sup>, Spring Cleanup Day, and the Friday of the Juneteenth holiday week both had over 300 visitors to the transfer station. The transfer station had 14 days with over 250 visitors and 22 days over 225 this quarter.

In relation to last year at this time, the number of visitors to the transfer station is up 7% for the first three quarters.

Tuesdays (shown as yellow bars above) and Fridays typically see the most visitors, while Tuesdays, Fridays and Saturdays see the most congestion.

# Challenges

Congestion and Staffing are the main challenges TCSW faced this quarter.

The new road is able to keep traffic from interfering with the roads and intersections outside of the facility on most days. But it does not decrease wait times or prevent outgoing traffic from blocking access to the transfer building and recycling area. On busy days, users report waiting nearly an hour in line. TCSW is in the process of designing and contracting a second scale, which will reduce the wait times experienced by users as well as relieve congestion caused by those waiting to exit the facility.

Recruiting, hiring and retaining employees in the lower paygrades continues to be a challenge. The costs of living in Teton Valley or the extra time and fuel costs for out of county commuters makes taking these positions undesirable to most potential workers. Those who do accept these positions typically view the position as a temporary work or they must take on second jobs to make ends meet.

# Next Quarter

In the next quarter, TCSW expects to see the same amount and character of incoming waste as this quarter. TCSW is renting a trammel to sort and sift a 10 year backlog of compost material which has accumulated. Samples of the fully composted material will be sent for testing to determine Nitrogen/Carbon ratios as well as to test for the presence of pathogens and herbicides which may have not been destroyed by the composting process. TCSW will seek consultation and advice from the Idaho Department of Public Health, Idaho Department of Environmental Quality and the Idaho Department of Agriculture as to the viability of making portions of the finished material to the public. That composted material which does not leave the facility will be used as cover material for the construction and demolition landfill. The material which has not fully composted will be used as feedstock and reincorporated into the composting program.

TCSW will bid out the scrap metal accumulation next quarter and begin plans to contract wood chipping operations for the beginning of the next fiscal year.

TCSW will continue to advance its efforts to have a second scale and crew building designed and constructed in the coming year.



*RAD Curbside – Teton Valley’s Stewards of Service, Community, and Environment*

For Immediate Release 7/22/24  
Driggs, ID

Press Contact: Dave Hudascko

## **RAD Curbside Starts Curbside Collection of Plastic Bags/Films**

Recycling enthusiasts and curbside recycling customers have something to be excited about as starting this week, RAD Curbside will begin collecting clean, dry, stretchy plastic bags and overwrap to recycle in collaboration with the Teton County Transfer Station and NexTrex, the company that turns this plastic waste into durable composite decking. The Teton County / NexTrex partnership was fostered through the efforts of Teton Valley Community Recycling.

Plastic bag recycling is **available immediately to all existing residential recycling customers**. Business customers, yes it is available to you as well, but please email us first and we will discuss a few more questions. Residential customers need to follow these key rules to do it right (not have your plastics left in your bings): 1) Only recycle plastic that you are 100% sure is recyclable. If in doubt, throw it out! (or you can see the full list on the RAD website); 2) All plastic must be completely CLEAN & DRY; and 3) All plastic must be consolidated and secure inside one clear plastic bag and placed in the RAD bin with the lid secured. Plastic film is notorious for flying away and causing problematic litter (think microplastics, choking animals, etc.) so it is CRITICAL that residents securely CONSOLIDATE all the loose plastic to prevent this from happening. A “littering fee” may be incurred by residents who do not secure their plastics (or other trash).

Which plastic bags are accepted? (Clean & Dry) grocery bags, clear bread bags, cereal bags, case overwrap, pallet wrap, newspaper sleeves, and dry cleaning bags. Plastic bags need to be clear or mostly clear to be accepted curbside as the recyclers collect from hundreds of houses and need to inspect each bundle for contamination. Dark or heavily colored plastics will be rejected, as will any sign of food contamination, trash, rubber bands, or metal.

Bubble wrap and air pillows are accepted, provided all of the bubbles are popped. If you would prefer to see packing wrap reused instead of recycled, another option is to bring excess bubble wrap and plastic padded envelopes to the TVCR plastic shed behind MD Nursery where local potters and others needing bubble wrap for shipping can come and reuse them for free

There is a key catch that can spoil the loads... Wet, dirty, or otherwise unaccepted plastics or any non-plastic materials can result in the whole lot of collected material being landfilled, so everyone needs to do their part by only putting CLEAN, DRY, and ACCEPTED items - no crumbs, no receipts, no staples, no produce slime, no crinkly plastic, no frozen food bags. RAD

has emailed customers a detailed list of what is accepted and what is not along with a printable postcard with images.

Businesses with large quantities of pallet wrap, case overwrap, or other recyclable plastic film that they'd like to recycle should contact the RAD office (208-220-7721) to schedule Commercial Plastic Film collection. Do NOT put plastic bags/film in business recycling bins at this time until specific arrangements have been made.

RAD is continually looking for additional ways to divert more waste from the landfill and providing curbside customers with a convenient way to recycle items rather than trucking them to the landfill. In this strategic partnership, Teton County has developed a relationship with NexTrex, a division of the Trex Corporation. NexTrex collects post-consumer plastic waste and integrates it as the raw materials for its various lines of plastic products. Trex manufactures many plastic products, including plastic decking, fencing, and benches. Since 2019, RAD has collaborated with the non-profit Teton Valley Community Recycling to run a pilot program collecting plastic bags/film and to finally scale it up to a community-wide curbside collection option.

For more information about recycling or waste reduction opportunities through RAD Curbside or to sign up for curbside recycling pickup (seasonally or year-round), please visit **[radcurbside.com](http://radcurbside.com)**





# Plastic Bags Now Recycled!

Collected in Your RAD Recycling Bins

## REQUIREMENTS

**Must Be Clear, Clean & Dry... & Packed into 1 Clear Plastic Bag & put in your RAD bin**

Recycle your household bags & wrap into Trex's Earth-friendly composite decking and railing!



### FROM THE STORE



✓ Produce & Grocery bags

✓ Store bags

✓ Ice bags



### FROM YOUR PANTRY



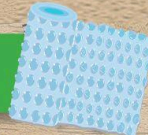
✓ Cereal box liners

✓ Case overwrap

✓ Bread bags



### FROM YOUR FRONT DOOR



✓ Newspaper sleeves

✓ Dry cleaning bags

✓ Bubble wrap

Plastics must be clean, dry and free of food and organic residue



Questions - Email RAD: [Info@RadCurbside.com](mailto:Info@RadCurbside.com)

“NO WASTED RESOURCES “



# Plastic Bags Now Recycled!

Collected in Your RAD Recycling Bins

## REQUIREMENTS

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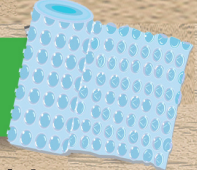
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### FROM YOUR FRONT DOOR



✓ Newspaper sleeves

✓ Dry cleaning bags

✓ Bubble wrap

Plastics must be clean, dry and free of food and organic residue



**Questions - Email RAD: [Info@RadCurbside.com](mailto:Info@RadCurbside.com)**

## Enforcement Protocol

### Documentation

- Complaint form filled out by public.
- Brief and specific summary of property and need for enforcement filled out by weed superintendent.
- Photo documentation of property and infestation, stored in appropriate folder in weeds drive.
- All letters, photos and complaint forms will be scanned and stored in the weed drive along with copies of relevant emails and text messages.

### Communication

- A “nice letter” will be sent to the owner of the property with a deadline of ten days to contact the weed superintendent.
- After these ten days have passed an official enforcement letter will be sent via certified mail to the property owner.
- After receipt of letter the owner has five working days to initiate control and contact the weed superintendent.
- After five days the county has the legal authority to enter the property and treat the weeds.
- A bill for the services will be sent via certified mail. \*See billing below.
- From the weed superintendents hand book,  
“...and contact other counties to see how they approach enforcement. Many of them issue advisement letters (i.e. “nice” letters) to inform the landowner of the issue and recommend options. If that does not produce results, then they implement enforcement action. Fremont County has only sent one enforcement letter in the last 15 years, and they have been successful in obtaining compliance and have strong landowner support. Jefferson County issues two or three advisement letters before an enforcement letter is sent. Bonneville County used to send out hundreds of letters annually, but now use the “nice” letter approach.”

### Enforcement and Enforcement Safety

- The weed supervisor will provide photo documentation of the property before and after the treatment of the property. If herbicide is use, the property will be flagged with markers for safety.
- At minimum, the sheriff’s department should be notified before entering a property. The best practice would be for a law enforcement officer to be present while the treatment is being performed.

### Billing

From the weeds superintendent handbook,

“We have been charging a \$150 administrative fee, plus \$95/hour labor, plus cost of chemical. I do not know how this compares to local company’s fees, so that may be something to look into. In my opinion, enforcement of weeds should not be cheaper than hiring someone, and it should be painful enough that it discourages further non-compliance without being unreasonable. If the landowner fails to pay the bill within 60 days (or file a protest with the ISDA director within 30 days) the outstanding bill can then become a lien on the property; a template is available in the “W:\\Enforcement\\Forms” folder. Ask the clerk’s office about the appropriate steps to take for issuing liens, since they must be signed by the Chair of the BoCC and notarized.”

### Questions

-Should there be metrics on how to determine what an enforceable complaint is?

- From the weeds handbook “individual notices should be sent when the county “finds it necessary to secure more prompt or definite control of noxious weeds than is accomplished by the general notice.””

-Can public reports be made anonymously?

-Should we send more than one “nice letter”?

-I would like to start to utilize the “door hangers” that inform property owners of smaller weed issues. Am I legal allowed to access properties and place these hangers on door handles?

Cameron Hieronymus

8/05/24

Name  
Address 1  
Address 2  
Address 3

DATE

Dear NAME,

We are writing to inform you about the presence of noxious weeds on your property located in Teton County Idaho at ADDRESS (Parcel No). It is imperative to address the issue of noxious weeds promptly to prevent their spread and to comply with Idaho state law.

According to Idaho state law Title 22, Chapter 24, Section 22-2408; landowners are required to control and manage noxious weeds on their property. Failure to do so may result in enforcement actions by the Teton County Idaho. We understand that dealing with noxious weeds can be challenging, but it is crucial for the preservation of native vegetation, agricultural productivity, and overall environmental health.

To ensure compliance with state regulations and prevent the further spread of noxious weeds, we strongly urge you to take immediate action to treat and manage the infestation on your property. Depending on the specific types of noxious weeds present, treatment methods may include mechanical removal, herbicide application, or other control measures recommended by qualified professionals.

We understand that managing noxious weeds can be an arduous and ongoing process, and we are here to support you in your efforts. If you require assistance or guidance on effective control strategies, please do not hesitate to reach out to us or consult with local weed management professionals. By proactively addressing the issue of noxious weeds on your property, you will not only fulfill your legal obligations, but also contribute to the preservation of Idaho's natural resources and the well-being of your community.

Thank you for your attention to this matter. We appreciate your cooperation in safeguarding our environment and ensuring the health and vitality of our landscapes.

Please Contact me by DATE

Sincerely,

Cameron Hieronymus  
Teton County Weeds Superintendent  
[chieronymus@tetoncountyidaho.gov](mailto:chieronymus@tetoncountyidaho.gov)  
208.821.0984



Teton County Weeds Department  
150 Courthouse Drive, Room 107 | Driggs, ID 83422  
Phone (208) 821-0984 | Fax: (208) 354-8410  
www.tetoncountyidaho.gov/weeds

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**By authority of the Idaho Noxious Weed Law, Title 22, Chapter 24, Idaho Code, notice to control noxious weeds is hereby given to: (PROPERTY OWNER), Victor ID with in Teton County**

**Species specifically identified are:**

**The deadline to initiate control is five (5) working days from receipt of this notice.**

You may use an herbicide application or other method of treatment which has been approved by Teton County Weeds Department, provided that it is legal, consistent with accepted treatment principles for the weed, and properly executed by the landowner.

Contact the Teton County Weeds Department to avoid enforcement action; Teton County documents treatment action undertaken and/or planned. Failure to contact the County and failure to execute weed control will result in enforcement action by the County and a bill for the enforcement. If bills remain unpaid, a lien will be placed on the property for an amount equaling the cost of treatment.

\_\_\_\_\_  
**Cameron Hieronymus**  
**Weed Superintendent**

\_\_\_\_\_  
**Date**

\*\*\*\*\*

COMPLIANCE

If a landowner fails to comply with this notice the County has the authority to "...have proper control methods used on such land, including necessary destruction of crops... The cost of any such control shall be at the expense of the landowner. ....if unpaid for sixty days or longer the amount of such expense shall become a lien upon the property; and thereafter the lien shall be subject to collection by the county by sale of the property in the same manner as for delinquent taxes." (Portion of Section 22-2405 (4), Idaho Code). In addition, failure to comply could result in a misdemeanor prosecution.

APPEAL

22-2408. LANDOWNER AND CITIZEN POWERS. (1) If any person shall be dissatisfied with the amount of any charge made against it by a county control authority for control work or for the purchase of materials or use of equipment, he may, within thirty (30) days after being advised of the amount of the charge, file a protest with the director.  
(2) If any person shall be dissatisfied with the control measures used or the manner in which control is conducted upon his property, he may, within thirty (30) days file a protest with the director.  
(3) Any person served with an individual notice may, within two (2) days of receipt of the notice, appeal to the board of county commissioners. A hearing shall be set by the board of county commissioners within five (5) days after receipt of notice of the appeal. Notice of the hearing shall be sent by the board of county commissioners to the appellant. (4) Other than the procedures specifically set out in this chapter, procedures for hearings thereon and appeals pertaining to this chapter shall be as provided in chapter 52, title 67, Idaho Code. 5/07



## AGENDA ACTION ITEM

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DATE: 2024-08-12

TO: Board of County Commissioners

FROM: Darryl Johnson, Public Works Director

ITEM TITLE: **Action Item – Attendance at Idaho’s 2024 Local Transportation Convention**

### **Summary:**

*Attendance at Idaho’s 2024 Local Transportation Convention*

County Policy requires department heads to obtain approval from County Commissioners for overnight travel and conference attendance in advance.

This is a very informative conference jointly hosted by the Idaho Association of County Engineers and Road Supervisors (IACERS) and Idaho Association of Highway Districts (IAHD). I am currently the past president for IACERS and have been actively involved with the Association and convention for the past 10 years.

This year’s conference is in Coeur D’Alene November 11-14, 2024.

### **Fiscal Impact:**

*Registration is \$535 and lodging estimated to be \$500.*

### **SUGGESTED MOTION:**

Motion to approve the Public Works Director to attend the Idaho’s 2024 Transportation Convention in Coeur D’Alene November 11-14.



## AGENDA ACTION ITEM

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DATE: 2024-08-12  
TO: Board of County Commissioners  
FROM: Darryl Johnson, Public Works Director  
ITEM TITLE: **Action Item – R&B Dump Truck Repairs**

### **Summary:**

#### *2013 Dump Truck Repairs*

R&B's 2013 dump truck has turbo issues needing repaired. This is one of our dump trucks used for plowing so it needs repaired in a timely manner and ready for winter use.

### **Fiscal Impact:**

*Estimated cost for repairs is \$9,000. R&B has used all money budgeted in Repairs/Maintenance-Equipment line item. There is sufficient funding available in Capital Equipment due to converting a dump truck to water truck instead of purchasing a new water truck. Public Works is recommending that funds be transferred from Capital Equipment to Repairs/Maintenance to cover the cost of needed repairs*

### **SUGGESTED MOTION:**

Approve engine turbo repairs to Road & Bridge's 2013 dump truck. Estimated cost of \$9,000 to be moved from line item 202-00-80200; Capital Equipment into 202-00-43000; Repairs/Maintenance Equipment to cover cost of repairs





## AGENDA ACTION ITEM

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DATE: 2024-08-12  
TO: Board of County Commissioners  
FROM: Darryl Johnson, Public Works Director  
ITEM TITLE: **Action Item – Headwaters Cooperative Weed Management Area MOU**

### **Summary:**

*Joint weed management agreement with government agencies and USFS*

The USFS recently sent this memorandum of understanding to Teton County and asked for the County to sign. Teton County currently is a partner in the Henry's Fork MOU. This MOU combines the Henry's Fork and Upper Snake CWMA's. Attached is the MOU.

### **Fiscal Impact:**

*There is no specific financial obligation associated with this MOU*

### **Attachments:**

*Agreement*

### **SUGGESTED MOTION:**

Approve signing the Headwaters Cooperative Weed Management Memorandum of Understanding



FS Agreement No. 24-MU-11041500-052

Cooperator Agreement No. \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING**  
**Between**  
**BUREAU OF RECLAMATION**  
**LAND MANAGEMENT, BUREAU OF**  
**NATIONAL PARK SERVICE**  
**COUNTY OF TETON**  
**COUNTY OF FREMONT**  
**COUNTY OF JEFFERSON**  
**BONNEVILLE COUNTY**  
**COUNTY OF MADISON**  
**BINGHAM COUNTY**  
**TETON COUNTY, ID**  
**HIGH COUNTRY RESOURCE CONSERVATION & D**  
**IDAHO DEPARTMENT OF LANDS**  
**IDAHO DEPARTMENT OF FISH GAME**  
**DEPARTMENT OF PARKS & RECREATION IDAHO**  
**TRANSPORTATION, IDAHO DEPARTMENT OF**  
**THE TETON REGIONAL LAND TRUST INC**  
**ENERGY, DEPARTMENT OF**  
**Working Cooperatively As:**  
**HEADWATERS COOPERATIVE WEED MANAGEMENT AREA**  
**And The**  
**USDA, FOREST SERVICE**  
**CARIBOU-TARGHEE NATIONAL FOREST**

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the Bureau of Reclamation, hereinafter referred to as "BOR"; Land Management, Bureau Of, hereinafter referred to as "BLM"; National Park Service, hereinafter referred to as "Yellowstone National Park"; County of Teton, hereinafter referred to as "Teton County Wyoming Weed & Pest Control"; County of Fremont, hereinafter referred to as "Fremont County"; County of Jefferson, hereinafter referred to as "Jefferson County"; Bonneville County, hereinafter referred to as "Bonneville County"; County of Madison, hereinafter referred to as "Madison County"; Bingham County, hereinafter referred to as "Bingham County"; Teton County, ID, hereinafter referred to as "Teton County Idaho"; High Country Resource Conservation & D, hereinafter referred to as "High Country RC&D"; Idaho Department of Lands, hereinafter referred to as "IDL"; Idaho Department of Fish Game, hereinafter referred to as "IDFG"; Department of Parks & Recreation Idaho, hereinafter referred to as "IDPR"; Transportation, Idaho Department Of, hereinafter referred to as "IDT"; The Teton Regional Land Trust Inc, hereinafter referred to as "TRLT"; Energy, Department Of,



hereinafter referred to as Idaho National Laboratory, “INL”; collectively working as “participants” of the Headwaters Cooperative Weed Management Area, hereinafter referred to as “Headwaters CWMA” and the United States Department of Agriculture (USDA), Forest Service, Caribou-Targhee National Forest, hereinafter referred to as the “Forest Service”.

Background: The above named participants have noxious weed control responsibilities on adjacent and commingled lands in southeast Idaho. Non-native invasive plants and noxious weeds pose a threat to the natural resources and lands within the Headwaters CWMA. For more information about the Headwaters CWMA please see the attached Exhibit A, Strategic Plan for The Headwaters Cooperative Management Area.

Title: Headwaters Cooperative Weed Management Area

**I. PURPOSE:** The purpose of this MOU is to document the cooperation between the parties to prevent, contain, and control non-native invasive plants and noxious weeds on public and private lands within the area of Headwaters CWMA, and in accordance with the following provisions.

## **II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:**

The participants to this agreement have individual noxious weed control responsibilities on lands within the Headwaters CWMA. These responsibilities include, but are not limited to:

- Maintaining equipment and personnel for the purpose of controlling noxious weeds within their jurisdiction.
- Administering programs involving noxious weed control.
- Making recommendations for treatment.

The participants agree it is to their mutual benefit and interest to work cooperatively to control noxious/invasive weeds across jurisdictional boundaries within the Headwaters CMWA. Uncontrolled weeds on one jurisdiction greatly affect the ability of other land managers to control weeds in adjacent locations. Participants will benefit by working together in a formal manner to cooperate on public relations, education, and training to enhance communications and treatment of noxious weeds and other resource protection actions that may be agreed upon. This cooperative effort will improve management of noxious/invasive weed species while fostering working relationships between the parties of this agreement through shared communications, expertise, and developed management plans.

In consideration of the above premises, the parties agree as follows:

## **III. PARTICIPANTS OF THE HEADWATERS CWMA SHALL:**

- A.** Develop an integrated Weed Management Plan to coordinate priority actions for preventing, eradicating, containing, and controlling non-native invasive plants and



noxious weeds.

- B. Establish a Steering Committee comprised of a chairperson and selected participants of the Headwaters CWMA, and a representative of each of the participants signing the agreement.

**IV. THE FOREST SERVICE SHALL:**

- A. Promote the working relationship within the Headwaters CWMA by coming together in a formal manner to cooperate with public relations, education, communication, bio-control use, and training in the noxious weed arena.
- B. Identify opportunities for further development and cooperative management projects to assist public land managers regarding noxious weeds.
- C. Appoint a representative from the Ashton/Island Park and Palisades/Teton Basin Ranger Districts to serve on the Steering Committee.

**V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:**

- A. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

**Principal Cooperator Contacts:**

<b>Bureau of Land Management (BLM) Program Contact</b>	<b>Bureau of Reclamation (BOR) Program Contact</b>
Name: Matt Clarkson, Idaho Falls District Address: 1405 Hollipark Drive City, State, Zip: Idaho Falls, ID 83401 Telephone: 208.524.7510 FAX: 208.524.7505 Email: mclarkson@blm.gov	Name: Mark Arana Snake River Area Office Bureau of Reclamation Address: 1359 Hansen Ave City, state, Zip: Burley, ID 83318 Telephone: 208.678.0461 ext. 34 Email: marana@usbr.gov
<b>Idaho Department of Lands (IDL) Program Contact</b>	<b>Fremont County, Idaho Program Contact</b>



<p>Name: Chad Taylor Address: 3563 Ririe Hwy City, State, Zip: Idaho Falls, ID 83401 Telephone: 208.525.7167 Email: ctaylor@idl.idaho.gov</p>	<p>Name: Bryce Fowler Address: 2317 E 400 N City, State, Zip: St. Anthony, ID 83445 Telephone: 208.624.7442 FAX: 208.624.7442 Email: bfowler@co.fremont.id.us</p>
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<p><b>High Country RC&amp;D Program Contact</b></p>	<p><b>High Country RC&amp;D Financial Officer</b></p>
<p>Name: Lori Ringel Address: PO Box 501 City, State, Zip: St. Anthony, ID 83445 Telephone: 208.624.3200 Email: hcountryscd@gmail.com</p>	<p>Name: Tammy Egbert Address: P.O. Box 501 City, State, Zip: St. Anthony, ID 83445 Telephone: 208.624.3200 Email: highcountryadmin@myidahomail.com</p>
<p><b>Idaho Department of Fish &amp; Game (IDFG) Program Contact</b></p>	<p><b>Idaho Department of Fish &amp; Game (IDFG) Program Contact</b></p>
<p>Name: Brett Gullett Address: 4279 Commerce Circle City, State, Zip: Idaho Falls, ID 83401 Telephone: 208.525.7290 FAX: 208.523.7604 Email: brett.gullett@idfg.idaho.gov</p>	<p>Name: Aaron McKarley Address: 4279 Commerce Circle City, State, Zip: Idaho Falls, ID 83401 Telephone: 208.525.7290 Email: aaron.mckarley@idfg.idaho.gov</p>

<p><b>Madison County Weed Control Program Contact</b></p>	<p><b>Yellowstone National Park Program Contact</b></p>
<p>Name: Jeremy Johnson Address: 610 Airport Road City, State, Zip: Rexburg, ID 83440 Telephone: 208.356.3139 FAX: 208.356.3193 Email: jjohnson@co.madison.id.us</p>	<p>Name: Steven Bekedam, Branch Lead, Vegetation Management Yellowstone National Park Address: PO Box 168 City, State, Zip: Yellowstone National Park, WY 82190 Telephone: 307.344.2161 Email: steven_bekedam@nps.gov</p>



<p align="center"><b>Idaho Department of Parks and Recreation (IDPR) Program Contact</b></p>	<p align="center"><b>Teton County, Idaho Program Contact</b></p>
<p>Name: Joseph Blackburn, Harriman State Park Manager Address: 3489 Green Canyon Road, City, State, Zip: Island Park, ID 83429 Telephone: 208.558-368 Email: joseph.blackburn@idpr.idaho.gov</p>	<p>Name: Darryl Johnson, Public Works Director Address: 150 Courthouse Drive City, State, Zip: Driggs, ID 83422 Telephone: 208.313-0245 Email: djohnson@co.teton.id.us</p>
<p align="center"><b>Teton County Wyoming Weed &amp; Pest District Program Contact</b></p>	<p align="center"><b>Teton Regional Land Trust (TRLT) Program Contact</b></p>
<p>Name: Erika W. Edmiston Address: 7575 so. Hwy. 89 City, State, Zip: Jackson, WY 83001 Telephone: 307.733.8419 FAX: 307.733.0983 Email: erika@tcweed.org</p>	<p>Name: Kim Trotter Address: P.O. Box 247 City, State, Zip: Driggs, ID 83422 Telephone: 208.354.8939 FAX: 208.354.8940 Email: kimt@tetonlandtrust.org</p>
<p align="center"><b>Idaho Department of Transportation (IDL) Program Contact</b></p>	<p align="center"><b>Jefferson County, Idaho Program Contact</b></p>
<p>Name: Jeff Call Address: 206 N. Yellowstone Hwy. City, State, Zip: Rigby, ID 83442 Telephone: 208.745.7781 Email: <a href="mailto:jeff.call@itd.idaho.gov">jeff.call@itd.idaho.gov</a></p>	<p>Name: Mitch Whitmill Title: Weed Control Superintendent Address: P.O. Box 268 City, State, Zip: Roberts, ID 83444 Telephone: 208-725-9221 Email: <a href="mailto:mwhitmill@co.jefferson.id.us">mwhitmill@co.jefferson.id.us</a></p>
<p align="center"><b>Bonneville County, Idaho Program Contact</b></p>	<p align="center"><b>Bingham County, Idaho Program Contact</b></p>
<p>Name: Jud Elkington Address: 605 North Capital City, State, Zip: Idaho Falls, Idaho, 83402 Telephone: 208-881-1706 Email: jelkington@co.bonneville.id.us</p>	<p>Name: Kraig Edwards Address: 245 N. 690 W. City, State, Zip: Blackfoot, Idaho, 83221 Telephone: 208-782-3876 Email: kedwards@binghamid.gov</p>



<b>Idaho National Laboratory Program Contact</b>	
Name: Angel Vasquez Address: 1955 Fremont Ave City, State, Zip, Idaho Falls, Idaho 83415 Telephone: 208-403-5938 Email: angelvasquez@inl.gov	

**Principal Forest Service Contacts:**

<b>Forest Service Program Manager Contact</b>	<b>Forest Service Administrative Contact</b>
Name: Jamie Stokes Ashton/Island Park Ranger District Address: PO Box 858 City, State, Zip: Ashton, ID 83420 Telephone: 208-652-1217 FAX: 208-652-7863 Email: Jamie.Stokes@usda.gov	Name: Lucas Knowles Grants Management Specialist Region 4 North Zone Address: 324 25 <sup>th</sup> St. City, State, Zip: Ogden, UT 84401 Telephone: 385-832-9834 Email: Lucas.Knowles@usda.gov

B. NOTICES. Any communications affecting the operations covered by this agreement given by the Forest Service or participants of the Headwaters CWMA is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the Forest Service Program Manager, at the address specified in the MOU.

To the participants of the Headwaters CWMA at participant addresses shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

C. PARTICIPATION IN SIMILAR ACTIVITIES. This MOU in no way restricts the Forest Service or participants of Headwaters CWMA from participating in similar activities with other public or private agencies, organizations, and individuals.



- D. ENDORSEMENT. Any of the participants of Headwaters CWMA's contributions made under this MOU do not by direct reference or implication convey Forest Service endorsement of the participants of Headwaters CWMA's products or activities.
- E. NONBINDING AGREEMENT. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.

Specific, prospective projects or activities that involve the transfer of funds, services, property, to a party requires the execution of separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperator availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc. This MOU neither provides, nor meets these criteria. If the parties elect to enter into an obligation agreement that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and any Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective agreements must comply with all applicable law.

Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.

- F. USE OF FOREST SERVICE INSIGNIA. In order for participants of the Headwaters CWMA to use the Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the Forest Service's Office of Communications. A written request must be submitted, and approval granted in writing by the Office of Communications (Washington Office) prior to use of the insignia.
- G. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no U.S. member of, or U.S. delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.
- H. FREEDOM OF INFORMATION ACT (FOIA). Public access to MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).





- I. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.
- J. PUBLIC NOTICES. It is the Forest Service's policy to inform the public as fully as possible of its programs and activities. Participants of the Headwaters CWMA is/are encouraged to give public notice of the receipt of this agreement and, from time to time, to announce progress and accomplishments. Press releases or other public notices should include a statement substantially as follows:

"The Caribou-Targhee National Forest, U.S. Forest Service, Department of Agriculture, is working cooperatively with participants of the Headwaters Cooperative Weed Management Area to control invasive species and noxious weeds on public and private lands."

Participants of the Headwaters CWMA may call on the Forest Service's Office of Communication for advice regarding public notices. Participants of the Headwaters CWMA is/are requested to provide copies of notices or announcements to the Forest Service Program Manager and to The Forest Service's Office of Communications as far in advance of release as possible.

K. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS AND ELECTRONIC MEDIA. Participants of the Headwaters CWMA shall acknowledge Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this MOU.

L. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. Participants of the Headwaters CWMA shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

***In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)***



**To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.**

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

***"This institution is an equal opportunity provider."***

- M. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.
- N. DEBARMENT AND SUSPENSION. Participants of the Headwaters CWMA shall immediately inform the Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should participants of the Headwaters CWMA or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.
- O. MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 90 days prior to implementation of the requested change.
- P. ASSURANCE REGARDING FELONY CONVICTION OR TAX DELINQUENT STATUS FOR CORPORATE ENTITIES. This agreement is subject to the provisions contained in the Department of Interior, Environment, and Related Agencies Appropriations Act, 2012, P.L. No. 112-74, Division E, Section 433 and 434 as continued by Consolidated and Further Continuing Appropriations Act, 2013, P.L. No. 113-6, Division F, Title I, Section 1101(a)(3) regarding corporate felony convictions and corporate federal tax delinquencies. Accordingly, by entering into this agreement participants of the Headwaters CWMA acknowledges that it: 1) does not have a tax delinquency, meaning that it is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, and (2) has not been convicted (or had an officer or agent acting on its behalf convicted) of a felony criminal violation under any Federal law within 24 months preceding the agreement, unless a suspending and debarment official of the USDA has considered suspension or debarment is not necessary to protect the interests of the Government. If any participant of the Headwaters CWMA fails to comply with these provisions, the Forest Service will annul this agreement and may recover any funds participants of the Headwaters CWMA has expended in violation of sections 433 and 434.



- Q. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and is effective through September 30, 2028 at which time it will expire.
- R. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU.

In witness whereof, the parties hereto have executed this MOU as of the last date written below.



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SCOTT KAMACHI, Commission Chair  
Fremont County, Idaho

Date

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CINDY RIEGEL, Commission  
Teton County, Idaho

Date

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ROGER CLARK, President  
High Country Resource Conservation & D

Date

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TODD SMITH, Commission Chair  
Madison County, Idaho

Date

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STEVEN BEKEDAM, Branch Lead, Vegetation Management  
National Park Service, Yellowstone National Park

Date

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KIM TROTTER, Conservation Director  
Teton Regional Land Trust

Date

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RYAN WOODLAND, Area Manager,  
Idaho Department of Lands

Date



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WHITNEY MANWARING

Commissioner, Bingham County, Idaho

Date

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JOSEPH BLACKBURN, Harriman State Park

Assistant Manager

Idaho Department of Parks and Recreation

Date

---

COLBY KRAMER, Idaho National Laboratory

Energy, Department Of; Idaho National Laboratory

Date

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MARK ARANA, Natural Resource Specialist

Bureau of Reclamation, Snake River Area Office

Date

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SCOTT HANCOOK, County Commissioner

Jefferson County, Idaho

Date

---

MATT PIERON Regional Supervisor

Idaho Department of Fish and Game

Date

---

BRYON REED, Commission Chair

Bonneville County, Idaho

Date



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MARY D'AVERSA, District Manager  
Bureau of Land Management, Idaho Falls District

Date

---

ERIKA W. EDMISTON, Supervisor  
Teton County Wyoming Weed and Pest District, County of Teton

Date

---

JEFF CALL  
Idaho Department of Transportation, Region 6  
Headquarters

Date

---

MEL BOLLING, Forest Supervisor  
Forest Service, Caribou-Targhee National Forest

Date

The authority and format of this agreement have been reviewed and approved for signature.

LYNELLE  
SIMMONS

Digitally signed by LYNELLE  
SIMMONS  
Date: 2024.06.26 09:27:31 -06'00'

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LYNELLE SIMMONS  
Forest Service Grants Management Specialist

Date



## Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

## ***STRATEGIC PLAN FOR THE HEADWATERS COOPERATIVE WEED MANAGEMENT AREA***

### **I. INTRODUCTION.**

Historically noxious weeds and other invasive plant management efforts have focused on specific site treatments. The relationship of the treatment to the entire weed problem in an area is not addressed. Weed control efforts have been based on narrowly defined objectives developed by individual landowners and land managers without coordination. This lack of coordination has decreased overall weed control effectiveness. Many stakeholders look at weed control as a single year issue conducted during the summer months. The reality is that invasive weed control is a four-season effort due to the needed organization and planning activities that must take place; no more important than in the winter months.

Treatment of specific weeds and sites remain a critical component of an effective strategy. But, long-term solutions to our noxious weed and other invasive plant problems must include a broad-scale integrated weed management program. A Cooperative Weed Management Area (CWMA) is a broad-scale, ongoing collaborative approach to managing noxious and invasive plants. The landscape view places specific weeds and treatment sites in context with geographic distribution of invasive plants, susceptible habitats, and management feasibility. The Cooperative Weed Management Area focus is finding solutions to invasive weeds across landscape and jurisdictional boundaries, rather than strictly focusing treatments on specific land ownership's, regardless of fiscal responsibility. The following plan outlines a landscape approach to the weed problem in the Headwaters CWMA (HWCWMA or CWMA).

### **II. Purpose**

The HWCWMA is intended to bring people together within the area to develop common noxious and invasive weed management objectives, priorities, treatments, and coordinate efforts along geographic boundaries with similar land types, and problem weed species. The HWCWMA cooperatively works across landowner boundaries to protect natural resources in the area, and increase our resources to use on projects.

### **III. CWMA Boundaries**

The HWCWMA includes all of Fremont, Teton, Madison, Bingham Counties and portions of Jefferson County (the portion of Jefferson County is the southside of HWY 33 from the Butte County Line East to I-15 then north on I-15 the Clark County Line) and Bonneville County (the portion of Bonneville is all lands that lay north of Palisades Ranger District South Boundary). And the portions of Teton County Wyoming (including Yellowstone National Park, that drain into Fremont County), A map of the CWMA is included as Exhibit A.1.

### **IV. COOPERATIVE WEED MANAGEMENT AREA GOALS.**

Major goals of the HWCWMA are to:



- To Create and maintain an education and outreach program within the communities and surrounding areas.
- Provide more efficient ways to identify, prevent, contain, and control non-native invasive species and noxious weeds within the area.
- Elevate concerns and understanding among private landowners, public land managers, public officials and the general public regarding noxious weeds.
- Coordinate the inventorying, mapping, and monitoring of noxious weed infestations and treatments within the area.
- Seek adequate funding from both internal and external sources for the implementation of the annual work plans, special projects, long-term strategies and goals.
- Create new pro-active weed fighting partnerships and initiatives and provide a communication forum ensuring all parties maintain invasive weed management programs as a priority within their agencies and groups.
- Develop and maintain information and materials to ensure that deeply impacted lands are re-established as a productive wildlife/livestock habitat or that they should be revegetated to prevent the continual invasion of detrimental weeds.

## V. STEERING COMMITTEE (SC).

The HWCWMA is managed by a steering committee.

**Officers** include a chairperson and vice-chair person, selected by the participants.

- **The Chairperson shall serve a 2-year term.**
- **The Vice-Chairperson shall serve 2 years as vice-chair and move up to chairperson.**
- **If Chairperson steps down early the vice-chair will finish that term and then fill their term.**
  
- The steering committee has appointed the High-Country Resource and Development Council, Inc. (St. Anthony, Id), a 503c (3) non-profit organization as its grant administrator. Administrative duties will include organizing and tracking minutes at meetings, project documentation, billing and paying bills, preparing reports to funders, and assisting in developing grant requests to agencies and foundations to implement FKCWMA projects and leverage CWMA assets.

### *The steering committee duties include:*

- Annually develop a work plan to coordinate objectives, priorities, and actions for preventing, eradicating, containing, and controlling non-native invasive plants and noxious weeds.
- Establish priority initiatives, treatment areas, weed species, and habitats that may be targeted in the long-term weed fighting strategies.
- Serve as advisors to land managers and county commissioners upon request.
- Develop and maintain an integrated inventory of noxious and invasive species with ISDA
- Develop area wide informational, educational and public awareness material.

- Coordinate the use of resources and stakeholder groups to treat designated weed infestations.
- Manage designated weeds in an integrated weed management approach.
- Monitor the effectiveness of control strategies and tactics and make necessary adjustments.
- Represent the CWMA at events and meetings as necessary.
- Actively pursue alternative funding sources that can benefit the HWCWMA.
- Be actively involved with research and development of new treatment methods and biological control weed programs.

## **VI. INTEGRATED WEED MANAGEMENT SYSTEM.**

Integrated weed management “is a system for the planning and implementation of selected methods of management for preventing, containing or controlling undesirable plant species or group of species using all available strategies and techniques”. Used together these strategies and techniques are economically and environmentally more effective than any single option. All control methods are available and are prescribed on species/infestation specific basis. Elements of Integrated Weed Management included in this plan are: Education/Awareness, Prevention/Early Detection, Rapid Response, Inventory, Treatment (including physical, biological, cultural and chemical methods), and Monitoring.

### **A. Education/Awareness.**

Education and awareness programs foster public understanding of the threat invasive plants pose to the natural resources of the HWCWMA, the techniques used to manage the weeds and the roles humans play in the dispersal and establishment of invasive weeds. Additionally, awareness provides that important “first step” in the detection of new invaders. Education includes training of weed district and agency personnel, private landowners and general public in weed identification, new management techniques, monitoring protocols and other skills needed for the management of noxious and other invasive weeds.

### **B. Prevention**

Prevention measures are management practices that reduce the potential for the introduction, establishment or spread of weeds. Prevention is a high priority in the management of noxious weeds. In the long term, it is more cost effective to prevent weeds from establishing than to initiate treatment after establishment.

### **C. Early Detection.**

Early detection of new weeds is key to preventing economic resource losses or long-term habitat degradation. The HWCWMA has developed a modified State and Local Weed list of weeds that are a high priority. Once detected the CWMA will coordinate a more thorough inventory determining weed locations and source of the infestation. Many weeds on the containment or control state list have not been found within the HWCWMA, and are treated as State EDRR listed weeds. See Table 2 for HWCWMA EDRR Listed weeds.

### **D. Rapid Response.**

The ability to organize a rapid response to newly discovered invasive species within the HWCWMA is critical to preventing a new invader from becoming an ecological and

economic threat. Rapid response will require HWCWMA partners to focus immediate attention and resources on eradication of the new invader.

#### **E. Inventory.**

An inventory is the collection, documentation and storage of information on the extent and location of invasive weeds within the HWCWMA. A critical part of integrated management is a current, available, and maintained inventory of infestations occurring within the management area. An inventory provides necessary information to establish site-specific priorities, management objectives and prescribing treatment methods. It highlights the need for preventive measures and is the baseline for effective monitoring. Mapping data will be shared within the CWMA as well as distributed to ISDA.

#### **F. Treatment Methods.**

Under the integrated approach all control methods are available. It is the use of all available options in combination that results in the most successful program. Specific treatment is determined by plant species, abundance of plants, site characteristics, and management objectives. The following management techniques of noxious weed control will be considered on a site specific and plant species basis.

- **Cultural/Land Use:** Cultural practices are activities that purposefully enhance and maintain the growth of desired vegetation. Practices that retain enhance or introduce desirable plant species that out-compete or dominate invasive plant species can serve as prevention, control and/or follow-up. Examples that are applicable to the management area are watering, planting, fertilizing, and retaining brush and tree canopy cover. Grazing prescriptions that are designed to maintain or enhance perennial vegetation in a healthy state or maintain soil cover is an important practice in slowing the spread of invasive plants. Minimizing the extent and duration of exposed soil during management actions can also reduce the risk of weed establishment. The CWMA Steering Committee continues to work with land stewards to build improved grazing and land management strategies that prevent or reduce weed invasions. In a majority of CMWA cases the percent of invasive weed canopy coverage is low enough that removal allows desirable plants to fill-in and maintain a weed free environment.
- **Physical/Mechanical:** The use of physical or mechanical methods to weed control can be effective on small infestations of annual or biannual species. Hand grubbing, mowing, tilling and burning are commonly used to physically destroy weeds or interfere with their reproduction. To be effective, treatment must take place before seed production. Plants that have flowered must be removed from the site and destroyed. Repeated mowing or tilling during the growing season is required with most weed species.
- **Biological:** Biological weed control, whether classical or non-classical, involves the deliberate introduction and establishment of natural enemies to

reduce the target plant's competitive or reproductive capacities. Insects are the most common agent released against noxious weeds. Plant pathogens, such as fungi or bacteria, are increasing in use. Sheep and goats have been effective in reducing densities and limiting spread of specific weed species. Biological control can be a slow process, often requiring multiple years to be effective. Its purpose is not eradication but a reduction in densities and rate of weed spread to an acceptable level. It is most effective on dense weed infestations over large and remote areas.

- **Chemical:** Herbicides are an effective and efficient tool for the control of noxious weeds. Herbicide application and rates are dependent on specific site characteristics, target plant, location, non-target vegetation, land-use, and product label allowances. Herbicides are an important method of treatment when control or eradication is the management objective. Environmental concerns make it critical to follow all label instructions, site directions and safety precautions when using any herbicide. Special consideration to herbicide selection depends upon limitations within each agency or land manager. All applicators will be trained and all equipment will be calibrated to ensure best management practices.

### **G. Monitoring.**

Monitoring is the collection of information to determine the effectiveness of management actions in meeting the prescribed objectives. Invasive and noxious weed management focuses upon density and rate of spread of invasive plant species, and the affect these aggressive plants have on the natural resources of the HWCWMA. Monitoring will help determine if our prescriptions and activities are accomplishing the goals and objectives established by HWCWMA partners.

## **VII. MANAGEMENT OBJECTIVES AND PRIORITIES**

The Steering Committee has identified and prioritized noxious weeds based on threat levels to identify effective CWMA response.

**EDRR Weeds and Prevention:** Preventing the establishment of invasive plant species not yet discovered within the HWCWMA and occurring on adjacent lands that pose an imminent threat of introduction. Top priority will be given to those weeds listed as EDRR noxious weeds on the ISDA Noxious weed list.

**New Invaders:** Weeds listed in this category and identified within Idaho shall be eradicated during the same growing season as identified.

**Control:** Weeds listed in this category are known to exist in varying populations throughout the state. The concentration of these weeds is at a level where control and/or eradication may be possible. These plants also have known biological control insects available.

**Containment:** Weeds listed in this category are known to exist in various populations throughout the state. Weed control efforts may be directed at reducing or eliminating new

or expanding weed populations while known and established weed populations, as determined by the weed control authority, may be managed by any approved weed control methodology, as determined by the weed control authority.

### **VIII. Species Specific Management Objectives and Priorities**

The HWCWMA steering committee sets priorities and treatment plans based on concerns from local and regional entities with consideration to the Idaho Noxious Weed List and also the North America Invasive Species Management Association (NAISMA). Consideration is also given to potential new invaders coming in. Special projects will be determined by committee as necessary.

### **IX. Operating Plan**

Each year an Annual Operating Plan (AOP) will be developed for the HWCWMA. The AOP outlines the management actions and activities that members agree to accomplish in accordance with the strategic plan. The AOP will identify the treatment priorities, treatment tools, prevention measures, locations of priority infestations, specific responsibilities, and other management activities that HWCWMA members plan to accomplish that year. While each action item may not be completed annually, the coordinated, combined effort of members across the HWCWMA will achieve better results than an individualized approach.

## HWCWMA EDRR

Denotes  
Aquatic  
Species

Species in this category will be eradicated in the season they are detected per Idaho law.

Common Name	Scientific Name	State & MGMT Level	Bingham Co Status	Bonneville Co Status	Fremont Co Status	Jefferson Co Status	Madison Co Status	Teton Co Status
Brazilian Elodea	<i>Egeria densa</i>	ID EDRR			None Known	None Known	None Known	None Known
<a href="#">Common crupina</a>	<i>Crupina vulgaris</i>	ID Control			None Known	None Known	None Known	None Known
Common/European Frogbit	<i>Hydrcharis morsus-ranae</i>	ID EDRR			None Known	None Known	None Known	None Known
Eurasian watermilfoil	<i>Myriophyllum spicatum</i>	ID Control			None Known	None Known	None Known	None Known
Fanwort	<i>Cobomba caroliniana</i>	ID EDRR			None Known	None Known	None Known	None Known
Feathered Mosquito Fern	<i>Azolla pinnata</i>	ID EDRR			None Known	None Known	None Known	None Known
Flowering rush	<i>Butomus umbellatus</i>	ID Contain			None Known	None Known	None Known	None Known
<a href="#">Giant Hogweed</a>	<i>Heracleum mantegazzianum</i>	ID EDRR			None Known	None Known	None Known	None Known
Giant Salvinia	<i>Salvinia molesta</i>	ID EDRR			None Known	None Known	None Known	None Known
Hawkweed Complex	<i>Exotic Hieracium Species</i>	ID EDRR			Limited	None Known	None Known	None Known
Hydrilla	<i>Hydrilla verticillata</i>	ID EDRR			None Known	None Known	None Known	None Known
<a href="#">Iberian Starthistle</a>	<i>Centaurea iberica</i>	ID EDRR			None Known	None Known	None Known	None Known
<a href="#">Knotweed Complex</a>	<i>Polygonum spp.</i>	ID Control			Limited	Limited	None Known	None Known
Matgrass	<i>Nardus stricta</i>	ID Control			None Known	None Known	None Known	None Known
<a href="#">Mediterranean Sage</a>	<i>Salvia aethiopsis</i>	ID Control			None Known	None Known	None Known	None Known
Parrotfeather Milfoil	<i>Myriophyllum aquaticum</i>	ID Control			None Known	None Known	None Known	None Known
Perennial Pepperweed	<i>Lepidium latifolium</i>	ID Contain			None Known	Limited	None Known	None Known
<a href="#">Policeman's Helmet</a>	<i>Impatiens glandulifera</i>	ID EDRR			None Known	None Known	None Known	None Known
<a href="#">Purple Starthistle</a>	<i>Centaurea calcitrapa</i>	ID EDRR			None Known	None Known	None Known	None Known
<a href="#">Purple loosestrife</a>	<i>Lythrum salicaria</i>	ID Contain			Limited	Limited	None Known	None Known
Saltcedar	<i>Tamarix spp.</i>	ID Contain			None Known	Limited	None Known	None Known
<a href="#">Scotch broom</a>	<i>Cytisus, Genista, Spartium, and Chameacytisus</i>	ID Control			None Known	None Known	None Known	None Known
<a href="#">Small Bugloss</a>	<i>Anchusa arvensis</i>	ID Control			None Known	None Known	None Known	None Known

## Exhibit A

<a href="#">Squarrose knapweed</a>	<i>Centaurea virgata</i>	ID EDRR			None Known	None Known	None Known	None Known
<a href="#">Syrian beancaper</a>	<i>Zygophyllum fabago</i>	ID EDRR			None Known	None Known	None Known	None Known
Tansy ragwort	<i>Senecio jacobaea</i>	ID Contain			None Known	None Known	None Known	None Known
Variable-Leaf Milfoil	<i>Myriophyllum heterophyllum</i>	ID EDRR			None Known	None Known	None Known	None Known
<a href="#">Vipers Bugloss</a>	<i>Echium vulgare</i>	ID Control			None Known	None Known	None Known	None Known
Water Chestnut	<i>Trapa natans</i>	ID EDRR			None Known	None Known	None Known	None Known
Water Hyacinth	<i>Eichhornia crassipes</i>	ID EDRR			None Known	None Known	None Known	None Known
<a href="#">Yellow Flag Iris</a>	<i>Iris pseudacorus</i>	ID Contain			None Known	None Known	None Known	None Known
Yellow Floating Heart	<i>Nymphoides peltata</i>	ID EDRR			None Known	None Known	None Known	None Known
<a href="#">Yellow starthistle</a>	<i>Centaurea solstitialis</i>	ID Contain			None Known	None Known	None Known	None Known

## HWCWMA Control

Species in this category will be managed to reduce population density and extent; eradication of satellite populations may be possible.

Common Name	Scientific Name	State & MGMT Level	Bingham Co Status	Bonneville Co Status	Fremont Co Status	Jefferson Co Status	Madison Co Status	Teton Co Status
Buffalobur	<i>Solanum rostratum</i>	ID Control			None Known	None Known	None Known	None Known
Curlyleaf pondweed	<i>Potamogeton crispus</i>	ID Contain			Established	Established	None Known	None Known
Dalmatian toadflax	<i>Linaria cathartica</i>	ID Contain			Established	Limited	Established	Limited
Diffuse knapweed	<i>Centaurea diffusa</i>	ID Contain			Established	Limited	Established	None Known
Dyer's woad	<i>Isatis tinctoria</i>	ID Control			Established	Limited	Established	None Known
Henbane, Black	<i>Hyoscyamus niger</i>	ID Control			Established	Established	Established	Limited
Hoary cress, (Whitetop)	<i>Cardaria spp</i>	ID Contain			Limited	Established	Limited	Limited
Johnsongrass	<i>Sorghum halepense</i>	ID Control			None Known	None Known	None Known	None Known
Meadow knapweed	<i>Centaurea pratensis</i>	ID Control			None Known	None Known	None Known	None Known
Musk thistle	<i>Carduus nutans</i>	ID Control			Limited	Established	Established	Extensive
Orange hawkweed	<i>Hieracium aurantiacum</i>	ID Control			Limited	None Known	None Known	None Known
Perennial sowthistle	<i>Sonchus arvensis</i>	ID Control			Established	Established	Established	Established
Phragmites (Common Reed)	<i>Phragmites australis</i>	ID Control			Limited	Limited	Very Limited	Very limited

Exhibit A

Plumeless thistle	<i>Carduus acanthoides</i>	ID Contain			Established	Limited	Established	Limited
Puncturevine	<i>Tribulus terrestris</i>	ID Contain			Established	Established	Established	None Known
<a href="#">Rush Skeletonweed</a>	<i>Chondrilla juncea</i>	ID Contain			Established	Established	Limited	Very limited
Russian knapweed	<i>Centaurea repens</i>	ID Control			Established	Established	Established	Very limited
Scotch thistle	<i>Onopordum acanthium</i>	ID Contain			Established	None Known	Established	None Known
White Bryony	<i>Bryonia alba</i>	ID Contain			Established	Established	Established	None Known

**HWCWMA Contain**

*Species in this category will be managed if they threaten high value resources or when new or expanding populations are found.*

Common Name	Scientific Name	State & MGMT Level	Bingham Co Status	Bonneville Co Status	Fremont Co Status	Jefferson Co Status	Madison Co Status	Teton Co Status
Canada thistle	<i>Cirsium arvense</i>	ID Contain			Established	Established	Established	Extensive
Field bindweed	<i>Convolvulus arvensis</i>	ID Contain			Established	Established	Established	Extensive
Hoary Alyssum	<i>Berteroa incana</i>	ID Contain			Established	Limited	Established	Established
Houndstongue	<i>Cynoglossum officinale</i>	ID Contain			Established	Established	Established	Extensive
Jointed goatgrass	<i>Aegilops cylindrica</i>	ID Contain			None Known	None Known	None Known	Limited
Leafy spurge	<i>Euphorbia esula</i>	ID Contain			Extensive	Extensive	Extensive	Established
Milium	<i>Milium vernale</i>	ID Contain			None Known	None Known	None Known	None Known
Oxeye daisy	<i>Chrysanthemum leucanthemum</i>	ID Contain			Established	Limited		Extensive
Poison hemlock	<i>Conium maculatum</i>	ID Contain			Established	Limited	Established	Established
Spotted knapweed	<i>Centaurea maculosa</i>	ID Contain			Established	Established	Extensive	Extensive
Yellow toadflax	<i>Linaria vulgaris</i>	ID Contain			Established	Limited	Established	Extensive

**Note: Only species designated noxious in Idaho are eligible for State Cost Share Grant funding.**

The HWCWMA includes all of Bingham, Fremont, Teton, and Madison Counties in Idaho, all lands located to the south of Highway 33 in Jefferson County, and all lands within Bonneville County that lay north of Palisades Ranger District South Boundary. A map of the CWMA is included in Appendix A.







## AGENDA ACTION ITEM

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DATE: Click or tap to enter a date.

TO: Board of County Commissioners

FROM: Darryl Johnson, Public Works Director

ITEM TITLE: **Action Item – Trucking Services**

### **Summary:**

*Contract trucking services*

Public Works is proposing to use up to \$50,000 of the R&B budget Road Reconstruct line item for 2 weeks of contracted trucking. Hauling of material is typically the bottleneck of most construction projects. By adding trucks to the hauling effort, we free up county staff for road work and minimize down time having to wait for material.

### **Fiscal Impact:**

*Currently there is over \$1.2M in combined road reconstruction accounts for FY2024. Projects we will be constructing this fall will be re-aligning E5000N over the Hog Canal and reconstruction of W4000N west of the Teton River. Combination of FY2024 and FY2025 funding provides R&B with ample funding for these projects and this proposed contracted trucking.*

*Public Works/R&B has called local contractors inquiring about availability and cost of trucking. Our best solution is access to 26000 pound capacity belly dumps (approximately 20 cubic yards per trip) for \$160/hour. We would like to contract trucking services over the next two weeks to expedite the reconstruction of W2500N*

### **SUGGESTED MOTION:**

Approve up to \$50,000 for contract trucking at \$160/hour to expedite the reconstruction of W2500N. Cost for trucking to be paid from 202-00-43086.

## COST SHARING AGREEMENT

### Memorandum of Understanding between County of Teton, Idaho ("Teton"), and County of Bonneville, Idaho ("Bonneville")

This Agreement is entered into between the County of Teton, Idaho ("Teton"), and the County of Bonneville, Idaho ("Bonneville"), together (the "Parties"). The Parties agree to share certain costs of prosecution and defense beginning **Nov 30<sup>th</sup>, 2023**, (the "Effective Date"), in the court case filed in the Seventh Judicial District of the State of Idaho related to crimes alleged to have been committed by Jeremy Best in connection with the deaths of Kali Jean Best and her unborn child, found in Teton County, and Zeke Gregory Best, found in Bonneville County.

1. **Proportion of Costs.** Based on the jurisdiction as applied to the three charges, Teton County shall bear **60% of the cost referenced below, and Bonneville County will pay 40%** here and after referred to as proportional cost or similar term.
2. **Costs of Prosecution.** Joint costs of prosecution incurred on or after the Effective Date shall be split proportionally (see Section 1), unless otherwise agreed by the Parties.
  - a. The Parties agree that the following should be considered joint costs of prosecution:
    - i. All agreed upon expert witness costs and expenses.
    - ii. Expenses of grand juries and trials, including but not limited to:
      1. Fees for jurors and any of their travel expenses.
      2. Witness costs and expenses.
      3. Expenses related to sequestering juries such as food and lodging.
    - iii. Costs of any additional security necessary for court proceedings. However, such costs will not be split if the expense goes towards the purchase of permanent security equipment or building upgrades.
    - iv. Costs of security charged to either Parties if the case goes to trial in a county other than Teton or Bonneville.
  - b. The Parties agree that the following will not be considered joint costs:
    - i. Salaries, benefits, and other forms of compensation for each County's respective employees (Including Rachel Smith).
    - ii. Expenses of each County's respective employees including expenses for travel, food, lodging, training, and equipment (Including Rachel Smith).
    - iii. Ordinary operating expenses of each prosecuting attorney's office such as leases, installment payments, costs of supplies and equipment, postage, and utilities.
    - iv. **Jail costs will be paid by Bonneville County.**
  - c. Costs of prosecution which will exceed \$5,000 for any one item or charge must be approved by each of the Parties' respective Boards of County Commissioners by majority vote. In the event of a dispute either party may

elect to absorb the cost of the expense itself.

- d. All costs related to the detention of Jeremy Best, including booking, housing, medical, and video court proceedings will be shared proportionately (see Section 1).

**3. Costs of Defense.** The Parties agree that any costs incurred by the counties on behalf of the Defendant that are chargeable to one or both of the Parties under Idaho law shall be shared proportionally (see Section 1). This is not to include those costs which shift to the State of Idaho as of October 1, 2024. It is intended that such expenses will include:

- a. Costs of defense representation if Defendant has court appointed counsel.
- b. Fees and expenses of defense expert witnesses if such expert is ordered or approved by the Court.
- c. Defense witness costs and expenses.

**Grants, Public Defense Commission Aid, or Other Funds to Aid with Defense Costs.** The Parties agree that if either county obtains a grant, award, or funds from Idaho Public Defense Commission, or any grant, award or funds intended to defray the costs of defense on or after the Effective Date, that they will be shared proportionally (see Section 1), between the Parties. Any funds, however, received by either county will be kept in-County and used to credit any payments required by the other county for costs of defense. Either County receiving funds shall notify the other County's Clerk of the amount and any conditions or restrictions on use of the funds.

- 4. **Payment.** Payment of joint prosecution costs or defense costs will be made by the billed or contracting county. The other county will make their proportional (see Section 1), payment of the costs within thirty (30) days of receipt of notice of such payment and a copy of the claim and supporting documents.
- 5. **Effective date, Automatic Renewal.** This agreement is effective as of the date of the last signature on this agreement until September 30, 2024. This agreement will automatically be renewed for successive one-year renewal terms, commencing October 1 and extending until September 30 of the following calendar year unless terminated under the provisions below.
- 6. **Termination.** This agreement may be terminated:
  - a. by mutual agreement of the Parties with an amendment in writing.
  - b. by either party providing at least sixty (60) day notice of the intent to terminate pursuant to paragraph 7;
- 7. **Notices.** Any notice required or permitted to be given under this agreement shall be in writing and may be given by personal delivery or by US Postal Service mail. Notice shall be deemed given upon actual receipt in the case of personal delivery or three (3) business days after mailing. Notices shall be made to the Parties at the following addresses:

Teton County Clerk's Office  
150 Courthouse Dr #208  
Driggs, Idaho 83422

Bonneville County Clerk's Office  
605 N Capital Ave.

Idaho Falls, ID [83402](#)

- 8. Modifications in Writing.** No modification, waiver or amendment of this Agreement, or any provision contained herein, shall be valid unless made in writing and signed by a duly authorized representative of each party.
- 9. Integrated Agreement.** The terms and conditions set forth herein constitute the entire agreement between the Parties as the matters set forth herein and supersede any communications or previous agreement with respect to the subject matter of this Agreement. There are no written or oral understandings directly or indirectly related to this Agreement that are not set forth herein. No changes can be made to the Agreement other than in writing signed by the Parties.
- 10. Confidentiality.** The Parties agree that the details of this Agreement and payments made hereunder are subject to Court orders sealing the case and/or records, Court rules regarding the confidentiality of grand juries, or may be records deemed exempt from disclosure under the Idaho Public Records Act, section 74-101, *et seq.*, including exemptions based on the reasons that disclosure of such records or details reveal investigatory or prosecutorial strategy, or may impair a Defendant's defense, and therefore may not be publicly discussed or disclosed unless determined and agreed by both parties that restrictions regarding confidentiality do not or should no longer apply, or either County is ordered by a court of competent jurisdiction to make such disclosure.
- 11. Attorney Fees.** If any party hereto brings any legal action regarding the interpretation or enforcement of this Agreement, the prevailing party in the litigation shall be entitled to recover reasonable attorneys' fees, in addition to any other relief that may be granted.
- 12. Severability.** If any term or provision of this agreement is held by a court to be invalid or unenforceable, then this Agreement, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable term or provision had never been included.

**[SIGNATURE PAGE FOLLOWS ON NEXT PAGE]**

**TETON COUNTY**

**BOARD OF TETON COUNTY COMMISSIONERS:**

\_\_\_\_\_  
Cindy Riegel, Teton County Commissioner

\_\_\_\_\_  
Bob Heneage, Teton County Commissioner

\_\_\_\_\_  
Michael Whitfield, Teton County Commissioner

**ATTEST:**

\_\_\_\_\_  
Kim Keeley, Teton County Clerk

**BONNEVILLE COUNTY**

**BOARD OF BONNEVILLE COUNTY COMMISSIONERS:**

\_\_\_\_\_  
Roger S. Christensen

\_\_\_\_\_  
Jonathan D. Walker

\_\_\_\_\_  
Bryon L. Reed, Chairman

**ATTEST:**

\_\_\_\_\_  
Penny Manning, Bonneville County Clerk

## COST SHARING AGREEMENT

### Memorandum of Understanding between County of Teton, Idaho ("Teton"), and County of Bonneville, Idaho ("Bonneville")

This Agreement is entered into between the County of Teton, Idaho ("Teton"), and the County of Bonneville, Idaho ("Bonneville"), together (the "Parties"). The Parties agree to share certain costs of prosecution and defense beginning Nov 30<sup>th</sup>, 2023, (the "Effective Date"), in the court case filed in the Seventh Judicial District of the State of Idaho related to crimes alleged to have been committed by Jeremy Best in connection with the deaths of Kali Jean Best and her unborn child, found in Teton County, and Zeke Gregory Best, found in Bonneville County.

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  - c. Costs of prosecution which will exceed \$5,000 for any one item or charge must be approved by each of the Parties' respective Boards of County Commissioners by majority vote. In the event of a dispute either party may

elect to absorb the cost of the expense itself.

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**[SIGNATURE PAGE FOLLOWS ON NEXT PAGE]**

**TETON COUNTY**

**BOARD OF TETON COUNTY COMMISSIONERS:**

\_\_\_\_\_  
Cindy Riegel, Teton County Commissioner

\_\_\_\_\_  
Bob Heneage, Teton County Commissioner

\_\_\_\_\_  
Michael Whitfield, Teton County Commissioner

**ATTEST:**

\_\_\_\_\_  
Kim Keeley, Teton County Clerk

**BONNEVILLE COUNTY**

**BOARD OF BONNEVILLE COUNTY COMMISSIONERS:**

\_\_\_\_\_  
Roger S. Christensen

\_\_\_\_\_  
Jonathan D. Walker

\_\_\_\_\_  
Bryon L. Reed, Chairman

**ATTEST:**

\_\_\_\_\_  
Penny Manning, Bonneville County Clerk



## AGENDA ACTION ITEM

---

DATE: 2024-08-12  
TO: Board of County Commissioners  
FROM: County Clerk Kim Keeley  
ITEM TITLE: **Action Item – FY24 Third Qtr. Financial Report and Budget Adjustment Resolution**

### **Summary:**

*Add Summary information here. Who does this benefit?*

### **Sponsor's & Benefactors:**

*Who else is involved in this project, benefits from this? Has any contract been reviewed by legal?*

### **Fiscal Impact:**

*What is this going to cost, has it been budgeted for, what fund line will this come from.*

### **Attachments:**

*List any attachments here.*

### **SUGGESTED MOTION:**

Approve Resolution 2024-0812A FY24 Third Qtr Budget Adjustments



**Teton County Clerk**  
3rd Quarter Financial Report Memo

August 12, 2024

The FY24 3rd Quarter financial reports are attached. The Clerk is continuing to streamline the reports, please give feedback.

A Summary Report is attached for both expenses and revenues. The Revenue Report includes a Non-Property Tax (fines, fees, rev sharing etc.) budget and actual columns, FY24 property tax due. Property tax due is the total tax year 2023 projected property tax to be collected. Property tax tends to be easy to predict, with roughly 90% collected the first year and the rest in the next three years. The non-property tax revenue is more difficult to predict in the budget process and therefore requires closer scrutiny throughout the year. The third column is the percent of *non-property tax revenue* yet to be collected.

The "Pooled Cash" (same as old "remaining cash") report is the fund balances as of 7/31/2024. The "Remaining Cash Prediction" attachment is an estimate of end of year remaining cash by fund.

Also attached is the summary of contingency funds and the Budget Adjustment Resolution for the Third Quarter. The Resolution contains \$31,083 in expenses to be transferred from 001-20-42016 Jail Medical in the General Fund to 216-00-42016 Jail Medical in the Indigent Fund. The expense was an unusual and expensive cancer treatment for an inmate.

Revenue is tracking as expected. Two items of note are the interest on investments revenue is at \$477,000, much higher than what was budget for (\$150,000 for the whole year).

Expenses are generally tracking as expected.

The biggest story with these financial reports does not appear on the reports - namely the dramatic and unexpected increase in public defense costs and trial costs. This is partially due to a new contract Public Defender, partially due to an increase in caseload, and largely due to the Best Murder Trial. The Best Murder Trial is scheduled for Sept 2025. Starting Oct 1, 2024, the public defense portion will be picked up entirely by the State. The expenses on the Prosecutor, jail, and court costs sides will continue until the trial is completed. The County is currently negotiating with Bonneville County to share the costs of the trial.

- *Fund 206 District Court will likely need a fund transfer from the General Fund at the end of the year to keep its remaining cash at the recommended level.*



## EXPENSE SUMMARY BY FUND

### FY24 3RD QUARTER

For Fiscal: FY24 Period Ending: 07/31/2024

Fund	Current Total Budget	Fiscal Activity	Variance Favorable	Percent Remaining	Notes
001 - GENERAL FUND (CURRENT EXPENSE)	8,937,906	5,943,578	2,994,328	34%	
202 - ROAD & BRIDGE	4,368,805	1,836,817	2,531,988	58%	
206 - DISTRICT COURT & PROBATION	916,395	985,374	(68,979)	-8%	Fund Budget will need to be opened. Due to Public Defense.
209 - COURT FACILITY: IC 31-867(3)	15,000	4,095	10,905	73%	Capital projects.
215 - CONSOLIDATED ELECTIONS	85,396	63,959	21,437	25%	
216 - INDIGENT AND CHARITY	7,000	285	6,715	96%	
220 - REVALUATION	191,474	161,130	30,344	16%	Under budgeted, will need budget opening.
223 - SOLID WASTE	3,954,919	1,903,661	2,051,258	52%	
224 - TORT	236,000	215,820	20,180	9%	
227 - WEEDS	162,364	62,237	100,127	62%	
230 - PARKS & RECREATION	72,860	100	72,760	100%	
233 - SPECIAL ROAD LEVY	1,692,295	383,414	1,308,881	77%	
236 - PROSECUTOR'S SPECIAL DRUG FUND	-	8,323	(8,323)	0%	Not Budgeted for.
244 - EMERGENCY 911 COMM: 31-4809	108,865	101,598	7,267	7%	
245 - EXTENSION & 4H PROGRAMS	27,550	4,666	22,884	83%	
251 - MOSQUITO ABATEMENT DISTRICT	399,263	282,489	116,774	29%	
254 - VESSEL/WATERWAYS: IC 67-7013	4,500	7,890	(3,390)	-75%	
275 - HEALTH	70,000	70,000	-	0%	
276 - ARPA	1,500,000	335,648	1,164,352	78%	
282 - FAIRGROUNDS & FAIR	280,073	188,277	91,796	33%	
286 - GRANTS	51,299	232,660	(181,361)	-354%	Unanticipated grants not budgeted for.
290 - IMPACT FEES-REC FACILITIES	-	15,495	(15,495)	0%	
291 - IMPACT FEES-SHERIFF FACILITIES	320,000	37,522	282,478	88%	
	<b>23,401,964</b>	<b>13,788,293</b>	<b>9,613,671</b>	<b>41%</b>	





# Revenue Summary Report

FY24 3RD QUARTER

FOR FISCAL: FY24 PERIOD ENDING:7/31/2024

Fund	Current Total Budget	Non Property Tax Revenue	Property Tax Receivable	Fiscal Activity	Percent Remaining
001 - GENERAL FUND (CURRENT EXPENSE)	3,202,408	3,475,139	4,820,213	8,295,353	-9%
202 - ROAD & BRIDGE	2,227,500	3,770,582	-	3,770,582	-69%
206 - DISTRICT COURT & PROBATION	377,000	622,726	391,918	1,014,644	-65%
209 - COURT FACILITY: IC 31-867(3)	-	2,140	-	2,140	n/a
213 - IGNITION INTERLOCK: IC 18-8010	-	660	-	660	n/a
215 - CONSOLIDATED ELECTIONS	75,000	72,813	-	72,813	3%
216 - INDIGENT AND CHARITY	3,000	856	-	856	71%
218 - EMPLOYEE BENEFIT ACCOUNT	-	1,107,822	-	1,107,822	n/a
220 - REVALUATION	-	-	195,733	195,517	n/a
222 - SOLID WASTE - SELF INSURANCE	-	10,036	12,635	22,671	n/a
223 - SOLID WASTE	2,909,000	2,641,958	-	2,641,958	9%
224 - TORT	-	-	241,067	240,747	n/a
227 - WEEDS	7,900	3,411	133,345	136,756	57%
230 - PARKS & RECREATION	-	-	74,278	74,121	n/a
233 - SPECIAL ROAD LEVY	5,914	5,914	1,315,133	1,321,047	0%
240 - YOUTH PROGRAM: IC 49-418B	-	115	-	115	n/a
244 - EMERGENCY 911 COMM: 31-4809	140,000	127,339	-	127,339	9%
245 - EXTENSION & 4H PROGRAMS	-	3,011	-	3,011	n/a
251 - MOSQUITO ABATEMENT DISTRICT	-	5,562	399,398	404,960	n/a
254 - VESSEL/WATERWAYS: IC 67-7013	-	6,078	-	6,078	n/a
275 - HEALTH	-	70,001	-	70,001	n/a
276 - ARPA	-	64,742	-	64,742	n/a
277 - UPPER VALLEY BOARD OF GUARDIANS	-	2,400	-	2,400	n/a
282 - FAIRGROUNDS & FAIR	96,850	104,248	187,077	291,325	-8%
286 - GRANTS	-	327,376	-	327,376	n/a
290 - IMPACT FEES-REC FACILITIES	26,000	74,918	-	74,918	-188%
291 - IMPACT FEES-SHERIFF FACILITIES	250,000	174,140	-	174,140	30%
292 - IMPACT FEES-EMERG SRVCS FACILI	80,000	123,312	-	123,312	-54%
293 - IMPACT FEES-CIRC FACILITIES	175,000	667,719	-	667,719	-282%
<b>Report Total:</b>	<b>11,075,572</b>			<b>20,914,341</b>	<b>89%</b>

## Contingency Fund Expenditures for FY 2024

General Fund Contingency Account: 001-18-42326				Beginning Balan	\$100,000.00
Date	Check #	Vendor Name or Resolution	Description	Decrease	Remaining Balance
10/16/24		Probation Director Salary	Increase to pay grade 9 @ 40 hours	\$ 24,300.00	75,700.00
10/16/24		IT Tech Salary +4%	Did not get COLA	3,500.00	72,200.00
01/08/24		Yost	Copier Maintenance Costs	16,000.00	56,200.00
01/08/24		Escribe	escribe agenda software	17,000.00	39,200.00
01/08/24		MCCI	Laserfiche conversion to cloud	18,000.00	21,200.00
02/12/24		William Fulton	Strategic planning consultant	\$ 14,300.00	6,900.00
05/07/24		T & T Reporting	Centennial Estates Transcript	\$ 2,378.05	4,521.95
06/10/24			Pathway overage	\$ 1,000.00	3,521.95
				<b>Remaining Balance</b>	<b>3,521.95</b>





# My Pooled Cash Report

Teton County, ID

For the Period Ending 8/31/2024

ACCOUNT #	FUND NAME	BEGINNING BALANCE	CURRENT ACTIVITY	CURRENT BALANCE
<b>FUND</b>				
<a href="#">001-00-10001</a>	GENERAL FUND (CURRENT EXPENSE)	6,388,629.05	0.00	6,388,629.05
<a href="#">202-00-10001</a>	ROAD & BRIDGE	6,037,957.02	0.00	6,037,957.02
<a href="#">203-00-10001</a>	ROAD & BRIDGE - RESERVE	0.00	0.00	0.00
<a href="#">206-00-10001</a>	DISTRICT COURT & PROBATION	529,013.13	0.00	529,013.13
<a href="#">207-00-10001</a>	DRUG COURT	17,493.28	0.00	17,493.28
<a href="#">208-00-10001</a>	JUVENILE PROBATION	0.00	0.00	0.00
<a href="#">209-00-10001</a>	COURT FACILITY: IC 31-867(3)	36,272.30	0.00	36,272.30
<a href="#">213-00-10001</a>	IGNITION INTERLOCK: IC 18-8010	21,684.92	0.00	21,684.92
<a href="#">215-00-10001</a>	CONSOLIDATED ELECTIONS	88,652.04	0.00	88,652.04
<a href="#">216-00-10001</a>	INDIGENT AND CHARITY	102,631.04	0.00	102,631.04
<a href="#">218-00-10001</a>	EMPLOYEE BENEFIT ACCOUNT	376,784.01	0.00	376,784.01
<a href="#">219-00-10001</a>	EMPLOYEE BENEFIT RESERVE	0.00	0.00	0.00
<a href="#">220-00-10001</a>	REVALUATION	95,418.04	0.00	95,418.04
<a href="#">222-00-10001</a>	SOLID WASTE - SELF INSURANCE	579,179.07	0.00	579,179.07
<a href="#">223-00-10001</a>	SOLID WASTE	3,169,480.34	0.00	3,169,480.34
<a href="#">224-00-10001</a>	TORT	120,938.77	0.00	120,938.77
<a href="#">225-00-10001</a>	SOLID WASTE - RESERVE	0.00	0.00	0.00
<a href="#">227-00-10001</a>	WEEDS	290,369.03	0.00	290,369.03
<a href="#">230-00-10001</a>	PARKS & RECREATION	81,857.01	0.00	81,857.01
<a href="#">233-00-10001</a>	SPECIAL ROAD LEVY	693,246.04	0.00	693,246.04
<a href="#">236-00-10001</a>	PROSECUTOR'S SPECIAL DRUG FUND	9,982.31	0.00	9,982.31
<a href="#">240-00-10001</a>	YOUTH PROGRAM: IC 49-418B	3,220.00	0.00	3,220.00
<a href="#">241-00-10001</a>	BUILDING FUND	10,760.22	0.00	10,760.22
<a href="#">243-00-10001</a>	ROAD IMPROVE-DEVELOPER DONATIO	0.00	0.00	0.00
<a href="#">244-00-10001</a>	EMERGENCY 911 COMM: 31-4809	190,702.92	0.00	190,702.92
<a href="#">245-00-10001</a>	EXTENSION & 4H PROGRAMS	29,459.98	0.00	29,459.98
<a href="#">251-00-10001</a>	MOSQUITO ABATEMENT DISTRICT	393,397.18	0.00	393,397.18
<a href="#">252-00-10001</a>	MOSQUITO ABATEMENT RESERVE FUN	167,234.00	0.00	167,234.00
<a href="#">254-00-10001</a>	VESSEL/WATERWAYS: IC 67-7013	27,060.77	0.00	27,060.77
<a href="#">275-00-10001</a>	HEALTH	525,693.27	0.00	525,693.27
<a href="#">276-00-10001</a>	ARPA	1,293,543.89	0.00	1,293,543.89
<a href="#">282-00-10001</a>	FAIRGROUNDS & FAIR	237,133.77	0.00	237,133.77
<a href="#">286-00-10001</a>	GRANTS	251,802.44	0.00	251,802.44
<a href="#">290-00-10001</a>	IMPACT FEES-REC FACILITIES	250,265.64	0.00	250,265.64
<a href="#">291-00-10001</a>	IMPACT FEES-SHERIFF FACILITIES	595,561.01	0.00	595,561.01
<a href="#">292-00-10001</a>	IMPACT FEES-EMERG SRVCS FACILI	234,833.16	0.00	234,833.16
<a href="#">293-00-10001</a>	IMPACT FEES-CIRC FACILITIES	994,421.75	0.00	994,421.75
<a href="#">701-00-10001</a>	AUDITORS TRUST	995.28	0.00	995.28
<a href="#">710-00-10001</a>	COURT-RESTITUTION	3,030.90	0.00	3,030.90
<a href="#">711-00-10001</a>	COURT-BONDS	110,283.00	0.00	110,283.00
<a href="#">712-00-10001</a>	COURT-FINES AND FEES	26,571.21	0.00	26,571.21
<a href="#">717-00-10001</a>	TETON CO MOTOR VEHICLE TRUST	278,854.76	0.00	278,854.76
<a href="#">734-00-10001</a>	PLANNING AND ZONING TRUST FUND	146,020.41	0.00	146,020.41
<a href="#">770-00-10001</a>	TETON COUNTY JOINT HOUSING AUT	0.00	0.00	0.00
<a href="#">785-00-10001</a>	FIRE DISTRICT IMPACT FEE TRUST	37,993.32	0.00	37,993.32
<a href="#">801-00-10001</a>	STATE REMITTANCE ACCOUNT	1,408.84	0.00	1,408.84
<a href="#">802-00-10001</a>	DEPARTMENT OF TRANSPORTATION	0.00	0.00	0.00
<a href="#">810-00-10001</a>	CITY - DRIGGS	5,160.02	0.00	5,160.02
<a href="#">811-00-10001</a>	CITY - VICTOR	3,433.20	0.00	3,433.20
<a href="#">812-00-10001</a>	CITY - TETONIA	520.72	0.00	520.72
<a href="#">820-00-10001</a>	SCHOOL DISTRICT - #401	106,082.62	0.00	106,082.62
<a href="#">850-00-10001</a>	CEMETERY - BATES	186.03	0.00	186.03
<a href="#">851-00-10001</a>	CEMETERY - CACHE-CLAWSON	831.24	0.00	831.24

## Remaining Cash Predictions as of 7/31/2024

Fund	Remaining Cash on 3/31/2024	Estimate Ptax Collections	PLUS Estimated Revenue thru 9/30/2024	Less Estimated Expenses thru 9/30/2024	4/1/2024 Estimate of 9/30/24 Remaining Cash	FY25 Budget Estimate	Amount of Remaining Cash Budgeted in FY25 Budget	Amount that Could be Spent & Still Leave 25% of FY2025 Budget (estimate)
001 General	6,338,629	0	400,000	2,994,331	3,744,298	8,800,000	440,000	<b>1,104,298</b>
202 Road & Bridge	6,037,957	0	0	2,531,000	3,506,957	3,800,000	1,200,000	<b>1,356,957</b>
206 Court & Probation	529,013	0	5,000	160,000	374,013	915,771	15,000	<b>130,070</b>
215 Elections: State-funded	88,652	0	0	21,000	67,652	85,000	13,000	<b>33,402</b>
220 Revaluation	95,418	0	0	31,000	64,418	191,474	0	<b>n/a</b>
223 Solid Waste	3,169,480	0	300,000	2,051,258	1,418,222	3,954,919	270,000	<b>159,492</b>
224 Tort	120,938	0	0	10,000	110,938	250,000	0	<b>n/a</b>
227 Weeds	290,369	0	0	40,000	250,369	160,364	70,000	<b>140,278</b>
230 Parks & Recreation	81,857	0	0	60,000	21,857	10,000	0	<b>19,357</b>
233 Road, Special	693,246	0	0	500,000	193,246	162,295	0	<b>152,672</b>
244 Emergency Comm.	172,570	0	0	20,000	152,570	108,865	125,000	<b>354</b>
254 Waterways Vessel	30,046	0	2,000	2,000	30,046	12,921	16,500	<b>10,316</b>
282 Fairgrounds & Fair	237,133	0	35,000	95,000	177,133	280,073	11,000	<b>96,115</b>

290 Impact Fees-Rec Facilities	250,265	0	15,000	200,000	65,265	65,265		<b>n/a</b>
291 Impact Fees-Sheriff Facilities	595,561	0	20,000	300,000	315,561	315,561		<b>n/a</b>
292 Impact Fees-Emerg Srvcs	234,833	0	35,000	0	269,833	269,833		<b>n/a</b>
293 Impact Fees-Circ Facilities	994,421	0	150,000	0	1,144,421	1,144,421		<b>n/a</b>



**RESOLUTION 2024-0812A**  
**BUDGET ADJUSTMENTS FOR SECOND QUARTER FY 2024**

WHEREAS, on August 28nd, 2023 the Board of County Commissioners adopted the Teton County Budget for Fiscal Year 2024;

WHEREAS, since that date the specific needs and expenses within several Funds have changed;

WHEREAS, since that date unanticipated revenues may have become available;

WHEREAS, since that date monies budgeted to be spent during the previous fiscal year were not spent, resulting in unanticipated cash carryover into the current fiscal year;

WHEREAS, pursuant to Idaho Code 31 Chapter 16, the Teton County Auditor may not issue, and the Teton County Board of Commissioners may not approve, any claim for any expenditure in excess of a budget appropriation; and

WHEREAS, specific accounts within several Funds do not have sufficient amounts appropriated, while other specific accounts within those Funds have excess amounts appropriated.

NOW, THEREFORE, BE IT UNANIMOUSLY RESOLVED that the Board of Teton County Commissioners do hereby approve the following transfers of budget appropriations as itemized in Exhibit A.

APPROVED by the Board of Teton County Commissioners on August 12, 2024

\_\_\_\_\_  
Cindy Riegel

\_\_\_\_\_  
Michael Whitfield

\_\_\_\_\_  
Bob Heneage

ATTEST: \_\_\_\_\_  
Kim Keeley, Clerk

**EXHIBIT A - Resolution 2024-0812 Budget Adjustments for Third Quarter FY 2024**

<b>Reason</b>	<b>Amount</b>	<b>Description</b>	<b>Into This Account</b>	<b>Description</b>
To utilize Fund balance in the Indigent Fund	\$31,083	Prisoner Medical	216-00-42016	Jail Medical



## GENERAL TERMS

### 1. Definitions:

All capitalized terms used, but not otherwise defined, in these Hardware Purchase and Software License Terms ("General Terms") or in an Exhibit shall have the following meanings:

- a. "Documentation" means any and all written or electronic documentation furnished or generally made available to Customer by ES&S relating to the ES&S Hardware and ES&S Software, including any operating instructions, user manuals or training materials.
- b. "ES&S Firmware" means ES&S' proprietary software which is installed on the ES&S Hardware.
- c. "ES&S Hardware Maintenance Services" and "ES&S Software License, Maintenance and Support Services" means those services described on Exhibit A.
- d. "ES&S Software" means the ES&S Software and ES&S Firmware as set forth on the front side of this agreement.
- e. "ES&S Hardware" means ES&S's proprietary vote tabulation hardware set forth on the front side of this Agreement.
- f. "Software" means ES&S Software and Third-Party software.
- g. "Third-Party Items" means hardware, equipment and software manufactured and developed by parties other than ES&S.

2. **Hardware Purchase and Software License Terms.** Subject to the terms and conditions of this Sales Order Agreement ("Agreement"), ES&S agrees to sell and/or license, and Customer agrees to purchase and/or license, the ES&S Hardware and ES&S Software described on the front side of this Agreement. The payment terms for the ES&S Hardware and ES&S Software are set forth on the front side of this Agreement. The consideration for ES&S' grant of the license during the Initial License Term for the ES&S Firmware is included in the cost of the ES&S Hardware.

a. **Hardware Purchase.** Subject to the terms and conditions of this Agreement, ES&S agrees to sell, and Customer agrees to purchase, the ES&S Hardware. Title to the ES&S Hardware shall pass to Customer when Customer has paid ES&S the total amount set forth on the front side of this Agreement for the ES&S Hardware.

b. **Grant of Licenses.** Subject to the terms and conditions of this Agreement, ES&S hereby grants to Customer nonexclusive, nontransferable licenses for its bona fide full time, part time or temporary employees to use the ES&S Software and the Documentation in the Jurisdiction while Customer is using the ES&S Hardware and timely pays the applicable annual ES&S Software License, Maintenance and Support Fees set forth on Schedule A1. The licenses allow such bona fide employees to use and copy the ES&S Software (in object code only) and the Documentation, in the course of operating the ES&S Hardware and solely for the purposes of defining and conducting elections and tabulating and reporting election results in the Jurisdiction.

3. **Prohibited Uses.** Customer shall not take any of the following actions with respect to the ES&S Software or the Documentation:

- a. Reverse engineer, decompile, disassemble, re-engineer or otherwise create, attempt to create, or permit, allow or assist others to create, the source code or the structural framework for part or all of the ES&S Software;
- b. Cause or permit any use, display, loan, publication, transfer of possession, sublicensing or other dissemination of the ES&S Software or Documentation, in whole or in part, to or by any third party without ES&S' prior written consent; or
- c. Cause or permit any change to be made to the ES&S Software without ES&S' prior written consent;
- d. Cause or permit any review, testing, examination, or audit of the ES&S Software without ES&S' prior written consent; or
- e. Allow a third party to cause or permit any copying, reproduction or printing of any output generated by the ES&S Software (except finished ballots by ballot printers selected by Customer) in which ES&S owns or claims any proprietary intellectual property rights (e.g., copyright, trademark, patent pending or patent), including, but not limited to, any ballot shells or ballot code stock.

4. **Term of Licenses.** The licenses granted in Section 2(b) shall commence upon the delivery of the ES&S Software described in Section 2(b) and shall continue for a **one (1) year period** (the "Initial License Term"). Upon expiration of the Initial License Term, the licenses shall automatically renew for an unlimited number of successive one-year periods (each a "License Renewal Term") upon the payment by Customer of the annual software license and software maintenance and support fee as set forth on the front side of this Agreement. The license terms for any License Renewal Term shall be set forth on Exhibit A. ES&S may terminate any of the licenses granted hereunder if Customer fails to pay the consideration due for, or breaches Sections 2(b), 3, or 9 with respect to, such licenses. Upon the termination any of the licenses granted in Section 2(b) for ES&S Software or upon Customer's discontinuance of the use of any ES&S Software, Customer shall immediately return such ES&S Software and the related Documentation (including any and all copies thereof) to ES&S, or (if requested by ES&S) destroy such ES&S Software and Documentation and certify in writing to ES&S that such destruction has occurred.

5. **Updates.** During the Initial License Term or any License Renewal Term for which Customer has paid the associated renewal fees, ES&S may provide new releases, upgrades, or maintenance patches to the ES&S Software, together with appropriate Documentation ("Updates"), on a schedule solely defined by ES&S. Customer is solely responsible for obtaining and purchasing any upgrades or Third-Party Items required to operate the Updates, as well as the cost of any replacements, retrofits or modifications to the ES&S Hardware which may be necessary in order to operate the Updates. All Updates shall be deemed to be ES&S Software for purposes of this Agreement upon delivery. Updates

to the ES&S Firmware will be incorporated by ES&S into a regularly scheduled preventative maintenance event at no additional charge to Customer. If Customer requests installation of an Update at a time other than a regularly scheduled preventative maintenance event, then Customer shall execute and deliver to ES&S a purchase order therefore and ES&S shall charge Customer accordingly for such installation. ES&S shall also charge Customer at its then-current rates to: (i) train Customer on Updates, if such training is requested by Customer and (ii) if applicable, provide maintenance and support on the ES&S Software that is required as a result of Customer's failure to timely or properly install an Update. Notwithstanding the foregoing, Customer shall pay ES&S to install all ES&S Tabulation Software Updates. If applicable, Customer shall be responsible for any claim, damage, loss, judgment, penalty, cost, amount paid in settlement or fee which is caused by Customer's failure to install the most recent Update provided to it by ES&S. ES&S represents to Customer that the Updates will comply with all applicable state law requirements at the time of delivery. Customer shall be responsible to ensure that it has installed and is using only certified versions of ES&S Software in accordance with applicable law. In the event that any Updates are required due to changes in state law, ES&S reserves the right to charge Customer for the following:

- (i) the total cost of any Third-Party Items that are required in order to operate the Updates;
- (ii) the total cost of any replacements, retrofits or modifications to the ES&S Hardware contracted for herein that may be developed and offered by ES&S in order for such ES&S Hardware to remain compliant with applicable laws and regulations; and
- (iii) Customer's pro-rata share of the costs of designing, developing and/or certification by applicable federal and state authorities of such state mandated Updates.

Customer's pro-rata share of the costs included under subsection (iii) above shall be determined at the time by dividing the number of registered voters in Customer's jurisdiction by the total number of registered voters in all counties in Customer's state to which ES&S has sold and/or ES&S Hardware and/or ES&S Software purchased and licensed by Customer under this Agreement. Customer shall pay ES&S the entire costs incurred for design, development and certification of any Update which is required due to a change in local law or is otherwise requested or required by Customer.

6. **Delivery; Risk of Loss.** The Estimated Delivery Dates and First Election Use (if any) set forth on the front side of this Agreement are estimates and may only be established or revised, as applicable, by the parties, in a written amendment to this Agreement, because of delays in executing this Agreement, changes requested by Customer, product availability and other events. ES&S will notify Customer of such revisions as soon as ES&S becomes aware of such revisions. Risk of loss for the ES&S Hardware and ES&S Software shall pass to Customer when such items are delivered to Customer's designated location. Upon transfer of risk of loss to Customer, Customer shall be responsible for obtaining and maintaining sufficient casualty insurance on the ES&S Hardware and ES&S Software and shall name ES&S as an additional insured thereunder and, at ES&S' request, shall deliver written evidence thereof to ES&S until all amounts payable to ES&S under this Agreement have been paid by Customer.

### 7. Warranty.

a. **ES&S Hardware/ES&S Software.** ES&S warrants that for a **one (1) year period** (the "Warranty Period"), it will repair or replace any component of the ES&S Hardware or ES&S Software which, while under normal use and service: (i) fails to perform in accordance with its Documentation in all material respects, or (ii) is defective in material or workmanship. The Warranty Period will commence upon delivery. The Warranty shall not include the repair or replacement of any ES&S Hardware components that are consumed in the normal course of operating the ES&S Hardware, including, but not limited to, headphones and headphone protective covers, protective coatings, printer cartridges or ribbons, paper, batteries, drums, toners, fusers, transfer belts, removable media storage devices, seals, keys, power supplies/cords, PCMCIA, Smart, or CF cards or marking devices (collectively, the "Consumables"). ES&S may modify and make available additional Consumables as they may become available from time to time. The Warranty shall not include the repair or replacement of any ES&S Hardware due to cosmetic damages, including, but not limited to, screen cracks, scratches, dents and broken plastic or any defects resulting from normal wear and tear. ES&S has no obligation under this Agreement to assume the obligations under any existing or expired warranty for a Third-Party Item. Any repaired or replaced item of ES&S Hardware or ES&S Software shall be warranted only for the unexpired term of the Warranty Period. All replaced components of the ES&S Hardware or ES&S Software will become the property of ES&S. This warranty is effective provided that (I) Customer notifies ES&S within three (3) business days of the discovery of the failure of performance or defect and is otherwise in compliance with its obligations hereunder, (II) the ES&S Hardware or ES&S Software to be repaired or replaced has not been repaired, changed, modified or altered except as authorized or approved by ES&S, (III) the ES&S Hardware or ES&S Software to be repaired or replaced has been maintained or repaired by an individual other than an authorized representative of ES&S (IV) the ES&S Hardware or ES&S Software to be repaired or replaced has not been used, displayed, disseminated, transferred, loaned, disassembled, dismantled, modified, and/or tampered with by a third party without ES&S prior written consent (V) the ES&S Hardware or ES&S Software to be repaired or replaced is not damaged as a result of accident, theft, vandalism, neglect, abuse, liquid contact, use of adhesive materials on ballots, use which is not in accordance with the Documentation or causes beyond the reasonable control of ES&S or Customer, including acts of God, fire, floods, riots, acts of war, terrorism or insurrection, government acts or orders; epidemics, pandemics or outbreak of communicable disease; quarantines; national or regional emergencies, labor disputes, transportation delays, governmental regulations and utility or communication interruptions, and (VI) Customer has installed and is using the most recent Update provided to it by ES&S. This warranty is void for any units of hardware which: (i) have not been stored or operated in a temperature range according to their specifications, (ii) have been severely handled so as to cause mechanical damage to the unit, or (iii) have been operated or handled in a manner inconsistent with reasonable treatment of an electronic product. Upon expiration of the Warranty Period, Customer shall be entitled to receive Hardware Maintenance and Software Maintenance and Support Services, the terms of which are set forth on Exhibit A.

b. **Exclusive Remedies/Disclaimer.** IN THE EVENT OF A BREACH OF SUBSECTION 7(a), ES&S' OBLIGATIONS, AS DESCRIBED IN SUCH SUBSECTION, ARE CUSTOMER'S SOLE AND EXCLUSIVE REMEDIES. ES&S EXPRESSLY DISCLAIMS ALL WARRANTIES, WHETHER EXPRESS OR IMPLIED, WHICH ARE NOT SPECIFICALLY SET FORTH IN THIS AGREEMENT, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. FURTHER, IN THE EVENT CUSTOMER DECLINES ES&S' INSTALLATION AND ACCEPTANCE TESTING SERVICES OR IN ANY WAY AT ANY TIME ALTERS, MODIFIES OR CHANGES ANY HARDWARE, SOFTWARE, THIRD-PARTY ITEMS AND/OR NETWORK (COLLECTIVELY "SYSTEM") CONFIGURATIONS WHICH HAVE BEEN PREVIOUSLY INSTALLED BY ES&S OR WHICH ARE OTHERWISE REQUIRED IN ACCORDANCE WITH THE CERTIFIED VOTING SYSTEM CONFIGURATION, ALL WARRANTIES OTHERWISE PROVIDED HEREUNDER WITH RESPECT TO THE SYSTEM PURCHASED, LEASED, RENTED

**AND/OR LICENSED UNDER THIS AGREEMENT SHALL BE VOID AND OF NO FURTHER FORCE AND EFFECT.**

8. **Limitation Of Liability.** Neither party shall be liable for any indirect, incidental, punitive, exemplary, special, or consequential damages of any kind whatsoever arising out of or relating to this Agreement. Neither party shall be liable for the other party's negligent or willful misconduct. ES&S' total liability to Customer arising out of or relating to this Agreement shall not exceed the aggregate amount to be paid to ES&S hereunder. By entering into this Agreement, Customer agrees to accept responsibility for (a) the selection of, use of and results obtained from any equipment, software or services not provided by ES&S and used with the ES&S Hardware or ES&S Software; or (b) user errors, voter errors or problems encountered by any individual in voting that are not otherwise a result of the failure of ES&S to perform. ES&S shall not be liable under this Agreement for any claim, damage, loss, judgment, penalty, cost, amount paid in settlement or fee that is caused by (y) Customer's failure to timely or properly install and use the most recent update provided to it by ES&S or (z) Customer's election not to receive, or to terminate, the Hardware Maintenance Services or the ES&S Software Maintenance and Support.

9. **Proprietary Rights.** Customer acknowledges and agrees as follows:

ES&S owns the ES&S Software, all Documentation provided by ES&S, the design and configuration of the ES&S Hardware and the format, layout, measurements, design, and all other technical information associated with the ballots to be used with the ES&S Hardware. Customer has the right to use the aforementioned items to the extent specified in this Agreement. ES&S also owns all patents, trademarks, copyrights, trade names and other proprietary or intellectual property in, or used in connection with, the aforementioned items. The aforementioned items also contain confidential and proprietary trade secrets of ES&S that are protected by law and are of substantial value to ES&S. Customer shall keep the ES&S Software and related Documentation free and clear of all claims, liens and encumbrances and shall maintain all copyright, trademark, patent or other intellectual or proprietary rights notices that are set forth on the ES&S Hardware, the ES&S Software, the Documentation, and all ballots that are provided, and all permitted copies of the foregoing.

10. **Termination.** This Agreement may be terminated, in writing, at any time by either party if the other party breaches any material provision hereof and does not cure such breach within 30 days after it receives written notification thereof from the non-breaching party.

11. **Excusable Nonperformance.** Except for obligations to make payments hereunder, if either party is delayed or prevented from performing its obligations under this Agreement as a result of any cause beyond its reasonable control, including acts of God, fire, floods, riots, acts of war, terrorism or insurrection, government acts or orders; epidemics, pandemics or outbreak of communicable diseases; quarantines; national or regional emergencies, labor disputes, transportation delays, governmental regulations and utility or communication interruptions, the delay shall be excused during the continuance of, and to the extent of, such cause, and the period of performance shall be extended to the extent necessary to allow performance after the cause of delay has been removed. ES&S agrees to work with Customer, at Customer's request, to develop mutually agreeable alternatives in order to minimize the negative impact of any such delay.

12. **Notice.** Any notice or other communication required or permitted hereunder shall be in writing and will be deemed given when (a) delivered personally, (b) sent by confirmed email, (c) sent by commercial overnight courier (with written verification of receipt) or (d) sent by registered or certified mail, return receipt requested, postage prepaid, when the return receipt is received. All communications shall be sent to the attention of the persons listed on the signature page to this Agreement and at the addresses or email address set forth on such signature page unless other names or addresses are provided by either or both parties in accordance herewith.

13. **Disputes.**

a. **Payment of Undisputed Amounts.** In the event of a dispute between the parties regarding (1) a product or service for which payment has not yet been made to ES&S, (2) the amount due to ES&S for any product or service, or (3) the due date of any payment, Customer shall nevertheless pay to ES&S when due all undisputed amounts. Such payment shall not constitute a waiver by Customer or ES&S of any of its rights and remedies against the other party.

b. **Remedies for Past Due Undisputed Payments.** If any undisputed payment to ES&S is past due more than 30 days, ES&S may suspend performance under this Agreement until such amount is paid. Any disputed or undisputed payment not paid by Customer to ES&S when due shall bear interest from the due date at a rate equal to the lesser of one and one-half percent per month or the maximum amount permitted by applicable law for each month or portion thereof during which it remains unpaid.

14. **Assignment.** Except in the case of a reorganization of the assets or operations of ES&S with one or more affiliates of ES&S or the sale, transfer or assignment of all or substantially all of the assets of ES&S or any business operations thereof to a successor who has asserted its intent to continue the applicable business of ES&S, neither party may assign or transfer this Agreement or assign, subcontract or delegate any of its rights, duties or obligations hereunder without the prior written consent of the other party hereto, such consent not to be unreasonably withheld or conditioned, nor unduly delayed.

15. **Compliance with Laws.** ES&S warrants to Customer that, at the time of delivery, the ES&S Hardware and ES&S Software sold and licensed under this Agreement will comply with all applicable requirements of federal and state election laws and regulations that are mandatory and effective as of the Effective Date and will have been certified by the appropriate state authorities for use in Customer's state. The ES&S Hardware and ES&S Tabulation Software, including all components will be provided to Customer with a hardened network in accordance with the guidelines of the United States Election Assistance Commission. In the event Customer fails to maintain the ES&S Software in the hardened network or allows any internal or external access to the hardened network, Customer agrees to indemnify and hold harmless ES&S from and against any and all claims, damages, losses, liens, obligations, liabilities, judgments, assessed damages, costs, expenses (including reasonable attorney's fees) and the like arising out of or related to the Customer's breach of its obligations hereunder.

16. **Voting System Reviews.** In the event that the Jurisdiction or the State require any future reviews or examinations ("Reviews") of current or previous versions of state-certified ES&S voting systems or components thereof that are not otherwise required as a result of any changes or modifications voluntarily made by ES&S to the ES&S Software and/or ES&S Hardware licensed and sold hereunder, Customer shall be responsible for:

(i) Customer's pro-rata share of such Review costs;

(ii) Customer's pro-rata share of the costs of designing, developing, manufacturing and/or certification by applicable federal and state authorities of any mandated modifications to the ES&S Hardware and/or ES&S Software that may result from such Reviews; and

(iii) the total cost of any Third-Party Items that are required in order for the ES&S Hardware and/or ES&S Software to satisfy any new requirements resulting from such Reviews in order to remain certified;

Customer's pro-rata share of the costs included under subsections 16(ii) and 16(iii) above shall be determined at the time by dividing the number of registered voters in Customer's jurisdiction by the total number of registered voters in all counties in Customer's state to which ES&S has sold and/or licensed the ES&S Hardware and/or ES&S Software purchased and licensed by Customer under this Agreement.

17. **Customer Enhancements.** In the event that Customer requests any future enhancements of the ES&S Hardware and/or ES&S Software ("Enhancements"), such requests shall be submitted in writing to ES&S. ES&S will evaluate each of the Enhancements to determine if any of such Enhancements are technologically feasible, commercially reasonable and consistent with ES&S's security protocol and procedures. In the event that ES&S determines that any of such Enhancements meet the foregoing requirements, then ES&S shall prepare a scope of work which shall include an estimated timeline and the estimated costs for design, development, testing, certification and implementation of such Enhancements (the "SOW"). ES&S shall provide the SOW to Customer for review and written approval. After ES&S's receipt of written approval of the SOW by Customer, ES&S shall prepare a written change order for Customer's execution. ES&S shall solely own and retain any and all intellectual proprietary rights in any Enhancements developed and provided to Customer.

18. **Entire Agreement.** This Agreement, including all exhibits hereto, shall be binding upon and inure to the benefit of the parties and their respective representatives, successors, and assigns. This Agreement, including all Exhibits hereto, contains the entire agreement of the parties with respect to the subject matter hereof and shall supersede and replace any and all other prior or contemporaneous discussions, negotiations, agreements or understandings between the parties, whether written or oral, regarding the subject matter hereof. Any provision of any purchase order, form, or other agreement which conflicts with or is in addition to the provisions of this Agreement shall be of no force or effect. In the event of any conflict between a provision contained in an Exhibit to this Agreement and these General Terms, the provision contained in the Exhibit shall control. No waiver, amendment, or modification of any provision of this Agreement shall be effective unless in writing and signed by the party against whom such waiver, amendment or modification is sought to be enforced. No consent by either party to, or waiver of, a breach by either party shall constitute a consent to or waiver of any other different or subsequent breach by either party. This Agreement shall be governed by and construed in accordance with the laws of the State in which the Customer resides, without regard to its conflicts of laws principles. The parties agree that venue for any dispute or cause of action arising out of or related to this Agreement shall be in the state and federal courts of the United States located in the State in which the Customer resides. ES&S is providing equipment, software, and services to Customer as an independent contractor, and shall not be deemed to be a "state actor" for purposes of 42 U.S.C. § 1983. ES&S may engage subcontractors to provide certain of the equipment, software, or services, but shall remain fully responsible for such performance. The provisions of Sections 1-5, 7(b), 8-9, 12, 13(b), 14-16, and 18 of these General Terms shall survive any termination or expiration of this Agreement, to the extent applicable.



**EXHIBIT A**  
**ES&S HARDWARE MAINTENANCE AND  
SOFTWARE LICENSE, MAINTENANCE AND SUPPORT SERVICES  
(POST-WARRANTY PERIOD)**

**ARTICLE I**  
**GENERAL**

1. **Term; Termination.** This Exhibit A for ES&S Hardware Maintenance and Software License, Maintenance and Support Services shall be in effect for the coverage period as described in Schedule A1 (the "Initial Post-Warranty Term"). Upon expiration of the Initial Post-Warranty Term, this Exhibit A shall automatically renew for an unlimited number of successive **Two-Year Periods** (each a "Renewal Period") until this Exhibit A is terminated by the first to occur of (a) either party's written election not to renew, which shall be delivered to the other party at least sixty (60) days prior to the end of the Initial Post-Warranty Term or any Renewal Period, as applicable, (b) the date which is thirty (30) days after either party notifies the other that it has materially breached this Exhibit A, if the breaching party fails to cure such breach (except for a breach pursuant to subsection (e), which will require no notice), (c) the date which is thirty (30) days after ES&S notifies Customer that it is no longer able to procure replacement parts that may be needed in order to perform the ES&S Hardware Maintenance Services contemplated hereunder, (d) the date on which the ES&S Hardware or firmware installed thereon is no longer certified by federal and/or state authorities for use in Customer's jurisdiction, or (e) the date which is thirty (30) days after Customer fails to pay any amount due to ES&S under this Exhibit A. The termination of this Exhibit A shall not relieve Customer of its liability to pay any amounts due to ES&S hereunder and shall only entitle Customer to a prorated refund of any fees already paid to ES&S in the event that this is Exhibit A is terminated pursuant to subsection 1(b), 1(c) or 1(d) above.

2. **Fees.** In consideration for ES&S' agreement to provide ES&S Hardware Maintenance and Software License, Maintenance and Support Services under this Exhibit A, Customer shall pay to ES&S the ES&S Hardware Maintenance and Software License, Maintenance and Support Fees set forth on Schedule A1 for the Initial Post-Warranty Term. The Hardware Maintenance and Software License, Maintenance and Support Fees for the Initial Post-Warranty Term are due as set forth on Schedule A1. ES&S may increase the Hardware Maintenance and Software License, Maintenance and Support Fees for a Renewal Period by not more than 10% of the amount of the most recent Fees paid by Customer. All fees for any Renewal Period shall be due and payable no later than thirty (30) days prior to the beginning of such Renewal Period. The Software License, Maintenance and Support Fee shall be comprised of (i) a fee for the Software License, Maintenance and Support provided for the ES&S Firmware, and (ii) a fee for the Software License, Maintenance and Support provided for all other ES&S Software, and shall be in addition to any fees or charges separately referred to in any Section of this Exhibit A. If Customer elects to receive Software License, Maintenance and Support for any Add-On units or New Products during the Initial Post-Warranty Term or any Renewal Period thereof, ES&S will charge incremental Software License, Maintenance and Support Fees for any Add-On units or New Products purchased by Customer at the then-current applicable rates at the time.

**ARTICLE II**  
**HARDWARE**

1. **Maintenance Services.** The ES&S Hardware Maintenance Services to be provided to Customer under this Agreement for the ES&S Hardware set forth on Schedule A1 (the "Products") shall be subject to the following terms and conditions:

a. **Routine Maintenance Services.** An ES&S Representative shall provide such services as may be necessary to keep the Products working in accordance with their Documentation, normal wear and tear excepted ("Normal Working Condition"). The services provided by ES&S pursuant to this Subsection 1(a) are referred to herein as "Routine Maintenance Services". Routine Maintenance Services shall be provided once each **Twenty-**

**Four (24) Months** during the Initial Post-Warranty Term or any Renewal Period thereof. Generally, Routine Maintenance Services shall include cleaning, lubrication, diagnostic check, and calibration services. The Routine Maintenance Services shall not include the repair or replacement of any ES&S Hardware components that are consumed in the normal course of operating the ES&S Hardware, including, but not limited to, headphones and headphone protective covers, printer cartridges or ribbons, paper, batteries, drums, toners, fusers, transfer belts, removable media storage devices, seals, keys, power supplies/cords, PCMCIA, Smart, or CF cards or marking devices (collectively, the "Consumables"). ES&S may modify and make available additional Consumables as they may become available from time to time. Customer may request that Routine Maintenance Services be performed more than once during the Initial Post-Warranty Term or any Renewal Period. Any such request shall be made at least sixty (60) days before the Routine Maintenance Services are desired. The per-unit fee for such additional Routine Maintenance Services is set forth on Schedule A1 and shall be due within thirty (30) days after invoice date. ES&S will schedule the Routine Maintenance Services with Customer. The Routine Maintenance Services will be provided at Customer's Designated Location. Customer's "Designated Location" shall mean Customer's owned or leased facility at which Customer desires ES&S to perform the ES&S Hardware Maintenance Services.

b. **Repair Services.**

i. **Defects Under Normal Use and Service.** If a defect or malfunction occurs in any Product while it is under normal use and service, Customer shall promptly notify ES&S, and ES&S shall use reasonable efforts to restore the item to Normal Working Condition as soon as practicable. The services provided by ES&S pursuant to this Subsection 1(b)(i) are referred to herein as "Repair Services". ES&S will perform Repair Services in conjunction with a Routine Maintenance Service event at the Customer's Designated Location.

ii. **Defects Due to Customer Actions or Omissions.** If a defect or malfunction occurs in any Product as a result of (1) repairs, changes, modifications or alterations not authorized or approved by ES&S, (2) use, modification, dismantling, disassembly, or transfer to third party without ES&S' prior written consent, (3) accident, theft, vandalism, neglect, abuse, liquid contact, use of adhesive materials on ballots or use that is not in accordance with instructions or specifications furnished by ES&S or (4) causes beyond the reasonable control of ES&S or Customer, including acts of God, fire, floods, riots, acts of war, terrorism or insurrection, government acts or orders; epidemics, pandemics or outbreak of communicable disease; quarantines; national or regional emergencies, labor disputes, transportation delays, governmental regulations and utility or communication interruptions, rodent infestation, or if Customer does not notify ES&S within 72 hours after it knows of the defect or malfunction, Customer shall pay ES&S for the Repair Services at ES&S' then-current rates, as well as for the cost of all parts used in connection with such Repair Services.

iii. **Timing.** The date(s) on which any Repair Services shall be provided shall be mutually agreed upon by ES&S and Customer. If Customer requires ES&S to provide "emergency" Repair Services (which shall be defined as Repair Services that are provided by ES&S within 48 hours after Customer notifies ES&S of the need therefore), and such emergency Repair Services are not needed as a result of an action, error or omission by ES&S, Customer shall pay a surcharge, as set forth on Schedule A1.

iv. **Loaner Unit.** At Customer's request and if such product is available, ES&S shall use reasonable efforts to promptly make available to Customer a product that is the same as, or substantially similar to, the Product for which Repair Services are being performed (a "Loaner Unit"). If the Repair Services are being performed pursuant to Subsection 1(b)(ii) above, Customer shall pay ES&S for the use of the Loaner Unit at ES&S' then-current rates including the cost of shipping.

c. **Exclusions.** ES&S has no obligation under this Agreement to (i) assume the obligations under any existing or expired warranty for a Third Party Item; (ii) repair or replace Product components that are consumed in the normal course of operating the Product, including, but not limited to, headphones and headphone protective covers, printer cartridges or ribbons, paper, batteries, drums, toners, fusers, transfer belts, removable media storage devices, seals, keys, power supplies/cords, PCMCIA, Smart, or CF cards or marking devices (collectively, the "Consumables"), or (iii) repair any Product from which the serial number has been removed or altered. In addition, ES&S may, at any time in its discretion, determine that any Product is no longer fit for ES&S Hardware Maintenance Services because it is in such poor condition that it cannot practically be restored to Normal Working Condition, or cannot be restored to Normal Working Condition at an expense that is less than the then-current value of the Product. If such a determination is made, ES&S shall no longer be required to provide ES&S Hardware Maintenance Services for such Product. ES&S shall also refund to Customer an amount equal to (1) that portion of the most recent fee paid for ES&S Hardware Maintenance Services that is attributable to such Product, multiplied by (2) a fraction, the numerator of which is the remaining number of days within the Term for which such fee was paid and the denominator of which is the total number of days within the Term.

d. **Sole Provider; Access.** Customer shall not permit any individual other than an ES&S Representative to provide maintenance or repairs with respect to the Products for so long as the Initial Post-Warranty Term or any Renewal Period is in effect. Customer shall provide ES&S Representatives with all information necessary to enable them to provide ES&S Hardware Maintenance Services. Customer shall likewise provide full access to the Products and adequate working space for all ES&S Hardware Maintenance Services performed at its Designated Location, including sufficient heat, lights, ventilation, electric current and outlets.

e. **Environmental Conditions.** Products should be stored in a clean, dry and secure environment. During the storage and operation of the Products, the temperature and moisture ranges should be maintained in accordance with the Products' Documentation.

f. **Reinstatement of ES&S Hardware Maintenance Services; Inspection.** If the Initial Post-Warranty Term or any Renewal Period thereof expires without being renewed, Customer may thereafter resume receiving ES&S Hardware Maintenance Services upon (a) notification to ES&S and (b) the granting to ES&S of access to the Products. ES&S requires Customer to allow it to inspect such Products before it provides any ES&S Hardware Maintenance Services. The purpose of such inspection shall be to determine whether or not the Products are in Normal Working Condition. The cost of such inspection will be at ES&S' then current rates and shall be due from Customer within thirty (30) days of its receipt of ES&S' invoice, therefore. If any of the Products is not in Normal Working Condition, ES&S, at the option of Customer, (i) shall provide such repairs and replacements as it deems reasonable and necessary to restore such item to Normal Working Condition, at Customer's expense with respect to the cost of any labor (charged at ES&S' then current rates) and parts used in such repairs or replacements, or (ii) shall not provide any ES&S Hardware Maintenance Services with respect to such Product(s).

### **ARTICLE III SOFTWARE LICENSE, MAINTENANCE AND SUPPORT SERVICES**

1. **License and Services Provided.** ES&S shall provide license, maintenance and support services ("Software License, Maintenance and Support") for the ES&S Software, to allow Customer to continue to license and use the software in accordance with the license terms set forth in Sections 2-4 of the General Terms as well as to enable it to perform in accordance with its Documentation in all material respects, and to cure any defect in material or workmanship. The specific Software License, Maintenance and Support services provided by ES&S and each party's obligations with respect to such services are set forth on Schedule A1.

2. **Updates.** During the Initial Post-Warranty Term, or any renewal or extension thereof, ES&S may continue to provide Updates in accordance with the terms of Section 5 of the General Terms. Unless otherwise agreed to by the parties, and subject to Customer's prior execution of a purchase order therefor, ES&S shall install ES&S Firmware Updates in accordance with Section 5 of the General Terms. ES&S shall install such ES&S Firmware Updates in conjunction with a scheduled Routine Maintenance Services event provided Customer is subscribing to and has paid for ES&S' hardware maintenance services which include Routine Maintenance Services. Customer shall pay ES&S to install all ES&S Firmware Updates which are requested to be installed outside of a scheduled Routine Maintenance Services event or in the event the Customer has not subscribed to ES&S' hardware maintenance services which include Routine Maintenance Services. Notwithstanding the foregoing, Customer shall pay ES&S to install all election management software Updates.

3. **Conditions.** ES&S shall not provide Software License, Maintenance and Support for any item of ES&S Software if such item requires such services as a result of (a) repairs, changes, modifications or alterations not authorized or approved by ES&S, (b) use, modification, dismantling, or transfer to third party without ES&S' prior written consent, (c) accident, theft, vandalism, neglect, abuse, liquid contact or use that is not in accordance with the Documentation, (d) causes beyond the reasonable control of ES&S or Customer, including acts of God, fire, floods, riots, acts of war, terrorism or insurrection, government acts or orders; epidemics, pandemics or outbreak of communicable disease; quarantines; national or regional emergencies, labor disputes, transportation delays, governmental regulations and utility or communication interruptions, (e) Customer's failure to timely and properly install and use the most recent update provided to it by ES&S, or (f) Customer's failure to notify ES&S within three (3) business days after Customer knows of the need for such services. Any such Software License, Maintenance and Support shall be provided at the fees to be agreed upon by the parties if and when the need for such Software License, Maintenance and Support arises. Replacement versions of Software and/or Third-Party Items or any services required in order to replace the same as a result of items set forth in this Section 3 or as a result of Customer's actions or inactions shall be billable to Customer at ES&S' then current rates.

4. **Proprietary Rights.** ES&S shall own the entire right, title, and interest in and to all corrections, programs, information, and work product conceived, created or developed, alone or with Customer or others, as a result of or related to the performance of this Exhibit A, including all proprietary rights therein or based thereon. Subject to the payment of all Software License, Maintenance and Support Fees, ES&S hereby grants to Customer a non-exclusive license to use that portion of such corrections, programs, information, and work product that ES&S actually delivers to Customer pursuant to this Exhibit A. All licensed items shall be deemed to be ES&S Software for purposes of this Exhibit A. Except and to the extent expressly provided herein, ES&S does not grant to Customer any right, license, or other proprietary right, express or implied, in or to any corrections, programs, information, or work product covered by this Exhibit A.

5. **Reinstatement of Software License, Maintenance and Support.** If the Initial Post-Warranty Term or any Renewal Period thereof expires without being renewed, Customer may thereafter receive a Software License and resume receiving Software Maintenance and Support upon (a) notification to ES&S, (b) payment of all fees, which would have been due to ES&S had the Initial Post- Warranty Term or any Renewal Period not expired, and (c) the granting to ES&S of access to the ES&S Software, so that ES&S may analyze it and perform such maintenance as may be necessary before resuming the Software License, Maintenance and Support services.

**Schedule A1**  
**Pricing Summary**

<b><u>Sale Summary:</u></b>		
<b>Description</b>	<b>Refer To</b>	<b>Amount</b>
ES&S Hardware Maintenance Fees	ES&S Hardware Maintenance Description and Fees Below	\$340.00
ES&S Firmware License, Maintenance and Support Fees	ES&S Firmware License, Maintenance and Support Description and Fees Below	\$200.00
<b>Total Maintenance Fees for the Initial Post-Warranty Term:</b>		<b>\$540.00</b>
<b><u>Terms &amp; Conditions:</u></b>		
<b>Note 1:</b> Any applicable state and local taxes are not included and are the responsibility of Customer.		
<b>Note 2: <u>Invoicing and Payment Terms are as Follows:</u></b>		
ES&S shall Invoice Customer annually for each year of the Initial Post-Warranty Term.		
Payment is due before the start of each period within the Initial Post-Warranty Term.		

**ES&S HARDWARE MAINTENANCE DESCRIPTION AND FEES**

Initial Post-Warranty Term: Expiration of the Warranty Period through the **second** anniversary thereof

<b>Qty</b>	<b>Description</b>	<b>Coverage Period</b>	<b>Annual Maintenance Fee Per Unit</b>	<b>Maintenance Fee in Total</b>
1	Model DS300 Scanner	Year 1	\$170.00	\$170.00
1	Model DS300 Scanner	Year 2	\$170.00	\$170.00
<b>Total Hardware Maintenance Fees for the Initial Post-Warranty Term</b>				<b>\$340.00</b>

**Note 1: The Per-Unit Fees if Customer requests more than one Routine Maintenance visit in a 24-month period shall be 75% of the then current maintenance fee per unit under this Exhibit A.**

**Note 2: Surcharge for Emergency Repair Services shall be the daily maintenance service rate in effect at the time such service is requested.**

**Note 3: Customer's Designated Location: Teton County, Idaho**

**Note 4: The Per Unit Surcharge for performance of Routine Maintenance visit at more than one Customer Designated Location shall be \$25.00 per unit for all units located at second or more locations.**

**ES&S Hardware Maintenance Services Provided by ES&S Under this Schedule A1**

1. Telephone Support.
2. Issue Resolution.
3. Technical Bulletins will be available through Customer's ES&S Web-based portal.
4. Routine Maintenance Services.
  - Onsite scheduled maintenance inspection per Article II, Section 1(a). The Inspection includes:
    - Service performed by an ES&S trained and certified technician.
    - Performance of factory approved diagnostics on the unit, identifying and making adjustments where necessary as indicated by the testing.
    - Replacement of worn or defective parts with new or remanufactured federally and state certified parts.
    - Conducting a final test to verify that the unit is working according to manufacturer's specifications.
    - Use of a checklist tailored for each piece of ES&S Tabulation Hardware.
5. Repair Services.

- Customer will receive coverage for interim repair calls.
  - Interim repair calls may be provided during a scheduled Routine Maintenance Services event or scheduled in conjunction with other service work being performed in close proximity to Customer's location if such repairs are not election critical.
  - A Product may be sent to ES&S' Depot location for repairs at a time to be mutually agreed upon by ES&S and Customer.

6. Priority Services.

- Customer has access to the ES&S Help Desk for assistance.
- The customer receives priority on service calls.
- The customer receives priority on response time.
- The customer receives priority on certified ES&S parts inventory.

**Note:** Except for those ES&S Hardware Maintenance Services specifically set forth herein, ES&S is under no obligation and shall not provide other ES&S Hardware Maintenance Services to the Customer unless previously agreed upon in writing by the parties.

**ES&S SOFTWARE LICENSE, MAINTENANCE AND SUPPORT DESCRIPTION AND FEES  
FIRMWARE**

Initial Post-Warranty Term: Expiration of the Warranty Period through the **second** anniversary thereof

Listed below are the Hardware Products and Fees for which Firmware License, Maintenance and Support will be provided:

<b>Qty</b>	<b>Description</b>	<b>Coverage Period</b>	<b>Annual Firmware License, Maintenance and Support Fee Per Unit</b>	<b>Firmware License, Maintenance and Support Fee in Total</b>
1	Model DS300 Scanner	Year 1	\$100.00	\$100.00
1	Model DS300 Scanner	Year 2	\$100.00	\$100.00
<b>Total Firmware License, Maintenance and Support Fees for the Initial Post-Warranty Term</b>				<b>\$200.00</b>

**Software License, Maintenance and Support Services Provided by ES&S under the Agreement**

1. Telephone Support.
2. Issue Resolution.
3. Technical Bulletins will be available through Customer’s ES&S Web-based portal.

**Note:** Except for those Software License, Maintenance and Support services specifically set forth herein, ES&S is under no obligation and shall not provide other Software License, Maintenance and Support services to the Customer unless previously agreed upon by the parties.

**Software License, Maintenance and Support and ES&S Hardware Maintenance and Support Services – Customer Responsibilities**

1. Customer shall have completed a full software training session for each product selected.
  - Customer shall have completed training at a proficiency level to successfully use the hardware (firmware) and software products.
  - Customer shall have the ability to install hardware firmware and make changes to date and time settings.
  - Customer shall have the ability to change accessible consumable items on hardware. Any other changes made by the customer must be pre-approved in writing by ES&S.
2. Customer shall have reviewed a complete set of User Manuals.
3. Customer shall be responsible for the installation and integration of any third-party hardware or software application, or system purchased by the Customer, unless otherwise agreed upon, in writing, by the parties.
4. Customer shall be responsible for data extraction from Customer’s voter registration system.



5. Customer shall be responsible for implementation of any security protocols physical, network or otherwise which are necessary for the proper operation of the ES&S Hardware and ES&S Software.
6. Customer shall be responsible for the acceptance of the ES&S Hardware and Software, unless otherwise agreed upon, in writing, by the parties.
7. Customer shall be responsible for the design, layout, set up, administration, maintenance, or connectivity of the Customer's network.
8. Customer shall be responsible for the resolution of any errors associated with the Customer's network or other hardware and software not purchased or recommended by ES&S and not otherwise identified in the User Guides as part of ES&S' Hardware and Software.
9. Customer shall be responsible for all costs associated with diagnosing ballot printing problems resulting from the use of non-ES&S Ballot Partner Printers ballots.
10. Customer shall be responsible for the payment of additional or replacement Software CDs or DVDs requested by Customer. The price for such additional or replacement Software CDs or DVDs shall be at ES&S' then current rates.

New National Opioids Settlement: Kroger  
Opioids Implementation Administrator  
[opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com)

Teton County, ID  
Reference Number: CL-791057

***TO LOCAL POLITICAL SUBDIVISIONS:***

**THIS PACKAGE CONTAINS DOCUMENTATION TO PARTICIPATE IN THE NEW NATIONAL OPIOIDS SETTLEMENT. YOU MUST TAKE ACTION IN ORDER TO PARTICIPATE.**

***Deadline: August 12, 2024***

A new proposed national opioids settlement (“*New National Opioids Settlement*”) has been reached with Kroger (“*Settling Defendant*”). This *Participation Package* is a follow-up communication to the *Notice of National Opioids Settlement* recently received electronically by your subdivision.

You are receiving this *Participation Package* because Idaho is participating in the Kroger settlement.

If a state does not participate in a particular Settlement, the subdivisions in that state are not eligible to participate in that Settlement.

This electronic envelope contains:

- The *Participation Form* for the Kroger settlement, including a release of any claims.

**The *Participation Form* must be executed, without alteration, and submitted on or before August 12, 2024, in order for your subdivision to be considered for initial participation calculations and payment eligibility.**

Based upon subdivision participation forms received on or before August 12, 2024, the subdivision participation rate will be used to determine whether participation is sufficient for the settlement to move forward and whether a state earns its maximum potential payment under the settlement. If the settlement moves forward, your release will become effective. If a settlement does not move forward, that release will not become effective.

Any subdivision that does not participate cannot directly share in the settlement funds, even if the subdivision’s state is settling and other participating subdivisions are sharing in settlement funds. Any subdivision that does not participate may also reduce the amount of money for programs to remediate the opioid crisis in its state. Please note, a subdivision will not necessarily directly receive settlement funds by participating; decisions on how settlement funds will be allocated within a state are subject to intrastate agreements or state statutes.

You are encouraged to discuss the terms and benefits of the *New National Opioids Settlement* with your counsel, your Attorney General's Office, and other contacts within your state. Many states are implementing and allocating funds for this new settlement the same as they did for the prior opioids settlements with McKesson, Cardinal, Cencora (formerly AmerisourceBergen), J&J/Janssen, Teva, Allergan, CVS, Walgreens, and Walmart but states may choose to treat this settlement differently.

Information and documents regarding the *New National Opioids Settlement* and how it is being implemented in your state and how funds will be allocated within your state can be found on the national settlement website at <https://nationalopioidsettlement.com/>. This website will be supplemented as additional documents are created.

### **How to return signed forms:**

There are three methods for returning the executed *Participation Form* and any supporting documentation to the Implementation Administrator:

- (1) *Electronic Signature via DocuSign*: Executing the *Participation Form* electronically through DocuSign will return the signed form to the Implementation Administrator and associate your form with your subdivision's records. Electronic signature is the most efficient method for returning the *Participation Form*, allowing for more timely participation and the potential to meet higher settlement payment thresholds, and is therefore strongly encouraged.
- (2) *Manual Signature returned via DocuSign*: DocuSign allows forms to be downloaded, signed manually, then uploaded to DocuSign and returned automatically to the Implementation Administrator. Please be sure to complete all fields. As with electronic signature, returning a manually signed *Participation Form* via DocuSign will associate your signed forms with your subdivision's records.
- (3) *Manual Signature returned via electronic mail*: If your subdivision is unable to return an executed *Participation Form* using DocuSign, the signed *Participation Form* may be returned via electronic mail to [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com). Please include the name, state, and reference ID of your subdivision in the body of the email and use the subject line Settlement Participation Form - [Subdivision Name, Subdivision State] - [Reference ID].

Detailed instructions on how to sign and return the *Participation Form*, including changing the authorized signer, can be found at <https://nationalopioidsettlement.com/>. You may also contact [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com).

**The sign-on period for subdivisions ends on August 12, 2024.**

If you have any questions about executing the *Participation Form*, please contact your counsel, the Implementation Administrator at [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com), or the Idaho Attorney General's Consumer Protection Division at [opioidsettlement@ag.idaho.gov](mailto:opioidsettlement@ag.idaho.gov).

Thank you,

New National Opioids Settlement Implementation Administrator

*The Implementation Administrator is retained to provide the settlement notice required by the New National Opioids Settlement and to manage the collection of the Participation Form.*

**Subdivision Participation and Release Form**

Governmental Entity: Teton County	State: ID
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated March 22, 2024 (“*Kroger Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Kroger Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Kroger Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Kroger Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Kroger Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Kroger Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Kroger Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Kroger Settlement. The Governmental Entity likewise agrees to arbitrate before the National



Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Kroger Settlement.

7. The Governmental Entity has the right to enforce the Kroger Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Kroger Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Kroger Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Kroger Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Kroger Settlement.
10. In connection with the releases provided for in the Kroger Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Kroger Settlement.



11. Nothing herein is intended to modify in any way the terms of the Kroger Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Kroger Settlement in any respect, the Kroger Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_





## AGENDA ACTION ITEM

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DATE: 2024-08-12  
TO: Board of County Commissioners  
FROM: County Manager Dan Reyes  
ITEM TITLE: **Action Item – Grant Proposal SS4A Supplementary**

### **Summary:**

*This action item is for the Board to consider a supplementary Safe Streets and Roads for All grant proposal to address wildlife-vehicle Collisions.*

Teton County has been awarded an initial Safe Streets and Roads for All (SS4A) grant through the Federal Highway Administration (FHWA) and the U.S. Department of Transportation (USDOT) to develop a safety action plan for the County’s traffic corridors. On July 22<sup>nd</sup>, 2024, the Board of County Commissioners (the Board, BoCC), finalized the grant agreement with the FHWA and will begin work once the signed agreement is returned.

The Board also determined that it would like to pursue a supplementary SS4A grant to specifically address wildlife-vehicle collisions (WVCs). To help write a successful grant application, Teton County, Idaho, entered into a Memorandum of Understanding (MOU) with High Country Resource Conservation and Development Area (High Country RC&D) for a grant writer at \$40/hr. So far, High Country RC&D has worked 12 hours or \$480.

Based on the research done by the grant writer, Pam Herdrich, and County staff, Teton County has determined that it will need to request a minimum of \$300,000 with a 20% grant match, or \$60,000, which can include in-kind contributions. In-kind contributions are non-monetary contributions and include staff (salary and benefits) and volunteer time.

### **Sponsor’s & Benefactors:**

This grant would help reduce the number of serious and fatal WVCs experienced in Teton County resulting in “complete” streets that are safe for motorized & non-motorized traffic, and wildlife, an important resource in Teton County.

### **Fiscal Impact:**

The Fiscal Year 2025 budget is almost finalized, and \$60,000 for a SS4A supplementary grant has not been included. The County budgeted \$30,000 for the initial SS4A grant match, of which only \$20,000 are needed. Considering the County’s initial award is only \$100,000, the entire \$30,000 will be needed for the first grant.

If the supplementary grant is awarded, Teton County would have 5 years to expend the funds, and could budget for the match in FY26.



**Attachments:**

*SS4A Supplementary Grant Narrative  
Teton County Grant Proposal Form*



**SUGGESTED MOTION:**

Approve the Grant Proposal Form for a supplementary Safe Streets and Roads for All

## **Narrative – Planning and Demonstration Grants –**

### **Supplemental to Comprehensive Safety Action Plan in Progress**

Teton County, Idaho is requesting \$300,000 in Safe Streets and Road for All (SS4A) planning grant funds. These funds will be used to supplement the on-going development of the comprehensive safety action plan for Teton County. As planning activities commenced, after receiving SS4A planning grant funds in 2023, the planning committee task force identified a need for additional information about wildlife crossings and vehicle (motorized & non-motorized) interactions with wildlife.

#### **Selection Criteria #1: Safety Impact**

Teton County is a rural county, encompassing 451 square miles and with a resident population of 12,544 (2020 Census). There are 3 incorporated communities: Driggs (pop. 2,139), Victor (pop. 2,236) and Teton (pop. 311). The county is part of the greater Yellowstone region near Yellowstone and Grand Teton National Parks, Jackson Wyoming, and several destination ski areas. Due to a growing reputation as a mountain resort combined with the national real estate boom, Teton County was the second fastest growing rural county in the US between 2000 and 2009. This resulted in significant economic growth in the real estate and construction industries (including construction of vacation/second homes) and industries supporting tourism. This has included growth in non-motorized travelers, specifically bicyclists; growth that is outpacing planning/construction of related infrastructure. In addition to the impact created by the rapid increase in residents and tourism, the county has experienced a steady growth in commuter traffic. Many Teton County residents commute to Jackson, WY for employment, resulting in additional transportation infrastructure stressors and related safety concerns.

Between 2017 and 2021, Teton County recorded 432 vehicle crashes resulting in 14 serious injuries and 6 fatalities, creating an estimated total average annual fatality rate of 47.8 per 100,000 population (based on DOT-FARS data). Extreme winter weather conditions creating icy roads and decreased visibility due to blowing snow are a large contributing factor. Wildlife-vehicle collisions (WVCs) are also a significant regional concern, resulting in 3 fatalities in 2022. These numbers reflect a regional increase in overall fatalities and serious injuries. Based on continued growth in population and tourist influx, the County believes this is the optimal time to complete the Plan as it will provide information needed to assess current roadway safety concerns, predict impact to safety based on anticipated growth and use of the transportation system, engage county residents in a meaningful and robust way to seek their input, and support planning, construction, and policy activities that will allow for reduction or elimination of roadway fatalities and serious injuries.

#### **Selection Criteria #2: Equity**

According to the USDOT Equitable Transportation Community (ETC) Explorer, Teton County does not have any census tracts in which there are persons designated as underserved. The ETC does indicate, however, that the County has an estimated 76 percent of the population experiencing transportation insecurity based heavily on transportation access (85%) followed by transportation cost burden (35%) and traffic safety (21%). Additionally, while Teton County does not encompass designated underserved census tracts, neighboring Fremont County is considered an area of persistent poverty. Given commuter patterns, this may have an impact on transportation infrastructure within Teton County.

As previously indicated, Teton County is a rural county. According to Executive Order (E.O.) 13985, signed 1/21/2021, rural, is considered underserved. Equity is defined as “the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as ...persons who live in rural areas...”

As part of the process for the Plan, Teton County will include robust public engagement to provide multiple means/venues by which all community members can contribute. Project activities will meet selection criteria and administration goals of equity by ensuring equitable investment in the safety needs of all community members, preventing roadway fatalities and injuries in all places, including rural communities.

**Selection Criteria #3: Additional Safety Context:**

Teton County is requesting supplemental safety planning funds to identify and develop a comprehensive plan to address problematic wildlife crossings, which will supplement county-wide, publicly available Comprehensive Safety Action Plan, currently in progress, that will meet SS4A self-certification criteria, open doors for implementation funding moving forward, and: 1) Lead to a significant reduction or elimination of roadway fatalities and serious injuries involving various road users; 2) Employ low-cost, high-impact strategies that can improve safety over a wider geographical area; and 3) Involve engagement with a variety of public and private stakeholders. The supplemental funding will allow the stakeholders to obtain more comprehensive information about wildlife crossings than is currently available and develop better strategies to prevent collisions. This supplemental funding is critical to develop and overall safety plan which includes:

1. Development/solidifying of leadership and an official public commitment to an eventual goal of zero roadway fatalities and serious injuries to include goals and timelines with target dates.
2. Review of membership and recruitment to the committee with oversight of Plan development, implementation, and monitoring.
3. Safety analysis of existing conditions and historical trends that provide the baseline crash data, systematic and specific safety needs, and identification of higher-risk locations.
4. Robust public engagement and incorporation of information/input into the Plan.
5. Consideration of equity in analysis and in development of proposed projects and strategies.
6. Assessment of current policies, standards and plans to identify opportunities for improvement/revision.
7. Identification of comprehensive projects and strategies based on data, best practices and stakeholder input and equity considerations.
8. Identification of methods for measuring progress, including outcome data and ongoing transparency with community members and partners.

A comprehensive scope of work including individual activities to be conducted is attached.

**Additional Considerations: Budget Costs**

Teton County believes the budget reflects reasonable costs to perform the activities as outlined above and in the attached scope of work. Costs include development/implementation of a robust and diverse public engagement plan to include consideration of equitable input and outreach to difficult-to-engage populations. The County is committed to the 20 percent required match, which will be available at the time of the award. Should costs exceed the proposed budget estimate, the County is prepared to pay for any overruns/additional costs.

### Grant Application Proposal

Please complete and return this form to the Commissioner's office.

Department or Board applying for Grant: COMMISSIONERS  
 Contact Person: Den Reyes Intended Project Manager: Den Reyes  
 Grant Title: Safe Streets & Roads For All  
 Granting Agency: U.S. Department of Transportation  
 Date of Award Decision: November 2024  
 Grant Timeline: Due August 29 - Have 5 years once funds are obligated.  
 Dollar Amount of Grant Request: \$ 300,000

Teton County obligations if grant is awarded (match, continuing maintenance, reporting schedule):

20% or \$ 60,000

Other contingencies of grant: \_\_\_\_\_

Other agencies involved in the grant and their obligations: This is a supplementary grant. The initial stakeholders include: city of Oregon, city of Victor, Teton, ITD, Teton Fire Rescue, Teton Valley Trails & Pathways

Brief written overview of grant: This grant is to address the most appropriate mitigating strategies for Wildlife-Vehicle collisions.

Benefit of grant to citizens Teton County:  safer transportation corridors for motorized & non-motorized traffic and to protect wildlife.

Signed:   
(Contact Person Listed Above)

Date: 8/7/24

Signed: \_\_\_\_\_  
(Responsible Elected Official or Department Head)

Date: \_\_\_\_\_

Board of Commissioners Decision:  Approved (Applicant may prepare a grant application on behalf of Teton County. The completed application must be submitted to the Board for review and signature.)  
 Denied

Signed: \_\_\_\_\_  
(Commissioner)

Date: \_\_\_\_\_



Mitzi Van Arsdell <mvanarsdell@tetoncountyidaho.gov>

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## Svenskaland Subdivision Final Plat

1 message

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**Sharon Fox** <sfox@co.teton.id.us>

Mon, Nov 6, 2023 at 1:54 PM

To: "Arnold W. Woolstenhulme(woolstenhulme)" <aweng@ida.net>, Mitzi Van Arsdell <mvanarsdell@co.teton.id.us>

Hi Sharon,

Mitzi was reviewing and updating her spreadsheet for tracking all these subdivisions and noticed that Svenskaland hits the 3 year mark in April 2024. We are not doing any BoCC applications during the month of December nor are we having a P&Z meeting in December. I just wanted to make sure you were aware of this because there is only the need to get the final plat approval before the 3 year mark, not finish the improvements. I am guessing the road improvements are what is holding them up.

Sharon Fox  
Planner I  
Teton County Planning Department  
208-354-2593 ext. 204  
[sfox@co.teton.id.us](mailto:sfox@co.teton.id.us)



Planning Departments hours Mon-Thurs 9-3:00 p.m.; Fridays 9-12:00 p.m.



Mitzi Van Arsdell &lt;mvanarsdell@tetoncountyidaho.gov&gt;

## Svenskaland Subdivision Time Limitation Expiration

3 messages

Mitzi Van Arsdell &lt;mvanarsdell@tetoncountyidaho.gov&gt;

Mon, Jun 17, 2024 at 4:34 PM

To: "eva@marmsater.org" &lt;eva@marmsater.org&gt;, Sharon Woolstenhulme &lt;aweng@ida.net&gt;

Hello,

Please see the attached Svenskaland Subdivision Time Limitation Expiration Letter. Let us know if you have any questions.

Best,  
Mitzi

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Mitzi Van Arsdell  
Teton County Planning Department  
(208) 776-8240 ext. 216  
[mvanarsdell@tetoncountyidaho.gov](mailto:mvanarsdell@tetoncountyidaho.gov)

150 Courthouse Drive Ste 107  
Driggs, Idaho 83422

Planning Department hours are M-Thurs 9-3:00 p.m.; Fridays 9-12:00 p.m.



Signed Svenskaland Subdivision Time Limitation Expiration Letter\_6.17.2024.pdf

501K

aweng@ida.net &lt;aweng@ida.net&gt;

Tue, Jun 18, 2024 at 11:50 AM

To: mvanarsdell@tetoncountyidaho.gov

I have e-mailed the owners notifying them of the expiration date and I have had no response. The county is requiring them to upgrade the existing road to serve the neighbor on the south. They needed to provide the financial guarantee for that and we haven't heard from them since we told them that and gave them the engineer's cost estimate.

I'm assuming its dead in the water since they haven't responded to me.

Sharon W

[Quoted text hidden]

**Mitzi Van Arsdell** <mvanarsdell@tetoncountyidaho.gov>  
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Tue, Jun 18, 2024 at 2:21 PM

[Quoted text hidden]



**TETON COUNTY, IDAHO | Planning Department**

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June 17, 2024

Sent via email: [eva@marmsater.org](mailto:eva@marmsater.org) & [aweng@ida.net](mailto:aweng@ida.net)

Re: Subdivision Time Limitation Expiration

Dear Mr. & Mrs. Marmsater,

It has come to the County's attention that the Subdivision three year Time Limitation for Svenskaland has expired as of 5/10/2024. Under Teton County Code, 9-3-2 (A-3):

- i. Limitation for Approval: The Master Plan, Improvement Plans, Development Agreement and Final Plat shall be approved by the Board of County Commissioners within three (3) years of the date of acceptance of the subdivision/PUD concept application by the Planning Administrator or the entire application is deemed null and void (amd. 2011-03-17).

Please let us know if you have questions.

Sincerely,

Jade Krueger

Planning Administrator







## TETON COUNTY, IDAHO | Planning Department

### MEMORANDUM

**TO:** Board of County Commissioners  
**FROM:** Planning Staff  
**DATE:** July 3, 2024  
**SUBJECT:** Expired Application – Extension Request

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The Svenskland Subdivision application was submitted in 2021 but not signed by the Planning Administrator. Therefore, the accepted date is the date of Concept Review which was May 10, 2021. Per 9-3-2 (A-3), the three (3) year timeline to receive final plat approval started May 10, 2021.

The application held a preliminary plat public hearing with the PZC on December 14, 2021 and a preliminary plat public hearing with the BoCC on May 28, 2022.

Final Plat application materials have not been submitted, and the application subsequently expired May 10, 2024.

Attached is the letter sent to the applicant notifying them of the expiration. This is standard and happens quarterly to notify applicants. Also attached are emails the planning department sent out of courtesy that the expiration date was approaching (dated November 2023).

*Jade Krueger*

Jade Krueger  
Planning Administrator

**Attachments:**

- A. Email on expiration (November 2023)
- B. Email on expiration (June 2024)
- C. Letter mailed to applicant

**CC:**

Dan Reyes, County Manager





Svenskaland  
 NAME OF SUBDIVISION/PLANNED UNIT DEVELOPMENT  
**SUBDIVISION EXTENSION**  
**APPLICATION**

The Planning Administrator or his or her designee will review this application. It will then be scheduled for review by the Board of County Commissioners. The planning staff is available to discuss this application and answer questions. The burden of proof is on the applicant to demonstrate that the application meets the criteria for approval. It is recommended that the applicant review Title 9, Section D-7 of the Teton County Code prior to submittal. This Title and application are available on the County website at [www.tetoncountydaho.gov](http://www.tetoncountydaho.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: Lars T and Eva E. Marmisater Family Trust  
 Applicant: A-W Engineering E-mail: aweng@ida.net  
 Phone: (208) 787-2952 Mailing Address: P.O. Box 139  
 City: Victor State: ID Zip Code: 83455  
 Engineering Firm: A-W Engineering Contact Person: Sharon Woodstehulme Phone: (208) 787-2952  
 Address: P.O. Box 139, Victor, ID 83455 E-mail: aweng@ida.net

**SECTION II: CONSIDERATIONS FOR EXTENSION APPROVAL**

The burden is on the applicant to provide a detailed narrative explaining their reason(s) for consideration.

1. The developer has diligently pursued the completion of final plat approval and the preliminary plat has been approved.
2. The application was continued by the commission for special studies, i.e.: Traffic, NP, Wetland, Wildlife etc.
3. The denial of the extension would cause undue hardship to a neighboring property.
4. It is in the public interest.
5. Delays have been the result of federal, state or local agency demands, lengthy/unusual review

- 6. Application of Title 9 regulations (as amended November 14, 2008) would not significantly alter the extended subdivision's design or dedications.
- 7. County negotiations for non-required public benefit delayed progress in the project.
- 8. Other extenuating circumstance.

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

• Applicant Signature: Stamm Wood Industries Date: 06/20/2024

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

• Owner Signature: James McEnany Date: 06/20/2024

Date Received: Eric H. [unclear]

Application fee paid in accordance to current fee schedule

Subdivision / PUD Fees paid through Preliminary application (60% of total)

**SECTION III: BOARD OF COUNTY COMMISSION ACTION**

APPROVED

DENIED

• Chairman Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Fees are non-refundable.*

**NARRATIVE TO ACCOMPANY:**  
**SUBDIVISION EXTENSION APPLICATION FOR –**  
**THE SVENSKALAND SUBDIVISION**

The Lars T. and Eva E. Marmsater Family Trust, owns a five acre parcel of land in a part of Section 24, Township 4 North, Range 45 E., B.M. in the Fox Creek area of Teton County, Idaho.

A concept subdivision application with all required documents, was submitted to Teton County, Idaho for a 2 lot subdivision with the goal of having two 2.5 acre lots, one for each of the Marmsaters' sons.

Upon receiving county approval of the concept application for the Svenskaland Subdivision, the preliminary subdivision application including the preliminary master plan/ preliminary plat; infrastructure plans for the upgrading of the access road; soils test holes and preliminary letter of approval from E.I.P.H., CC&R's and Development Agreement, signed application and preliminary application fee were submitted to the Teton County Planning and Zoning Department.

A preliminary plat public hearing was held by the Teton County Planning & Zoning Commission on December 14, 2021 at which time the Svenskaland Subdivision preliminary plat application received approval. One neighbor submitted a letter requesting the identification of setbacks for the southern lot.

A preliminary plat public hearing was held by the Teton County Board of County Commissioners on March 28, 2022 at which time the Svenskaland Subdivision received conditional preliminary plat approval. The two conditions were:

1. The applicant will confirm the access easement for **the adjacent parcel to the south of the proposed Svenskaland Subdivision.**
2. The CC&R's will require adequate septic tank maintenance in accord with current DEQ recommendations.

Both Mr. & Mrs. Marmsater were in attendance at the Planning and Zoning Commission's preliminary plat hearing and the Board of County Commissioners' preliminary plat hearing.

Up until this point, Mrs. Marmsater had visited A-W Engineering's office on more than one occasion to review the application requirements as well as telephone conversations.

I e-mailed Mrs. Marmsater after the last preliminary plat hearing with the two conditions of approval in writing as well as a suggestion to decide which side of the southern lot would be considered the front of the property in order to have the appropriate setbacks on the final plat. I considered it a gesture of good will in regard to the neighbor's request.

Since our firm is neither a title company nor a law firm, it was up to the Marmsater's to engage someone who could research the access to the neighbor's property south of the subject parcel of land.

Marmsaters had also written the CC&R's and had the document for adding the language in Condition # 2.

I have not had a response from the Marmsaters since then. It wasn't until their son Frederick contacted us that A-W Engineering became aware of Mrs. Marmsater's health condition. Since I, Sharon Woolstenhulme, have a mutual friend with the Marmsaters, I did contact her, since I have never met nor had a conversation with Frederick Marmsater. The purpose of the phone call was for clarification of Mrs. Marmsater's situation because this mutual friend is very close to the Marmsaters. It was a brief conversation in which she only informed me that Mrs. Marmsater has contracted a very rare condition known as Multiple Symptoms Atrophy which explains why there hasn't been any communication from her. It also is having a very significant impact on her family.

With 2 conditions of preliminary plat approval, those had to be satisfied before the final plat application could be submitted. The second condition would not cause a time delay but condition # 1 could, depending on the availability of someone to do the research.

We are requesting a subdivision extension based on the following circumstances:

#1. Condition # 1 is not a requirement in the Teton County Title 9 subdivision code under which this application was started. The owners are willing to comply with this condition, but it cannot be met as quickly as Condition # 2. The family of the Marmsaters want to finalize this application which is at the third and last step and are willing to have this research done to meet this condition for the property that is not part of the Svenskaland Subdivision.

# 2. Mrs. Marmsater's contraction of a very rare disease was an unexpected and heart-breaking setback to the continued processing of this application.

All concerned parties are anxious and willing to bring this to completion. As soon as the Marmsaters are able to obtain the required confirmation of the access easement to the Farley property, the final plat application will be ready to submit to the Planning and Zoning Dept. for the final plat hearing by the Board of County Commissioners.

We are requesting a 3-4 month extension, from the time this application is approved by the Board of County Commissioners to comply with Condition of Approval # 1. The time frame of the extension is for the time to be scheduled for the final plat hearing by the Board of County Commissioners if a final plat hearing can be scheduled within that time frame. If an agenda time is not available, then the first available month for the final BOCC final plat hearing.

ATTACHMENT: MOTION OF APPROVAL FROM MARCH 2, 2022 B.O.C.C. PRELIMINARY PLAT HEARING

Public comment was closed at 10:31 AM.

Board deliberation.

**MOTION: APPROVAL**

*Having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-C can be satisfied, I move to APPROVE the Preliminary Plat for Svenskaland subdivision as described in the application materials submitted October 19th, 2021, and additional information attached to the staff report, with the following conditions of approval:*

- 1) THE APPLICANT WILL CONFIRM AN ACCESS EASEMENT FOR THE ADJACENT PARCEL TO THE SOUTH OF THE PROPOSED SUBDIVISION, AND
- 2) THE CC&R'S WILL REQUIRE ADEQUATE SEPTIC TANK MAINTENANCE IN ACCORD WITH CURRENT DEQ RECOMMENDATIONS.

**RESULT:** APPROVED [Unanimous]  
**MOVER:** Michael Whitfield **SECONDER:** Bob Heneage  
**AYES:** Cindy Riegel, Bob Heneage, Michael Whitfield

**3. AGENDA ACTION ITEM - Public Hearing: 10:40 AM - Applebee Acres Subdivision Final Plat Hearing**

Mr. Chase presented the staff report for Applebee Acres Final Plat hearing.

Lisa Applebee, representing the applicant, was present to answer questions. The Board asked if the engineer's estimate needs to be updated due to the recent inflation

Public comment was opened at 10:45 AM.

One letter from Jeff White, was entered in to the record and attached to the packet.

Public comment was closed at 10:45 AM.

Board deliberation.

**MOTION: APPROVAL**

*Having concluded that the Criteria for Approval of a Subdivision Final Plat found in Title 9-3-2(D) can be satisfied,*

*I move to APPROVE the Final Plat Application for Applebee Acres Subdivision as described in the application materials submitted October 13, 2021 and as supplemented with additional applicant information attached to this staff report, with the following conditions:*

- 1) THE CC&R'S WILL REQUIRE ADEQUATE SEPTIC TANK MAINTENANCE IN ACCORD WITH CURRENT DEQ RECOMMENDATIONS.
- 2) The engineer's estimate be updated to have been prepared within the last twelve months.

**RESULT:** APPROVED [Unanimous]  
**MOVER:** Bob Heneage **SECONDER:** Michael Whitfield  
**AYES:** Cindy Riegel, Bob Heneage, Michael Whitfield

**4. Public Hearing: 1:00 PM Leo's Landing Subdivision Final Plat Hearing**

The applicant requested that this be continued to the April 11th Meeting at 1:00 PM so that they can be present to answer questions.



**RURAL IDAHO ECONOMIC DEVELOPMENT PROFESSIONAL GRANT  
STATE OF IDAHO – DEPARTMENT OF COMMERCE**

This Rural Idaho Economic Development Professional grant agreement (“Agreement”) is entered into by and between the Idaho Department of Commerce (“Department”), and Teton County (“Grantee”), for the purpose of providing the grantee with funding support for the Rural Idaho Economic Development Professional Program (“EDPRO”).

WHEREAS, the State of Idaho and the Department desire to promote and facilitate economic growth by providing full service economic development services to rural communities in Idaho by providing a performance based EDPRO program through the Idaho Rural Initiative.

WHEREAS, the Grantee intends to deliver locally based, full-time economic development services in and around its community that include, but are not limited to, business recruitment, business expansion, business retention, business start-up and support for the Department’s programs and initiatives.

WHEREAS, the Grantee submitted a satisfactory EDPRO grant application #006464 (“Application”) to the Department on or before the deadline of May 26, 2024. The application is incorporated herein by reference.

WHEREAS, the Director of Department reviewed and approved the program recommendations and approved the Grantee for an award on July 26, 2024.

NOW THEREFORE, in consideration of the forgoing and the mutual promises and covenants herein contained, the parties agree as follows:

**1. Term.** This Agreement shall be effective as of July 1, 2024, or upon signature by both parties, whichever is later, and shall remain in effect until June 30, 2025, or until terminated by the Department pursuant to the terms herein, whichever occurs first.

**2. Grant Amount.** The amount of assistance awarded under this Agreement is \$30,000.00. The Grantee and their partners agree to provide a minimum of \$16,500.00 in matching funds as identified in the Grantees application.

**3. Ongoing Funding Assistance.** It is the Department’s expectation that the Grantee’s dependence upon EDPRO funding will diminish over time. The Department reserves the right to award subsequent Agreements with funding levels that may vary from the prior Agreements.

**4. Allowable Costs.** The use of EDPRO funds is limited to the salary and benefits of the full time professional hired to carry out the intent of the program as described in Appendix A – Work Plan. Funds may also be used for the professional services of a contractor to execute the Work Plan on a contractual basis.

**5. Unallowable Costs.** EDPRO funds may not be used for any purpose other than described in Article 4 – Allowable Costs. Funds may not be used for any administrative expenses incurred by the Grantee or its partners. Funds may not be used to parcel out contracted services on a single task basis. (For example, funds may not be used to contract for a website or a project engineer, etc.)

**6. Matching Funds.** Pledged cash match must be expended during the Term of the agreement. In-kind match, while not an allowable form of matching funds, may be used to assist with program needs above and beyond the minimum cash match requirement.

**7. Office Requirements.** The Grantee will provide for all necessary operational expenses associated with fulfilling the intent of this agreement. These expenses include, but are not limited to: professional office space, telephone, computer and internet access, office equipment, clerical support, travel expenses sufficient to provide for travel within the area, the state and to out-of-state marketing opportunities or trainings, and funds to develop marketing materials for the area.

**8. Terms of Employment.** The professional hired by the grantee can be full-time or part-time. Full-time positions shall spend no fewer than 32 hours per week on economic development activities. Part-time positions shall spend no fewer than 20 hours per week on economic development activities. Programs operating with an interim economic development professional will be considered vacant unless the Grantee can document that the interim worked the minimum number of hours required per week on economic development activities during their tenure of service. Grantees operating a part-time program shall not be awarded more than \$15,000 in grant funds. Grantees and their economic development organization partners are encouraged to track compliance with the full-time and part time requirement to ensure compliance with audits and program reviews.

**9. Governance.** The Grantee will establish, or pass-through funds, to an economic development organization. This economic development organization may be a not-for-profit corporation or a committee of county government or a committee created through a governmental joint power agreement. The economic development organization will direct the activities of the economic development professional paid for with grant funds provided through this agreement. The Grantee and its economic development organization will assume direct responsibility for fundraising. It is expected that quorum of the voting board members will meet no less than once per every other month (6 times per year), unless otherwise specified in the Grantee's work plan.

**10. Notice of Open Position.** Grantee agrees to notify the Department within seven (7) days in the event the EDPRO position becomes vacant. The Grantee will make best efforts to fill the vacant position within forty-five (45) days. In the event the position cannot be filled or is vacant for greater than forty-five (45) days, grant payments may not be released, or a pro-rated portion of the grant may be payable or re-payable for the time the position was vacant. Prorated payments, non-release of payment or possible repayment will be at the discretion of the Department. Programs with an interim employee may be considered vacant subject to the condition outlined in section 8.

#### **11. Performance Goals & Reporting.**

- a. **Work Plan.** The Grantee, in cooperation with the Economic Development Organization and the Department, will establish a Work Plan as outlined in Appendix A – Work Plan. The Work Plan will be reviewed and approved by the Department.
- b. **Monthly Progress Report.** The Grantee shall submit a monthly progress report to the Department. The progress report shall address performance results for the reporting month. The progress report is due on the 15<sup>th</sup> of each month, for the previous month. The format for the monthly report shall be Appendix B –



EDO Progress Report. From time to time, the Department may revise the format, deadline, method, and frequency for reporting. The Department will provide 30 days' notice of such changes. Repeated failure to submit timely reports may result in a loss of funding.

- c. **Financial Report.** The grantee shall submit two financial reports. The first is due January 31 and the final Financial Report shall be due after grant close out on July 31. The Financial Reports shall consist of a balance sheet, and income and cashflow (profit and loss) statements printed on the same date. Financial reports shall document the receipt and expenditure of matching funds required in section 6 of this agreement.

Report Type	Due Date
(a) Work Plan	August 30, 2024
(b) Progress Report	Monthly on the 15th
(c) Financial Report	January 31, 2025
(c) Financial Report	July 31, 2025

**12. Grantee Performance.** The Grantee and its rural economic development program will be evaluated biannually by the Department for performance under this Agreement. Satisfactory performance will be required for future awards. The Grantee is responsible for the performance of any employee paid for with funds from this agreement. The Department reserves the right to audit the Grantee and its economic development organization partners. Grantee staff paid with Department funds must make a good faith effort to attend both Department virtual and in person hosted events. This includes, but not limited to the Department’s Rural Economic Development Professional group chats. Exceptions may be allowed provided that the Department is notified of the absence in advance of the event.

**13. Compliance with Law.** The Grantee shall comply with all requirements of federal, state, and local laws, rules, and regulations applicable to the Grantee or to the services performed by the Grantee pursuant to this Agreement.

**14. Transparency.** Any organization benefiting from Program funds, including the grantee and their EDO and EDPRO partners shall be subject to Idaho Code §§ 74-101 through 74-126 (Public Records Law) Idaho Code §§ 74-201 through 74-208 (Open Meetings Law).

**15. Department Engagement.** The Grantee acknowledges the Department’s right to independently contact, communicate with and engage residents, businesses, elected officials, board members and other organizations residing in the Grantee’s area of operation. Grantee interference with the aforementioned may constitute cause for termination. The Grantee will provide the Department with a calendar of scheduled regular meetings stipulating the time, place, and options for virtual participation where available. In the event the Grantee changes the meeting schedule, calls a special meeting, or changes the location of a previously scheduled meeting or does not operate on a fix meeting schedule, written advanced notice of no less than five working days must be provided to the Department. The notice shall include time, date, location, and links for virtual participation if available. Failure to comply with this clause may result in a loss of funding.

**16. Payments.** Request for Funds (RFF) must be requested by the grantee through the Commence grant portal. The RFF must contain an invoice from the Grantee to the Department for the amount due. RFFs may be requested in accordance with the chart below. Failure to

submit a pay request by the “no later than” date may result in the forfeiture of funds.

Payment Date	Amount	Requirement
On/after July 1st but no later than November 30th	50% of award amount	Fully executed grant Agreement and Work Plan and financials covering the previous six months. Must be up to date on monthly reporting from the previous contract year.
On/after January 1 <sup>st</sup> but no later than May 15 <sup>th</sup>	50% of award amount	Submission of 1 <sup>st</sup> Financial Report. Must be up to date on monthly reporting requirements.

**17. Non-Performance.** If the Grantee is deficient in reporting or other performance benchmarks the Department shall notify the Grantee in writing of the deficiency and request the Grantee to correct the deficiency within 30 days. If the Grantee fails to respond within 30 days or to sufficiently address the deficiency within 45 days, then the Department may withhold payment pending the correction of any deficiencies. If the Grantee fails to meet the performance requirements, following all notices and cure periods described in this section, the Department may terminate this Agreement. Failure to perform satisfactorily may affect future funding decisions.

**18. Potential Conflicts of Interest.** The Grantee must disclose all potential conflicts of interest involving any professional paid with EDPRO funds. Potential conflict disclosures must be in writing from the Grantee to the Department’s Director. Potential conflicts of interest shall include any action, decision, or recommendation by the Grantee, for any purposes under this Agreement, the effect of which would be to the private pecuniary benefit of the Grantee or a member of the Grantee’s household, or a business with which the Grantee or a member of the Grantee’s household is associated. In addition to pecuniary matters, conflicts of interest shall also include any personal or professional position, relationship, knowledge, experience, or bias that would unfairly influence the Grantee’s reasoning or decision on matters performed under this Agreement. In addition, the EDPRO shall not accept any gifts, including sponsored travel, exceeding fifty dollars (\$50.00) within a program year. All potential conflicts of interest disclosed to the Department’s Director shall be reviewed and resolved at the sole discretion of the Department’s Director.

**19. Certification Concerning Boycott of Israel:** Pursuant to Idaho Code section 67-2346 (effective July 1, 2021), if payments under the Agreement exceed one hundred thousand dollars (\$100,000) and Grantee employs ten (10) or more persons, Grantee certifies that it is not currently engaged in, and will not for the duration of the Agreement engage in, a boycott of goods or services from Israel or territories under its control. The terms in this section defined in Idaho Code section 67-2346 shall have the meaning defined therein.

**20. Certification Concerning Boycott of China:** Pursuant to Idaho Code section 67-2359 (effective July 1, 2023), Contract with a company owned or operated by the government of China prohibited. (1) A public entity in this state may not enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not

currently owned or operated by the government of China and will not for the duration of the contract be owned or operated by the government of China. The terms in this section defined in Idaho Code section 67-2359 shall have the meaning defined therein.

**21. Certification considering Abortion Act.** All agencies of the State of Idaho, including the Department, are subject to No Public Funds for Abortion Act. The Act establishes a penalty against state employees who intentionally enter into an agreement with abortion providers or affiliates of abortion providers, or who authorize the use of state facilities or public funds for abortion related activity. Under the Act, there are no penalties that apply to you. By signing the agreement, you certify that there exists no information that would trigger the Act and prevent the Department from contracting with you.

**22. Amendments.** The Agreement may not be released, discharged, changed, extended, modified, subcontracted or assigned in whole or in part (collectively, an "Amendment") except to the extent provided by a written instrument signed by the Grantee and the party authorized to bind the Department. Persons authorized to bind the Department are the Director of the Department. No other Department employee is authorized to accept modifications or additional terms to the Agreement.

**23. Termination.** The Department shall have the right to terminate this Agreement, in whole or in part, any time whenever it is determined that the Grantee has failed to comply with the conditions of the Agreement or the funding for the program supporting the Agreement is reduced or eliminated.

The Department may cancel this Agreement at any time, with or without cause, upon ten (10) days written notice to the Grantee specifying the effective date of termination.

The Grantee may cancel this Agreement at any time, with or without cause, upon thirty (30) days written notice to the Department specifying the effective date of the termination.

In the event that the Grantee terminates the Agreement and is in good standing at the time of termination, a prorated share of grant funds shall be retained by and/or repaid to the Department. If the Grantee is not in good standing at the time of termination, then all Department funds may be subject to repayment.

**24. Relationship of Contracting Parties.** It is distinctly and particularly understood and agreed between the parties that the Department is in no way associated or otherwise connected with the performance of any service under this Agreement on the part of the Grantee or with the employment of labor or the incurring of expenses by the Grantee. The Grantee is solely and personally liable for all labor, taxes, insurance, required letter of credit and other expenses, except as specifically stated herein, and for any and all damages in connection with the operation of this Agreement, whether it may be for personal injuries or damages of any other kind. The Grantee shall not imply, represent, or claim to be an officer or employee of the Department or the state of Idaho. The Grantee shall exonerate, indemnify, defend, and hold the Department and the state of Idaho harmless from and against and assume full responsibility for payment of all federal, state, and local taxes or contributions imposed or required under unemployment insurance, social security, worker's compensation, and income tax laws with respect to the Grantee or Grantee's employees engaged in performance under this Agreement. The state of Idaho and the Department do not assume liability as an employer. Further, the parties do not intend for this Agreement to create any third-party beneficiaries.

**25. Entire Agreement.** This Agreement constitutes the entire agreement between the

parties hereto and shall supersede all previous applications, proposals, oral or written, negotiations, representations, commitments, and all other communications between the parties.

**26. Headings.** The headings have been inserted for convenience solely and are not to be considered when interpreting the provisions of this Agreement.

**27. Counterparts.** This agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

## **28. Special Conditions**

**ED Pro Board Chair**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Grantee**

\_\_\_\_\_  
Print Grantee Name – Chair/Mayor

\_\_\_\_\_  
Print Signatory Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Idaho Department of Commerce Director, Tom Kealey**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

If the Grantee requires additional signatories or approval stamps, they may be written in below:

*[End of text; exhibits follow]*



**Appendix A – Work Plan**

**Note: The total number of items identified for Objectives A, C and D must equal or exceed 9 objective items.**

**Objective A Industrial Targeting: Identify 2 to 5 industries that you will be targeting over the next year. For each industry stipulate the reason it will be your priority.**

- 1) Industry – (Insert Industry Here) (Insert Reasoning and Strategy for Building that Industry in your Communities.)
- 2) Industry – (Insert Industry Here) (Insert Reasoning and Strategy for Building that Industry in your Communities.)
- 3) Industry – (Insert Industry Here) (Insert Reasoning and Strategy for Building that Industry in your Community.)
- 4) Industry – (Insert Industry Here) (Insert Reasoning and Strategy for Building that Industry in your Community.)
- 5) Industry- (Insert Industry Here) (Insert Industry Here) (Insert Reasoning and Strategy for Building that Industry in your Community.)

**Objective B Business Outreach: For each of the industries identified under Objective A identify 3-5 businesses that you plan to work with over the next year.**

- 1) Industry - (Insert Industry Here)
  - a. Business (Insert Business Name and City Here)
  - b. Business (Insert Business Name and City Here)
  - c. Business (Insert Business Name and City Here)
  - d. Business (Insert Business Name and City Here)
  - e. Business (Insert Business Name and City Here)
- 2) Industry - (Insert Industry Here)
  - a. Business (Insert Business Name and City Here)
  - b. Business (Insert Business Name and City Here)
  - c. Business (Insert Business Name and City Here)

- d. Business (Insert Business Name and City Here)
- e. Business (Insert Business Name and City Here)

3) Industry - (Insert Industry Here)

- a. Business (Insert Business Name and Community Here)
- b. Business (Insert Business Name and Community Here)
- c. Business (Insert Business Name and Community Here)
- d. Business (Insert Business Name and Community Here)
- e. Business (Insert Business Name and Community Here)

4) Industry - (Insert Industry Here)

- a. Business (Insert Business Name and Community Here)
- b. Business (Insert Business Name and Community Here)
- c. Business (Insert Business Name and Community Here)
- d. Business (Insert Business Name and Community Here)
- e. Business (Insert Business Name and Community Here)

5) Industry - (Insert Industry Here)

- a. Business (Insert Business Name and Community Here)
- b. Business (Insert Business Name and Community Here)
- c. Business (Insert Business Name and Community Here)
- d. Business (Insert Business Name and Community Here)
- e. Business (Insert Business Name and Community Here)

**Objective C Main Street and Entrepreneurship – Identify 2 to 5 activities or strategies you will pursue to create, grow and strengthen main street businesses (retail, hospitality, professional services) and or promote entrepreneurship in your communities.**

- 1) Strategy - (Insert Strategy Here)
- 2) Strategy - (Insert Strategy Here)
- 3) Strategy - (Insert Strategy Here)
- 4) Strategy - (Insert Strategy Here)
- 5) Strategy - (Insert Strategy Here)

**Objective D Placemaking – Identify 2 to 5 projects you will help pursue to make your communities more attractive for businesses and workforce.**

- 1) Project – (Insert Project and Community)
- 2) Project – (Insert Project Here Community)
- 3) Project – (Insert Project Here Community)
- 4) Project – (Insert Project Here Community)
- 5) Project – (Insert Project Here Community)

**Objective E Professional Development – Identify 2 to 5 topics or subject areas you wish to become more expert in over the next 12 months.**

- 1) Topic/Subject Area
- 2) Topic/Subject Area
- 3) Topic/Subject Area
- 4) Topic/Subject Area
- 5) Topic/Subject Area

**Regular Business Meetings** – The Grantee shall attach a schedule of regular business meetings. The schedule shall include time (including a stipulation of time zone), date, location, and virtual options for participation if available. If any of the above information is not known at the time of the signing of this agreement, the Grantee will comply with the provisions outlined in section 15 of this agreement.





**DEPARTMENT UPDATE:  
BUILDING**

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DATE: 2024-08-12  
TO: Board of County Commissioners  
FROM: Building Official, Wendy Koch  
ITEM TITLE: **Report: Building Dept. Update**

**Building Permit Tracking:**

The department continues remain extremely busy. There are over 120 permits pending currently, some are waiting for more information while some are simply waiting to be logged in so the review process can begin. We have been estimating approximately 14 weeks from the time an application is submitted to the date of approval for several months. Some permits are able to be approved in less time but, for the most part, approval is granted right at the 14 week mark.

We are on track to finish the physical year well above the number of permits that were issued in FY23. Both new dwellings and total permits are up compared to last year but will, I believe, fall just short of FY22 totals.

**Staff:**

Jamison Wilson has turned in her resignation notice. Her last day will be Friday August 16<sup>th</sup>. I have been coordinating with the County Manager to advertise for a new Building Services Coordinator but we have not seen much interest in the position.

I am in contact with the Construction Management Department Head at BYU-I regarding the possibility of internships. He seemed very interested and I'm hopeful we can work something out. I will be contacting our Clerk Keeley and the BoCC when I have more information.

The Code Compliance Technician position remains vacant as well.

**Attachments:**

Historic Income & Units Fiscal Yr2Yr report

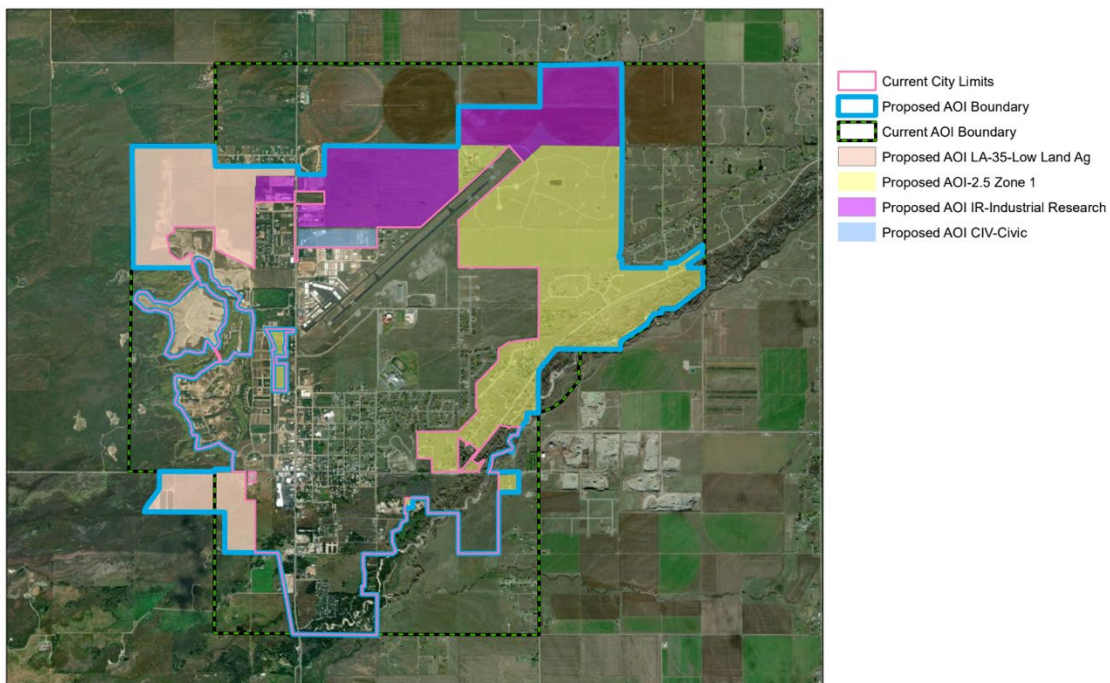




**Teton County – Board of County Commissioners  
July 22, 2024 – Continued August 12, 2024  
Area of Impact Update – City of Driggs**

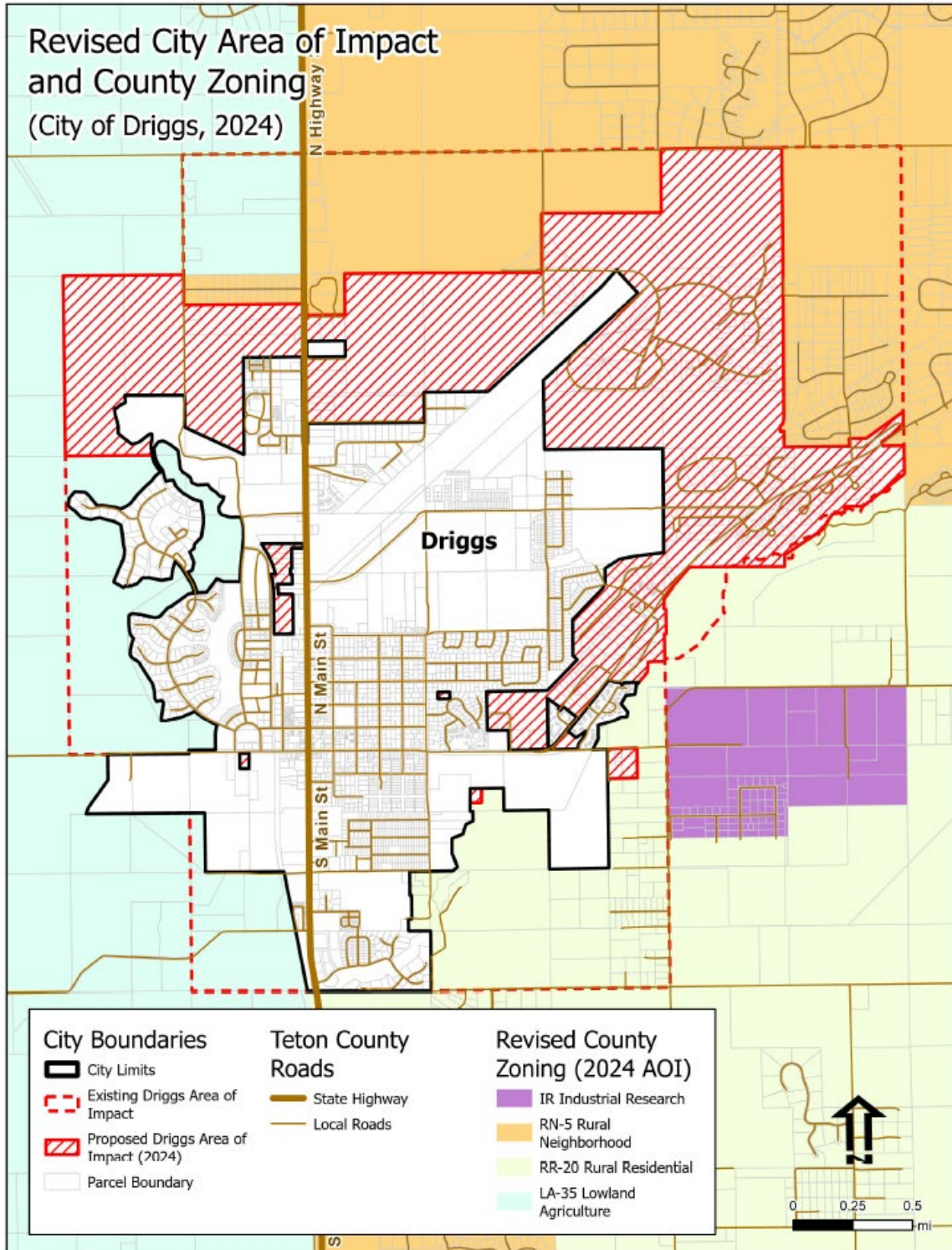
**Overview:**

Attachment A outlines the AOI proposal as it currently stands. Teton County PZC held three work sessions on the AOI proposal, boundary and zone districts within the AOI. The last work session on the Area of Impact of Driggs was May 14, 2024. At this session PZC discussed zone districts for areas that would be removed from the Area of Impact. On June 11, 2024, the PZC held a formal public hearing on the AOI including all zone changes. The BoCC has held multiple work sessions, but July 22, 2024 was the first public hearing on the item. At that meeting the BoCC wished to continue the item to receive additional information related to the airport IR zone district proposals and an updated map of new county zoning.



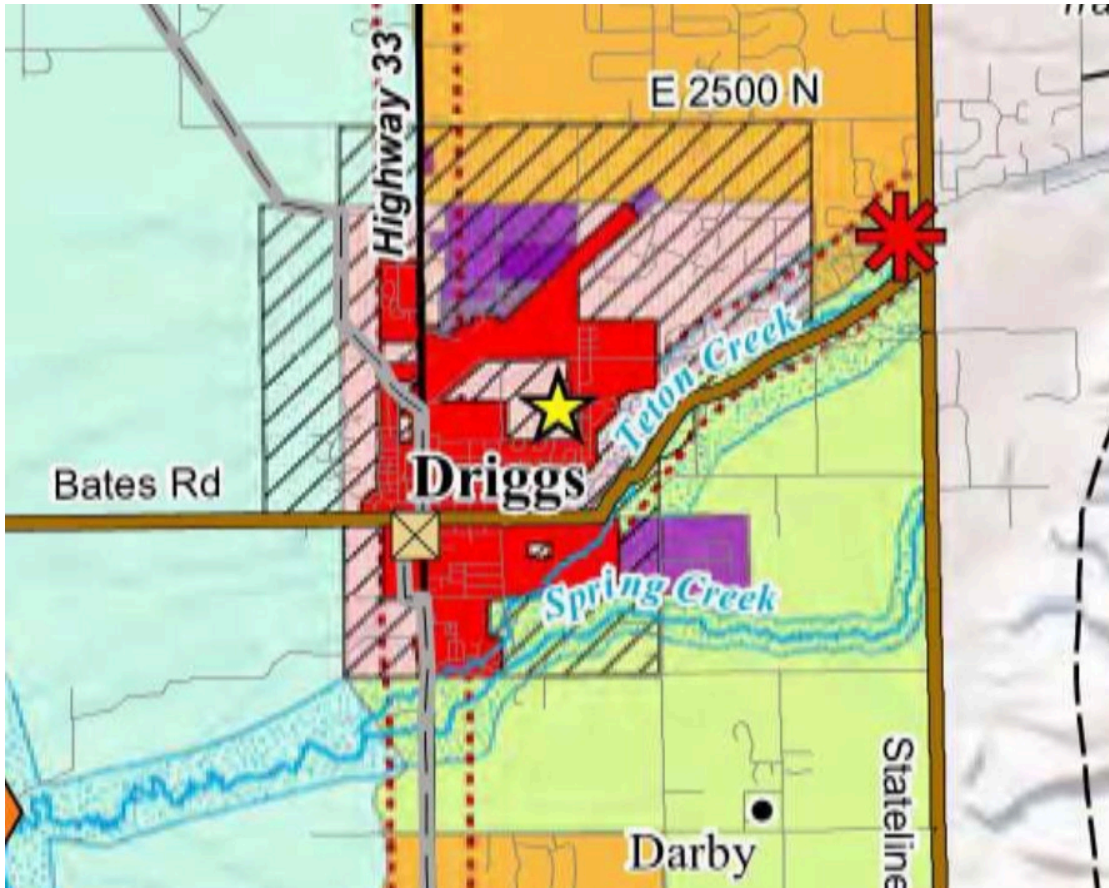
The proposed AOI Boundary (with the adjustment to include Casper Avenue).

The zoning associated with the parcels surrounding the Area of Impact have been suggested to match the surrounding AOI zone districts -



TC PZC had the following questions at the May 14, 2024 Meeting:

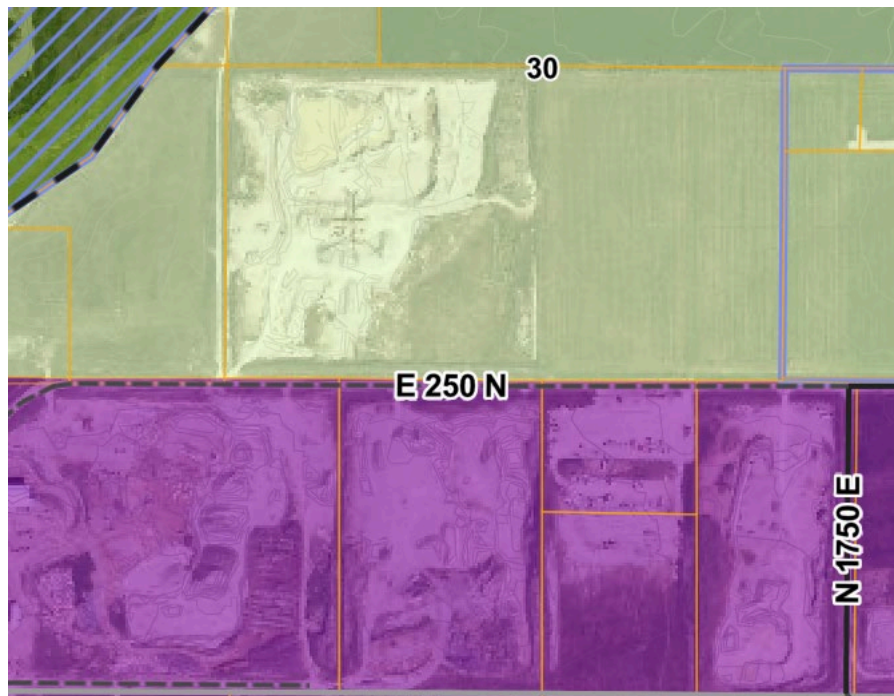
- South of Driggs (all of the area that touches the RR 20 zone district) – should it all be zoned RR-20? *Staff comment: Based on the Comprehensive Plan, this proposal would be compliant.*



- The parcel south of Driggs Centre (for Phase 2) – should it be zoned IR? *Staff comment: There's not a recorded master plan for Phase 2 of Driggs Centre but it is noted as potential future Phase. RP05N46E313800 is the 40 acre parcel. It is outside of the AOI and would require a separate zone change application.*



- Parcels just north of Driggs Centre and north of E 250 N – should this be zoned as IR as it's an existing gravel pit? *Staff comment: Staff couldn't find an existing CUP for the property (RP05N46E304850) is the 70 acre parcel in question.*



Driggs' City Council held a public hearing and made a formal recommendation on April 16, 2024:

**Council Member Michalski made a motion** that having found that the following conforms with Idaho State Statute and will encourage orderly development, and I move to recommend the adoption of the following provisions in the Driggs Area of Impact: the AOI Boundary and Zone Map included as Attachment C which will include Casper Avenue on the north side, the Land Development Code as edited in Attachment E and including Appendix A: Design Review Standards and Guidelines, the Driggs Transportation Plan as adopted in 2019, the Teton County Idaho Comprehensive Plan as adopted in 2012, and the Driggs Airport Overlays as shown in the Airport Master Plan adopted in 2022. Council Member Bragg seconded the motion. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.

The Council took a brief recess from 7:21pm - 7:26pm

Teton County PZC made a unanimous recommendation on to approve the item on June 11, 2024 with the following conditions of approval:

1. Zoning for parcels proposed to be outside of the AOI on the south of Driggs maintain the RR-20 Zone District

**Noticing:**

The application for the Area of Impact Update has been noticed in TVN on July 3 and July 10, 2024. Affected property owners were noticed by mail on July 5, 2024. The Area of Impact Boundary was posted on July 8, 2024.

**Public Comments:**

Staff received no new public comments on this application. All public comments received by the City of Driggs or heard at previous public hearings are attached to the packet for reference. Public comments from the last public hearing in front of the BoCC were related to the airport overlay and ADU allowances.

***Teton County BoCC will hold a public hearing on the item and deliberate on the Area of Impact Update.***

- Staff has sent the draft to County legal for review (June 6, 2024) to ensure compliance with the state legislation that is now in effect. Staff has not received response yet. The City of Driggs conducted their own legal review which had no issues.
- Staff sent additional questions to legal staff on July 31, 2024.
- Staff has, on behalf of the PZC, asked the City of Driggs for a review of PZC recommended zone districts outside of the Area of Impact. The City of Driggs sent a letter (attachment M) affirming the recommendation to zone the parcels now outside of the AOI as County Zoning that is adjacent to the parcels.
- Staff will need to draft an ordinance for adoption, if approved. This would be an item on a future agenda.

***BoCC Options:***

1. Approve the Area of Impact Update, including the AOI zonings, area being removed from the AOI and their new County Zonings, and the plans and documents being incorporated into the AOI or approve with conditions
2. Deny the Area of Impact Update
3. Continue the item for more information from staff

***Possible Conditions:***

1. Zoning for parcels proposed to be outside of the AOI on the south of Driggs maintain the RR-20 Zone District
2. Legal review be completed to ensure compliance with new state legislation.

***Potential Motions:***

1. I move to Approve the Area of Impact Update with the City of Driggs as presented and recommended by City Council (with the following conditions of approval).
2. I move to Deny the Area of Impact Update with the City of Driggs as presented and recommended by City Council (for the following reasons).
3. I move to continue the public hearing for the Area of Impact Update with the City of Driggs (for the following additional information).

***Attachments:***

- |   |  |
|---|--|
| A. AOI Proposal Overview (2 Pages)              | J. Transportation Plan 2019 (43 Pages)                   |
| B. Draft AOI Map (1 Page)                       | K. Appendix A-City of Driggs Design Standards (76 Pages) |
| C. Airport Overlays (1 Page)                    | L. Driggs City Council Minutes_04.16.24 (6 Pages)        |
| D. Proposed AOI Code (179 Pages)                | M. Council review of zonings (2 pages)                   |
| E. Driggs Staff Report April 16, 2024 (6 Pages) | N. AOI Map for Teton County Zoning (1 page)              |
| F. Driggs PZC Minutes_03.13.24 (5 Pages)        | O. Updated Airport Materials from Driggs                 |
| G. Driggs Council Public Comments (4 Pages)     |  |
| H. Driggs PZC Public Comments (6 Pages)         |  |
| I. Meeting History (2 Pages)                    |  |

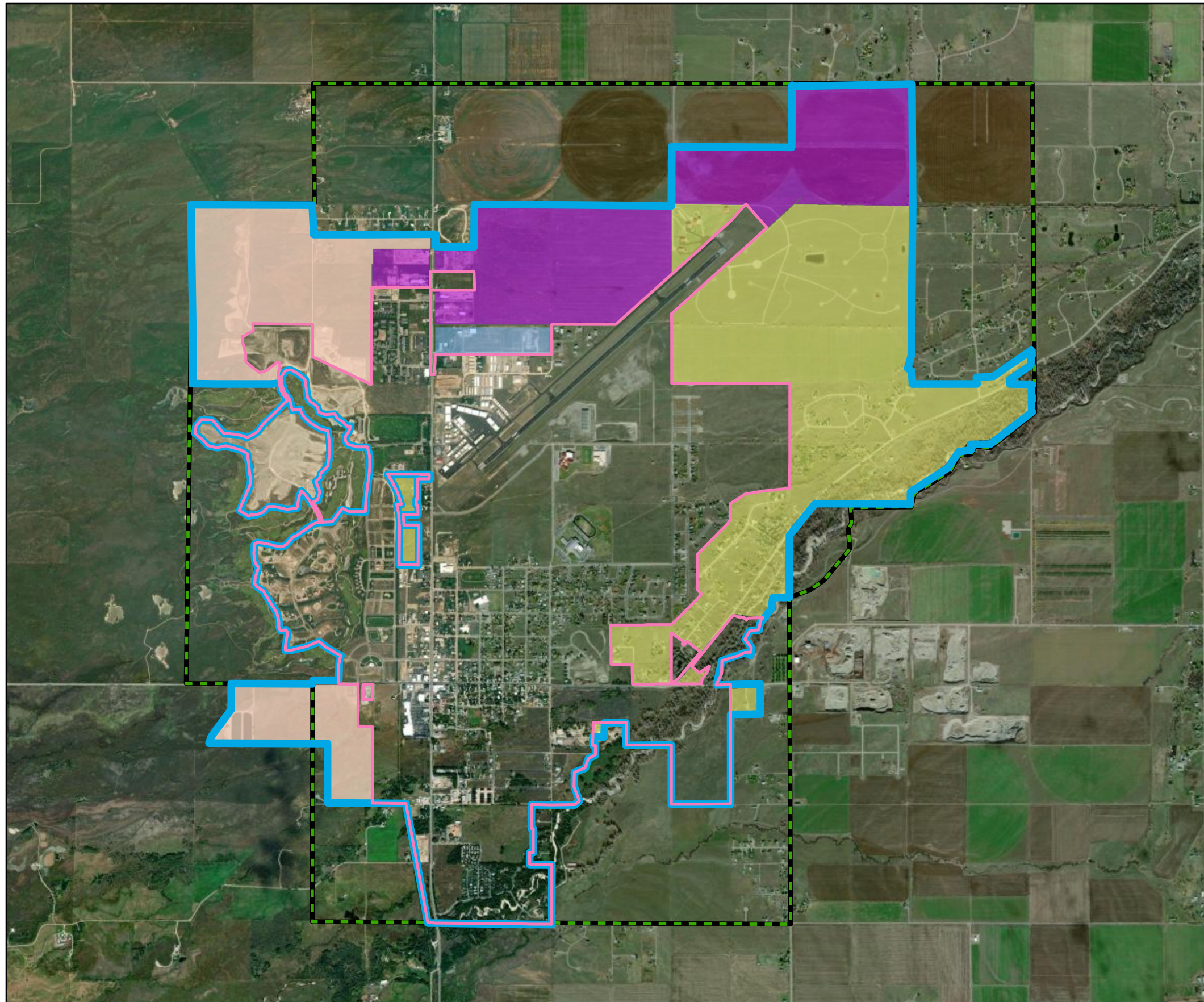
## Detailed Summary of Planning & Zoning Commission’s Proposal and Recommendation:

In monthly work sessions from July 2023 to February 2024, the Planning & Zoning Commission became familiar with the current AOI agreement, state statute requirements, and considerations for this AOI agreement update. Through these discussions and ultimately the public hearing, the Commission based their recommendation on the following:

- ❑ **AOI Boundary** – Areas to remain in the AOI should include areas indicated on the Driggs Transportation Plan, areas included in the Airport Master Plan, city-owned property, areas that are connected to city water and/or sewer service and/or have an active will-serve letter. The Driggs PZC finds it important to balance the desire for control over areas that may have an impact on the city if developed with the fact that, if annexed, the city would be responsible for services including road maintenance and repair and eventually providing water and sewer service. Overall, decreasing the AOI and utilizing county zoning should encourage development at low densities/intensities *or* encourage annexation prior to development.
- ❑ **Utilizing County Zone Districts** – The Driggs PZC recommended utilizing the following zones in the AOI, which are based on zones in the [County’s Land Development Code](#)
  - *AOI-2.5, Area of Impact Zone 1*
  - *LA-35, Lowland Agriculture*
  - *IR, Industrial/Research*
  - *CIV, Civic* – Based on the Civic zone in the [Driggs Land Development Code](#).
- ❑ **Overlay Zones** –
  - Driggs’ [Design Standards and Guidelines](#) would apply to commercial and/or multifamily development within the Design Review Overlay along Ski Hill Road and Hwy 33.
  - Airport Overlays and related regulations (Based on Art. 9.2 of the Driggs LDC)
- ❑ **Code & Regulations** – The Driggs PZC finds that utilizing the County’s New LDC would clarify the standards and process in the AOI and ultimately make it easier for staff to administer (understanding that the AOI is ultimately the County’s jurisdiction and county staff is primarily responsible for its administration). Some modifications have been made to reflect joint review process and some different standards for development. Each chapter and its source are summarized here:
  - Chapter 1 Administration
    - Adopt County Code Chapter 1 with modifications appropriate for AOI
  - Chapter 2 Zone Districts
    - Adopt County Code Chapter 2
      - Adopt zones proposed to be used in AOI.
      - Adopt Civic zone from Driggs LDC.
    - Adopt City Design Review Overlay and [Appendix A regarding Design Standards and Guidelines](#).
    - Adopt City Airport Overlays (City LDC Art. 9.2)
    - Adopt the [state model code for Flood Damage Prevention Ordinance](#)
  - Chapter 3 Use Provisions
    - Adopt County Code with some modifications and add Civic zone
  - Chapter 4 Application Procedures
    - Adopt County Code with modifications that address city/joint review
  - Chapter 5 Development Standards
    - Adopt County Code

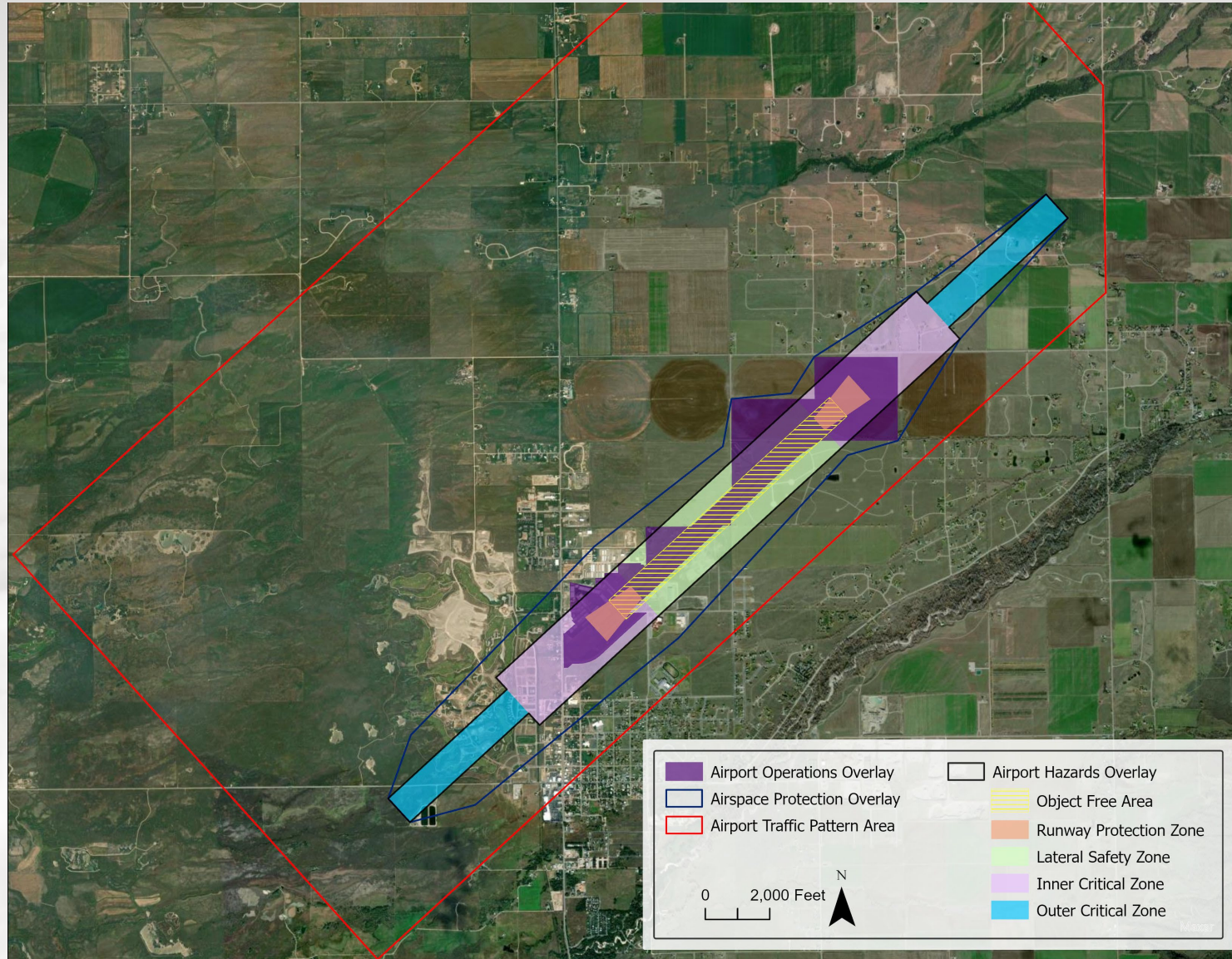


- Chapter 6 Subdivision Design Standards
  - Adopt County Code with modifications
- Chapter 7 Definitions
  - Adopt County Code
- Comprehensive Plan – The Driggs PZC recommends that the [County’s Comprehensive Plan](#) be adopted in the AOI. The County’s Comprehensive Plan has a broader scope regarding the Driggs AOI. The City’s Comprehensive Plan contemplates long range development and envisions ultimate buildout of these areas, which may be appropriate eventually, but may not be appropriate immediately, especially before annexation and before a development can utilize city water and sewer service. Adopting the County’s Comp Plan in the AOI will encourage lower density development OR will encourage properties to annex in order to receive city services and be able to develop according to the City’s Comprehensive Plan. The key here is that annexation occurs before the City’s Comp Plan is in place which can then be used to justify and guide more intense development.
- Transportation Plan – Driggs PZC recommends adopting the [City’s Transportation Plan](#) in the AOI.



- Current City Limits
- Proposed AOI Boundary
- Current AOI Boundary
- Proposed AOI LA-35-Low Land Ag
- Proposed AOI-2.5 Zone 1
- Proposed AOI IR-Industrial Research
- Proposed AOI CIV-Civic

# Airport Overlays and Zones Combined (Future)



Text is copied from the Teton County LDC with the following proposed changes:

Highlighted text indicates that closer legal review is needed and/or a change still needs to be addressed (upon legal review and/or final decision)

Red text indicates a change from the original County LDC text (as reviewed and recommended by Driggs PZC).

Strikethrough text indicated text that is proposed to be removed from the original County LDC text.

Green text indicates changes proposed in current County Code update.

Purple text indicates changes made at the direction of the Driggs Planning & Zoning Commission, and/or with staff recommendaiton for Council consideration.

## DRAFT Driggs & Teton County, Idaho Area of City Impact Ordinance

April 2, 2024 – Draft for Driggs City Council Review, Updated from March 2024 draft for Driggs PZC review

### SUMMARY INDEX:

- ❑ Chapter 1 Administration
  - Adopt County Code Chapter 1 with modifications appropriate for AOI
- ❑ Chapter 2 Zone Districts
  - Adopt County Code Chapter 2
    - Adopt zones proposed to be used in AOI.
  - Adopt City Design Review Overlay (LDC Art. 9.3 and Appendix A).
  - Adopt City Airport Overlays (LDC Art. 9.2 and 9.5)
  - Adopt Idaho Model Flood Damage Prevention Ordinance
- ❑ Chapter 3 Use Provisions
  - Adopt County Code with modifications that address city/joint review
- ❑ Chapter 4 Application Procedures
  - Adopt County Code
- ❑ Chapter 5 Development Standards
  - Adopt County Code
- ❑ Chapter 6 Subdivision Design Standards
  - Adopt County Code with modifications based on City LDC Chapter 12 and Chapter 14
- ❑ Chapter 7 Definitions
  - Adopt County Code

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## CHAPTER 1 ADMINISTRATION

### 1-1 Legal Provisions

#### A. Title

This document is the “Land Development Code for ~~Teton County, Idaho~~ the **Driggs Area of City Impact**” and is referred to in this document as such or the **Driggs AOI LDC**.

B. Purpose and Intent

The Land Development Code guides residential and nonresidential *development* in ~~unincorporated Teton County~~ **Driggs Area of City Impact**, in accordance with the County's adopted *comprehensive plan* and its existing and future needs, in order to protect, promote, and improve public health, safety, and general welfare. The Land Development Code is enacted to exercise the full range of authority available under Idaho law, including the purposes stated in the Local Land Use Planning Act (Title 67, Chapter 65) of the Idaho Code.

1. Area of Impact Purpose:

The Areas of Impact around each city (Tetonia, Driggs, Victor) constitute their own unique zoning districts. Although they are within the jurisdiction of Teton County, the unique zoning, subdivision, and land use regulations for these districts must be negotiated with the cities in accordance with Idaho Code Section 67-6526. These are areas of potential annexation into the cities or areas where the cities have specific concerns about the impacts of nearby development on the city.

2. Establishment of the Boundaries and Areas of City Impact in Unincorporated Teton County requires negotiation of an Area of Impact Agreement with each city and adoption of separate ordinances determining both the boundaries of the Area of Impact as well as the specific zoning, subdivision, and land use regulations as outlined in Idaho Code Section 67-6526. The Areas of City Impact for each city are hereby incorporated as shown on the official zoning map. Establishment of the zoning, subdivision, and land use regulations applicable within Areas of City Impact Lands are governed by the terms of the County-City agreements. These agreements are codified by County ordinance in Title 7.

C. Applicability

1. Territorial Applicability

This Land Development Code applies to all land, uses, *buildings*, and *structures* within ~~unincorporated the~~ **Driggs Area of City Impact**, Teton County, Idaho. ~~except in Areas of City Impact where the County and a municipality have agreed to apply other ordinances.~~ When land is added ~~within the jurisdiction of the County~~ **to the Area of City Impact**, through de-annexation or sale of public lands, the County **and City** will **jointly** follow **Driggs AOI LDC** procedures to apply a zoning designation to those lands.

2. General Applicability

**Driggs AOI LDC** requirements are the minimum necessary to meet the purpose and intent of the Land Development Code and Local Land Use Planning Act (Title 67, Chapter 65) per Idaho Code Section 67-65.

3. Required Conformance

- a. All *buildings*, *structures*, or land, in whole or in part, must be used, occupied, constructed, or built in conformance with the **Driggs AOI LDC**. No *building* or *structure* shall be built, altered, or used unless it is located on a *lot of record* or otherwise complies with nonconformity provisions in Section 1-8 of this chapter.
- b. Unless otherwise provided by law, the state of Idaho, and its agencies, boards, departments, institutions, and local special purpose districts, must comply with the **Driggs AOI LDC**.

- c. The **Driggs AOI** LDC does not apply to transportation systems of statewide importance, as determined by the state transportation board, though the transportation board must consult with the County on *site plans* and design or transportation systems within the unincorporated areas.
  - d. *Development* by public *utilities* shall be subject to Idaho Code Section 67-6528.
  - e. This **Driggs AOI** Land Development Code does not nullify any private agreement or *covenant*, and each shall apply as provided by law and the terms of the private agreement. Teton County will not enforce any private agreement or *covenant*.
4. Control Over Less Restrictive Laws and Regulations  
If any condition or requirement imposed by the **Driggs AOI** LDC is more restrictive than a condition or requirement imposed by any other law, rule, or regulation, the more restrictive condition or requirement governs, unless preempted or otherwise prohibited by law.
  5. Conflict  
If any condition or requirement imposed by the **Driggs AOI** LDC contains an actual, implied, or apparent conflict, the more restrictive condition or requirement controls.
  6. References to Other Laws  
Whenever a provision of the **Driggs AOI** LDC refers to any other part of the Teton County Code or to any other law, the reference applies to any subsequent amendment of that law, if applicable.
  7. Text and Graphics  
Illustrations, photographs, and graphics are included in the **Driggs AOI** LDC to illustrate the intent and requirement of the text. In the case of a conflict between the text and any illustration or graphic, the text controls.
  8. Maps and Overlays  
Maps referenced throughout the **Driggs AOI** LDC and described in Section 1-4 shall be used as reference to define areas that may require additional standards or studies to ensure impacts to the area are mitigated proportionately.
- D. Severability  
If any section, paragraph, clause, sentence, or provision of the **Driggs AOI** LDC is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of the **Driggs AOI** LDC. The effect of the judgment is confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which a judgment was rendered.
  - E. Effective Date  
This **Driggs AOI** Land Development Code became effective on August 3, 2022.

## 1-2 Zoning Districts Established

- A. Generally  
In order to implement this **Driggs AOI** Land Development Code, Teton County the **Driggs Area of City Impact** is divided into the following *zoning districts* as established in Chapter 2 and as shown on the *official zoning map*.
- B. *Zone Districts*
  1. AOI-2.5: Area of Impact Zone 1

2. AOI-20: Area of Impact Zone 2
3. IR: Industrial/Research
4. CIV: Civic
5. ~~RN 5: Rural Neighborhood~~
6. ~~FH 10: Foothills~~
7. ~~FH 20: Foothills Priority Protection~~
8. ~~RR 20: Rural Residential~~
9. ~~RA 35: Rural Agriculture~~
10. LA-35: Lowland Agriculture

### 1-3 Official Zoning Map

- A. Zoning Maps Established
  1. The Teton County *Official Zoning Map* includes the boundaries of all County Zoning Districts, as well as the Areas of City Impact, as required by Idaho Code Section 67-6525.
  2. The *official zoning map* originals are kept on file with the *Planning Department*, which indicate the effective date of the most recent amendments to district boundaries.
  3. Zoning Districts and Areas of City Impact Area are also kept electronically in the County's geographic information system (GIS). Copies published on the web or otherwise portrayed electronically do not constitute originals.
  4. Teton County may make paper copies available to the public for a reasonable fee.
  5. Zoning Map amendments are made pursuant to the procedures in Chapter 4.
- B. Interpretation of Map Boundaries
  1. Where uncertainty exists with respect to the boundaries of any district on the *official zoning map*, the **County** Planning Administrator is authorized to interpret the boundaries using the following methods.
    - a. Where a district boundary line is shown as approximately following the centerline of a *road, highway, railroad right-of-way, or waterway*, the district boundary is the centerline of that *road, highway, railroad right-of-way, or waterway*.
    - b. Where a district boundary line is shown as running approximately parallel at a distance from the centerline of a *road, highway, railroad right-of-way, or waterway*, the distance from the centerline is determined by the map scale.
    - c. Where a district boundary line is shown as approximately following a *lot line* or municipal boundary line, the district boundary is the *lot line* or municipal boundary line.
    - d. Where a boundary line is shown and its location is not fixed by any of the rules of this sub-section, its precise location is determined by the map scale.
- C. Properties Subject to more than one Zoning District
  1. Interpretations not associated with a *subdivision application*:  
When a single property has more than one Zoning District designation, control and use of each portion of the property shall follow the district requirements applicable within each Zoning District to each portion.
  2. Interpretations associated with a *subdivision application*:  
When a *subdivision* is proposed on a single property, which has more than one Zoning District designation, the number of *lots* per acre for the entire property shall be calculated

according to the *density* permitted within each district and the percent of the property within each district, rounded down to the nearest whole number.

D. Consistency with *comprehensive plan*

The classification of land within Zoning Districts shall be done in accordance with the **Teton County comprehensive plan**. The *comprehensive plan* should be adhered to in the implementation of the **Driggs AOI LDC**, in accordance with Idaho Code Section 67-6500 et seq., and other applicable law.

## 1-4: Overlay Maps

A. The following overlay maps shall be used in conjunction with the regulations herein as follows:

1. Natural Resource Overlay (NRO) Map

- a. This map is referenced throughout the **Driggs AOI** Land Development Code as a baseline to identify priority areas for natural resource protection.
- b. If any portion of a *parcel* or *lot* for a proposed *development* or special use falls wholly or partially within or immediately adjacent to the NRO, **the Administrator, PZC, or BoCC** may request additional reports or studies to ensure impacts to the natural resources are avoided or mitigated per the standards herein.
- c. *Development* in areas with key riparian, wetland, or fish/wildlife resources, as identified by the NRO, shall be *clustered* to provide meaningful open space and limit impacts on these natural resources
- d. Idaho Department of Fish and Game (IDFG), the U.S. Fish and Wildlife Service (USFWS), or a professional ecologist/wildlife biologist may be consulted by the County to help determine if the site plan and mitigation measures effectively avoid or limit impacts on key natural resources.

2. Bear Conflict Map

- a. The Bear Conflict Map illustrates potential human/bear conflict areas in the County and is tied to outdoor food and trash storage regulations.
- b. Human/bear conflict mitigation and prevention regulations can be found in Title 4, Chapter 7, of the Teton County Municipal Code.

3. Floodplain Map

- a. The *floodplain map* illustrates *FEMA* designated areas of potential flood hazard which shall meet all requirements of **Title 12 of the Teton County Municipal Code: Flood Damage Prevention**.

4. Wildfire Hazard Overlay (WHO) Map

- a. The WHO Map identifies locations where development is most at risk of destruction by wildfire.
- b. If any portion of a *parcel* or *lot* for a proposed *development* or special use falls wholly or partially within or immediately adjacent to the WHO, the Administrator, PZC, or BoCC may request additional site, landscaping, or vegetation management plans to prevent property damage or loss due to wildfire and reduce safety risk to emergency personnel per the standards within.
- c. Development in areas with high risk of wildfire, as identified by the WHO, shall meet the requirements for Section 5-4-3.



- d. The Fire Marshall and/or District Ranger may be consulted by the County to help determine whether the site, landscape, and/or vegetation management plan is adequate for safe fire protection in the event of a wildfire.
5. Airport Overlay Map
- a. Purpose  
The purpose of the Airport Overlay Districts is to ensure that the uses established in the vicinity of and on the Driggs-Reed Memorial Airport will not be in conflict with the ~~Driggs~~-Comprehensive Plan, Airport Master Plan or Airport Layout Plan; that sensitive or vulnerable uses will be reasonably protected from airport related activities including noises, hazards and similar conditions; and that the airport and airport related activities are reasonably protected from the encroachment of uses incompatible with the operation of the airport.
  - b. Scope and Boundaries  
The provisions of this Article shall apply to the land and structures within each of the following overlay districts:
    - i. Aircraft Traffic Pattern Overlay: Shown on the official ~~City of Driggs~~-Zoning Map, and defined as encompassing all land on and around the airport to a distance of 14,000 feet from the runway centerline surface, except on the southeast side, where the boundary is 3,700 feet from the runway centerline surface. This difference accounts for the prescribed turning movements being on the north side of the airport.
    - ii. Airspace Protection Overlay: Shown on the official ~~City of Driggs~~ Zoning Map, and defined as the area underneath the Approach and Transitional Surfaces designated on the adopted Driggs-Reed Memorial Airport Layout Plan and also applies to land in the Airport Hazards and Airport Operations Overlays. Generally speaking, the approach surfaces are sloped at 34:1 off the SW end of the runway, 20:1 off the NE end of the runway and 7:1 on each side, starting at the outer boundary of the Object Free Area.
    - iii. Airport Hazards Overlay: Shown on the official ~~City of Driggs~~ Zoning Map, and consisting of and defined by the following areas as established by the adopted Driggs-Reed Memorial Airport Master Plan and Airport Layout Plan.
      - 1. Object Free Area: An area 400ft in width either side of and parallel to the runway centerline. The purpose of the OFA is to enhance the safety of aircraft operations by remaining clear of objects.
      - 2. Runway Protection Zone (RPZ): An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline.
      - 3. Lateral Safety Zone (LSZ): An area extending 1,000 feet either side of the runway centerline.
      - 4. Inner Critical Zone (ICZ): An area rectangular in shape and centered about the extended runway centerline. The width of the ICZ is 2,000 feet and extends a horizontal distance of 5,000 feet from each end of the runway surface.
      - 5. Outer Critical Zone (OCZ): An area rectangular in shape and centered about the extended runway centerline. The width of the OCZ is 1,000 feet and extends a horizontal distance of 4,000 feet from each end of the ICZ.

- iv. Airport Operations Overlay: Shown in approximation on the official City of Driggs Zoning Map, and defined as all properties within the airport security fence.
- c. Airport Overlay District Provisions
  - i. Aircraft Traffic Pattern Overlay - Avigation Easement Required: Within the Airport Traffic Pattern Overlay, the execution of an Avigation Easement for the unobstructed passage of aircraft, as specified by the city, will be a condition of any land use permit.
  - ii. Airspace Protection Overlay - Structure Height: No building permit will be issued within the Airspace Protection Overlay without acknowledgement from the FAA that a completed FAA Form 7460-1 has been received and that the proposed construction will either not encroach into the protected airspace or that acceptable mitigation has been agreed to.
  - iii. Airport Hazards Overlay - Use Provisions: The following provisions restrict uses within the Airport Hazards Overlay, and are in addition to the use provisions contained in Article 9.4, Chapter 10 and those listed in the zone districts in the AOI. Uses not permitted below that existed at the time these regulations were adopted may be continued pursuant to **section 14.12.2.**
    - 1. Object Free Area: No structures, storage, equipment or trees shall be located in the OFA except for objects needed for air navigation or aircraft ground maneuvering purposes. Wildlife fences up to nine and a half (9.5) feet tall are allowed in the Object Free Area. The only permitted land uses in the OFA are:
      - a. Aircraft runways, taxiways, ramps.
      - b. Cropland or open space
    - 2. Runway Protection Zone (RPZ): The only permitted land uses in the RPZ are:
      - a. Cropland or open space
      - b. Navigational aids
    - 3. Lateral Safety Zone (LSZ): The allowed and conditionally permitted land uses in the LSZ are those allowed or conditionally permitted in the underlying zoning district, as regulated in **Chapter 10** and those listed in the zone districts in the AOI, with the exception that the following land uses are not permitted within the LSZ:
      - a. Residential
      - b. Lodging
      - c. Civic uses with public assembly (schools, libraries, churches, etc.)
      - d. Hospital
      - e. Day care center
      - f. Playgrounds
      - g. Indoor recreation, special event facility or retail use with greater than 5,000 square feet of net floor area
      - h. Outdoor spectator sports seating
    - 4. Inner Critical Zone (ICZ): The allowed and conditionally permitted land uses in the ICZ are those allowed or conditionally permitted in the underlying zoning district, as regulated in Chapter 10 and those listed in

the zone districts in the AOI, with the exception that the following land uses are not permitted within the ICZ:

- a. Hotel/Motel
- b. Civic uses with public assembly (schools, libraries, churches, etc.)
- c. Hospital
- d. Day care center
- e. Recreation, special event facility or retail building larger than 5,000 square feet of net floor area
- f. Outdoor spectator sport facilities

5. Outer Critical Zone (OCZ): Outer Critical Zone (OCZ): The allowed and conditionally permitted land uses in the OCZ are those allowed or conditionally permitted in the underlying zoning district, as regulated in Chapter 10 and those listed in the zone districts in the AOI, with the exception that the following land uses are not permitted within the OCZ:

- a. Hotel/Motel
- b. Civic uses with public assembly (schools, libraries, churches, etc.)
- c. Hospital
- d. Day care center
- e. The city may prohibit or require conditions on land use elements that are considered bird attractants, such as ponds and water features or garbage, or that may cause pilot distraction such as light glare, to ensure the safety of aircraft operations in the surrounding airspace.

iv. Airport Operations Overlay:

1. Purpose: The purpose of the Airport Operations Overlay District is to preserve the safety and utility of the airport and the public investment therein by regulating the uses within the airport's perimeter security fence.
2. Uses Allowed: Within the Airport Operations Overlay District, uses other than those listed and defined below are not permitted.
  - a. Aircraft runways, taxiways, ramps, parking areas.
  - b. Aircraft operational facilities including, but not limited to, instrument landing systems, visual navigational aids and related equipment; communication facilities; weather service offices and equipment.
  - c. Hangars and buildings which may only be used for the storage or maintenance of aircraft; airport snow removal, sweeping and other aviation or airport maintenance equipment, and other aviation related or ancillary activities only.
  - d. Offices and facilities for airport management, air charter, air taxi, crop spraying, aircraft sales or rentals, and air cargo processing facilities.

- e. Flight schools, flying clubs and other schools or training facilities relating to aviation or air related transportation.
  - f. Offices and facilities for the operation and maintenance of air rescue, emergency and firefighting services.
  - g. Aircraft or aviation related maintenance, manufacturing, and testing facilities. Offices and facilities of Federal, State and local government entities.
  - h. Apartment accessory to a use that is allowed in the Airport Operations Overlay District, provided that the apartment's gross floor area does not exceed 1250 square feet and 20% of the hangar's ground floor area. On city owned property, an Accessory Apartment may only be used as crew quarters for occasional overnight and resting periods for flight crew and not as permanent or temporary residences for flight crews, aircraft owners, guests or any other person.
3. Conditional Uses Permitted:
- a. Bulk storage of flammable or hazardous liquid above or below ground.
  - b. Crop spraying facilities and related facilities.

## **1-5: Areas of City Impact**

### **A. Purpose**

The Areas of Impact around each city (Tetonia, Driggs, Victor) constitute their own unique zoning districts. Although they are within the jurisdiction of Teton County, the unique zoning, subdivision, and land use regulations for these districts must be negotiated with the cities in accordance with Idaho Code Section 67-6526. These are areas of potential annexation into the cities or areas where the cities have specific concerns about the impacts of nearby *development on the city*.

- ~~B. Establishment of the Boundaries and Areas of City Impact in Unincorporated Teton County requires negotiation of an Area of Impact Agreement with each city and adoption of separate ordinances determining both the boundaries of the Area of Impact as well as the specific zoning, subdivision, and land use regulations as outlined in Idaho Code Section 67-6526. The Areas of City Impact for each city are hereby incorporated as shown on the *official zoning map*. Establishment of the zoning, subdivision, and land use regulations applicable within Areas of City Impact Lands are governed by the terms of the County City agreements. These agreements are codified by County ordinance in Title 7.~~

## **1-6: General Authority Provisions**

### **A. State Statutes**

The **Driggs AOI** LDC is intended to comply with the provisions of:

1. Idaho Constitution Article 12, Section 2;
  2. Idaho Statutes Title 67, Chapter 65, Local Land Use Planning Act (Planning Act);
  3. Idaho Statutes Title 50, Municipal Corporations, Chapter 13 Plats and Vacations; and
  4. Other requirements of applicable law.
- B. Planning, Review and Approval Authority
1. Board of County Commissioners (BoCC)
    - a. The BoCC has the powers and duties conferred by the Planning Act, as expressly provided for in the **Driggs AOI** LDC, including certain powers delegated to the Planning Commission and Planning Administrator.
    - b. The BoCC may appoint and maintain a Planning and Zoning Commission by ordinance, as provided in the Planning Act.
    - c. The BoCC will adopt and maintain the LDC pursuant to the notice and procedural requirements set forth in the Planning Act regarding adoption of a zoning ordinance and districts.
  2. **County** Planning and Zoning Commission (PZC)
    - a. The PZC has the powers and duties identified in the Planning Act, as conferred to it by the BoCC, including the development of a *comprehensive plan* as outlined in Teton County Code Title 2.
    - b. The composition of the PZC shall be pursuant to appointment by the BoCC as outlined in Teton County Code Title 2, and all records and meetings are open to the public and shall be maintained and conducted as provided by the Planning Act.
    - c. The PZC shall develop and adopt a *comprehensive plan* in accordance with the requirements of the Planning Act.
  3. Planning Administrator (Administrator)
    - a. The Administrator or their designee has the powers and duties identified in the Planning Act, including, but not limited to review, recommendation, and final actions as expressly set forth in this chapter.

## **1-7 Violation and Penalty**

- A. Violating any provisions of the **Driggs AOI** LDC shall constitute an infraction punishable by a penalty of one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for the second violation, and three hundred dollars (\$300.00) for the third violation. Each subsequent violation shall be punishable by either (1) continued infractions punishable by a penalty of three hundred dollars (\$300.00) or (2) a misdemeanor punishable by up to six (6) months in jail and a three hundred dollar (\$300.00) fine. These punishments shall not enjoin Teton County from seeking further civil remedies for each violation. Every day or portion thereof during which a violation is committed, continued, or permitted is a separate offense and is punishable as such.

## **1-8: Nonconformities**

- A. Generally  
*Nonconforming structures* and uses may continue until abandoned or re-developed to a conforming use, only in accordance with this Section. The burden of proving nonconforming status rests solely on a property owner claiming nonconforming status.

- B. *Nonconforming Uses and Structures* not to be expanded  
*Nonconforming uses or structures* shall not be modified, changed, expanded, or replaced except in conformance with the present requirements of the **Driggs AOI LDC**.
- C. Repairs; Maintenance  
*Nonconforming structures* may be maintained and repaired, in accordance with applicable County building code requirements. However, repairs and maintenance may not increase the capacity or degree of nonconformity, other than to meet the provisions of law to accommodate handicap access as required by American Disabilities Act and other federal and state law.
- D. Changes in use  
*Nonconforming uses* may not convert to a new use category that does not comply with the Zoning District requirements of the **Driggs AOI LDC**. Transfer of ownership and changes in occupancy do not change nonconforming status.
- E. Expansion of *nonconforming uses and structures*
  - 1. *Nonconforming uses* may not be expanded, enlarged, extended, or increased, except in accordance with present **Driggs AOI LDC** requirements.
  - 2. *Nonconforming structures* may be relocated to another location on the premises only if the Administrator agrees in writing that such relocation eliminates or reduces the extent of nonconformity. Otherwise, *nonconforming structures* may not be relocated to another location on the premises except pursuant to a valid *building* permit issued by the County in compliance with this section.
- F. Replacement  
*Nonconforming use or structures*, verified under subsection B, which have not been abandoned, may be replaced, but only where the effect of the replacement lessens or maintains the same land use impacts, including those related to traffic, occupancy, intensity, noise generation, and parking requirements, that existed prior to replacement.
- G. Abandonment
  - 1. Abandonment of a *nonconforming use* shall be governed by Idaho Code Section 67-6538.
- H. *Lots of Record, Nonconforming Lots*
  - 1. *Development on lots of record* is allowed pursuant to the provisions of the **Driggs AOI LDC**. A *parcel* of land that is not a *lot of record* is a *nonconforming lot* and is subject to the provisions of this section.
  - 2. Where other requirements of the **Driggs AOI LDC** make construction of one *dwelling unit* infeasible on a *nonconforming lot*, the PZC may deem *lot size* an *undue hardship* and a basis for the minimum *variances* needed to permit construction of one *dwelling unit*, unless the PZC makes an express finding that *variances* sufficient to permit construction of a single *dwelling unit* on a *nonconforming lot* conflicts with the public interest, under Idaho Code Section 67-6516 and Section 4-1-9 of the **Driggs AOI LDC**, *Variances*.
  - 3. For *parcels* of property that are not *lots of record*, a *building* or other *development* permit may be issued in accordance with this paragraph.
    - a. An *application* for *development* of a *parcel* that is not a *lot of record* must include:
      - i. A copy of the recorded deed or recorded *survey* creating the *parcel*. The *parcel* must meet minimum *lot size* requirements in the applicable *zone district*.

- ii. A map or *survey* showing the *parent parcel* from which the subject *parcel* was created.
- iii. A *site plan*.
- b. The Administrator may approve the issuance of a *building* or other *development* permit if the *parcel* has lawful access and can meet all other relevant provisions of the **Driggs AOI** LDC.

## 1-9 Planned Unit Developments

- A. New planned unit developments are not permitted.
- B. Planned unit developments with final approval on the effective date of the **Driggs AOI** LDC may continue under the provisions of the final *plat*.
- C. Requests for modifications to an approved planned unit *developments* will be processed pursuant to Chapter 4 provisions related to modifications to a *plat*.

## 1-10 Measurements and Exceptions

- A. Defined Terms  
Terms included in Chapter 7, Definitions, are shown in “*italics*” throughout the **Driggs AOI** LDC.
- B. *Average Density*  
*Average density* is calculated by dividing the gross area of the *parent parcel* by the total number of units in the project. For example, a *lot* or *parcel* of land that is forty (40) acres in size, divided into four (4) individual *lots* would have an *average density* of one (1) unit per ten (10) acres or 0.10 DUs per acre. This *density* can be dispersed as four (4) *lots* each ten (10) acres in size or *clustered* so that there are three (3) smaller *lots* and one large *lot*, to meet the minimum *lot* sizes as indicated in Chapter 2 with the remainder of the land in *open space*.

Average Density Illustrated

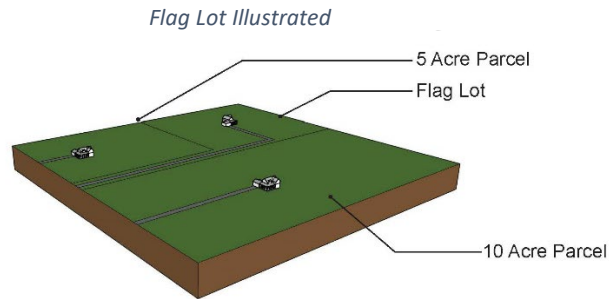


- C. *Lot Dimensions*
  1. *Lot Area*  
*Lot area* is the area included within the rear, side, and *front lot lines*. *Lot area* does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.
  2. *Lot Width*  
*Lot width* is the distance between the two side *lot lines* measured at the *primary road* property line along a straight line or along the chord of the property line on a curvilinear *lot*.
  3. *Lot Depth*  
*Lot depth* is the distance between the front and rear property lines measured from the primary property line.
  4. *Lot Frontage*

Every new *lot* must abut a public or *private road* that meets County standards. An access *easement* may be granted in situations where *abutting* a public or *private road* is not feasible, such as lack of *frontage* on a public or *private road* or to preserve agricultural or sensitive lands.

5. *Lot, Flag*

A *lot* with less length of property on a *public road* than is normally required, with no less than thirty (30) feet *abutting* a public or *private road* generally intended to make deeper property accessible.



D. *Type of Setbacks*

*Building setbacks* apply to both *principal* and *accessory buildings* or *structures*, except where it explicitly states otherwise. There are four (4) types of standard *lot setbacks* and four (4) types of sensitive land *setbacks*:

1. *Standard Setbacks*

- a. *Primary Road*
- b. *Side Road*
- c. *Side Interior*
- d. *Rear*

2. *Sensitive Land Setbacks*

- a. *Teton River*
- b. *Stream/Creek*
- c. *Wetlands*
- d. *Lake, Pond*

E. *Measurement of Standard Setbacks*

1. The *primary road setback* is measured at a right angle from the *primary road* right-of-way line.
2. On *corner lots*, the *side road setback* is measured at a right angle from the *side road* right-of-way line.
3. The *rear setback* is measured at a right angle from the rear property line. The rear property line is the property line opposite to the *primary road* property line. Where there is more than one *primary road*, the Administrator will determine the rear property line.
4. All *lot lines* that are not *primary roads*, *side roads*, or rear *lot lines* are considered *side interior lot lines* for the purpose of measuring *setbacks*. *Side interior setbacks* are measured at a right angle from the side property line.

F. *Measurement of Setbacks from Sensitive Lands*

1. *Teton River setbacks* are measured from the ordinary high water mark.
2. *Stream/creek setbacks* are measured from the ordinary high water mark.



3. *Wetlands setbacks* are measured from the edge of the boundary line established by the National Wetland Inventory Map, or the line established by a detailed site-specific delineation approved by the U.S. Army Corps of Engineers.
  4. *Lake/pond setbacks* are measured from the ordinary high water mark.
- G. *Irregular Shaped Lots*  
The Administrator will determine *setbacks* for irregularly shaped *lots*.
- H. *Primary/Side Road Designation*
1. Where only one *road* abuts a *lot*, that *road* is considered a *primary road*.
  2. A multiple *road frontage lot* must designate at least one *primary road*. A *lot* may have more than one *primary road*. The Administrator will determine which *roads* are *primary roads* based on the following:
    - a. The *road* or *roads* with the highest classification (Chapter 6); and
    - b. The *road* that the *lot* takes its address from.
- I. *Setback Encroachments*
1. In General  
All *buildings* and *structures* must be located at or behind the required *setbacks*, except as listed below. Unless specifically stated, no *building* or *structure* may extend into a required *easement* or *public right-of-way*.
  2. *Building Features Allowed to Encroach into Setbacks*
    - a. Uncovered **and/or enclosed** porches or decks, stoops, balconies, galleries, and awnings/canopies may extend into a required front or side *setback* up to two (2) feet **or up to six (6) feet into a rear setback**.
    - b. *Building* eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than ten (10) feet wide, cornices, belt courses, sills, buttresses, or other similar architectural features may encroach up to three (3) feet into a required *setback*.
    - c. Chimneys or flues may encroach up to four (4) feet.  
~~Unenclosed patios, decks, balconies, stoops, porches, terraces, or fire escapes may encroach into a side or rear setback up to ten (10) feet.~~
    - d. Handicap ramps may encroach to the extent necessary to perform their proper function.
    - e. *Structures* below and covered by the ground may encroach into a required *setback*.
    - f. Exterior stairs of an open design are allowed, provided that no such stairs shall project into a required front or *side yard setback* more than three (3) feet and into any *rear yard setback* more than six (6) feet.
  3. *Site Features*
    - a. Fences and landscaping walls up to six (6) feet in height may encroach into a required *setback*.
    - b. On a *corner lot*, nothing shall be erected, placed, planted, or allowed to grow in any such manner as to materially impede vision between a height of two (2) feet and eight (8) feet above the centerline grades of intersecting *roads* bounded by the property lines of the *corner lots* on a line joining points along said property lines for thirty (30) feet.
    - c. Sidewalks and driveways may encroach into a required *setback*.
    - d. Required *buffers* may encroach into a required *setback*.
    - e. Stormwater detention areas may encroach into a required *setback*.
    - f. *Signs* may encroach into a required *setback* as stated in **Chapter 5**, Section 5-9.
  4. *Mechanical Equipment and Utility Lines*

- a. Mechanical equipment associated with residential uses, such as HVAC units, generators, and security lighting, may encroach into a side or rear *setback* up to ten (10) feet, provided that such extension is at least three (3) feet from the vertical plane of any *lot line*.
  - b. Minor *structures* accessory to *utilities* (such as hydrants, manholes, transformers and other cabinet *structures*, and related fences) may encroach into a required rear or side *setback*.
  - c. Minor *utilities* below and covered by the ground may encroach into a required *setback*.
- J. *Building Height*
- 1. Building height shall be measured from the vertical distance of the average between the highest and lowest natural/existing or proposed lot grades around the perimeter of the structure to the highest point of the roof.
- K. *Rounding*
- Unless a particular provision specifies otherwise, the following rules shall apply with respect to the precision of numbers used in the **Driggs AOI LDC** for measurement and calculation:
- 1. *Generally*  
Calculations shall not be rounded. Fractional results of calculations shall be interpreted as set forth in this Section.
  - 2. *Maximums*  
Unless stated otherwise for a specific provision of this **Driggs AOI LDC**, maximum limits shall only allow the whole number result of a calculation. For example, a calculation of maximum *density* yielding 3.8 *lots* shall permit a maximum of 3 *lots*.
  - 3. *Minimums*  
Unless stated otherwise for a specific provision of this **Driggs AOI LDC**, minimum requirements shall require the next whole number. For example, a parking requirement of 7.4 spaces shall require 8 spaces.
- L. *Time Measurement*
- 1. Terms used to measure time shall be applied as calendar-based time units. The term “day” shall refer to a calendar day, the term “week” shall refer to 7 days, the term “month” shall refer to a calendar month, and the term “year” shall refer to a calendar year.
  - 2. When referencing a filing deadline, the time within which an act is to be done shall be computed by excluding the first and including the last day and shall end at 5:00 p.m. local time or the close of business hours for the *Department*, whichever is earlier, on the final day of the term. Should a filing deadline end on a day when the *Department* is closed for business, the next business day that follows that day will be considered the final day to meet the filing deadline.

## CHAPTER 2 ZONE DISTRICTS

The 2012 Teton County *Comprehensive Plan* established a framework for future growth and *development* and a Framework Map that shows the geographic distribution of desired future land uses.

The following zoning districts support the implementation of residential, commercial, and rural *zone districts* that are based on the character areas described in the *comprehensive plan*.

## 2-1 Zone District Table

Table 1. Zone District Table

Zone District	Average Density	Min Lot Size	Min Lot Width	Min Front and Side Setbacks	Min rear Setback	Maximum Building Height
AOI-2.5, Area of Impact Zone 1	--	2.5 acres	--	30'	40'	30'
AOI-20, Area of Impact Zone 2	--	20 acres	--	30'	40'	30' 60' for agricultural buildings
IR, Industrial/Research	--	1 acre	70'	10'	10'	45' 60' for agricultural buildings
RN-5, Rural Neighborhood	5 DU/AC	1 acre	100'	30'	40'	30' 60' for agricultural buildings
FH-10, Foothills	10 DU/AC	1 acre	100'	30'	40'	30' 60' for agricultural buildings
FH-20, Foothills Priority Protection	20 DU/AC	1 acre	100'	30'	40'	30' 60' for agricultural buildings
RR-20, Rural Residential	20 DU/AC	1 acre	100'	30'	40'	30' 60' for agricultural buildings
RA-35, Rural Agriculture	35 DU/AC	1 acre	100'	30'	40'	30' 60' for agricultural buildings

Zone District	Average Density	Min Lot Size	Min Lot Width	Min Front and Side Setbacks	Min rear Setback	Maximum Building Height
LA-35, Lowland Agriculture	35 DU/AC	1 acre	100'	30'	40'	30' 60' for agricultural buildings
CIV, Civic	--	7,000 SF	70'	10'	10'	35' for all buildings and structures

## 2-2 AOI-2.5, Area of Impact Zone 1

### A. Description

AOI-2.5 is located within the areas of *city* impact, immediately adjacent to the cities of Victor, Driggs, and Tetonia. Due to the potential availability of utility services and established land use patterns, these areas are appropriate for varying degrees of residential, commercial, and light industrial *development* that define the edge between town and country.

### B. Dimensional Standards

1. Minimum Lot Size – 2.5 acres
2. Minimum Lot Width – NA
3. Minimum Setbacks – 30 feet front and sides, 40 feet rear
4. Maximum *Building* Height – 30 feet, 45 feet for hangers in areas platted for hanger homes. ~~agricultural buildings~~

### C. Uses

As specified in Chapter 3, Use Provisions. ~~Where city zone districts apply in the area of impact, use standards of the applicable Area of City Impact zone district shall apply.~~

## 2-3 AOI-20, Area of Impact Zone 2

### A. Description

AOI-20 is located within the areas of *city* impact, immediately adjacent to the cities of Victor, Driggs, and Tetonia. Due to the potential availability of utility services and established land use patterns, these areas are appropriate for varying degrees of residential, commercial, and light industrial *development* that define the edge between town and country.

### B. Dimensional Standards

1. Minimum Lot Size – 20 acres
2. Minimum Lot Width – NA
3. Minimum Setbacks – 30 feet front and sides, 40 feet rear
4. Maximum *Building* Height – 30 feet, 60 feet for *agricultural buildings*

- C. Uses  
As specified in Chapter 3, Use Provisions. ~~Where city zone districts apply in the area of impact, use standards of the applicable Area of City Impact zone district shall apply.~~

## 2-4 IR, Industrial/Research

- A. Description  
The Industrial/Research (IR) Zone is intended to accommodate manufacturing, light industrial, office, and research uses with limited accessory residential uses. Most of these areas have low visibility from the *highways* and tourist centers and are currently undeveloped with some utility services available. Accessory retail and wholesale commercial uses are allowed in the IR Zone, as well as higher impact manufacturing and industrial uses with buffering and other impact mitigating measures as defined in Chapter 3, Use Provisions.
- B. Dimensional Standards
  1. Minimum *Lot Size* – 1 acre
  2. Minimum *Lot Width* – 70 feet
  3. Minimum *Setbacks* – 10 feet all sides
  4. Maximum *Building Height* – 45 feet, 60 feet for *agricultural buildings*
- C. Uses  
See Chapter 3, Use Provisions

## 2-5 ~~RN 5, Rural Neighborhood~~

### ~~A. Description~~

~~The Rural Neighborhood (RN-5) Zone is intended to accommodate primarily residential uses at an average density not exceeding one (1) lot per five (5) acres. RN 5 serves as a transitional zone between the Areas of City Impact and rural areas. This zone is intended to serve as a receiving area in a potential Transfer of Development Rights program wherein gross density of one (1) lot per two and a half (2.5) acres would be allowed with the appropriate density credits. Projects in the RN-5 Zone that propose clustered development shall identify areas within the project that are designated as unbuildable open space. The priorities for open space in the RN-5 District include riparian areas, significant areas of native vegetation, important wildlife habitat, and areas for community parks.~~

### ~~B. Dimensional Standards~~

- ~~1. Minimum *Lot Size* – 1 acre~~
- ~~2. Minimum *Lot Width* – 100 feet~~
- ~~3. Minimum *Setbacks* – 30 feet front and sides, 40 feet rear~~
- ~~4. Maximum *Building Height* – 30 feet, 60 feet for *agricultural buildings*~~

### ~~C. Uses~~

~~See Chapter 3, Use Provisions~~

## 2.6 FH 10, Foothills

### A. Description

The Foothills (FH 10) *Zone District* is intended to ensure *development* is in harmony with mountainous and hilly settings that are at higher risk to wildfire and notable for wildlife values. FH 10 serves to provide limited residential *development* with an average *density* not to exceed ~~one (1) lot per ten (10) acres~~ in the foothills of the Western, Southern, and lower elevation Northeastern portions of the valley. The intent for *development* in the FH 10 is to maintain public access to state and federal lands; discourage scattered *hillside development* that requires remote *roads* and infrastructure; follow best practices to help prevent wildfires and minimize threats to life and property when wildfires do occur in the fire-prone wildland interface; protect steep slopes; and preserve critical wildlife habitats such as wildlife migration linkage areas at the forest edge, and to protect native vegetation and scenic views of the foothills from the valley floor.

### B. Dimensional Standards

1. ~~Minimum Lot Size~~ — 1 acre
2. ~~Minimum Lot Width~~ — 100 feet
3. ~~Minimum Setbacks~~ — 30 feet front and sides, 40 feet rear
4. ~~Maximum Building Height~~ — 30 feet for primary and accessory *structures*, 60 feet for *agricultural buildings*

### C. Uses

See Chapter 3, Use Provisions

## 2.7 FH 20, Foothills Priority Protection

### A. Description

The Foothills Priority Protection (FH 20) *Zone District* is intended to ensure *development* is in harmony with mountainous and hilly settings that are at higher risk to wildfire and are of high priority for protection of known wildlife values. FH 20 serves to provide limited residential *development* with an average *density* not to exceed ~~one (1) lot per twenty (20) acres~~ in the higher elevation foothills of the Northeastern portion of the valley. The intent for *development* in the FH 20 is to maintain public access to state and federal lands; discourage scattered *hillside development* that requires remote *roads* and infrastructure; follow best practices to help prevent wildfires and minimize threats to life and property when wildfires do occur in the fire-prone wildland interface; protect steep slopes; and preserve critical wildlife habitats such as wildlife migration linkage areas at the forest edge, and to protect native vegetation and scenic views of the foothills from the valley floor.

### B. Dimensional Standards

1. ~~Minimum Lot Size~~ — 1 acre
2. ~~Minimum Lot Width~~ — 100 feet
3. ~~Minimum Setbacks~~ — 30 feet front and sides, 40 feet rear
4. ~~Maximum Building Height~~ — 30 feet for primary and accessory *structures*, 60 feet for *agricultural buildings*

C.—Uses

See Chapter 3, Use Provisions

~~2.8~~ RR 20, Rural Residential

A.—Description

The Rural Residential Zone (known as Mixed Agriculture/Rural Neighborhood in the *comprehensive plan*) is established to allow residential *development* with an average *density* not to exceed ~~one (1) lot per twenty (20) acres~~ near the incorporated areas while maintaining the rural atmosphere of Teton County. RR-20 serves to provide a place in the County where residential *dwelling*s may be interspersed with agricultural uses and provide opportunities for residents to have gardens, farm animals, and livestock. The intent of the RR-20 is to keep land in agricultural production, preserve *open space*, and protect native vegetation, *riparian areas*, and critical wildlife habitat.

B.—Dimensional Standards

1. ~~Minimum Lot Size~~ — 1 acre
2. ~~Minimum Lot Width~~ — 100 feet
3. ~~Minimum Setbacks~~ — 30 feet front and sides, 40 feet rear
4. ~~Maximum Building Height~~ — 30 feet for primary and accessory *structures*, 60 feet for *agricultural buildings*

C.—Uses

See Chapter 3, Use Provisions

~~2.9~~ RA 35, Rural Agriculture

A.—Description

The Rural Agriculture (RA-35) Zone is established to provide areas primarily used for agricultural purposes and very low *density* residential with an average *density* not to exceed ~~one (1) lot per thirty five (35) acres~~. The intent of RA-35 zoning is to provide locations for the cultivation of crops, the raising and keeping of livestock, and other related agricultural uses. The RA-35 *zone district* also serves to nurture wildlife habitats and preserve the beauty of the rural agricultural lands in Teton County by utilizing *clustered development* designs. It also provides the opportunity to use average residential *density* to establish smaller residential *lots* for *family use* or *development* while preserving agricultural lands.

B.—Dimensional Standards

1. ~~Minimum Lot Size~~ — 1 acre
2. ~~Minimum Lot Width~~ — 100 feet
3. ~~Minimum Setbacks~~ — 30 feet front and sides, 40 feet rear
4. ~~Maximum Building Height~~ — 30 feet for primary and accessory *structures*, 60 feet for *agricultural buildings*

C.—Uses

See Chapter 3, Use Provisions

## 2-10 LA-35, Lowland Agriculture

### A. Description

The Lowland Agriculture (LA-35) *zone district* (known as Mixed Agriculture/Wetland in the *comprehensive plan*) allows an average *density* not to exceed **one (1) lot per thirty-five (35) acres**. It includes areas where *development* may be limited due to the remoteness of services, topography, jurisdictional *wetlands*, *floodplains*, and other sensitive environmental issues. These areas have seasonally important wildlife resources, are predominately rangeland and agriculture land, and have high scenic qualities. The intent of the LA-35 zone is to maintain undeveloped *floodplains*, protect homes from the risk of flooding, protect water quality from the impacts of *development*, and protect native vegetation and critical wildlife habitat.

### B. Dimensional Standards

1. Minimum *Lot Size* – 1 acre
2. Minimum *Lot Width* – 100 feet
3. Minimum *Setbacks* – 30 feet front and sides, 40 feet rear
4. Maximum *Building Height* – 30 feet for primary and accessory *structures*, 60 feet for *agricultural buildings*

### C. Uses

See Chapter 3, Use Provisions

## 2-11 CIV, Civic

### A. Description

The Civic *zone district* is intended to provide for civic uses that serve the surrounding neighborhoods or produce intensive civic activities that do not readily assimilate into other zoning districts. The Civic zone is also intended to accommodate the County Fairgrounds and allow typically and reasonable activities and events associated with Fairgrounds.

### B. Dimensional Standards

1. Minimum *Lot Size* – 7,000 SF
2. Minimum *Lot Width* – 70 feet
3. Minimum *Setbacks* – 10 feet front and sides, 10 feet rear
4. Maximum *Building Height* – 35 feet for primary and accessory *structures*

### C. Uses

See Chapter 3, Use Provisions



# CHAPTER 3 USE PROVISIONS

## 3-1 Classification of Uses

### 3-1-1 DEFINITION OF USE

Use means the purpose for which a site or *structure* is occupied or maintained. In order to regulate a variety of similar uses, use categories have been established. Use categories provide a systematic basis for assigning uses to appropriate categories with other similar uses. Use categories classify uses and activities based on common functional, product, or physical characteristics. There are three categories of uses: *principal*, accessory, and temporary.

#### A. Principal Uses

A *principal* use is considered the primary use and may exist as the sole use of the property. More than one *principal* use may exist on a property. *Principal* uses may be permitted, limited, or special per the descriptions in Sections 3-2-1 and 3-2-2. A *principal* use not specifically listed is prohibited. If a proposed use is not listed in a use category, but is similar to a listed use, it may be considered as part of that use category. The following criteria must be used to determine whether a proposed use is similar to a listed use:

1. The actual or projected characteristics of the proposed use;
2. The relative amount of site area or floor area and equipment devoted to the proposed use;
3. Retail sales;
4. The customer type;
5. The relative number of employees;
6. Hours of operation;
7. *Building* and site arrangement;
8. Types of vehicles used and their parking requirements;
9. The number of vehicle trips generated;
10. How the proposed use is advertised;
11. The likely impact on surrounding properties;
12. Whether the activity is likely to be found independent of the other activities on the site; and
13. Where a use not listed is found not to be similar to any other permitted use, the use is only permitted following an **Driggs AOI LDC Amendment** per Section **4-1-4 4-4**.

#### B. Accessory Uses

An accessory use is any use that is subordinate in both purpose and size, incidental to and customarily associated with an allowed *principal* use located on the same *lot*. The Use Table establishes allowed accessory uses by district. An accessory use not specifically listed is prohibited unless it is determined that the accessory use:

1. Is clearly incidental to and customarily found in connection with an allowed *principal* use;
2. Is subordinate to and serving an allowed *principal* use;

3. Is subordinate in area, extent, and purpose to the *principal* use served;
4. Contributes to the comfort, convenience, or needs of occupants, business, or industry in the principal use served;
5. Is located on the same *lot* as the *principal* use served; and
6. Where a use not listed is found not to be similar to any other permitted use, the use is only permitted following an **Driggs AOI** LDC Amendment per Section ~~4-1-4~~ 4-4.

C. Temporary Uses

A *temporary use* is a use that is in place for a limited period of time only.

## 3-2 Use Table

The use table establishes allowed uses by *zone district*. No *building* or *lot* may be used except for a purpose allowed in the district in which it is located.

### 3-2-1 USE TABLE KEY

A. Permitted Use (P)

Indicates a use that is allowed or permitted by right in the respective district. The use is also subject to all other applicable requirements of the **Driggs AOI** LDC.

B. Limited Use (L)

Indicates a use that is allowed in the respective district, by Planning Administrator approval per Section ~~4-1-3~~ 4-3 herein, subject to specific use and dimensional standards. The locations of the relevant use standards are found in the definitions in Sections 3-3 to 3-~~8~~-10. The use is also subject to all other applicable requirements of the **Driggs AOI** LDC.

C. Special Use (S)

Indicates a use that may be allowed in the respective district only after recommendation **by the Driggs PZC and County** PZC and approval by the BoCC as set forth in Chapter 4. Special uses are subject to all other applicable requirements of the **Driggs AOI** LDC, including any applicable use standards, except where the use standards are expressly modified as part of the approval process.

D. Uses Not Permitted (--)

Indicates that a use that is not allowed in the respective district.

3-2-2 USE TABLE (TABLE 2)

Use Category/Specific Use	RA-35, Rural Agriculture	LA-35, Lowland Agriculture	FH-10, Foothills	FH-20 Foothills Priority Protection	RR-20, Rural Residential	RN-5, Rural Neighborhood	IR, Industrial research	AOI-2.5, AOI-20, Areas of Impact	CIV, Civic	Definition/ Standards
Key: P = Permitted L = Limited Use S = Special Use A = Permitted Accessory Use -- = Use Not Permitted										
<b>Principal Residential Uses</b>										<b>Section 3-3</b>
Dwelling Unit, Primary	P	P	P	P	P	P	--	P	C	Section 3-3-1
Group Residence	P	P	P	P	P	P	--	P	C	Section 3-3-2
Short Term Rentals	L	L	L	L	L	L	--	L	-	Section 3-3-3
<b>Principal Agricultural Uses</b>										<b>Section 3-4</b>
Agricultural Auction Facility	L	L	L		L	L	L	--	P	Section 3-4-1
Agricultural Building	P	P	P	P	P	P	P	P	P	Section 3-4-2
Agricultural Operation	P	P	P	P	P	P	P	P	--	Section 3-4-3
Aquaculture	L	L	-	-	L	S	L	S	--	Section <del>3-4-5</del> 3-4-4
Beekeeping, Commercial	P	P	-	-	-	-	--	--	--	Section <del>3-4-6</del> 3-4-5
Beekeeping, Backyard	P	P	P	P	P	P	--	P	--	Section <del>3-4-7</del> 3-4-6
Livestock Processing, Commercial	S	S	-	-	S	-	--	--	--	Section <del>3-4-8</del> 3-4-7
<b>Principal Public/Infrastructure Uses</b>										<b>Section 3-5</b>
Cemetery, Public	S	S	S	S	S	S	--	S	P	Section 3-5-1
Cemetery, Private	L	L	L	L	L	L	--	L	--	Section 3-5-2
Club or Lodge	S	S	S	S	S	-	--	P	P	Section 3-5-3
Conservation Area	P	P	P	P	P	P	--	P	P	Section 3-5-4
Hospital	-	--	-	-	-	-	--	S	P	Section 3-5-5
Park-n-Ride Facility	-	--	-	-	S	S	--	<b>PS</b>	S	Section 3-5-6

Use Category/Specific Use	RA-35, Rural Agriculture	LA-35, Lowland Agriculture	FH-10, Foothills	FH-20 Foothills Priority Protection	RR-20, Rural Residential	RN-5, Rural Neighborhood	IR, Industrial research	AOI-2.5, AOI-20, Areas of Impact	CIV, Civic	Definition/ Standards
Key: P = Permitted L = Limited Use S = Special Use A = Permitted Accessory Use -- = Use Not Permitted										
Places of Worship	§	S	§	§	§	§	--	S	P	Section 3-5-7
School, Secondary (College or University)	§	S	—	—	—	—	P	P	P	Section 3-5-8
School, Secondary (Trade or Vocational)	§	S	—	—	—	—	P	P	P	Section 3-5-9
Utilities, Major	§	S	§	§	§	§	S	S	S	Section 3-5-10
Utilities, Minor	P	P	P	P	P	P	P	P	P	Section 3-5-11
<b>Principal Commercial Uses</b>										<b>Section 3-6</b>
Animal Care, Domestic	P	P	§	§	±	±	L	L	--	Section 3-6-1
Bed and Breakfast	±	L	±	±	±	±	--	L	--	Section 3-6-2
Campground,	§	S	§	§	§	—	S	--	S	Section 3-6-3
Campground, Resort	§	S	§	§	§	—	S	--	--	Section 3-6-4
Campground, Long-term Rental	§	S	§	§	§	§		S	--	Section 3-6-5
Daycare	§	S	§	§	§	§	--	S	P	Section 3-6-6
Garden Center	§	L	±	—	§	±	L	L	--	Section <del>3-6-8</del> 3-6-7
Golf course	§	S	—	—	§	§	--	S	--	Section <del>3-6-9</del> 3-6-8
Guest/Dude Ranch	§	L	±	§	§	—	--	--	--	Section <del>3-6-10</del> 3-6-9
Horse Stable, Riding Academy, Equestrian Center	P	P	§	§	P	±	--	L	S	Section <del>3-6-11</del> 3-6-10
Nursery	P	P	P	P	P	§	S	S	--	Section <del>3-6-12</del> 3-6-11
Shooting Range, Indoor	±	L	±	±	±	—	L	--	S	Section <del>3-6-13</del> 3-6-12
Special Event Facility	§	S	§	§	§	—	--	--	P	Section <del>3-6-14</del> 3-6-13

Use Category/Specific Use	RA-35, Rural Agriculture	LA-35, Lowland Agriculture	FH-10, Foothills	FH-20 Foothills Priority Protection	RR-20, Rural Residential	RN-5, Rural Neighborhood	IR, Industrial research	AOI-2.5, AOI-20, Areas of Impact	CIV, Civic	Definition/ Standards
Key: P = Permitted L = Limited Use S = Special Use A = Permitted Accessory Use -- = Use Not Permitted										
Vehicle and Equipment Sales/Rental	-	--	-	-	-	S	L	S	--	Section <del>3-6-52</del> 3-6-14
<b>Principal Industrial Uses</b>										<b>Section 3-7</b>
Aviation Field, Heliport	-	--	-	-	-	-	S	--	--	Section 3-7-1
Hanger	-	--	-	-	-	-	L	--	--	Section 3-7-1
Industrial, Heavy	-	--	-	-	-	-	S	--	--	Section 3-7-2
Industrial, Light	-	--	-	-	-	-	P	--	--	Section 3-7-3
Food and Beverage Processing Facility	S	S	S	S	S	S	L	L	--	Section 3-7-4
Mineral Resource Development	S	S	-	-	S	-	P	S	--	Section 3-7-5
Outdoor Storage, Industrial	-	--	-	-	-	-	P	--	--	Section 3-7-6
Solar Energy System, Small Scale	±	L	±	±	±	±	L	L	P	Section 3-7-7
Solar Energy System, Medium Scale	±	L	±	±	±	±		L	--	Section 3-7-8
Solar Energy System, Large Scale	±	L	±	S	±	-	L	--	--	Section 3-7-9
Vehicle Service and Repair	S	S	S	-	S	S	P	S	--	Section 3-7-10
Warehouse, Storage and Distribution	-	--	-	-	-	-	P	--	--	Section 3-7-11
Waste-Related Service	-	--	-	-	-	-	S	--	--	Section 3-7-12
Waste-Related Service, Commercial Composting	S	S	-	-	-	S	S	--	--	Section 3-7-13

Use Category/Specific Use	RA-35, Rural Agriculture	LA-35, Lowland Agriculture	FH-10, Foothills	FH-20 Foothills Priority Protection	RR-20, Rural Residential	RN-5, Rural Neighborhood	IR, Industrial research	AOI-2.5, AOI-20, Areas of Impact	CIV, Civic	Definition/ Standards
Key: P = Permitted L = Limited Use S = Special Use A = Permitted Accessory Use -- = Use Not Permitted										
Wind Energy System, Small-Scale	t	L	t	t	t	-	P	--	P	Section 3-7-14
Wireless Communications, Amateur Radio Operator Tower	t	L	t	t	t	t	L	L	P	Section 3-7-15
Wireless Communications, Building-Mounted	P	P	P	P	P	P	P	P	L	Section 3-7-16
Wireless Communication Tower	t	L	S		t	S	L	S	S	Section 3-7-17
<b>Principal Recreational Uses</b>										<b>Section 3-8</b>
Park, Recreation Field	P	P	S	S	P	P	--	P	P	Section 3-8-1
Shooting Range, Outdoor	S	S	S	S	S	-	--	--	--	Section 3-8-2
Recreation, Motorized	S	S	S	S	S	S	S	S	P	Section 3-8-3
<b>Accessory Uses</b>										<b>Section 3-9</b>
Accessory Building/Structure	P	P	P	P	P	P	P	p	P	Section 3-9-1
Accessory Dwelling Unit, Attached	P	P	P	P	P	P	L	P	--	Section 3-9-2
Accessory Dwelling Unit, Detached	P	P	t	t	P	P	--	P	--	Section 3-9-3
Agritourism – onsite accommodations	t	L	-	-	S	-	--	--	P	Section 3-9-4
Employee Housing	S	--	-	-	S	S	S	S	P	Section 3-9-5
Home Business	P	P	P	P	P	P	--	P	--	Section 3-9-6
Home Daycare	t	L	t	t	t	t	--	L	--	Section 3-9-7

Use Category/Specific Use	RA-35, Rural Agriculture	LA-35, Lowland Agriculture	FH-10, Foothills	FH-20 Foothills Priority Protection	RR-20, Rural Residential	RN-5, Rural Neighborhood	IR, Industrial research	AOI-2.5, AOI-20, Areas of Impact	CIV, Civic	Definition/ Standards
Key: P = Permitted L = Limited Use S = Special Use A = Permitted Accessory Use -- = Use Not Permitted										
Home Industry	±	L	±	±	±	±	--	L	--	Section 3-9-8
Food Service, Accessory										Section 3-9-9
Hanger, Accessory	-	-	-	-	-	-	-	L	--	Section 3-9-10
<b>Temporary Uses</b>										<b>Section 3-10</b>
Exempt Temporary Uses	P	P	P	P	P	P	P	P	P	Section 3-10-1
Temporary Uses/Events	±	L	±	±	±	±	L	L	P	Section 3-10-2
Temporary Portable Storage Containers	±	L	±	±	±	±	L	L	P	Section 3-10-3
Temporary Structures as Living Quarters	±	L	±	±	±	±	L	--	P	Section 3-10-4
Food Vending, Outdoor <sup>1</sup>	P	P	P	P	P	P	P	P	P	Section 3-10-5

Notes:

1. Outdoor food vending may also be considered an accessory use but as it is permitted through a temporary use permit it is included in the Temporary use section.

### 3-3 Principal Residential Uses

#### 3-3-1 DWELLING UNIT, PRIMARY

A. Defined

A residential *structure* designed and constructed for occupancy by one (1) household and located on a *lot* or separate *building tract*, having no physical connection to a *building* on any other *lot* or *tract*. Primary *dwelling units* contain at a minimum: a permanent kitchen, bathroom facility, and sleeping area. A primary *dwelling unit* may be a *manufactured home*.

B. General Use Standards

All *dwelling units* shall adhere to dimensional standards required by the *zone district* in which it is located.

### 3-3-2 GROUP RESIDENCE

#### A. Defined

A primary *dwelling unit* that includes a group residence in which eight (8) or fewer unrelated *persons* with developmental disabilities or elderly *persons* reside and who are supervised at the group residence in connection with their disability or age-related infirmity. Disabilities include mental or physical impairment and are protected under the Fair Housing Act.

Resident staff, if employed, need not be related to each other or to any of the *persons* with disabilities or elderly *persons* residing in the group residence. No more than two (2) of such staff shall reside in the *dwelling* at any one time.

#### B. General Use Standards

1. Parking shall be provided for residents, employees, and visitors per Section 5-6.

### 3-3-3 SHORT-TERM RENTALS

#### A. Defined

The use of a primary or secondary *dwelling unit*, or some part thereof, for rental or occupancy for sleeping or lodging for terms of thirty (30) consecutive days or less, in exchange for a fee or other similar consideration.

#### B. Limited Use Standards

The following are required in order to safeguard the public health, safety, and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate:

1. All short-term rentals shall be legal residential *dwelling units* consisting of habitable space.
2. All parking for guests, visitors, and residents of the unit shall be contained on-site. Camper trailers, boat trailers, utility trailers, transport trailers, or any other type of trailer shall be parked on-site and shall not be parked in the rights-of-way. Off-site parking is not allowed.
3. Upon the submittal of a short-term rental business permit, and its associated fee, it will be determined if the rental can be supported by the capacity of the wastewater treatment system. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews. **In a case where the property is connected to the Driggs Waste Water Treatment System, this requirement does not apply.**
4. Camping and RV use shall not exceed the number of tenants specified on the short-term rental business permit.
5. Quiet hours must be observed between 8:00 p.m. to 8:00 a.m.
6. No *special events* shall be held that include additional guests beyond those staying at the short-term rental without first obtaining a Type 1 *temporary use* permit per Section 3-9-2.
7. Trash in plastic bags shall not be placed outside of garbage receptacles and where applicable, animal and pest-proof garbage receptacles must be used. Trash must be removed from the site regularly.



8. Smoke detectors, carbon monoxide detectors, and fire extinguishers shall be installed, tested, and maintained per the manufacturer's instructions and in conformance with the occupancy types specified by the International Residential Code.
9. All property *owners* within two hundred (200) feet of the short-term rental property shall be sent written notice, which includes the name and phone number of the contact *person* for the short-term rental, thirty (30) days prior to the commencement of initial short-term rental activity.
10. The address and basic property access directions shall be posted on the inside front door for all short-term rental property.

C. Permit Required

All short-term rentals require a Short-Term Rental Registration with the *Planning Department* to verify the use standards have been met prior to the use being approved. A *building* inspection may be performed prior to permit issuance.

## 3-4 Principal Agricultural Uses

### 3-4-1 AGRICULTURAL AUCTION FACILITY

A. Defined

A sales establishment at which farm-related merchandise or livestock is sold to the highest bidder on a monthly or more frequent basis.

B. Limited Use Standards

1. All operations shall be conducted within a fully enclosed *building*.
2. All storage of materials, products, or equipment shall be within a fully enclosed *building* or in an open yard screened with a Type A *Buffer* per [Chapter 5](#), Section 5-7, *Buffers, Screening and Fencing*.
3. All vehicular parking shall be provided entirely on-site in compliance with Section 5-6-3(F).

### 3-4-2 AGRICULTURAL BUILDING

A. Defined

A *structure* designed and constructed to store farm implements, hay, grain, poultry, livestock, or other horticultural products. *Agricultural buildings* shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

B. General Use Standards

1. The maximum height limitations for an *agricultural building* for agricultural uses such as a silo, granary, or barn shall be no taller than sixty (60) feet.

2. No part of any *building* or *structure* in which animals are housed can be closer than fifty (50) feet from any property line, except property owned or occupied by an *owner* or operator of the facility.

### 3-4-3 AGRICULTURAL OPERATION

#### A. Defined

An activity or condition that occurs in connection with the production of agricultural products for food, fiber, fuel, grain, and other lawful uses, and includes, without limitation:

1. Construction, expansion, use, maintenance and repair of an agricultural facility;
2. Preparing land for agricultural production;
3. Applying pesticides, herbicides or other chemicals, compounds or substances labeled for insects, pests, crops, weeds, water or soil;
4. Planting, irrigating, growing, fertilizing, harvesting or producing agricultural, horticultural, floricultural and viticulture<sup>real</sup> crops, fruits and vegetable products, field grains, seeds, hay, sod and nursery stock, and other plants, plant products, plant byproducts, plant waste and plant compost;
5. Breeding, hatching, raising, producing, feeding, boarding, and keeping livestock, dairy animals, swine, fur-bearing animals, poultry, eggs, and other animals, animal products and animal byproducts, animal waste, animal compost, and bees, bee products, and bee byproducts (further described in Sections 3-4-5 and 3-4-6);
6. Transporting agricultural products to or from an agricultural facility;
7. Noise, odors, dust, fumes, *light* and other conditions associated with an agricultural operation or an agricultural facility;
8. Selling agricultural products on-site, including on-farm auctions, or at a farmers or roadside market;
9. Participating in a government sponsored agricultural program.

#### B. General Use Standards

1. In accordance with the Right to Farm Act (I.C. 22-4503), after an agricultural operation, agricultural facility, or expansion thereof has been in operation for more than 1 year and was not a nuisance at the time it began or was constructed, it shall not be or become a nuisance due to any changed conditions in or about the surrounding nonagricultural activities.
2. The above shall not apply when a change in operation results in a *violation* of codified standards for public health and safety.

### 3-4-4 AQUACULTURE

#### A. Defined

The farming of fish, crustaceans, mollusks, aquatic plants, algae, and other organisms. It involves cultivating freshwater and saltwater aquatic populations under controlled conditions for commercial uses.

B. Limited Use Standards

1. Required proof of license from the Idaho State Department of Agriculture.
2. Aquaculture facilities shall not be constructed in or across any natural streambed, lake, or other *watercourse* containing wild fish.
3. Any dam constructed to divert water into a facility must not restrict the free and uninterrupted passage of fish in the *stream*.
4. All water inlets to facilities must be screened in order to prevent wild fish from entering the facility and keep farmed fish from escaping.
5. Operations must minimize adverse impacts from noise, *light*, and *glare* on nearby properties to the extent feasible.
6. Discharges into surrounding waters of any waste material from the aquaculture operation shall be prohibited.

3-4-5 BEEKEEPING, COMMERCIAL

A. Defined

The tending of beehives and the production or processing of bee products for operations of ~~fifty (50)~~ sixteen (16) hives or larger.

B. Limited Use Standards

1. Required proof of registration with the Idaho State Department of Agriculture.
2. No colony shall be permitted within any *setback*.
3. Notification of operation shall be sent by permit applicant to all property owners within five hundred feet (500') of the hive or colony. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the Planning Department.
4. Minimum *lot* size of one (1) acre with a maximum of two (2) colonies per acre.

3-4-6 BEEKEEPING, BACKYARD

A. Defined

The tending of beehives and the production or processing of bee products for operations with ~~less than fifty (50) hives~~ fifteen (15) or less hives as associated with a primary *dwelling unit*.

B. ~~Limited~~ General Use Standards

1. Minimum *lot* size of one (1) acre, with a maximum of two (2) colonies per acre.
2. All colonies must be *setback* at least thirty (30) feet from all *lot lines*.
3. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees.
4. ~~Notification of a proposed colony shall be sent by permit applicant to all property owners within five hundred feet (500') of the hive or colony. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the Planning Department.~~

### 3-4-7 LIVESTOCK PROCESSING, COMMERCIAL

#### A. Defined

The process of rendering material of an animal and processing it into finished products such as hide, skin, grease, meat, bones, or parts thereof for commercial uses.

#### B. Special use standards

1. Required proof of license from the Idaho State Department of Agriculture and the US Department of Agriculture.
1. All activities shall be conducted within an enclosed *building*.
2. Noise shall not exceed seventy (70) decibels at the property boundaries.
3. All *buildings* shall be adequately vented.
4. Odors or fumes shall not be detectable beyond the walls of the *building* where the processing services are conducted.

## 3-5 *Principal Public and Infrastructure Uses*

### 3-5-1 CEMETERY, PUBLIC

#### A. Defined

The use of public or quasi-public property as a burial place for human or animal remains using earth interments, a mausoleum for vault or crypt interments, or a columbarium for interments of cremated remains, or any combination of these. This includes rural cemeteries as defined in I.C. Title 27 Chapter 2.

#### B. Special Use Standards

2. All State and Federal regulations and requirements shall be met.
3. The *structures* shall not exceed thirty-five (35) feet in height.
4. *Structures* shall not be closer than one hundred (100) feet to any property boundary. An above ground mausoleum or columbarium shall provide a fifty (50) foot wide vegetative screen along the property lines adjoining other *parcels*, according to the *screening* standards in [Chapter 12-Section 5-7](#).
5. No earth interments shall be placed within one hundred (100) feet of any existing well providing water for either human or animal consumption or within one hundred (100) feet of surface water.
6. The minimum *lot* size for a cemetery is fifteen (15) acres and the minimum *lot* size for a mausoleum without a cemetery is five (5) acres.
7. Vehicles are prohibited from parking on an access *road* or drive, and one (1) *parking space* is required per four hundred (400) square feet of sales or office area. Temporary parking on interior drives is permitted for grave site ceremonies.
8. Hours of operation shall be from dawn to dusk.
9. Access shall be via a County or State maintained *road*.

### 3-5-2 CEMETERY, PRIVATE

#### A. Defined

A private cemetery or private burial ground is a burial place for human remains on private property using earth interments, a mausoleum for vault or crypt interments, or a columbarium for interments of cremated remains, or any combination of these.

#### B. Limited Use Standards

1. The location of a private burial ground shall be described by metes and bounds on the deed of record in order to give notice to lien holders, successors in title, and the public at large that the *lot* contains private burial grounds. The *owner* of the *lot* or *parcel* containing the private burial grounds shall record such deed prior to any interment of human remains thereon. If a *lot* or *parcel* containing private burial grounds is sold, the seller of the property must disclose to the buyer the existence of the private burial grounds.
2. No earth interments shall be placed within one hundred (100) feet of any existing well providing water for either human or animal consumption or within one hundred (100) feet of surface water.
3. No earth interments shall be within one hundred (100) feet of any *building*.
4. Construction of a mausoleum, columbarium, or any monument or grave marker on a private burial ground shall comply with all applicable *building* code requirements and *building setbacks* of the underlying zoning district.
5. All private burial grounds shall comply with all state requirements, including but not limited to I.C. Sections 39-260 (registrations of deaths), 39-268 (final disposition of dead bodies), and 39-269 (disinterment), and I.C. Title 54, Chapter 11 (Morticians, funeral directors, and embalmers), and the relevant sections of the Idaho Administrative Code (IDAPA).

#### C. Limited Use Standards for Interment and Removal

Each interment or removal of human remains in a private burial ground shall meet the following standards:

1. Interment or removal of human remains in a private burial ground may occur only under the direction of a licensed mortician and pursuant to the requirements of I.C. Title 54, Chapter 11.
2. Non-cremated human remains buried beneath the surface of the ground may not be buried in a manner so that any portion of the outside surface of the container of the remains is less than forty-eight (48) inches below the surface of the ground.
3. Each container of human remains buried beneath the surface of the ground shall be indicated by a permanent visible marker or monument. The marker or monument should be placed as soon as practicable after the remains are interred.

#### D. Disestablishment of Private Burial Grounds

A private burial ground, once established, may be disestablished by the *owner* of the property. To disestablish a private burial ground, the *owner* must do all of the following:

1. Arrange to remove and properly re-inter any human remains interred in the private burial grounds.
2. Remove any markers or monuments that indicate the presence of human remains.
3. Remove, demolish, or convert to another permitted use any mausoleum or columbarium, constructed on the private burial grounds.
4. File a new deed of record indicating that the private burial ground has been disestablished.

E. Penalties

Pursuant to I.C. Section 19-5304, the court may order a prior *owner* of land who did not record the existence of a private burial grounds on that the land and who did not disclose the existence of the private burial grounds to the buyer of the land prior to selling the land, to pay reasonable costs of disinterment and reinterment of any human remains thereon.

### 3-5-3 CLUB OR LODGE

A. Defined

A day-use facility used for associations or organizations of an educational, recreational, or social character, not operated or maintained for profit. Representative organizations include but are not limited to Elks, Veterans of Foreign Wars, or Lions.

B. Use Standards

1. All vehicular parking shall be provided entirely on-site in compliance with Section 5-6-3(F)
2. Hours of operation shall be limited to the hours of 8:00 am to 10:00 pm daily
3. All lighting and illumination of outdoor facilities shall be turned off no later than 10:00 pm.
4. The applicant will need to provide verification of wastewater treatment system based on Teton County’s Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

### 3-5-4 CONSERVATION AREA

A. Defined

A *tract* of land that is legally protected in order to ensure that wildlife habitat, scenic vistas, natural features, cultural heritage, biota, recreation, agriculture, or public access are preserved. May include recreation trails, greenways, conservation *easements*, conservation resource protection properties, and nature preserves.

### 3-5-5 HOSPITAL

A. Defined

An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients, including hospice, but distinguished from a nursing home by offering primary short-term rather than long-term care.

### 3-5-6 PARK-N-RIDE FACILITY

#### A. Defined

A parking lot that allows commuters and other people to leave their vehicles and carpool or transfer to a bus for the remainder of their journey to a common destination.

#### B. Special use standards

1. All vehicular parking shall be provided entirely on-site in compliance with Section 5-6-3F.
2. Vehicles may be left in the parking lot during the day and must be removed at the end of the day.
3. Overnight parking is not allowed and facilities shall not be staffed with security personnel.

### 3-5-7 PLACES OF WORSHIP

#### A. Defined

A permanent facility that is constructed for conducting organized religious services.

#### B. Special use standards

1. Minimum *lot* size for a place of worship shall be one (1) acre.
2. *Buildings* must meet the height requirements for the Zoning District in which the place of worship is located.
3. *Vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3(F) for all visitors, volunteers, and employees.
4. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

### 3-5-8 SCHOOL, SECONDARY (COLLEGE OR UNIVERSITY)

#### A. Defined

A facility of higher education having authority to award associate and higher degrees. Includes satellite campuses, research stations, farms, field camps, and similar properties associated with educational functions. Does not include full college or university campuses with dormitories or living facilities.

#### B. Limited Use Standards

1. The minimum *parcel* size for a college or university shall be consistent with underlying zoning.
2. *Vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3(F) for all visitors, volunteers, and employees.
3. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

### 3-5-9 SCHOOL, SECONDARY (TRADE OR VOCATIONAL)

#### A. Defined

A facility having a curriculum devoted primarily to industry, trade, or other vocational-technical instruction.

#### B. General Use Standards

1. The minimum *parcel* size for a trade or vocational school use is consistent with underlying zoning.
2. *Vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3(F) for all visitors, volunteers, and employees.
3. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

### 3-5-10 UTILITIES, MAJOR

#### A. Defined

Including aeration facility, electrical substation, electric or gas generation plant, filter bed, transmission towers, waste treatment plant, water pumping facility, water tower or tank.

#### B. Special use standards

1. Minimum *lot* size for a major utility shall be two (2) acres.
2. A Type B *Buffer* per Chapter 5, Section 5-7 must be established around the perimeter of all major utility facilities
3. All storage of materials, products, or equipment in an open yard shall be screened so that the materials stored are not visible within one thousand (1000) feet of the property lines. Where topographic conditions make effective *screening* impractical so as to create an unnecessary hardship, the Board of Zoning Appeals may consider a *variance* from this *screening* requirement.
4. If the County determines that any *road* associated with a facility in this use category is inadequate for the expected quantities of traffic, especially with respect to heavy truck traffic, the *applicant* shall be required to improve and maintain the *road(s)* to a standard acceptable to the County. An *improvement* and Maintenance Agreement between the *applicant* and the County shall be required to assure that the *road(s)* used by the operation will be appropriately improved and maintained.
5. Property/facility shall be maintained so as to ensure the health, safety, and welfare of the public are preserved.
6. Materials associated with the major utility shall not be carried onto adjoining properties.

### 3-5-11 UTILITIES, MINOR

#### A. Defined

Includes on-site stormwater retention or detention facility, neighborhood-serving telephone exchange, water/gas/electric/telephone/cable transmission lines or ditches, water and



wastewater pump station or lift station, gas gates, reservoir, control *structure*, drainage well, water supply water well, and minor water treatment plant (serves 150 or fewer connections).

B. General Use Standards

1. All stormwater retention or detention facilities shall follow the General Development Standards in Chapter 5, provide adequate overflow and discharge facilities and be constructed at a maximum 3:1 slope.
2. All equipment necessary for *utilities* listed in the definition above shall be housed in proper *enclosures* or *buildings*.
3. All utility *enclosures* shall meet *setbacks* of the Zoning District in which the *enclosure* is located.
4. All utility *enclosures* shall be screened per Chapter 5-7-4.

### 3-6 Principal Commercial Uses

#### 3-6-1 ANIMAL CARE, DOMESTIC

A. Defined

A facility designed or arranged for the care of animals. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter and rehabilitation, cattery, commercial kennel and dog day care. Animal care does not include agricultural uses of breeding, raising, or keeping of livestock or other animals as defined in Section 3-4-3.

B. General Use Standards

1. All outdoor exercise areas and runs must be fenced for the safe confinement of animals.
2. A one hundred (100) foot separation shall be maintained between the area and *structures* where animals are housed and any property line.
3. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3(F)

C. Limited Use Standards (in addition to the General Use Standards)

1. A Type A *Buffer* per ~~Chapter 5~~, Section 5-7 must be established along any outside areas used to exercise, walk, or keep animals that abuts a ground floor residential use.

#### 3-6-2 BED AND BREAKFAST

A. Defined

A primary *dwelling unit* which is *owner*-occupied where short-term lodging is provided through the rental of rooms to the general public for compensation, with common dining and cooking facilities.

B. Limited and special use standards (Limited use for up to three (3) units, special use for four (4) to eight (8) units).

1. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

2. The Bed and Breakfast must maintain the residential character of the neighborhood by including physical characteristics indicative of a residential area such as residential-scaled *building* features, landscaped *yards*, and porches.
3. No business, storage, or warehousing of material, supplies, or equipment is allowed outside.
4. One parking stall for each bedroom must be provided on-site for all residents, visitors, guests, and employees.
5. *Signs* advertising the Bed and Breakfast are limited to one unlit wall *sign* no larger than three (3) square feet in area.
6. Central dining facilities shall be provided for guests.
7. Guest units shall not have cooking or eating facilities.
8. Any food service must be reviewed and approved by the Teton County Fire Marshal.
9. The applicant will need provide verification of a food license or a proved exemption from EIPH.
10. The Bed and Breakfast shall comply with all requirements of the local *fire district*, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.

### 3-6-3 CAMPGROUND

- A. Defined  
Campsites with individual water, sewer, and/or electrical hookups ~~for up to sixty (60) tents or recreational vehicles.~~ For two (2) to sixty (60) tents, recreational vehicles, cabin sites, or travel trailers.
- B. Special use standards
  1. Minimum *lot* size of forty (40) acres.
  2. Maximum overall gross *density* shall not exceed a half (0.5) campsites per acre.

Parcel Size	Maximum number of campsites
40 acres	20 campsites
60 acres	30 campsites
80 acres	40 campsites
100 acres	50 campsites
120 acres	60 campsites

3. A minimum of 80% of the site shall remain undeveloped *open space*, parks, or recreational amenities. Undeveloped space does not have to be contiguous.
4. Tent sites shall include a level pad at a minimum size of one hundred fifty (150) square feet, and a vehicular parking space at a minimum size of two hundred (200) square feet, and may include a fire pit or grill, and picnic table.
5. RV sites shall include a level pad site at a minimum size of one thousand three hundred fifty (1,350) square feet to accommodate RV and *vehicular parking* with an adjacent utility pad

- for water, and electric hookups to meet State and local requirements. A fire pit or grill, and picnic table shall be provided for each site.
6. All *development* shall be setback a minimum of two hundred (200) feet from any property line.
  7. On-site wastewater disposal may be provided as approved by East Idaho Public Health for the full capacity of the *campground*.
  8. Pit toilets or restrooms shall be provided and shall be approved and permitted by East Idaho Public Health. Community facilities shall not be located more than two hundred (200) feet from any site.
  9. Trash receptacles and dumpsters may be provided. In designated Bear Conflict areas, trash receptacles shall be bear-proof. If trash receptacles are not provided, advance notice to users that they must pack out their trash must be provided.
  10. Interior *roads* must meet standards for fire access *roads* for Teton County.
  11. Overflow or guest parking must meet the dimensional requirements of Section 5-6-3(F)
  12. Where there are adjacent residential uses, *screening* shall be required to meet Section 5-7, *Buffers, Screening, and Fencing*.
  13. Stays shall be limited to fourteen days (14) consecutive days in a calendar year.
  14. Minor retail and food services may be provided for *campground* guests, clearly incidental and subordinate to primary use of providing lodging.

#### 3-6-4 CAMPGROUND, RESORT

##### A. Defined

Otherwise known as “glamping” where lodging facilities are provided by the *owner* of the facility. Lodging facilities could include tents, tipi’s, yurts, cabins, *tiny homes*, and other similar *structures* five hundred (500) square feet or smaller.

##### B. Special use standards

1. Minimum *lot* size of forty (40) acres.
2. There shall be a maximum of ten (10) lodging units.
3. Lodging units shall be *clustered* to provide a minimum of eighty percent (80%) of the site as undeveloped *open space*, parks, or recreational amenities.
4. Glamping facilities, including platforms, *structures*, and sewer and water systems, shall be provided and comply with all State and Local *building code* requirements.
5. Adequate trash receptacles and dumpsters shall be provided and regularly disposed of at an authorized solid waste disposal facility. Trash receptacles shall be bear-proof when located in designated Bear Conflict areas.
6. Glamping sites must be setback a minimum of two hundred (200) feet from any property line.
7. Two (2) *vehicular parking spaces* shall be provided entirely on the property for each lodging unit.

8. All wastewater disposal shall be provided and shall be approved and permitted by East Idaho Public Health.
9. Permanent toilet facilities shall not be located more than two hundred (200) feet from any site.
10. Interior *roads* must meet standards for fire access *roads* for Teton County.
11. Where there are adjacent residential uses, *screening* shall be required to meet Section 5-7, *Buffers, Screening, and Fencing*.
12. Minor retail and food services may be provided for *campground* guests, clearly incidental and subordinate to primary use of providing lodging.
13. Stays shall be limited to fourteen (14) consecutive days in a calendar year.

### 3-6-5 CAMPGROUND, LONG-TERM RENTAL

#### A. Defined

Lodging sites with individual water, sewer, and electrical hookups for up to sixty (60) tents or *recreational vehicles* for temporary housing for the local workforce.

#### B. Special use standards

1. Minimum stay of thirty-one (31) days.
2. Minimum *lot* size of forty (40) acres.
3. Maximum overall gross *density* shall not exceed a half (0.5) campsites per acre.

Parcel Size	Maximum number of campsites
40 acres	20 campsites
60 acres	30 campsites
80 acres	40 campsites
100 acres	50 campsites
120 acres	60 campsites

4. A minimum of **eighty percent** (80%) of the site shall remain undeveloped *open space*, parks, or recreational amenities. Undeveloped space does not have to be contiguous.
5. Tent sites shall include a level pad at a minimum size of one hundred fifty (150) square feet, and a vehicular parking space at a minimum size of two hundred (200) square feet, and may include a fire pit or grill, and picnic table.
6. RV sites shall include a level pad site at a minimum size of one thousand three hundred fifty (1,350) square feet to accommodate RV and *vehicular parking*. A fire pit or grill, and picnic table shall be provided for each site.
7. *All development* shall be setback a minimum of two hundred (200) feet from any property line.
8. Permanent toilet facilities shall be provided and cannot be located more than two hundred (200) feet from any site.
9. All wastewater disposal shall be approved and permitted by EIPH.

10. Trash receptacles and dumpsters may be provided. In designated Bear Conflict areas, trash receptacles shall be bear-proof. If trash receptacles are not provided, adequate advance notice to users that they must pack out their trash must be provided.
11. Interior *roads* must meet standards for fire access *roads* for Teton County.
12. Overflow or guest parking must meet the dimensional requirements of Section 5-6-3(F)
13. Where there are adjacent residential uses, *screening* shall be required to meet Section 5-7, *Buffers, Screening, and Fencing*.

### 3-6-6 DAYCARE, GROUP OR CENTER

#### A. Defined

Daycare center includes a facility providing care and supervision for compensation during part of a twenty-four (24) hour day, for thirteen (13) or more children not related by blood, marriage, or legal guardianship to the *person* or *persons* providing the care, in a place other than the children's own homes.

Group day care includes care and supervision for compensation during part of a twenty-four (24) hour day for seven (7) to twelve (12) children not related by blood, marriage, or legal guardianship to the *person* or *persons* providing the care, in a place other than the children's own homes.

#### B. Special use standards

1. All daycare facilities shall be licensed by the Idaho Department of Health and Welfare prior to providing daycare services and shall maintain all licensure requirements.
2. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
3. A parking and/or drop-off area shall be designated entirely within the property and shall not depend upon the use of public or *private roadways* for parking or drop-offs. The drop-off parking area should accommodate three vehicles at one time, not including the vehicles of the residents or staff.
4. Group daycare facilities are subject to inspections by regulatory state and local agencies, including Teton County Fire and Rescue and Teton County *Planning Department*, to ensure compliance with all applicable regulations.

### 3-6-7 GARDEN CENTER

#### A. Defined

A business that sells plant material (trees, shrubs, flowers) garden equipment, garden tools, *landscape materials*, fertilizers, soil, seed, and associated supplies.

#### B. Limited Use Standards

1. Customer and employee parking shall be provided entirely on-site.
2. Greenhouses shall be located a minimum of fifty (50) feet from *road* rights-of-way and any property zoned or used for residential purposes.

3. Vehicles, nursery products, and other materials shall be located and stored on-site and within applicable *building setbacks* for the *zone district*.
4. Storage of materials, except plants, shrubs, and trees, shall be located to the rear or in the *side yards* of a *building* (if applicable) and screened from *road* views.

### 3-6-8 GOLF COURSE

#### A. Defined

A *tract* of land laid out with at least nine (9) holes for playing golf and improved with tees, greens, fairways, putting greens, and hazards. A golf course may include a clubhouse, shelters, and a driving range as accessory uses.

#### B. Special use standards

1. Minimum *lot* size of eighty (80) acres.
2. Sales and rental of golf equipment may be allowed as an accessory use.
3. All accessory *structures* shall be located no closer than one hundred (100) feet to a residential property.
4. Outdoor recreation areas associated with a country club shall be located no closer than fifty (50) feet of any property line.

### 3-6-9 GUEST/DUDE RANCH

#### A. Defined

A ranch that provides multi-night on-site accommodations for guests, provides an on-site recreational/agricultural activity or immediate access to recreational/agricultural activities, has dining facilities on-site, barns, associated *buildings*, corrals, pastures, and livestock related to a working ranch, working farm and/or the recreational activity available to guests. The guest/dude ranch does not include a commercial restaurant, café, or bar that caters to the general public, nor does it solicit nightly accommodations. A guest/dude ranch may have limited availability for *special events* such as a wedding or social gathering.

#### B. Limited Use Standards

1. Minimum *lot* size for Guest Dude Ranch shall be twenty (20) acres.
2. The maximum number of guests shall be limited to one-half (0.5) guests per acre.
3. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
4. Where activities require the use of public lands, the dude ranch shall abut these lands or have access to them by a recorded access agreement or *easement* across intervening lands or by a *public road*.
5. Use of public lands for the activities provided by the dude ranch shall have permission from the appropriate agency.
6. Central dining facilities shall be provided for guests.
7. Guest units shall not have cooking or eating facilities.

8. Approval for food service must be reviewed and approved by the Teton County Fire Marshal.
9. The applicant will need provide verification of a food license or a proved exemption from EIPH.
10. The Guest/Dude Ranch shall comply with all requirements of the local *fire district*, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.
11. The *Fire District*, Public Health District, and Teton County *Planning Department* shall be permitted to perform inspections as in any other business.
12. A guest unit shall be a permanent *structure* on a foundation. All other *structures* would fall under *campground* and permitted as such.
13. Up to twelve (12) one (1) day *special events* may be held per year for guests who want to visit but not stay overnight.
14. The sale of meals to *persons* who are not overnight guests of the dude ranch shall be prohibited, except for *special events*.
15. Guest units shall not be rented or sold for a *dwelling unit*.
16. A plan shall be submitted that addresses the use of motorized vehicles to, from, and within the site, including description of the types of vehicles and *road* and trail locations.
17. Employee and guest parking shall be located entirely on-site.
18. The *site plan* shall also show that a minimum of **sixty percent (60%)** of the property remains as open areas.
19. No *person* shall be a guest of a Guest/Dude Ranch for more than fourteen (14) consecutive days.

### 3-6-10 HORSE STABLE, RIDING ACADEMY, EQUESTRIAN CENTER

#### A. Defined

A facility used primarily for the care, breeding, boarding, rental, riding or training of horses or for the teaching of equestrian skills.

#### B. General and Limited Use Standards

1. Minimum lot size shall be ten (10) acres.
2. All piles of feed or bedding shall be located at a minimum of fifty (50) feet away from any public right-of-way or adjacent property.
3. Manure piles shall be stored for removal a minimum of two hundred (200) feet from any public right-of-way or adjacent property and removed from premises at least one (1) time per week and/or harrowed into an agricultural field or composted on-site.
4. Accessory dwelling units will be permitted to house on-site workforce.
5. All vehicular parking shall be provided entirely on-site in compliance with Section 5-6-3(~~F~~).
6. Hours of operation shall be limited to the hours of 8:00 am to 10:00 pm daily
7. All lighting and illumination of outdoor riding facilities shall be turned off no later than 10:00 pm.

### 3-6-11 NURSERY

#### A. Defined

A place where young trees and plants are raised.

#### B. General Use Standards

1. Employee parking shall be provided entirely on-site.
2. Vehicles, nursery product, and other materials shall be located and stored on-site and within applicable *building setbacks* specified for the associated zone district.
3. Greenhouses shall be located a minimum of fifty (50) feet from *road* rights-of-way and from any property zoned or used for residential purposes.
4. Storage of materials, except plants, shrubs, and trees, shall be located to the rear or in the *side yards* of a *building* (if applicable) and screened from *road* views.
5. Sale of goods grown on-site may be provided on-site as an accessory use, not as a retail storefront but rather as a farmers or roadside market.

### 3-6-12 SHOOTING RANGE, INDOOR

#### A. Defined

A commercial facility with an indoor firing range with targets for archery, rifle, or handgun practice.

#### B. General Use Standards

1. Minimum *lot* size of one (1) acre.
2. All related activities shall be housed completely within an enclosed *structure* and designed with full consideration for safety and noise factors involved in the type of use. Noise immediately outside the *structure* shall measure no louder than seventy (70) decibels.
3. The *applicant* shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges per the Environmental Protection Agency (EPA).
4. At a minimum, there shall be one *parking space* per firing position which meets the dimensional requirements of Section 5-6-3(F).

### 3-6-13 SPECIAL EVENT FACILITY

#### A. Defined

A facility used by groups of people to congregate temporarily for such purposes as education, meditation, spiritual renewal, meetings, conferences, social gatherings, seminars, or weddings and which may provide meals, services, and recreation for participants during the period of the retreat or program only. Such centers may not be utilized by the general public for meals or overnight accommodations.

#### B. Special use standards

1. Minimum *lot* size for special event facilities shall be five (5) acres
2. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3(F).
3. All surface parking areas must be landscaped in accordance with [Chapter 5, Section 5-6, Driveways, Parking, and Access](#).



4. Hours of operation shall be limited to the hours of 8:00 am to 10:00 pm daily
5. All lighting and illumination of outdoor facilities shall be turned off no later than 10:00 pm.
6. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
7. A Type A *Buffer* per [Chapter 5](#), Section 5-7 must be established along all *lot lines abutting* a ground floor residential use.
8. Approval for food service must be reviewed and approved by the Teton County Fire Marshal.
9. The applicant will need provide verification of a food license or a proved exemption from EIPH.
10. The special event facility shall comply with all requirements of the local *fire district*, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.
11. The *Fire District*, Public Health District, and Teton County *Planning Department* shall be permitted to perform inspections as in any other business.
12. A permanent *structure* on a foundation shall be required for all special event Facilities to house restrooms, food preparation, and *sanitation facilities* at a minimum.
13. A commercial kitchen facility requires additional review and approval from EIPH. Applicant is responsible for any fees associated with reviews.
14. There shall be no overnight lodging at any special event Facility.
15. Special events which meet the descriptions of Section 3-10-2 require a Temporary Use permit.

### 3-6-14 VEHICLE AND EQUIPMENT SALES/RENTAL

#### A. Defined

A facility that sells, rents, or leases passenger vehicles, light and medium trucks, and other consumer vehicles such as motorcycles, boats, and *recreational vehicles*. Includes commercial box trucks, high-lifts, construction, heavy earthmoving equipment, and farm equipment.

#### B. General Use Standards

1. A Type A *Buffer* per [Chapter 5](#), Section 5-7 must be established along all *lot lines abutting* a ground floor residential use.
2. All surface parking areas must be landscaped in accordance with [Chapter 5](#), Section 5-6, [Driveways, Parking, and Access](#).
3. Vehicle display areas may not be artificially elevated above the general topography of the site.
4. Parked or stored vehicles must be kept entirely on-site.

## 3-7 Principal Industrial uses

### 3-7-1 AVIATION FIELD, HELIPORT

#### A. Defined

An area of land or water that is used or designed for the landing and takeoff of FAA licensed aircraft, any appurtenant areas designated or intended for use by aircraft, and including *buildings* and facilities thereon for the shelter, servicing, or repair of aircraft.

#### B. Special use standards

1. All runway or heliport pad design shall comply with the design and construction standards and recommendations in the Federal Aviation Administration handbook entitled "Airport Design", advisory circular 150/5300-13.
2. Proposed accessory uses including, but not limited to, fuel storage areas, *structures* or facilities for storing and maintenance of aircraft, and any outdoor storage or tie down areas shall be disclosed in the *special use application* and adhere to outdoor storage *screening* standards per Section 3-7-86. Also see Section 3-9-9 regarding Hangers as an Accessory Use.
3. Aviation-related uses, including hangers and all other accessory aviation uses, are only permitted on site with a valid Through-The-Fence Agreement with the City of Driggs.

#### C. Hanger - Aircraft Hanger is a structure actively used for storing and maintaining aircraft and where it is a limited use it is restricted to only those properties located within the Driggs Airport Operations Overlay, subject to the limitations and requirements of Section 1-4-A-5 or those properties outside of the Airport Operation Overlay that hold valid Through-The-Fence Agreements with the ~~Driggs-Reed Memorial Airport Board~~ City of Driggs.

### 3-7-2 INDUSTRIAL, HEAVY

#### A. Defined

Heavy Industrial uses are defined by volume of traffic and the presence of noxious or offensive emission. Examples of heavy industrial uses include bulk fuel sales, bulk storage of flammable liquids or chemicals, metal manufacturing, or sawmill.

#### B. Special Use Standards

1. Minimum *lot* size for heavy industrial uses shall be one (1) acre.
2. All storage of materials, products, or equipment associated with industrial use shall be within a fully enclosed *building* or in an open yard screened with a Type A *Buffer* per ~~Chapter 5~~, Section 5-7.
3. Upon *development*, this district shall be adequately screened from adjacent residential districts with fencing and/or landscaping.
4. If the County determines that any *road* associated with a facility in this use category is inadequate for the expected quantities of traffic, especially with respect to heavy truck traffic, the *applicant* shall be required to improve and maintain the *road(s)* to a standard acceptable to the County. An *improvement* and Maintenance Agreement between the

*applicant* and the County shall be required to assure that the *road(s)* used by the operation will be appropriately improved and maintained.

5. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3~~(F)~~.
6. All wastewater facilities shall meet standards set forth by the nearest *city*.

### 3-7-3 INDUSTRIAL, LIGHT

#### A. Defined

Light Industrial uses are intended to primarily include production, processing, and assembly plants that are operated so that noise, odor, dust, and *glare* of such operations are completely confined within an enclosed *building*. These industries will, by their nature, generate traffic; however, the size and volume of raw materials and finished products should not produce the volume of traffic generated by heavy industrial uses. Examples include brewery, distillery, winery, clothing manufacturing, recreational equipment manufacturing, welding shop, clay or glass product manufacturing or woodworking. The Industrial/Research *zone district* is also intended for the *development* of office/warehouse uses.

#### B. General Use Standards

1. Minimum *lot* size for light industrial uses shall be one (1) acre.
2. All operations shall be conducted within a fully enclosed *building*.
3. The use cannot be noxious or offensive by reason of vibration, noise, emission of dust, fumes, gas, odor, or smoke, beyond the confines of any *building*.
4. All storage of materials, products, or equipment shall be within a fully enclosed *building* or in an open yard screened with a Type A *Buffer* per Chapter 5, Section 5-7.
5. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3~~(F)~~.
6. All wastewater facilities shall meet standards set forth by the nearest *city*.

### 3-7-4 FOOD AND BEVERAGE PROCESSING FACILITY

#### A. Defined

Facility in which food, beverage, and agricultural products are processed, packaged, and distributed for eventual human consumption. The establishment may offer sales of facility related products, and on-site consumption of free samples with no associated seating area, when permitted by the State. This use does not include rendering plants or slaughterhouses (See Section 3-4-87 Livestock Processing).

#### B. Limited Use Standards

1. Minimum *lot* size for food and beverage processing facilities shall be one (1) acre.
2. All operations shall be conducted within a fully enclosed *building*.
3. The use cannot be noxious or offensive by reason of vibration, noise, emission of dust, fumes, gas, odor, or smoke, beyond the confines of any *building*.
4. All storage of materials, products, or equipment shall be within a fully enclosed *building* or in an open yard screened with a Type A *Buffer* per Chapter 5, Section 5-7.
5. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3~~(F)~~.

### 3-7-5 MINERAL RESOURCE DEVELOPMENT

#### A. Defined

Mineral resource *development* is any land use related to the excavation, crushing, washing, sizing and *screening*, processing, asphalt batching, cement and concrete processing, and surface stockpiling (excavated on-site) of topsoil, peat, sand, gravel, rock, clay, aggregate, metallic, non-metallic and industrial minerals, gemstones, or other mineral resource.

#### B. Location Standards for New Mineral Resource *Developments*

The following standards shall be used to determine the appropriate location for new mineral resource *developments*:

1. Shall be located no closer than five hundred (500) feet from any state *highway*.
2. Shall be located no closer than one thousand (1000) feet from an existing residence.
3. Shall be located no closer than fifty (50) feet from an irrigation ditch or *public right-of-way*.

#### C. Operational Standards for New Mineral Resource *Developments*

All mineral resource *developments* shall adhere to the following operational standards:

1. Hours of operation are limited to 7 AM to 7 PM daily.
2. Written verification of compliance with the Idaho Surface Mining Act, including filing of any reclamation plan required by the Idaho Surface Mining Act.
3. A seventy-five (75) foot Type A *Buffer* [Chapter 5](#), Section 5-7 shall be maintained between the facility and residential uses.
4. The excavation site, any overburden and stockpiles, and *buffer* strip surrounding these areas shall be maintained so that they are continuously free of all noxious weeds as determined by the Teton County Weed Superintendent.
5. All operations shall meet the riparian *setback* requirements of [Chapter 5](#), Section 5-4-2, Riparian *buffers*.
6. Within 72 hours of blasting, the operator shall provide written notification of the date and time of planned blast, by certified mail, to the Teton County *Planning Department* and all residences within one mile of the blast site.
7. Blasting shall be restricted to the hours of 9:30 AM to 4:30 PM, Monday through Friday. No blasting shall occur on Saturdays, Sundays, or all Federal holidays.
8. An *owner* or operator may request, and the Public Works Director may grant, an exception to provide additional hours of operation for a mineral resource *development* when additional hours of operation are needed to alleviate a public emergency. Public emergencies include the following:
  - a. Damage to *public roads* or *structures* that require immediate repair.
  - b. *Road* construction or repair that is scheduled during nighttime hours to reduce traffic conflicts.
9. *Signs*, upon approval of the *signs* by the *Planning Department*, warning of truck entrances shall be posted within one-quarter ( $\frac{1}{4}$ ) mile of the site's entrance onto a *public road*.

10. The mineral resource *development* shall be marked by warning *signs* posted two hundred (200) feet from mine operations.

11. A plan to retain stormwater runoff within the mineral resource *development* boundaries in compliance with [Chapter 5](#), Section 5-2, Grading and Drainage.

D. Reclamation Standards for New Mineral Resource *Developments*

The goal of reclamation is to leave the site in a safe, nonpolluting condition that has future land value, therefore, a post mining management plan shall be submitted at time of *special use application* to meet the following standards:

1. Final grading shall result in slopes no greater than 3:1.
2. Topsoil shall be reapplied for optimal revegetation.
3. All surfaces shall be revegetated to stabilize surfaces from erosion.

### 3-7-6 OUTDOOR STORAGE, INDUSTRIAL

A. Defined

The keeping of materials or other items incidental to the business located on the property including but not limited to merchandise, goods, supplies, and equipment related to a business or other nonresidential use. This could include storage of contractor equipment, lumber, recycled materials, construction materials, trailers, inoperable vehicles, a *junkyard*, and other similar items associated with a permitted industrial use.

B. General Use Standards

1. All material stored outdoors shall be located outside of required *setbacks* and no closer than fifteen (15) feet from *public right-of-way*.
2. All material stored outdoors must be fully screened from view from the public right-of-way and *abutting* properties using a Type A *Buffer* per [Chapter 5](#), Section 5-7.
3. No storage of uncovered items is permitted that might reasonably be blown away by the wind.

### 3-7-7 SOLAR ENERGY SYSTEM, SMALL SCALE

A. Defined

Small scale solar energy systems shall be used primarily as an accessory use for on-site, private purposes and may be roof or ground mounted. Limited Use Standards for Roof Mounted Systems:

1. May not extend above the ridgeline of the roof the system is mounted on.
2. May not extend more than one foot above the roof surface measured perpendicularly from the sloped roof surface.

B. Limited Use Standards for Ground Mounted Systems

1. Shall adhere to *setbacks* required by *zone district*.
2. Shall not exceed a height of twenty-five (25) feet.

3. A Type A *Buffer* per [Chapter 5](#), Section 5-7 must be established along all *lot lines* where an *abutting* a ground floor residential use is within three hundred (300) feet of the system.

### 3-7-8 SOLAR ENERGY SYSTEM, MEDIUM SCALE

#### A. Defined

Medium scale solar systems are primarily used for residential use shared by up to ten (10) property *owners*.

#### B. Limited Use Standards

1. Shall be located on a vacant *parcel* or *tract* in a residential *subdivision*.
2. Shall adhere to *setbacks* required by *zone district*.
3. Shall not exceed a height of twenty-five (25) feet.
4. A Type A *Buffer* per [Chapter 5](#), Section 5-7 must be established along all *lot lines* where an *abutting* a ground floor residential use is within three hundred (300) feet of the system.

### 3-7-9 SOLAR ENERGY SYSTEM, LARGE SCALE

#### A. Defined

Large scale solar systems are primarily used to produce power for use off-site.

#### B. Limited Use Standards

1. All utility connections shall be placed underground. Electrical transformers for utility interconnections may be placed above ground and screened per [Chapter 5](#), Section 5-7, [Buffers, Screening, and Fencing](#).
2. Lighting shall be limited to that required for safety and operational purposes and shall incorporate downward focused, *full cutoff fixtures*.
3. Any large-scale ground-mounted solar energy system that has reached the end of its useful life or has been abandoned shall be removed. The *owner* or operator shall physically remove the installation no more than one hundred fifty (150) days after the date of discontinued operations. The *owner* or operator shall notify Teton County by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
  - a. Physical removal of all solar energy systems, *structures*, equipment, security barriers and transmission lines from the site.
  - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. Teton County may allow the *owner* or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

### 3-7-10 VEHICLE SERVICE AND REPAIR

#### A. Defined

Repair and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and *recreational vehicles*. Vehicle service major and minor repair of personal and commercial vehicles.

#### B. General Use Standards

1. Vehicles shall be set back thirty (30) feet from all property lines or in compliance with the district's or *development* agreement's *setback* requirements, whichever are more restrictive.
2. All storage areas shall be impervious and screened from neighboring properties per [Chapter 5, Section 5-7, \*Buffers, Screening, and Fencing\*](#).
3. All activities shall be conducted within an enclosed *building* or in an open yard screened with a Type A *Buffer* per [Chapter 5, Section 5-7](#).
4. Noise shall not exceed seventy (70) decibels at the property boundaries.
5. Shop *buildings* shall be adequately vented.
6. Odors or fumes shall not be detectable beyond the walls of the *building* where the repair services are conducted.
7. A Type A *Buffer* per [Chapter 5, Section 5-7](#) must be established along all *lot lines abutting* a ground floor residential use.
8. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.
9. Overhead doors facing an adjacent existing residential use are to remain closed when repairs are being made.
10. Hours of operation shall be limited to 7 am to 7 pm.

### 3-7-11 WAREHOUSE, STORAGE, AND DISTRIBUTION

#### A. Defined

A facility that stores goods in preparation for shipping to other locations. Goods are generally delivered to retail stores or the final consumer with no on-site sales activity to customers. Warehouse, storage, and distribution includes enclosed storage (bulk storage, cold storage plants, frozen food lockers, household moving, and general freight storage), self-service storage, and mini-warehouse.

#### B. General Use Standards

1. Retail sales shall be directly related to the business.
2. The main warehouse and distribution *building* shall not exceed thirty-five thousand (35,000) square feet.
3. A traffic plan approved by the Planning Administrator shall be required.

### 3-7-12 WASTE-RELATED SERVICE

#### A. Defined

A facility that processes and stores waste material such as a landfill, *junkyard*, automobile recycling, and scrap metal processors. Does not include commercial composting of food waste.

#### B. Special use standards

1. The use shall be conducted entirely within a non-combustible *building* or surrounded by a Type B *Buffer* per [Chapter 5](#), Section 5-7.
2. Property/facility shall be maintained so as to ensure the health, safety, and welfare of the public are preserved.
3. *Buildings* shall be set back one hundred (100) feet from all property lines.
4. Waste resale materials shall not be stored, loaded, unloaded, or otherwise placed either temporarily or permanently outside of the enclosed *building*, fence, wall, *screening*, or within *road* rights-of-way.
5. A *site plan* shall be submitted that details information on access, driveways, *parking spaces*, storage areas, *screening*, and loading and unloading areas.
6. Waste resale materials must be contained in a paved or gravel area separate from the parking, driveway, loading, or unloading spaces.
7. Vehicles shall not be parked in any required *buffer* zone on the property or within a *road* right-of-way.
8. The site shall be maintained in a safe, sanitary, and orderly condition that does not constitute a public nuisance or *adversely affect* adjoining properties.
9. The site shall be attended on days of operation.
10. The use of loudspeakers or other amplification devices shall be prohibited.
11. The hours of operation shall be 8:00 am to 8:00 pm seven days a week.
12. Material shall not be carried onto adjoining properties by the wind or rain.

### 3-7-13 WASTE-RELATED SERVICE, COMMERCIAL COMPOSTING

#### A. Defined

A facility for large-scale composting designed to handle high volumes of organic waste.

#### B. Special use standards

1. Property/facility shall be maintained so as to ensure the health, safety, and welfare of the public are preserved.
2. A *site plan* shall be submitted that details information on access, driveways, *parking spaces*, storage areas, *screening*, and loading and unloading areas.
3. The site shall be maintained in a safe, sanitary, and orderly condition that does not constitute a public nuisance or *adversely affect* adjoining properties.
4. The site shall be attended on days of operation. The hours of operation shall be limited to 8:00 am to 8:00 pm seven days a week.
5. Material shall not be carried onto adjoining properties by the wind or rain.



### 3-7-14 WIND ENERGY SYSTEM, SMALL-SCALE

#### A. Defined

A small-scale wind energy system is used to generate electricity for private use. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service, and access *roads*, and one or more *wind turbines*. Large scale commercial wind farms are not permitted.

#### B. Limited Use Standards

1. Prior to installation, all small-scale wind energy systems shall obtain a *building* permit from Teton County.
2. The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications, and aviation requirements.
3. *Wind turbines* shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
4. The wind facility and associated equipment shall not produce a broadband sound level more than 10 ~~dB(A)~~ decibels above ambient.
5. Any wind energy facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind energy facility is scheduled to be decommissioned, the *applicant* shall notify the County by certified mail of the proposed date of discontinued operations and plans for removal. The *owner/operator* shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed or any other legally authorized use. More specifically, decommissioning shall consist of:
  - a. Physical removal of all *wind turbines, structures, equipment, security barriers* and transmission lines from the site.
  - b. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
  - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. Teton County may allow the *owner* to leave landscaping or designated below-grade foundations to minimize erosion and disruption to vegetation

### 3-7-15 WIRELESS COMMUNICATIONS, AMATEUR RADIO OPERATOR TOWER

#### A. Defined

A facility for the provision of radio waves or wireless service used for personal, non-commercial radio licensed by the Federal Communications Commission.

#### B. Limited Use Standards

1. An amateur radio operator tower may not exceed forty-five (45) feet in height.

2. The tower must be located so that no part of the antenna or its elements encroaches within the required side or rear *setbacks* or within ten (10) feet of any *easement* for overhead electric distribution or transmission lines.
3. Maximum tower height is measured to the tallest point of the supporting tower and does not include the antenna mast or antenna elements affixed to the tower.
4. No more than two (2) towers are allowed on a *lot* with the second tower being no more than thirty-five feet (35') in height.
5. A request for a *building* permit must be accompanied by a copy of a valid Amateur Radio Operators license issued by the Federal Communications Commission.

### 3-7-16 WIRELESS COMMUNICATIONS, BUILDING-MOUNTED

#### A. Defined

Any antenna attached or affixed to a *building* or roof, or other type of *structure* not originally intended to house such a facility.

#### B. Limited Use Standards

1. *Building* and antenna combined shall not exceed forty-five (45) feet in height.
2. Shall not interfere with the safe operation of traffic control or public safety equipment.
3. Shall not interfere with sight lines or clear zones for transportation or pedestrians.
4. Shall not interfere with compliance with the Americans with Disabilities Act or similar federal or State standards regarding pedestrian access or movement.
5. Shall maximize the use of *building* materials, colors and textures designed to blend with the *structure* to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the use of stealth or concealment technology as may be required by the County.

### 3-7-17 WIRELESS COMMUNICATION TOWER

#### A. Defined

Any mast, pole, monopole, lattice tower, or other *structure* designed and primarily used to support antennas for commercial purposes.

#### B. Limited Use Standards

1. It must be demonstrated that it is necessary to erect the tower at the proposed location and due to one or more of the following reasons:
  - a. The planned equipment would exceed the structural capacity of existing or approved *structure*, and those *structures* cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
  - b. The planned equipment would result in technical or physical interference with or from other existing or planned equipment, and the interference cannot be prevented at a reasonable cost.
  - c. There is no appropriate existing or pending *structure* to accommodate the planned equipment.

- d. Other technical reasons that make it impractical to place equipment planned by the *applicant* on existing or approved *structures*.
  - 2. Height shall not exceed forty-five (45) feet.
  - 3. All new communications towers must be constructed with excess capacity for co-location. Any *owner* of a telecommunications tower must allow other telecommunications providers to install or co-locate antennae or facilities on their towers. Co-location is subject to mutually agreeable terms and conditions negotiated between the parties.
  - 4. Landscaping consistent with a Type A *Buffer* per [Chapter 5](#), Section 5-7 must be established along the base of the facility to screen the mechanical characteristics.
  - 5. No signals, *lights*, or illumination is allowed on a tower unless required by the Federal Aviation Administration or other applicable authority.
- C. Abandoned Tower
- 1. The Administrator will require removal of any abandoned or unused tower by the tower *owner/operator* within thirty (30) days after notice from the Administrator. A tower is considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days.
  - 2. Where a tower is removed by an *owner*, the *owner* must restore the area to the condition existing prior to the placement of the tower.

### 3-8 *Principal Recreational Uses*

#### 3-8-1 PARK, RECREATION FIELD

- A. Defined
- An area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, ballfields, soccer fields, basketball courts, swimming pools, and tennis courts. May include both *passive* and *active recreation*.
- B. Use Standards
- 1. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3(~~F~~).
  - 2. Hours of operation shall be limited to the hours of 8:00 am to 10:00 pm daily.
  - 3. All lighting and illumination of outdoor facilities shall be turned off no later than 10:00 pm.
  - 4. All swimming pools will need safety fencing in accordance with State regulations.

#### 3-8-2 SHOOTING RANGE, OUTDOOR

- A. Defined
- A commercial facility with an outdoor firing range with targets for rifle, shot gun, handgun, or archery practice.
- B. Special use standards
- 1. Minimum *lot* size of forty (40) acres.
  - 2. Shall be located at least two (2) miles from any incorporated *city* limit.

3. The range shall be designed to accommodate required surface danger zones (as defined by the Department of the Energy) which do not extend across traveled *roads*, navigable waterways, railroads, or other similar areas.
4. The surface between the targets and the firing line shall comprise grass or low growing groundcover and be free of any hard surface such as paving, rocks, or other ricochet-producing material.
5. The range shall be designed and located so no spent projectile ammunition travels off-site (does not include casing).
6. Hours of operation shall be limited to 8:00 am to one hour before sunset or as defined by special use permit through the application process.
7. The *applicant* shall provide written documentation that the proposed target backstops conform to the standards for outdoor ranges per the Environmental Protection Agency (EPA).
8. All firing line locations shall be oriented such that sound levels do not exceed seventy (70) decibels at the property line.
9. Archery ranges may be established if provisions are made to keep the fired projectiles from leaving the property.
10. At a minimum, there shall be one *parking space* per firing position which meets the dimensional requirements of Section 5-6-3(F).
11. No tracer rounds or pyrotechnic devices shall be allowed due to fire risk.

### 3-8-3 RECREATION, MOTORIZED

#### A. Definition

A *tract* of land used for motorized vehicles for recreation purposes such as a motocross or snow mobile racetrack.

#### B. Special use standards

1. Shall be located at least 4 miles from any incorporated *city* limit.
2. All racetracks shall be located such that the noise at the property line does not exceed seventy (70) decibels.
3. Hours of operation shall be limited to between 8:00 am and 10:00 pm.
4. All parking shall meet the dimensional requirements of Section 5-6-3(F).

## 3-9 Accessory Uses

### 3-9-1 ACCESSORY BUILDING

#### A. Defined

A *building* or *structure* not used for human habitation the use of which is customarily accessory to and incidental to that of the *principal* use located on the same *lot* and that is used as a tool or storage shed, or similar use.

- B. General Use Standards
  - 1. All *accessory buildings* shall adhere to dimensional standards required by the *zone district* in which it is located.
  - 2. All *structures* over two hundred (200) square feet in floor area require a *building permit*.

### 3-9-2 ACCESSORY DWELLING UNIT, ATTACHED

- A. Defined

An attached *accessory dwelling unit (ADU)*, or *secondary dwelling*, shall be a completely independent residential living unit for one household, attached to the primary *dwelling* with a separate exterior entrance. An *ADU* must contain its own permanent kitchen, bathroom facility, and sleeping area.
- B. General Use Standards
  - 1. Only one (1) *ADU* shall be allowed per *parcel* or *lot*.
  - 2. Two (2) *vehicular parking spaces* shall be provided entirely on the property for the unit.
  - 3. The maximum size of an *ADU* shall not exceed 1500 square feet.
  - 4. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews. In a case where the primary dwelling unit is connected to the City of Driggs water and/or waste water system, the owner must seek approval from Driggs City Council prior to making any additional connection to the system.
- C. Limited Use Standards – *IR Zone District*
  - 1. The *IR Zone* district may accommodate two (2) attached units as an *ADU*.
  - 2. The maximum size of the *ADU* shall not exceed 1500 square feet (for either one (1) or two (2) units).
  - 3. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews. In a case where the primary dwelling unit is connected to the City of Driggs water and/or waste water system, the owner must seek approval from Driggs City Council prior to making any additional connection to the system.
  - 4. *ADUs* may not be short term rented in the *IR zone* district.

### 3-9-3 ACCESSORY DWELLING UNIT, DETACHED

- A. Defined

A detached *accessory dwelling unit (ADU)*, or *secondary dwelling*, shall be a completely independent residential living unit for one household, on the same *parcel* of land as the primary *dwelling unit*. An *ADU* must contain its own permanent kitchen, bathroom facility, and sleeping area.
- B. General Use Standards
  - 1. Only one (1) *ADU* shall be allowed per *parcel* or *lot*.
  - 2. Two (2) *vehicular parking spaces* shall be provided entirely on the property for the unit.

3. The maximum size of an *ADU* shall not exceed 1500 square feet on parcels 7.5 acres or larger.
4. The maximum size of an *ADU* shall not exceed 1200 square feet on parcels over 2.5 acres up to 7.5 acres.
5. The maximum size of an *ADU* shall not exceed 900 square feet on *parcels* 2.5 acres or smaller.
6. Detached *ADUs* shall be located in accordance with required *setbacks* per the associated zone district.
7. The applicant will need to provide verification of wastewater treatment system based on Teton County’s Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews. **In a case where the primary dwelling unit is connected to the City of Driggs water and/or waste water system, the owner must seek approval from Driggs City Council prior to making any additional connection to the system.**

**3-9-4 AGRITOURISM – *ONSITE ACCOMMODATIONS***

A. Defined

Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities including, but not limited to, farming, ranching, historic or cultural activities, on-site educational programs, recreational farming programs that may include on-site hospitality services, guided and self-guided tours, bed and breakfast accommodations, horseback riding, fee fishing, and camping. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

B. General ~~limited & special~~ use standards

1. All agritourism activities must be secondary to an “Agricultural Operation” as defined per 3-4-3 above.
2. If land has been leased to a qualified “Agricultural Operation”, only the Operators shall have the right to conduct agritourism activities, Land Lessors who are not actively farming or ranching themselves do not qualify.
3. Warning *Signs* must be posted per Idaho State Statute Title 6, Chapter 30 Idaho Agritourism Promotion Act to include the following:

WARNING

Under Idaho law, there are risks associated with agritourism, which could lead to injury or death. You are assuming these risks. Section 6-3004, Idaho Code.

4. Regardless of the on-farm activity, all guest parking must be on-site and meet the dimensional requirements of Section 5-6-3(~~F~~).
5. No motorized vehicles shall be rented to guests or driven off private property by guests unless moving between unconnected *parcels* for an agricultural activity or tour.

6. Where activity requires the use of public lands, the Operator must have permission from the appropriate agency.
7. All hunting and fishing activities shall require applicable permits & licenses from Idaho Fish and Game and or the Idaho Outfitters and Guides Association, (IOGA) licensing board.

C. Campsite Limited Use Standards (Applicable to RA-35 & LA-35)

1. All overnight accommodations must include at least two (2) hours of agritourism activities for every twenty-four (24) hour stay.
2. Minimum acreage in agricultural production shall be twenty (20) acres.
3. Maximum campsite & occupancy table:

Acreage in Ag production	Number of Camp Sites	Max Occupancy
20	1	2 people
40	1	4 people, in any combination between sites
80	2	8 people, in any combination between sites
120	3	10 people, in any combination between sites
160	4	12 people, in any combination between sites
200 or more	5	14 people, in any combination between sites

4. No more than five (5) campsites are permitted regardless of total acreage in agricultural production.
5. Clustering campsites on *contiguous parcels* is not mandatory, although encouraged when feasible.
6. Campsites shall be set back a minimum of fifty (50) feet from any property boundary.
7. Guests must follow Eastern Idaho Fire Restrictions when applicable.
8. Campsites shall be exempt from standards listed in section 3-6-3 through 3-6-5.
9. No pressurized water source shall be utilized, only non-potable gravity fed systems are permitted. Potable water may also be provided utilizing refillable tanks.
10. Composting toilets, temporary portable toilets (port-a-potty) or EIPH certified pit or vault toilets shall be provided and serviced regularly. The toilet facility provided shall be adequate for the occupancy at the time.
11. Campsites shall not have grid tied power.
12. Overnight accommodations may include, but are not limited, to tent sites with or out without an established “platform” and temporary *structures* such as: a tipi, canvas tent,

sheep wagon, yurt, RV, *tiny home* on wheels, primitive cabin on skids and silo converted into rustic cabin.

13. All campsites will limit exterior lighting so that it does not exceed the equivalent of one seventy-five (75) watt incandescent bulb.
  14. Quiet hours must be observed between 8:00 pm and 8:00 am.
  15. No dumping of sewage will be permitted on site regardless of infrastructure.
- D. Campsite *special use* standards (applies only to RR-20, RN-5). In addition, the limited use standards listed above for zones RA-35 & LA-35, zones RR-20 & RN-5 must comply with the following standards.
1. Activities shall not impact surrounding residential areas and must not exceed seventy (70) decibels of noise at the property line.
  2. No motorized vehicles may be utilized by guests.

### 3-9-5 EMPLOYEE HOUSING

#### A. Defined

An accessory *dwelling* occupied by persons principally employed at or engaged in the operation of a business or related by blood, marriage, adoption, or otherwise to persons employed at or engaged in the operation of business.

#### B. Special Use Standards

1. Minimum lot size shall be five (5) acres in all zone districts excluding the IR district.
2. There shall be a maximum of five (5) *dwelling units* per business, not applicable to home occupations or home industries.
3. *Dwelling units* for employee housing shall be located on the same site as the business operation.
4. *Dwelling units* shall be designed in a *cluster*. For the purposes of these regulations, *cluster* means there must be a minimum of two (2) *dwelling units* on the parcel and the average distance between *dwelling units* is less than fifty (50) feet.
5. Employee housing units shall be occupied by employees only and not available for rental, except to employees. **Number of employees per units shall not exceed number of bedrooms.**
6. Dwelling units shall not be short term rented, they shall be restricted to long term rental for employee/workforce housing.
7. Maximum *building* size shall be per Section 3-9-2 and 3-9-3.
8. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews. **In a case where the primary dwelling unit or primary use is connected to the City of Driggs water and/or waste water system, the owner must seek approval from Driggs City Council prior to making any additional connection to the system.**



### 3-9-6 HOME BUSINESS

#### A. Defined

A home business is an accessory nonresidential use that provides a service or product and is conducted wholly within a primary or accessory *dwelling unit*. Home businesses are intended to be at a residential scale; once they grow to the point where they no longer meet the use standards below, they can no longer be characterized as a home business.

#### B. General Use Standards

1. The use of the *dwelling unit* for a home business must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the *building*.
2. All storage of materials, products, or equipment associated with the home business shall be within a fully enclosed *building*.
3. No equipment or process may be used that creates excessive noise (over 70 decibels at the property line), vibration, *glare*, fumes, odors, or electrical interference.
4. No display of products may be visible from the *public road*.
5. The home business must be conducted by a *person* residing on the premises and may employ no more than two (2) people commuting to the premises.
6. All home businesses shall provide a minimum of two (2) and maximum of four (4) *parking spaces* on-site. Vehicles shall not park in the *public right-of-way*.
7. Storage space and the operation of the business inside the *dwelling* cannot exceed **twenty-five percent (25%)** of the living space within the *dwelling*.
8. Not more than fourteen (14) clients a day are permitted to visit the home business. At least two (2) parking spots above standard residential parking requirements must be provided on-site, but the business must not exceed four (4) parking spots total.
9. The delivery of materials may not exceed more than ten (10) deliveries per day of trucks larger than 18,500 GVW.
10. Retail sales of goods must be entirely accessory to any service provided on the site (such as hair care products sold as an accessory to hair cutting).
11. *Signs* advertising the home business are limited to one unlit wall *sign* no larger than 3 square feet in area.

### 3-9-7 HOME DAYCARE

#### A. Defined

A home daycare provides care and supervision for compensation during part of a twenty-four (24) hour day, for six (6) or more children not related by blood, marriage, or legal guardianship to the *person* or *persons* providing the care, in a place other than the child's or children's own home or homes. A home daycare takes place wholly within a primary or accessory *dwelling unit*.

#### B. Limited Use Standards

1. A home daycare is not required to be licensed with the Idaho Department of Health and Welfare. However, a home daycare may voluntarily elect to be licensed by the *Department*.

2. The use of the *dwelling unit* for a home daycare must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the *building*.
3. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews. **In a case where the primary dwelling unit is connected to the City of Driggs water and/or waste water system, the owner must seek approval from Driggs City Council prior to making any additional connection to the system.**
4. A parking and/or drop-off area shall be designated entirely within the property and shall not depend upon the use of public or *private roadways* for parking or drop-offs.
5. The *dwelling unit* in which care is provided must have at least two unobstructed exits with not less than thirty-two (32) inches clear exit width and not less than six (6) feet eight (8) inches exit height. Sliding patio doors will be accepted as a required second exit.
6. Sleeping rooms must have at least one (1) emergency egress window that meets local *building* code requirements and is operable from the inside or an unobstructed exit.
7. Smoke detectors, carbon monoxide detectors, and fire extinguishers shall be installed, tested, and maintained per the manufacturer's instructions and in conformance with the occupancy types specified by the International Residential Code.

### 3-9-8 HOME INDUSTRY

#### A. Defined

A home industry is an accessory, light industrial use that is conducted in a non-industrial district. It must be clearly incidental and subordinate to the primary residential use of the property. Examples include welding shop, bakery, woodworking, or manufacturing of goods. Home industries are intended to be at a residential scale; once they grow to the point where they no longer meet the use standards below, they can no longer be characterized as a home industry.

#### B. Limited Use Standards

1. The use of the primary *dwelling unit*, accessory *dwelling unit*, or *accessory building* for a home industry must be clearly incidental and subordinate to the use of the property for residential purposes, and under no circumstances change its residential character.
2. The home industry must be conducted by a *person* residing on the premises.
3. Minimum *lot* size for home industry uses shall be two (2) acres.
4. All operations shall be conducted within a fully enclosed *building*.
5. The home industry must not *adversely affect* the residential and agricultural uses in the zone where it is located.
6. No equipment or process may be used that creates excessive noise, vibration, *glare*, fumes, odors, or electrical interference.
7. No display of products may be visible from the *road*.
8. Retail sales of goods must be entirely accessory to the industrial use provided on the site.
9. At least 1.5 parking stalls per on-site employee for the industry must be provided on-site.

10. All storage of materials, products, or equipment shall be within a fully enclosed *building* or in an open yard screened with a Type A *Buffer* per [Chapter 5](#), Section 5-7.
11. All by-products, including waste, must be effectively confined to the premises or legally disposed of off the premises so as to avoid air and water pollution caused by the industry.
12. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
13. The home industry must be conducted by a *person* residing on the premises and may employ no more than two people commuting to the premises.

### 3-9-9 FOOD SERVICE, ACCESSORY

#### A. Defined

The preparation and serving of food and beverages as a supporting service to primary permitted uses such as a *club or lodge*, hospital, or guest/dude ranch. Food services may include outdoor dining.

#### B. Limited Use Standards

Accessory food service sales are subordinate to the primary business function.

**3-9-10 HANGER, ACCESSORY - ACCESSORY** Hanger is a structure actively used for storing and maintaining aircraft on a property that contains a dwelling unit as the primary structure. Where Accessory Hanger is a limited use it is restricted to only those properties located within the Driggs Airport Operations Overlay, subject to the limitations and requirements of Section 1-4-A-5 or those properties outside of the Airport Operation Overlay that hold valid Through-The-Fence Agreements with the ~~Driggs-Reed Memorial Airport Board~~ City of Driggs.

## 3-10 Temporary Uses

### 3-10-1 EXEMPT TEMPORARY USES

#### A. The following uses shall not require a *temporary use permit*:

1. Estate or real estate sales involving the property or items from the property where the sale is held.
2. Garage, *yard*, or rummage, sales provided the sales event is on a Rural/Residential zoned property and it lasts no longer than three (3) consecutive days. No more than six (6) sales events are allowed on the same residential property within a single calendar year.
3. Social gatherings with less than fifty (50) people in attendance where the function or event involves the owner of the property and where no monetary consideration or fees for such use of the property or attendance is involved. These exempted events may include those events taking place upon the grounds of a private residence or upon the common areas of a *subdivision* or multifamily residential *development* for which no admission or rental fee or other charge is assessed.

### 3-10-2 TEMPORARY USES/EVENTS

#### A. Defined

*Temporary uses* are uses that have a temporary duration which are not so recurring in nature as to constitute a permanent use.

#### 1. Type 1 (Minor) *Temporary Uses*

- a. Any *temporary use* that is not considered an exempt *temporary use*, a Temporary Portable Storage Container, or Temporary *structures* as Living Quarters. Examples include wedding receptions, or other *special events* lasting three (3) days or less where a monetary consideration or fees for such use of the property or attendance is involved, or the event is held on public property or that of a short-term rental and contractors' construction yards, trailers, or mobile homes that are used as a temporary residence or office during construction.

#### 2. Type 2 (Major) *Temporary Uses*

- a. A Type 2 *Temporary Use* is any Type 1 Use that proposes any of the following:
  - i. Road closures or detours
  - ii. Food or alcohol vending (including food trucks)
  - iii. Medical or security presence will be provided
  - iv. One hundred (100) or more expected visitors
  - v. The use of public property, such as schools, parks, or County *Roads*.
  - vi. Events that last more than one (1) day but less than seven (7) days in a thirty (30) day period and are limited to two (2) events per year on the same property.

3. Type 1 and Type 2 *temporary uses* require a *temporary use permit*, as outlined in Section 4-1-6.

### 3-10-3 TEMPORARY PORTABLE STORAGE CONTAINERS

#### A. Defined

A container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods that does not contain a foundation or wheels for movement. This does not include construction trailers which have a separate permit process.

#### B. Limited Use Standards

1. Containers are permitted for a maximum of ninety (90) consecutive days, once per calendar year.
2. Contractors' construction yards, trailers, or mobile homes that are used as a temporary residence or office during construction are exempt from the maximum timeframe and shall receive a Type 1 permit.
3. No more than two (2) containers are permitted at any one time.
4. No container may be more than ten (10) feet in height, or more than two hundred (200) square feet.

5. Any *person* wishing to utilize a container longer than ninety (90) calendar days may apply for an extension for up to an additional ninety (90) days or apply for a *building* permit to make the container a permanent, accessory *structure*.
6. Containers cannot be located in any required *setback* and must be located completely on the *owner's lot*, and no part of any container may be located in the *public right-of-way*.

#### 3-10-4 TEMPORARY STRUCTURES AS LIVING QUARTERS

##### A. Defined

Non-winterized *structures* such as yurts, RVs, *tiny homes* on wheels, park models, and seasonal cabins that do not meet the *building code* requirements for *habitable space* are not considered to be primary living quarters.

##### B. Limited Use Standards

1. Temporary *structures* are not allowed as living quarters for more than ninety (90) days in a single calendar year. Any *structure* that is used more than ninety (90) days in a single calendar year must have sanitary waste disposal and water service.
2. Only one (1) temporary *structure* may be used as a living *structure* per *lot*. Two (2) or more such *Structures* would be required to meet the regulations for *campgrounds* per Sections 3-8-1 through 3-8-5.

#### 3-10-5 FOOD VENDING, OUTDOOR

##### A. Defined

The serving or vending of food and beverages as an accessory use. Example includes food trucks.

##### B. Limited Use Standards

1. Outdoor food vendors shall be located on developed *lots* as an accessory use.
2. Signage for outdoor vendors shall be limited to *signs* placed directly on the vehicle or cart used in connection with the business.
3. An outdoor food vendor shall be situated on a *lot* in such a manner that no aspect of its operation shall impede vehicular, pedestrian, or bicycle circulation. A vendor shall not be located where there is limited capacity for parking at recreational facilities.
4. Outdoor food vendor shall apply for a Type 2 *temporary use permit*.

# CHAPTER 4 APPLICATION PROCEDURES

## 4-1 Overview of Application Processes

The table below summarizes the review, approval, and notice requirements applicable to the *applications* described in this Chapter. The table is intended as an overview only and the sections that follow should be relied upon for specifically applicable requirements.

Table 4. Application Processes

	Review and Final Decision-Making Authority					Public Notice Required			
	Pre-Application Meeting	County Planning Administrator	Driggs Planning & Zoning Commission	County Joint Planning & Zoning Commission	Board of County Commissioners	Published	Posted (Onsite)	Posted Notice (Courtroom)	Mailed
Comprehensive Plan and Driggs AOI LDC Amendments	Y	R	R, PH	R, PH	D, PH	Y	N	Y	Y
Site-Specific Zoning Map Amendment	Y	R	R, PH	R, PH	D, PH	Y	Y	Y	Y
Temporary Use Permit	Y	D	N	N	A	Y	Y	N	Y
Limited Use Permit	Y	D	N	A	N	N	N	N	Y
Special Use Permit	Y	R	R, PH	D, PH	A	Y	Y	Y	Y
Variance	Y	R	R, PH	D, PH	A	Y	Y	Y	Y
Agricultural Land Division									
Short Plat Land Division									
Subdivision – Concept Plan Subdivision									
Subdivision – Preliminary Plat	N	R	R, PH	R, PH	D, PH	Y	Y	Y	Y
Subdivision – Final Plat	N	R	N	N	D	Y	Y	Y	Y
Boundary Line Adjustment	Y	D	N	A	A	N	N	N	N
Design Review	Y	R	R, PM	D, PM	A	N	N	Y	N
Minor Modification to a Plat	Y	R	N	N	D	N	N	N	N
Major Modification to a Plat	Follow procedures for Preliminary and Final Plan								
Modification of a Special Use Approval	Y	R	R	D	A	Follow for Special Use Permit procedures			
Appeals	See Section 4-1-15-4-15								
<b>Key: R = Review, Recommendation D = Decision A = Appeal PH= Public Hearing Required                      Y = Required N = Not Required</b>									

## 4-2 Common Review Provisions

The purpose of this Chapter is to provide standards for *development* to protect the health, safety, and welfare of the community, as well as support the local economy and preserve the natural resources upon which it depends.

### A. Generally

1. Applicability, eligibility, submittal, notice, and procedural requirements for zoning and land division approvals are set forth in ~~section 4-1-4 through 4-1-15~~ section 4-4 through 4-15 as are decision making criteria, final decision requirements, and timeframes for expiration of approvals.
2. *Applications* for *development* submitted for a public school facility are subject to Idaho Code section 67-6519.

### B. Pre-application Conferences with Staff

1. Except as otherwise expressly indicated in this Chapter, *applicants* are required to request a pre-application conference with the **County Planning** Administrator to discuss the process, submittal requirements, and other aspects of the *application*, prior to making a formal submittal.
2. A request can be submitted by phone or email to the **County Planning** Administrator or their designee.
3. Upon receipt of a request for a pre-application conference, the **County Planning** Administrator will advise the *applicant* whether the conference may be held remotely or in-person, at which time the **County Planning** Administrator and *applicant* will agree to a time and place to conduct the conference. **The County Planning Administrator may will invite City Planning Staff to attend the meeting, who will attend at their discretion.**
4. Pre-application Conference will be documented by **County** planning staff with completion of a "Pre-Application Conference Form." **A copy of the Pre-Application Conference Form shall be forwarded to the Driggs planning department.**
5. Pre-application Conference may be waived by the **County Planning** Administrator.

### C. Application Submittal

This Chapter provides the processes for zoning and land division approvals required by the **Driggs AOI LDC**.

#### 1. Application Submittals and Revisions

- a. *Applications* must be made on *applications* provided by and submitted to the **County Planning Department**, and available on the County's website and at the *Department*.
- b. Additional materials, including *site plans*, may be required as provided in this Chapter or other specifically applicable sections of the **Driggs AOI LDC**.
- c. After assessing the nature of a proposed *development activity*, *development site*, or land use, and following a pre-application conference, the **County Administrator, in conference with the City Planning Administrator**, may require additional materials relevant to the proposed activity or site and necessary to establish compliance with applicable **Driggs AOI LDC** approval criteria. Materials may include those illustrating

- development* activities and uses related to grading, drainage, erosion control, landscaping, public safety, public *utilities* and services, *outdoor lighting* or to other matters subject to the requirements of the **Driggs AOI LDC**.
- d. *Applications* and submittal materials must be submitted to the **County** Administrator and not directly to members of the PZC, BoCC, or other reviewing departments or agencies, unless directed by the **County** Administrator in writing.
2. Fee Schedule
    - a. The BoCC will establish *application* fees to defray the cost of administering the **Driggs AOI LDC** and processing *applications*. The fee schedule is available on the *Department's* web page and at the *Department* office.
    - b. *Application* fees shall be paid per the adopted fee schedule for an *application* to be deemed complete by the **County** Administrator.
  3. Completeness Determination
    - a. The **County** Administrator will deem an *application* required by the **Driggs AOI LDC** to be complete only if it contains the information required by this Chapter, the *application form* or another applicable section of the **Driggs AOI LDC** and, if required, a pre-application conference has been held.
    - b. *Application* submittal requirements are set forth for each category of approval in this Chapter and in greater detail on the applicable *application* form.
    - c. The **County** Administrator may require supplemental information after an *application* is accepted as complete to determine compliance with the requirements of the **Driggs AOI LDC**. In these instances, the **County** Administrator will advise the *applicant* during the County and agency review period of the need for additional information.
  4. *Application* Deadline
    - a. Complete *applications* must be submitted in accordance with the review and noticing procedures set forth in this Chapter.
    - b. Schedules indicating current submittal deadlines are available on the County's website and at the *Planning Department*.
  5. **Joint City of Driggs and Teton County Review**
    - a. For applications within the **Driggs AOI**, the **County Administrator** shall forward the application materials to the **City Planning Administrator**.
    - b. For applications within the **Driggs AOI** that are administratively reviewed, the **County Administrator** shall seek comment from the **City Planning Administrator** on the matter. **The County Administrator shall issue a final decision.**
    - c. Reference to the **Planning & Zoning Commission** or **PZC** within the **Driggs AOI Code** shall refer to a **Joint Planning & Zoning Commission** as follows.
    - d. A **Joint Driggs-Teton County Joint Planning & Zoning Commission** is hereby established pursuant to **Idaho Code 67-6526(g)** for the sole purpose of reviewing applications concerning land within the **Driggs AOI**.
      - i. **Composition, Appointment, and Qualifications:** The **City Planning & Zoning Commission** shall appoint three (3) sitting members from their commission to serve on the five (5) member **Joint Driggs-Teton County Planning & Zoning Commission**. One of the three appointees shall be a resident of the **Driggs AOI**, if



such a member is serving on the Driggs Planning & Zoning Commission. The remaining two members shall be appointed by the Teton County Planning & Zoning Commission.

e. The Joint Driggs-Teton County Planning & Zoning Commission shall be responsible for the review, decision, and recommendation procedures in Section 4-1.

~~f. For applications within the Driggs AOI that require public hearings and approval by the County PZC or BoCC, the application shall first be reviewed by the Driggs PZC at a public hearing. The Driggs PZC shall make a recommendation on the matter for the County PZC to consider in a recommendation or final decision, and for the BoCC to consider alongside recommendations from the County PZC.~~

6. External Agency Review

a. As part of the initial review, the County Administrator shall refer the *development application* to the appropriate review agencies and specify the timeframe for comments to be due back to the County Administrator.

7. Withdrawal of an *Application*

a. An *application* may be withdrawn at any time by the *applicant*, by written request to the Administrator.

b. Required *application* fees will not be refunded on an *application* withdrawn by the *applicant*.

c. For *applications* requiring a public hearing that has been noticed or included on the agenda of the PZC or BoCC, withdrawal will be announced at the meeting.

D. Public Notice and Requirements.

Public notice and hearings shall comply with the Planning Act, including Idaho Code section 67-6509 and are required pursuant to the following:

1. Public hearings are held before ~~both the City PCZ, for its recommendation,~~ then County PZC, for its recommendation or approval, and the BoCC, for a final decision. The notice requirements here apply to all public hearings under this section.

2. At least fifteen (15) calendar days prior to the PZC or BoCC public hearings on a request to amend the *official zoning map*, the Administrator will have notice published of the time and place and a summary of the proposed amendments in the official newspaper or paper of general circulation within Teton County.

3. At least fifteen (15) calendar days prior to the PZC or BoCC public hearings, the Administrator will provide mailed notice to irrigation districts, groundwater districts, Cary act operation companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested in writing to receive notice, pursuant to Idaho Code section 67-6519. Notice may be provided electronically by mutual agreement.

4. The Administrator will make notice available to other papers, radio, and television stations serving the County for use as a public service announcement and will post notice at the courthouse, on the County's website, and, at least seven (7) calendar days prior to the public hearings, on the subject premises. Posting on the subject premises shall be per County issued, weather resistant *sign*.

5. The Administrator also will provide mailed notice to property *owners* and purchasers of record within the premise being considered and those within three hundred (300) feet of the external boundaries of the *lot* or *parcel*, notwithstanding jurisdictional boundaries, and within an area being impacted by the proposed amendment, as determined by the PZC.
6. If notice would require mailings to two hundred (200) or more property *owners* or purchasers, the County may avail itself of alternative notice procedures provided by Idaho Code section 67-6511(b).
7. The Administrator will provide a notice of intent to amend to agencies providing services within the County's jurisdiction, including school districts and the manager of the local airport, also at least fifteen (15) days prior to the PZC's public hearing.

E. Review Procedures

1. Within fourteen (14) calendar days of receipt of a complete *application*, including requests for amendment by the Administrator, PZC or BoCC, the Administrator will distribute the *application* or request for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed *development*.
2. Within forty-five (45) calendar days of the day the *application* is transmitted, County and external agencies' comments are due.
3. Following required public notice, the PZC or BoCC will conduct a public hearing and provide a recommendation or final decision on the *application*.
  - a. ~~For applications within the Driggs AOI, the Driggs PZC will conduct a public hearing and provide a recommendation on the matter, prior to the item being reviewed by the County PZC. The City PZC has forty five (45) calendar days from the date of the public hearing to submit their recommendation to the County PZC. In this section, references made to recommendations by the PZC or PZC recommendations are understood to include recommendations made by the Driggs PZC.~~
4. If following the public hearing, the PZC recommends a material change to the proposed amendment considered at the hearing, the changes will be expressly included in the PZC's recommendation to the BoCC. However, since the BoCC will conduct a subsequent public hearing, further notice and hearings by the PZC are not required.
5. The PZC has forty-five (45) calendar days from the date of the public hearing to submit their recommendation to the BoCC.
6. After receiving the recommendation of the PZC and holding a public hearing, the BoCC will take action on the *application* by resolution for a *comprehensive plan* Amendment and Ordinance for an LDC Amendment, in accordance with the Act.
7. If following the public hearing, the BoCC makes a material change to the proposed amendment considered at the hearing, further notice and a hearing will be provided before the BoCC makes a final decision on the proposed amendment.
8. The BoCC has forty-five (45) calendar days from the date of the public hearing to approve, approve with conditions, deny, or send the *application* back to the PZC for additional consideration. This time period may be extended if both the *applicant* and the BoCC agree on an extension.

F. Content and Timing of Final Decisions

1. Recommendations and final decisions by the Administrator, PZC, or BoCC regarding an *application* required under the LDC, shall be in the form of a *written decision*, based upon standards and criteria set forth herein, and shall be rendered within the timeframes specified.
2. Every final decision rendered concerning an *application* request shall provide or be accompanied by notice to the *applicant* of their right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code.
3. If an *application* for a *rezone, subdivision, variance, special use, Limited Use, or temporary use* relates to a public school facility, the *application* will receive priority consideration and will be reviewed at the earliest reasonable time and in accordance to the criteria in Idaho Code section 67-6519(3).
4. Unless stated expressly otherwise, references to “days” in this Chapter refers to calendar days.
5. In accordance with Idaho Code section 67-6536, the BoCC and PZC will maintain a recording and written meetings minutes of the public proceedings for any category of approval from which an *appeal* may be taken.

G. *Application* Approval Timeframe

A *written decision* must be issued within 60 days of the date of decision.

H. Requests for *appeal* or Reconsideration

1. In addition to the opportunity for mediation, pursuant to section 4-1-3(l), a request for *appeal* or reconsideration of an approval or denial by the Administrator, PZC, or BoCC may be filed in accordance with section 4-1-15 and Idaho Code section 67-6535(2)(b).
2. The request must specifically identify deficiencies in the decision for which reconsideration is sought.
3. Upon *appeal* or reconsideration, the final decision may be affirmed, reversed, or modified after compliance with procedural standards.
4. If no *written decision* on a request for reconsideration has been rendered within 60 days of the request, the request is deemed denied.

- I. Mediation. At any point during the decision-making process or after a final decision has been made, the *applicant*, an *affected person*, the PZC, or the governing BoCC may make a written request to mediate. All such requests and subsequent mediation proceedings must comply with Idaho Code 67-6510.

### 4-3 *Applications Subject to Final Decision by the Administrator*

- A. The following *applications*, are subject to a final *written decision* by the **County** Administrator:

1. *Temporary Uses*;
2. *Limited Uses*;
3. *Agricultural Land Divisions*,
4. *Sign Permits*;
5. *Scenic Corridor Reviews*;

- 6. Boundary Line Adjustments, and
  - 7. Modifications of a Temporary Use.
- B. For applications within the Driggs AOI, the County Administrator shall solicit review and comment from the City Planning Administrator on the matter.
  - C. Upon receipt of an administrative approval and compliance with any associated conditions, *application* for a *building* or other permit authorizing commencement of construction may be made, so long as other applicable standards have been satisfied.

#### 4-4 *Comprehensive Plan and LDC Amendments*

- A. *Applicability*  
This section applies to legislative actions to adopt, revise, or repeal any or all sections of the *comprehensive plan* or LDC, including large-scale revisions to the *official zoning map*. This section does not apply to changes that result in a site-specific final decision, which are quasi-judicial in nature and will be considered in accordance with section 4-1-5.
- B. *Eligible Applicants*
  - 1. The BoCC, the PZC, or the Administrator may initiate an *application* for *comprehensive plan* and LDC amendments.
  - 2. The Driggs City Council, Driggs PZC, City Planning Administrator, BoCC, the County PZC, or the County Administrator may initiate an *application* for *comprehensive plan* and LDC amendments that apply within the Driggs AOI. Amendments to the AOI Agreement shall be in accordance with Idaho Code section 67-6526.
  - 3. In addition, any *affected person*, as outlined in Idaho Code section 67-6509(d), also may initiate a request for amendment to the plan or LDC.
- C. *Submittals*  
The following are required to be submitted with an *application*, on file with the *Department*, for amendment to the *comprehensive plan* or LDC.
  - 1. A written description and explanation of the proposed amendment;
  - 2. The revisions proposed to the text of the *comprehensive plan* or LDC, showing changes in relation to the current text;
  - 3. If applicable, proposed map revisions; and
  - 4. Written explanation of how the proposed amendment is in accordance with policies of the *comprehensive plan* and how it meets the review criteria.
- D. *Public Notice*  
Public notice shall follow the noticing procedures set out in Section 4-1-2 4-2-D above.
- E. *Review Procedures*  
The timeframes related to completeness review and timing of final approval stated in this Chapter are not applicable to proposed amendments to the *comprehensive plan* or LDC text

initiated by the Administrator, PZC, or BoCC. Other procedural steps and notice requirements apply.

F. Review Criteria

1. The recommendations of the PZC and the final decision of the BoCC on an *application* to amend the *comprehensive plan*, will be based on the following criteria:
  - a. The *comprehensive plan* amendment corrects an error or meets the challenge of some changing condition, trend, or fact.
  - b. The *comprehensive plan* amendment is in response to changes in state law, as established through amendments to the Idaho Statutes or by court decision.
  - c. The amendment does not have the effect of creating a regulatory taking under Idaho or federal law.
  - d. The *comprehensive plan* amendment constitutes a benefit to the County as a whole and is not solely for the good or benefit of a particular landowner or *owners* at a particular point in time.
  - e. The proposed change is consistent with policies of the *comprehensive plan*, the requirements of the Planning Act, and state and federally mandated uses.
  - f. The *comprehensive plan* amendment substantially conforms to the stated purpose and intent of the LDC.
  - g. The *comprehensive plan* amendment will not have a demonstrable adverse impact on the natural environment, including air, water, noise, stormwater management, wildlife, scenic corridor views, and vegetation.
  - h. The *comprehensive plan* amendment will not have a demonstrable adverse impact on existing conforming *development* patterns, standards or zoning regulations.
  - i. The *comprehensive plan* amendment will not have a demonstrable adverse impact on delivery by any jurisdiction or agency providing public services in the County, including school districts.

G. Final Decisions

1. Following receipt of a recommendation of the PZC, and compliance with notice and hearing requirements, the BoCC will make a final determination on the proposed amendment to the *comprehensive plan* or LDC text and will issue a *written decision* reflecting that determination within sixty-five (65) calendar days of its final hearing.
2. Any amendment to the *comprehensive plan* shall be made by resolution of the BoCC, in accordance with Idaho Code section 67-6509(c). Amendments to the LDC are made by ordinance of the BoCC.
3. **Amendments to the Driggs AOI Agreement shall be in accordance with Idaho Code section 67-6526.**
4. A copy of the adopted or amended plan must accompany each adopting resolution and be kept on file with the *county clerk*.
5. The Administrator, PZC, or BoCC may consider whether the completion of special studies, maps, or analyses is appropriate before making a final decision.

## 4-5 Site-Specific Zoning Map Amendment

A. Applicability

This section provides standards and quasi-judicial processes for requests for site-specific changes to the *official zoning map*. Its purpose and intent is to mitigate potential known negative impacts a change in zoning may have on the public, the neighborhood, or surrounding property owners and to ensure due process.

B. Eligible Applicants

The property owner, BoCC, ~~or County~~ PZC, Driggs City Council, or Driggs PZC may initiate consideration of a proposed amendment to the *official zoning map*.

C. Submittals

The following are required to be submitted with an *application* for a zoning map amendment.

1. A written description and explanation of the proposed amendment to the Zoning Map, including a description of affected properties and the relationship of roads to the property under consideration;
2. *Vicinity map*;
3. The revisions to the current *official zoning map*, illustrating proposed amendments;
4. Written explanation of how the proposed amendment is in accordance with policies of the *comprehensive plan*, the LDC, review criteria, and applicable provisions of the Idaho Code; and
5. If the *application* relates to a public-school facility, pursuant to Idaho Code section 67-6519(3), documentation and studies sufficient for County consideration of impacts related to transportation, use and zoning of surrounding properties, and other impacts the County deems relevant and appropriate to the particular *application*.

D. Public Notice and Requirements

Public notice shall follow the noticing procedures set out in Section ~~4-1-2~~ 4-2-D above.

E. Review Procedures

The timeframes stated in this section are not applicable to proposed amendments to the Zoning Map initiated by the Administrator, PZC, or BoCC. Other procedural steps and notice requirements apply.

F. Review Criteria

The recommendations of the PZC and the final decision of the BoCC on an *application* to amend the *official zoning map*, will be based on the following criteria:

1. The Zoning Map amendment is not in conflict with the *comprehensive plan*.
2. The Zoning Map amendment substantially conforms to the stated purpose and intent of the LDC.
3. The Zoning Map amendment will reinforce the existing or planned character of the area.

4. The Zoning Map amendment will not have a demonstrable adverse impact upon public service delivery by any jurisdiction or agency providing services in the County, including school districts.
  5. The subject property is appropriate for *development* allowed in the proposed Zoning District, including, if the *application* relates to a public-school facility, the impacts authorized for review under Idaho Code section 67-6519(3).
  6. There are substantial reasons why the property cannot be used according to the existing zoning.
  7. The map amendment does not have the effect of creating a regulatory taking under federal or state law, including, as applicable Idaho Code section 67-8001, et seq.
  8. The County and other service providers will be able to provide sufficient public facilities and services including schools, *roads*, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing *development*.
  9. The Zoning Map amendment will not have a demonstrable adverse impact upon the natural environment, including air, water, noise, stormwater management, wildlife, scenic corridor views, and vegetation.
  10. The Zoning Map amendment will not have a demonstrable adverse impact on property in the vicinity of the subject property.
  11. The proposed change is consistent with the requirements of the Planning Act, including but not limited to matters related to manufactured housing, group housing, certain animal operations, sexually-oriented business, and use of surface and groundwater.
- G. Final Decision
1. Following receipt of a recommendation of the PZC, and compliance with notice and hearing requirements, the BoCC will make a final determination on the proposed amendment to the *official zoning map* and will issue a *written decision* within 7 days of its final hearing.
  2. Amendments to the text of the LDC are made by ordinance of the BoCC.
  3. Pursuant to Idaho Code section 67-6511(d), if the BoCC adopts an amendment to the Zoning Map pursuant to a request of the property *owner*, the BoCC may not subsequently reverse its action or otherwise change the zoning classification without the written consent of the current property *owner*, for a period of 4 years from the date of approval.

## 4-6 Temporary Uses

### A. Applicability

This section provides for the regulation and approval of *temporary uses*. Except as provided in section 3-9-1 3-10-1, a proposed *temporary use* is required to be approved by the Administrator consistent with this subsection and section 3-9 3-10.

### B. Submittals

1. All applications for a *temporary use* must include the following:
  - a. Complete *application* form;

- b. *Site plan*; and
  - c. *Vicinity map*.
2. All minor *temporary uses* that the Administrator deems necessary for additional information and all major *temporary uses* must also provide the following materials with the *temporary use application*:
- a. Public Safety
    - i. A plan addressing public safety, including medical services, fire protection, traffic safety, animal control, and crowd control, including any costs required by an agency to mitigate these impacts.
    - ii. Proof of inspection or approval by the Teton County *Fire District* for events that include the use of open flames, fireworks, or the sale of fireworks.
    - iii. A parking plan for any event over one hundred (100) attendees or an event providing shuttle or valet parking.
    - iv. A transportation plan, for any proposed *road* closures, sidewalk closures, or restricted access points, approved by Teton County Public Works or Idaho Transportation Department, for state roadways.
  - b. Sanitary and Waste Related Facilities
    - i. A plan for sanitary facilities including the type, number, and location or proposed location of all toilets, washing facilities, and water supply facilities.
    - ii. A plan for the use and placement of garbage and recycling containers including evidence of agreements with service providers.
  - c. Food Vendors
    - i. If food is to be served as part of the event, a Temporary Food Establishment License from Eastern Idaho Public Health, District 7 must be obtained and included in the *application* materials.
    - ii. A plan showing the type, number and location or proposed location of all food preparation and food service facilities.
    - iii. If alcohol beverages will be served and/or sold, an Alcohol License must be obtained from the State of Idaho and Teton County and included in the *application* materials. An alcohol management plan also must be provided.
  - d. *Signs*
    - i. Signage required for any life safety concerns identified during the review by the County or other agency.
    - ii. Proof of compliance with the requirements of section 5-9, Signage.
- C. Public Notice  
All major *temporary use applications* shall follow the noticing procedures set out in Section ~~4-1-2-4-2-D~~ 4-1-2-D above.
- D. Review Procedures  
All *temporary use applications* shall follow the review procedures set out in Section ~~4-1-2(F) 4-2-E~~ 4-1-2(E) above. Final approval shall be via an approved *temporary use permit*.



E. Review Criteria

1. No permit for a *temporary use* will be issued, except in compliance with the standards of this Chapter, section [3-9-3-10](#), and other applicable provisions of the [Driggs AOI LDC](#), including the following:
  - a. All necessary permits or written approvals from other agencies have been obtained.
  - b. The *temporary use* and *site plan* do not propose installation of permanent water, sewer, or electrical facilities, regardless of their seasonal or intermittent use or character.
  - c. The *site plan* demonstrates the *lot* or *parcel* is adequately served by *roads* or *highways* and has sufficient width and *improvements* to accommodate the kind and quantity of traffic that such *temporary use* is expected to generate.
  - d. The *temporary use* will not have a demonstrable adverse impact on nearby properties or jeopardize the public health, safety, and general welfare.
  - e. The *site plan* demonstrates adequate parking, loading, and on-site circulation will be provided, either on-site or on an approved alternate location that will reasonably serve the subject *lot* or *parcel*.
  - f. Adequate *sanitation facilities* will be available on the site.
  - g. The *application* demonstrates the *owner* or designated, or operator of a *temporary use* will be responsible for and capable of the storage and removal of all trash, refuse, and debris occurring on the site.
  - h. All trash storage areas must be screened from the view of adjacent rights-of-way and the site must be maintained in a clean and safe manner.
  - i. The *application* certifies the *applicant's* understanding that no *temporary use* may be established that is intended to be a permanent use of the property.
  - j. The *application* demonstrates adequate security measures, according to the Teton County Sheriff's Office, to ensure public safety.

F. Additional *Temporary Use* Standards

In addition to the requirements [above in this chapter](#) and those of section [3-9-3-10](#), the following standards apply to all proposed *temporary uses*.

1. Hours of Operation: Operation is allowed only between the hours of 6:00 AM and 12:00 AM (midnight).
2. Sound Level: The use of amplified sound shall be regulated in such a manner that it shall not interfere with normal usage of any neighboring school, medical facility, place of assembly, residence, or other permanent place of human habitation. A sound level in excess of one hundred (100) decibels between 9:00 AM and 8:00 PM, in excess of eighty-five (85) decibels between 8:00 PM and 10:00 PM, and in excess of seventy (70) decibels between 6:00 AM and 8:00 AM and 10:00 PM and 12:00 AM (midnight) shall constitute interference, as measured by the Administrator or Teton County Sheriff from an adjacent property. Sound will be measured at the property line. These standards may be altered by the Administrator if other documented *mitigation* measures are proposed and complied with.
3. Cash Deposit or Bond
  - a. The County may, as it deems necessary to comply with these standards and applicable permit review criteria, require a bond and damage or clean-up deposit, or

other financial guarantee to ensure the site is restored to its former condition and any damages are repaired following the *temporary use*.

- b. If an event requires the use of County or emergency personnel or equipment (such as police, fire protection, or medical services) in excess of services customarily supplied, the *applicant* shall pay those costs.
- c. The deposit or its balance shall be returned when the Administrator determines that no damage has been done, the County did not incur additional expenses due to the event, and that the cost of additional services described above has been paid by the *applicant*.

4. Inspections

By signing the *application* for *temporary use* approval, the *applicant* expressly grants permission to Teton County, Eastern Idaho Public Health, and the Teton County Fire Protection District to perform physical inspection of the premises used for the *temporary use* before issuing a *written decision*, as well as to investigate any formal complaint filed with the Department or Teton County Sheriff during or following the event.

G. Final Decisions

Upon receipt of a complete *application* for a *temporary use*, the Administrator will issue a *written decision* within thirty (30) days of receipt of a complete *application*, based on the criteria set forth in the **Driggs AOI LDC**, including those in this section and in section 3-9.

H. Expiration and Revocation

1. A *temporary use* approval issued pursuant to this section shall be limited to a maximum duration of one hundred eighty (180) consecutive calendar days per year, unless otherwise specifically authorized in the terms of the *temporary use* approval or as otherwise provided in this division.
2. **Temporary Use Permits may not be used in place of a Special Use Permit for an ongoing use.**
3. After consultation with the Prosecuting Attorney, the County may revoke *temporary use* approval when a condition of the approval is not being met and/or the public health, safety, or welfare is being compromised by the continued operations of the *temporary use*.
4. The revocation of a *temporary use* approval may result in the immediate cancellation of the *temporary use* approval, denial of future *temporary use* approvals, and/or criminal prosecution.

## 4-7 Limited Uses

A. Applicability

1. Limited Use Permits are allowed for identified uses that, while compatible with designated zoning, can cause incompatible off-site impacts, if specific location, design, and operation characteristics of the use are not addressed. These defined standards are applied to Limited Uses prior to their approval to ensure the effects of proposed use are mitigated.
2. This section applies to proposed *development* or new land uses indicated in section 3-2-1 to be permissible only by limited use approval.

B. Submittals

*Applications* for a limited use approval must include the following:

1. Complete *application* form;
2. *Site plan*; and
3. *Vicinity map*.

C. Public Notice

1. Within fourteen (14) calendar days of receiving a complete *application*, the Administrator will provide mailed notice to irrigation districts, groundwater districts, Cary act operation companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested in writing to receive notice, pursuant to Idaho Code section 67-6519. Notice may be provided electronically by mutual agreement.
2. Additional notice is not required for limited use *applications*.

D. Review Procedures

All limited use *applications* shall follow the **noticing-review** procedures set out in Section **4-1-2 4-2-E** above.

E. Review Criteria

The recommendations and final decisions of the County for a proposed Limited Use, will be based on the following criteria:

1. The requirements of this Chapter and other provisions of the **Driggs AOI LDC**, including Chapter 5, General Development Standards.
2. The Limited Use standards set forth by category of use in Chapter 3.

F. Final Decision

Upon receipt of a complete *application* for a Limited Use, the Administrator will issue a *written decision*, based on the criteria set forth in the **Driggs AOI LDC**, including those in this section and in Chapter 3, within forty-five (45) days of receipt of a complete *application*.

G. Expiration

1. An approved Limited Use approval expires 1 year after the approval date unless the *applicant* has filed a complete *application* for a *building* permit or made substantial progress towards *development* that does not require a *building* permit.
2. The approval may also contain an expiration or review deadline where the *application* must be resubmitted.
3. To be considered for an extension the *applicant* is required to fill out an *application* for extension stating the reason for the request along with associated fees. The review and decision-making authority for an extension is administrative unless substantial change in plan has occurred requiring reapplication through full process.

## 4-8 Special Uses

### A. Applicability

1. *Special uses* are allowed for identified land uses that may cause incompatible off-site impacts depending on the location, design, and operation of the use. *Special use* review includes standards and additional review to ensure the effects of proposed *special uses* are appropriately managed and mitigated.
2. This section applies to proposed *development* or new land uses indicated in section 3-2-1 to be conditionally permissible only by *special use* approval.
3. *Special use* approval does not establish binding precedent to approve *special uses*.
4. *Special use* approvals are not transferable from one property to another.
5. The PZC is authorized to make minor modifications to an approved *special use*, as provided in section ~~4-1-14~~ 4-14-D).

### B. Submittals

*Applications* for a *special use* approval must include the following:

1. A complete *application* form;
2. *Site plan*;
3. Vicinity map;
4. A written statement that:
  - a. Describes the effects of such elements as noise, *glare*, odor, fumes, *light trespass*, traffic, and vibration on adjoining property, if any;
  - b. Indicates the general compatibility with adjacent and other properties in the Zoning District; and
  - c. Describes the relationship of the proposed use to relevant *comprehensive plan* policies and the future land use map.
5. If the *application* relates to a public-school facility, pursuant to Idaho Code section 67-6519(3), documentation and studies sufficient for County consideration of impacts related to transportation, the use and zoning of surrounding properties, and other impacts relevant and appropriate to the *application* shall be submitted.
6. Pursuant to Idaho Code section 67-6512(e), any special studies required related to the social, economic, fiscal, and environmental effects and any aviation hazard, as defined in section 21-501(2), Idaho Code, of the proposed *special use*, shall be submitted with the *application*.

### C. Public Notice

Public notice shall follow the noticing procedures set out in Section ~~4-1-2~~ 4-2-D above.

### D. Review Procedures

All *special use applications* shall follow the ~~noticing~~ review procedures set out in Section ~~4-1-2~~ 4-2-E above.

#### E. Review Criteria

The recommendations and final decisions of the County for a proposed *special use*, will be based on the following criteria:

1. The requirements of this Chapter and other provisions of the **Driggs AOI LDC**, including Chapter 5, General Development Standards.
2. The *special use* standards set forth by category of use in Chapter 3; and
3. If the *application* relates to a public-school facility, the subject property is appropriate for *development* allowed in the proposed Zoning District, including the impacts authorized for review under Idaho Code section 67-6519(3).
4. The County and other service providers will be able to provide sufficient public facilities and services, including schools, *roads*, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing *development*.
5. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics.
6. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.

#### F. Special Use Conditions

Conditions may be attached to a *special use* approval, including:

1. Minimizing adverse impact on other *development*;
2. Controlling the sequence and timing of *development*;
3. Controlling the duration of *development*;
4. Assuring that *development* is maintained properly;
5. Designating the exact location and nature of *development*;
6. Requiring the provision for on-site or off-site public facilities or services;
7. Requiring more restrictive standards than those generally required in an ordinance;
8. Requiring *mitigation* of effects of the proposed *development* upon service delivery by any political *subdivision*, including school districts, that provide services within the planning jurisdiction.

#### G. Final Decision

1. Following receipt of a recommendation of the PZC, and compliance with notice and hearing requirements, the BoCC will make a final determination on the proposed *special use* and will issue a *written decision* reflecting that determination within 7 calendar days of its final hearing and decision.
2. Minor modifications to a *special use* approval may be granted by the PZC, in accordance with section ~~4-1-14E~~ 4-14-D).

#### H. Expiration

1. Unless provided otherwise in the *written decision*, *special use* approvals expire 1 year after the date of the *written decision*, unless the *applicant* files a complete *application* for a *building* permit or has made substantial progress towards *development*, if no *building*

- permit is required.
2. The *written decision* also may contain specific expiration, review, or resubmittal deadlines.

## 4-9 Variances

### A. Applicability

1. *Variances* can only be approved for the modification of the bulk and placement requirements of the **Driggs AOI** LDC as to *lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other LDC provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots*, as outlined in Idaho State Code 67-6516. *Variances* are considered through a quasi-judicial process.
2. A *variance* is not a right or special privilege and may be granted only upon a showing of:
  - a. *Undue hardship* because of characteristics of the site; and
  - b. That granting of the *variance* is not in conflict with the public interest.

### B. Submittals

*Applications* for a *variance* must include the following:

1. A complete *application* form;
2. *Site plan*;
3. *Vicinity map*;
4. A written statement demonstrating the requested *variance* meets the review criteria below and other requirements of law; and
5. If the *application* relates to a public school facility, pursuant to Idaho Code section 67-6519(3), documentation and studies sufficient for County consideration of impacts related to transportation, the use and zoning of surrounding properties, and other impacts relevant and appropriate to the *application*.

### C. Public Notice

Public notice shall follow the noticing procedures set out in Section ~~4-1-2~~ 4-2-D above.

### D. Review Procedures

All *variance applications* shall follow the ~~noticing review~~ procedures set out in Section ~~4-1-2~~ 4-2-E above.

### E. Review Criteria

The recommendation of the Administrator and decision of the PZC of whether the *applicant* has made a showing of lawful *Undue hardship*, will be based on the following criteria:

1. If the *variance application* relates to a public-school facility, that the subject property is appropriate for *development* allowed in the proposed Zoning District, including the impacts authorized for review under Idaho Code section 67-6519(3).
2. A literal interpretation of the provisions of the **Driggs AOI** LDC would effectively deprive the *applicant* of rights commonly enjoyed by other properties of the Zoning District in which the property is located;

3. Granting the requested *variance* will not confer upon the property of the *applicant* any special privileges that are denied to other properties of the Zoning District in which the property is located;
  4. The requested *variance* will be in harmony with the purpose and intent of the **Driggs AOI** LDC and will not be injurious to the neighborhood or to the general welfare;
  5. The special circumstances are not the result of the actions of the *applicant*;
  6. The *variance* requested is the minimum *variance* that will make possible the proposed use of the land, *building*, or *structure*;
  7. The *variance* does not permit a use of land, *buildings* or *structures*, which are not permitted by right in the Zoning District or the **Driggs AOI** LDC, including Chapter 5;
  8. Granting of the *variance* is not in conflict with the public interest; and
  9. The *variance* does not reduce the *lot* size below the minimum *lot* size allowed in the Zoning District, except as provided in section 1-8.
- F. Final Decision  
Following compliance with notice and hearing requirements, the PZC will make a final determination on the proposed *variance* and will issue a *written decision* reflecting that determination within 65 calendar days of its final hearing and decision.
- G. Expiration  
An approved *variance* expires 1 year after the approval date unless the *applicant* has filed a complete *application* for a *building* permit or made substantial progress towards *development* that does not require a *building* permit.

## 4-10 Land Division Review

- A. Applicability
1. Land division review, as provided in sections ~~4-1-10~~ 4-10 through ~~4-1-15~~ 4-15, is intended to ensure all *subdivision* and sale of land comply with applicable requirements of the **Driggs AOI** LDC and Idaho Code. To the extent of any conflict, the Idaho Code prevails.
  2. Idaho Code Title 50, Chapter 13 defines “*subdivision*” as “A *tract* of land divided into five (5) or more *lots*, *parcels*, or sites for the purpose of sale or *building development*...”, but allows cities and counties to adopt their own definition of *subdivision* in lieu of the statutory definition. Teton County excludes from the definition of *subdivision* the following:
    - a. ~~Insignificant~~ *Minor Plat* Amendment  
An adjustment of *lot lines* in a recorded *plat* that does not reduce the area, *frontage*, width, depth, or *building setback* lines below the minimums required in the Zoning District.
    - b. Boundary line adjustment  
The exchange of land for the purpose of straightening property boundaries or adding land to existing *parcels* by trade or sale that does not result in a change of the present land use or in any way result in land *parcels* which do not meet existing zoning and other regulations.

- i. An allocation of interests in real estate in the settlement of an estate, or a court decree for the distribution of property interests, with the stipulation that the land is not physically divided, only that the ownership interests in the land are allocated to different *owners*.
    - ii. *Agricultural Land Division*
    - iii. Short Plat Land Division
    - iv. The unwilling sale of land as a result of legal condemnation as defined and allowed in Idaho Code, and when the *dedication* of a *right of way* for public purposes is initiated by a public body.
- 3. Land Division is required for any:
  - a. Division of land into 2 or more *parcels*.
  - b. The *dedication* of any *road* or *alley* through or along any *tract* of land except where the *dedication* is initiated at the request of a public body.
  - c. Townhouse projects as permitted by Idaho law.
  - d. Amendments of a previously divided *parcel* if it is considered a significant amendment as defined in Section ~~4-1-14~~ 4-14.
- B. *Eligible Applicants*  
 Any *person*, firm, corporation, or agency may initiate an *application* for Land Division review, provided they are the *owner* or the *owner's* representative of the property for which the *application* is being submitted.
- C. *Applicable Requirements*  
 With regard to the following requirements, provisions applicable to each category of land division are set forth in sections ~~4-1-11~~ 4-11 through ~~4-1-14~~ 4-14:
  - 1. Submittals;
  - 2. Notice and Requirements;
  - 3. Review Procedures;
  - 4. Review Criteria;
  - 5. Final Decision; and
  - 6. Expiration.

## 4-11 *Agricultural Land Divisions*

- A. *Applicability*  
 All existing *parcels* located in the RA-35, LA-35, and RR-20 Districts that meet minimum *parcel* size standards are eligible to divide for agricultural purposes without *building* rights. The minimum *parcel* size of all of the newly created *parcels* shall be no less than as required within the applicable Zoning District, according to the following table:

*Table 5. Agricultural Land Division Parcel requirements*



Zone	Minimum Parent Parcel Size	Minimum Size of all Resulting Parcels
RA-35	280 acres	140 acres
LA-35	280 acres	140 acres
RR-20	160 acres	80 acres

B. Submittals

The following materials are required for a complete *application for agricultural land divisions*:

1. A completed *application* form and required submittals;
2. Two (2) copies of draft deeds (unrecorded) for each of the proposed new *parcels* that would be created providing the land division is approved, and
3. *Plat of survey* created by a licensed land *surveyor* in the State of Idaho, showing the new land *parcels*.
4. The deeds shall contain a notation clearly identifying the allocation of the residential entitlements, if any, among the resulting *parcels*. The *survey* shall also clearly identify to which *parcels* the residential entitlements, if any, are assigned. The documentation of allocation of residential units among resulting *parcels* may be accomplished either with notations on a *plat* map, or by deed restriction placed in the document of conveyance.
5. Title history report.

C. Public Notice

At least fourteen (14) calendar days prior to issuing a *written decision*, the Administrator will have notice posted on the subject premises along each *road frontage*. Posting on the subject premises shall be per County issued, weather resistant *sign*. Posted notice will remain until a final decision is rendered.

D. Review Procedures

The procedures for review and approval of *agricultural land divisions* are as follows:

1. *Agricultural land divisions* require a pre-application conference with the Administrator before submitting an *application*.
2. Within fourteen (14) calendar days of receipt of a complete *application for agricultural land division*, the Administrator will distribute the *application* and other submittal materials for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed *development*, including the County Assessor and fire marshal.
3. Within forty-five (45) calendar days of the day the *application* is transmitted, County and external agencies' comments are due.
4. Within fourteen (14) calendar days of the close of the agency comment period or the resolution of any matters identified by a commenting agency, the Administrator will render a *written decision* to the *applicant*.

E. Review Criteria

The following criteria must be met for an *agricultural land division* to be approved by the Administrator:

1. The *survey* submitted by the *applicant* is deemed accurate and to meet the standards set forth in Idaho State Code by the Teton County Surveyor or approved *agent*.
2. The proposed division will result in *lots* that all meet the minimum *parcel* size requirements in the zone, 140 acres in the RA-35 and LA-35 *zone districts*, and 80 acres in the RR-20 zone district;
3. The *plat of survey* and deeds all document the allocation of residential *density* entitlement, if any;
4. The division does not require the extension of public *utilities* (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;
5. The division does not require the *dedication* of public *right of Way*;
6. The division does not require new *public roads* and each proposed *parcel* has approved access from an existing *public road*, or approved *easement* that contains the necessary right-of- way width; and
7. Each proposed *parcel* meets all applicable requirements of the **Driggs AOI LDC**, including those set forth in Chapter 6.

F. Final Decision

Final decisions are made by and must be reflected in a *written decision* issued by the Administrator.

G. Expiration

1. After an *agricultural land division* is approved by the Administrator, a Mylar copy of the *plat of survey* and all other required materials outlined above shall be submitted to the *Planning Department* prior to recording with the *Teton County Clerk/Recorder*.
2. An *application* that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new *application* shall be required.

## 4-12 Short Plat Land Divisions

A. Generally

1. The purpose of the short plat land division is to provide for a division of large, rural, unplatted *parcels* in the County, into four (4) or fewer *parcels* for residential use through a simplified process while meeting specific criteria, in order to allow for limited residential uses in agricultural areas in conjunction with on-going agricultural operations.
2. Short plat land divisions can be utilized to create up to four (4) *parcels* from any existing *parcel* located in the RA-35, LA-35, RR-20, FH-10, FH-20, and RN-5 *zone districts* that has not been previously platted. The number of allowed *parcels* (existing and new) must comply with average density requirements **of Chapter 2 per zone district in the Zone District Table, Section 2-1.**
3. Lands divided using short plat land divisions are not eligible for further division by the short

plat process. This restriction shall be noted on the *plat*.

4. The minimum resulting *parcel* sizes must also be in accordance with the minimum *lot* size of the underlying base Zoning District. These divisions may be utilized all at one time or spread out through time. A plat note is required indicating use of density allowance.
5. If a property is located in an area of Natural Resource Overlay, the full *subdivision* process shall apply.

B. Submittals

The following materials are required for a complete *application* for *agricultural land divisions*:

1. A completed *application* form and required submittals;
2. Two (2) copies of draft deeds (unrecorded) for each of the proposed new *parcels* that would be created providing the land division is approved, and
3. *Plat of survey* created by a licensed land surveyor in the State of Idaho, showing the new land *parcels*.
4. The deeds shall contain a notation clearly identifying the allocation of the residential entitlements, if any, among the resulting *parcels*. The *survey* shall also clearly identify to which *parcels* the residential entitlements, if any, are assigned. The documentation of allocation of residential units among resulting *parcels* must be accomplished with notations on a *plat* map, and by deed restriction placed in the document of conveyance.

C. Public Notice

Public notice shall follow the noticing procedures set out in Section 4-1-2-4-2-D above.

D. Review Procedures

The procedures for review and approval of short plat land divisions are as follows:

1. Short plat land divisions require a pre-application conference with the Administrator before submitting an *application*.
  - a. The PZC will review *short plat applications*. Public input will be solicited prior to the PZC hearing the proposal.
  - b. *Short Plat Subdivisions* require a pre-application conference with the Administrator before submitting an application for concept plan.
  - c. Within seven (7) calendar days of receipt of a complete short plat application, the Administrator will distribute the application and other submittal materials for review by internal County and external agencies impacts by or which have jurisdiction related to the proposed *development*, including the County Assessor and fire marshal.
  - d. Within thirty (30) calendar days of the close of the agency comment period, or the resolution of any matters identified by a commenting agency, the Administrator will transmit the application and any County or other agency comments to the PZC for its review of the *short plat*.
- ~~2. Within fourteen (14) calendar days of receipt of a complete *application* for *agricultural land division*, the Administrator will distribute the *application* and other submittal materials for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed *development*, including the County Assessor and fire marshal.~~

- ~~3. Within forty five (45) calendar days of the day the application is transmitted, County and external agencies' comments are due.~~
- ~~4. Within fourteen (14) calendar days of the close of the agency comment period or the resolution of any matters identified by a commenting agency, the Administrator will render a written decision to the applicant.~~

#### E. Review Criteria

The following criteria must be met for a short plat land division to be approved by the Administrator:

1. The *survey* submitted by the *applicant* is deemed accurate and to meet the standards set forth in Idaho State Code by the Teton County Surveyor or approved *agent*.
2. The *plat* of *survey* and deeds all document the allocation of residential *density* entitlement, if any;
3. The proposed division does not create more than four total *parcels* or *lots*;
4. The division does not require the extension of public *utilities* (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;
5. The division does not require the dedication of public *right of way*;
6. The division does not require new *public roads* and each proposed *lot* fronts on an existing *public road* or *easement* that contains the necessary Right of Way width; and
7. Each proposed *lot* or *parcel* meets all applicable requirements of this Code, including applicable minimum *lot* size.
8. Each proposed *parcel* meets all applicable requirements of the Driggs AOI LDC, including those set forth in Chapter 6.

#### F. Final Decision

Final decisions are made by and must be reflected in a *written decision* issued by the Administrator.

#### G. Expiration

1. After a short plat land division is approved by the Administrator PZC, and the technical survey review is completed, a Mylar copy of the Map of *survey* and all other required materials outlined above shall be submitted to the *Planning Department* prior to recording with the *Teton County Clerk/Recorder*.
2. An *application* that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new *application* shall be required.

## 4-13 Subdivisions

#### A. Applicability

1. This section applies to all *subdivisions* of land undertaken after the effective date of the Driggs AOI LDC.

2. Full *plat* approval is a three-step process.
    - a. *Concept Plan*
    - b. Preliminary Plat
    - c. Final *Plat*
- B. Applicable Requirements and Procedures
- The following sections set forth the requirements for the following, for each step of the full *plat* approval process:
1. Required Submittals
  2. Notice
  3. Review Procedure
  4. Review Criteria
  5. Final Decision
  6. Expiration
- C. Concept Plan
1. Required Submittals
    - a. A completed *application* form with materials requested on the application;
    - b. Required fees; and
    - c. *Concept plan* that depicts *lots*, infrastructure, *open space*, and public improvements.
  2. Notice
    - a. At least fifteen (15) calendar days prior to the PZC's review of a *concept plan*, if applicable, or of the rendering of the Administrator's written comments or those of other agencies, the Administrator will have:
      - i. Published of the nature of the *concept plan* and *subdivision* being proposed and the location of the *application* for review by interested parties in the official newspaper or paper of general circulation within Teton County;
      - ii. Mailed to property *owners* and purchasers of record within three hundred (300) feet of the external boundaries of the subject *parcel*, in its current form at the time of *application*. If notice would require mailings to 200 or more property *owners* or purchasers, the County may avail itself of alternative notice procedures provided by Idaho Code section 67-6511(b).
      - iii. Mailed to irrigation districts, groundwater districts, Cary act operation companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested in writing to receive notice, pursuant to Idaho Code section 67-6519. Notice may be provided electronically by mutual agreement.
    - b. At least seven (7) calendar days prior to the PZC's consideration, the Administrator will post notice at the courthouse, on the County's website, and on the subject premises. Posting on the subject premises shall be per County issued, weather resistant *sign*. Posted notice will remain until a final decision is rendered on the *subdivision* or until the expiration of a *subdivision* approval, which requires the review process to be restarted.
  3. Review Procedure

- a. The PZC will review *concept plans*. Public input will be solicited prior to the PZC hearing the proposal. *First, the Driggs PZC will review the *concept plans* and make comments and a recommendation, then the County PZC will review the *concept plans*.*
  - b. *Subdivisions* require a pre-application conference with the Administrator before submitting an *application* for *concept plan*.
  - c. Within seven (7) calendar days of receipt of a complete *concept plan application*, the Administrator will distribute the *application* and other submittal materials for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed *development*, including the County Assessor and fire marshal, *and Driggs Planning Administrator and Driggs PZC. The Driggs PZC will consider the *concept plans* at their next meeting and forward comments and recommendations to the County Administrator.*
  - d. Within thirty (30) calendar days of the day the *application* is transmitted, County and external agencies' comments are due.
  - e. Within seven (7) calendar days of the close of the agency comment period, or the resolution of any matters identified by a commenting agency, the Administrator will transmit the *application* and any County or other agency comments to the PZC for its review of the *concept plan*.
  - f. Within fifteen (15) calendar days of its meeting, the PZC and Administrator will assemble any additional comments on the *concept plan* and forward same to the *applicant* for consideration in developing its preliminary *plat application*.
  - g. Approval of a *concept plan* does not constitute approval of a final *plat*.
4. Review Criteria
- The comments of the Administrator, reviewing departments and agencies, and the PZC will be limited to those related to:
- a. The *concept plan's* compliance with the policies of the *comprehensive plan*, the *Driggs AOI LDC*, other County codes, including Chapter 6, Subdivision Development Standards;
  - b. The requirements of the reviewing agencies or other jurisdictions providing public services to the proposed *subdivision*; and
  - c. Other health, safety, or general welfare concerns that may be brought to the County's attention.
5. Final Decision
- a. Since the review process for *concept plans* does not result in a final decision or land entitlements, no *written decision* by the Administrator or PZC is provided. However, the record will indicate by motion of the PZC a determination that the matters related to the proposed *subdivision* are sufficiently addressed, such that *application* for preliminary *plat* approval is appropriate.
  - b. Following approval of a *concept plan*, detailed plans, the *plat*, required studies and specifications for the installation of *improvements* required may be prepared and submitted.
6. Expiration

The *application* for preliminary *plat* must be submitted within nine (9) months of the date of the County PZC's meeting and determination.

D. Preliminary *Plat*

1. Required Submittals

- a. A complete *application* form;
- b. Required fees; and
- c. *Plat* created by a licensed land surveyor in the State of Idaho (All *plats* must include the minimum requirements set out in Idaho Statutes Section 50-1304, Essentials of Plats).
- d. Construction drawings (*improvement plans*), with proposed phasing, for public *improvements* in final and complete form, stamped by a licensed engineer in the State of Idaho.
- e. *Subdivision master plan* (if there will be multiple phases): The *subdivision master plan* of the *subdivision* shall be recorded and shall be binding on the *applicant* and subsequent *owners* of the property.
- f. *Development* agreement.
- g. HOA *covenants*, conditions, and restrictions document.
- h. Any additional studies identified at *concept plan*.

2. Notice

Public notice shall follow the noticing procedures set out in Section ~~4-1-2~~ 4-2-D above.

3. Review Procedure

- a. All preliminary *plat applications* shall follow the **noticing review** procedures set out in Section ~~4-1-2~~ 4-2-E above.
- b. No pre-application conference is required for preliminary *plat applications*. However, the Administrator will meet with the *applicant* upon request.

4. Review Criteria

The recommendations of the PZC and the determination by the BoCC on the preliminary *plat* will be related to:

- a. Those matters related to the preliminary *plat's* compliance with the policies of the *comprehensive plan*, the **Driggs AOI** LDC, other County codes, including Chapter 6, Subdivision Development Standards;
- b. The requirements of the reviewing agencies or other jurisdictions providing public services to the proposed *subdivision*; and
- c. **Impacts presented from any studies requested related to natural resource overlays, economic impacts, or traffic studies.**

5. Final Decision

- a. Following notice and a hearing as required above, and following compliance with b, below, the BoCC will issue a *written decision*.

- b. Following notice of a preliminary *plat*, and prior to receiving a *written decision* of preliminary *plat* approval to allow permits to be pulled and construction to start, the *applicant* will work with the County to ensure the following items are resolved:
    - i. The Administrator will provide the *applicant* a copy of the plans stamped “Approved”. The approved set of plans must be on site at all times that *improvements* are being installed or constructed.
    - ii. The *applicant* shall provide to the *Planning Department* copies of approvals or permits for any activity of the installation of *improvements* issued by any governmental agency, municipal corporation, or utility that has authority over these *improvements* or will take ownership thereof upon completion. Work shall conform to the conditions and requirements of these approvals or permits, and shall be completed and accepted prior to the recording of the record *plat*. Should work in accordance with these approvals necessitate changes to the final *plat*, those changes shall be completed, and approved by the BoCC, prior to recording the record *plat*.
    - iii. Record *plat* approval shall be contingent in part upon completion and acceptance by the County of all public *improvements*.
    - iv. Minor revisions to an approved preliminary *plat* that reflect the same basic *road* and *lot* configurations as used for the original approval may be approved by the Administrator.
    - v. Any request for a revision to an approved preliminary *plat* that increases the number of *building sites*, decreases the amount of common *open space* or alters a *road* or *block* pattern must be initiated and processed as a new *application*, ~~as provided below.~~
6. Expiration  
The *application* for final *plat* must be submitted within ~~thirty-six (36)~~ *twenty-four (24)* months of the date of the BoCC’s final decision on the preliminary *plat*.
- E. Final *plat*
- 1. Required Submittals
    - a. A completed *application* form;
    - b. Required fees;
    - c. Inspection reports from the *applicant’s / developer’s* Engineer; and
    - d. The final *plat(s)* in accordance with Title 50 of the Idaho Code and this Chapter;
  - 2. Notice  
Public notice shall follow the noticing procedures set out in Section ~~4-1-2~~ *4-2-D* above.
  - 3. Review Procedure
    - a. All final *plat applications* shall follow the ~~noticing-review~~ procedures set out in Section ~~4-1-2~~ *4-2-E* above. ~~Final Plats will not be reviewed by the Driggs PZC. Final Plats will be reviewed by County PZC and BoCC.~~



- b. Final *plats* require a pre-application conference with the Administrator before submitting an *application*.
- 4. Approval Criteria
 

The determination by the BoCC on the final *plat* will be limited to:

  - a. Those matters related to the *plat's* compliance with the **Driggs AOI** LDC, other County codes, including Chapter 6, Subdivision Development Standards.
  - b. The requirements of the reviewing agencies or other jurisdictions providing public services to the proposed *subdivision*;
  - c. The *plat's* substantial conformance with the approved preliminary *plat*;
  - d. The Administrator may notify the *applicant* of any **Driggs AOI** LDC or other County or agency requirements that have not been met, so that the *application* or final *plat* may be revised, consistent with the preliminary *plat*;
  - e. Substantial conformance with the County's applicable adopted plans and policies;
  - f. The BoCC may also accept any proposed *dedication* of land or public *improvements* as part of approving a final *plat*.
- 5. Final Decision
  - a. The final *plat* must be signed by the Chair of the BoCC.
  - b. Only after final *plat* approval and recording of the final *plat* can *lots* be sold.
- 6. Expiration
 

A final *plat* that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new final *plat application* shall be required.

#### 4-14 Modifications to Previous Approvals

- A. Approval of Modifications Needed
  - 1. If an *applicant* wishes to modify an approval already granted, they must obtain approval for the modifications, as provided in this section.
  - 2. Requests for modification require a pre-application conference with the Administrator before submitting an *application* for modification.
  - 3. If an *applicant* seeks to modify an approval that is not identified in this section, they must submit a new *application* and follow the same procedure for the original approval.
- B. Retroactive Approvals to Correct Unauthorized Land Splits
  - 1. In an effort to correct previous land splits that were done as (a) agricultural splits without *building* permits, (b) deeded property that did not follow a division process, or (c) other splits that did not meet the ordinance requirements at the time, the Administrator may authorize a Boundary Line Adjustment, or Land Division approval that would correct the unauthorized action.
  - 2. The short plat land division or full *subdivision* process may need to be used to correct previous unauthorized land splits depending on number of unauthorized *lots* in the land split.

3. The corrected *lots* must meet the standards of the **Driggs AOI** LDC and would become eligible for *building* permits where they currently are not.

C. *Boundary Adjustment*

1. Purpose
  - a. The purpose of the *boundary adjustment* is to provide a process to adjust or remove common property lines or boundaries between adjacent *tracts* or *parcels* that are not part of a recorded *plat*, for the purpose of accommodating a transfer of land, combining existing *parcels*, or rectifying a disputed property line location.
2. Applicability
  - a. The resulting adjustment shall not create any additional *tracts* or *parcels* and all reconfigured *tracts* or *parcels* shall contain sufficient area and dimension to meet minimum requirements for zoning and *building* purposes.
  - b. This section also applies to requested modifications of the boundaries of the *lots* created from land divisions.
3. Required Submittals

The request for a *boundary adjustment* shall include:

  - a. A complete *application*;
  - b. Unrecorded, new legal descriptions for each *parcel*;
  - c. Latest recorded deed to each property;
  - d. Designation of *agent* authorization form;
  - e. *Application* page, complete and signed by all property owners; and
  - f. Map of *survey* containing all the required items found in Idaho State Code §55-1906.
4. Review Procedures
  - a. Within fourteen (14) calendar days of receipt of a complete *application* for boundary line adjustment, the Administrator will distribute the *application* and other submittal materials for review by internal County and external agencies impacted by or which have jurisdiction related to the proposal, including the County Assessor, ~~and~~ fire marshal, **and Driggs Planning Administrator**.
  - b. Within forty-five (45) calendar days of the day the *application* is transmitted, County and external agencies' comments are due.
  - c. Within fourteen (14) calendar days of the close of the agency comment period or the resolution of any matters identified by a commenting agency, the Administrator will render a final decision as provided below.
5. Approval Criteria
  - a. Conformance with underlying *zone district*. Each of the resulting *parcels* shall conform with the *zoning district* in which it is located, or the degree of nonconformity of either *parcel* shall not be increased, except for cases involving *parcels* that do not conform to the minimum *lot* size standards in Chapter 2. In such cases, one *parcel* may be made more non-compliant in order to make another *parcel* more compliant, provided the Administrator finds the adjustment increases compliance with the **Driggs AOI** LDC and *comprehensive plan*.

- b. Buildability. The overall capability of the *lots* or *parcels* to safely accommodate *development* is not diminished, including providing needed land area for water supply and wastewater systems as determined by Eastern Idaho Public Health Department.
  - c. There is no net increase in *density*.
  - a. Adjustments between public and private land. The conveyance of a *parcel* from a public agency to a private party who owns land, which is *contiguous* to the conveyed public land, shall be treated as a *boundary adjustment* to the *contiguous* private land and not as the creation of a separate legal *building site*.
6. Final Decision
- a. The Administrator will finalize and provide to the *applicant* a *written decision* on the *application* for boundary line adjustment.
  - b. After a *boundary adjustment* is approved by the Administrator, and all fees paid, shall be recorded with the Teton County Clerk/Recorder.
7. Expiration
- An *application* that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new *application* shall be required.
- D. Minor Modification of a *plat* (short plat or full *subdivision*)
1. Purpose
    - a. The purpose and intent of this section is to provide an efficient procedure for reviewing changes to previously recorded *plats* of *subdivisions*, or planned unit *developments*.
  2. Applicability
    - a. A proposed modification to an approved plat will be considered a minor change and therefore subject to this subsection where the proposed changes result in one or more of the following:
      - i. Boundary line adjustments between lots within a subdivision,
      - ii. Lot consolidations of two or more platted lots into fewer lots,
      - iii. Changes to a master plan if they result in a reduction in *density*,
      - iv. Adjustment of *building envelopes* that are not in a sensitive areas as identified by the Natural Resource Overlay Map,
      - v. Other changes of similar magnitude and minimal *direct impact* as determined by the Administrator.
    - b. All revisions must comply with all applicable current regulations.
    - c. It may be unnecessary to duplicate studies and analyses that may have been required as part of the initial *plat application* and approval.
    - d. Revisions must reduce the intrusion of *development* into sensitive natural areas of the County and reduce governmental costs associated with scattered *development* by expediting changes to recorded *plats* that reduce the number of vacant platted *lots* in the County.
  3. Required Submittals
    - a. A complete *application*;
    - b. Narrative explaining the changes that are being proposed;
    - c. Plat labeled correctly as "Amended Final Plat";
    - d. Recorded documents labeled as "Amended"; and the following as applicable:

- i. Approval letter from Eastern Idaho Public Health, District 7;
    - ii. Approval letter from Teton County *Fire District*;
    - iii. Acceptance letter from *city* for sewer hookup from the providing community.
- 4. Required Signatures
  - a. Modification of *open space, density, common area, road/Right of Way* realignment, change of use, and similar changes, require all property *owners* in the platted *subdivision* to *sign* the amended *plat* and *application*.
  - b. Changes to correct a property boundary, combining of *lots*, or changes on a single *lot* only require the property *owner* of the affected *lots* to *sign* the *plat* and *application*.
- 5. Review Procedures
 

*Minor Modification applications shall be approved by the BoCC.*

  - ~~a. Within fourteen (14) calendar days of receipt of a complete *application* for boundary line adjustment, the Administrator will distribute the *application* and other submittal materials for review by internal County and external agencies impacted by or which have jurisdiction related to the proposal, including the County Assessor and fire marshal, and Driggs Planning Administrator.~~
  - ~~b. Within forty five (45) calendar days of the day the *application* is transmitted, County and external agencies' comments are due.~~
  - ~~c. Within fourteen (14) calendar days of the close of the agency comment period or the resolution of any matters identified by a commenting agency, the Administrator will render a final decision as provided below.~~
- 6. Review Criteria
  - a. Any proposed changes shall comply with all applicable criteria and standards of the **Driggs AOI** LDC or other County regulations, and conditions of approval established in the previous approval.
  - b. Insignificant changes shall not reduce the area of designated open space or increase the number of lots.
  - c. Insignificant changes shall not change the uses approved or the location of where certain uses are approved.
  - d. Insignificant changes shall not increase or create new and potentially substantial direct or indirect impacts on the neighborhood, vicinity of the subdivision or overall community.
- 7. Final Decision
  - a. The Administrator will finalize and provide to the *applicant* a *written decision* on the *application* for ~~boundary line adjustment~~ *a Minor Modification of a Plat*.
  - b. After a Minor Modification of a Plat is approved by the ~~Administrator~~ **BoCC**, and all fees paid, ~~the plat~~ shall be recorded with the *Teton County Clerk/Recorder*.
- 8. Expiration
 

*An application* that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new *application* shall be required.
- E. Major Modification of a Plat (short plat or full subdivision)
  - 1. Purpose

- a. The purpose and intent of this section is to provide an efficient procedure for reviewing changes to previously recorded *plats* of *subdivisions* or planned unit *developments*, or vacations to a previously recorded right-of-way or *easement* that do not fall under a minor amendment.
2. Applicability
- a. A proposed modification to an approved plat will be considered a major change and therefore subject to this subsection where the proposed changes result in one or more of the following:
    - i. Vacations of portions of a plat, except where platted open space acreage would be reduced in acreage, the value of the protected resource may be diminished or where *land/easements* are dedicated to the public.
    - ii. Amendments to the recorded Master Plan that do not change use or *density*,
    - iii. The re-arrangement or relocation of five (5) or fewer lots or *buildings* that does not encroach further into natural resource areas dedicated open space;
    - iv. A *boundary adjustment* between a lot in a platted subdivision and an adjacent non-platted property;
    - v. Minor changes to the layout of roads, utilities, or other facilities;
    - vi. A reduction in the number of lots or parcels;
    - vii. The re-arrangement or relocation of more than four (4) lots or parcels that does not encroach further into natural resource areas, open space, overlay areas, or move closer to neighboring property;
    - viii. Complete vacation of the plat;
    - ix. An increase in the number of lots;
      - x. The re-arrangement or relocation of lots that encroach further into natural resource areas, overlay areas, or move closer to neighboring property;
      - xi. The relocation of parking facilities, *buildings*, or other elements of the *development* that encroach further into natural resource areas, overlay areas, or move closer to neighboring property; or
      - xii. Addition or change in uses as identified in the original approval.
3. Required Submittals
- a. A complete *application*;
  - b. Narrative explaining the changes that are being proposed;
  - c. Revised maps showing a proposed vacation or revision to the layout of *lots* or *buildings* and any reduction in the number of *lots* or *buildings*;
  - d. Plat, if applicable, labeled correctly as “Amended Final Plat”;
  - e. Recorded documents, if applicable, labeled as “Amended”; and the following as applicable:
    - i. Approval letter from Eastern Idaho Public Health, District 7
    - ii. Approval letter from Teton County *Fire District*
    - iii. Acceptance letter from *city* for sewer hookup from the providing community, if applicable.
4. Public Notice and Requirements
- Public notice shall follow the noticing procedures set out in Section ~~4-1-2~~ 4-2-D above.

5. Review Procedures

Major Modification *applications* shall be approved by the BoCC through the review procedures set forth in Section ~~4-1-2(F)~~. 4-2-E

6. Review Criteria

- a. Any proposed changes to an *easement*, public right-of way, or planned unit *development*, shall comply with all applicable criteria and standards of the **Driggs AOI** ~~County~~ regulations, and conditions of approval established in the previous approval.
- b. The subdivision master plan and plat for a subdivision or planned unit *development*, including the proposed changes, shall reduce governmental costs for operations and capital expenses.
- c. The revised plat or plan shall reduce the impact to neighboring properties.
- d. The revised plat or plan shall reduce the intrusion of *development* into areas identified on the County's Natural Resource Overlay Map and updated identification of areas where indicator habitats and/or habitats for indicator species are found as documented by input that is accepted by the County from Idaho Department of Fish and Game or other qualified wildlife professionals.
- e. Review criteria applicable to a Major Modification to a preliminary or final plat include those applicable to the original approval process for the preliminary or final plat, respectively.
- f. Any proposed changes to a plat, shall comply with all applicable criteria and standards of the current County regulations, and conditions of approval established in the previous approval.
- g. Any proposed changes to a recorded plat or subdivision master plan that increase direct or indirect impacts may require additional mitigation pursuant to the current criteria and standards of County regulations.

7. Final Decision

Following consideration of the request at a regularly scheduled meeting, and based on the criteria above, the BoCC will issue a written decision on the request for a Major Modification of a Plat.

8. Expiration

An *application* that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new *application* shall be required.

E. Modification of Special Use Approval

1. If an *applicant* seeks to modify up to two (2) conditions of the initial *special use* approval, the **County** PZC may approve the request at a regularly scheduled public meeting, if the following findings are made:
  - a. The change in conditions will not result in demonstrable impacts on public service providers, neighborhoods, or surrounding property *owners*, beyond those present under the original approval;
  - b. The change in conditions is within the criteria and conditions identified in Section ~~4-1-8~~ 4-8 and;

- c. The change in conditions does not increase the scale or intensity of the use, including as to height, bulk, *density*, or floor area.
2. If the **County** PZC finds the proposed modification of conditions approved by the BoCC cannot meet the criteria listed above, the modifications will be considered a major modification and require a new *special use application* review.
3. Consideration of a minor modification of a *special use* approval, must be in conformance with the provisions of the **Driggs AOI** LDC in effect at the time of the request for modification.

## 4-15 Appeals and Reconsideration

### A. Applicability

1. In addition to the remedies described in Section ~~4-1-7~~ 1-7 of the **Driggs AOI** LDC, this section provides the remedy of *appeal* from and requests for reconsideration of final decisions made by the Administrator, PZC, BoCC, or other County official.
2. An *applicant* or an *affected person* may avail themselves of these administrative remedies in accordance with this section.
3. An *appeal* of a decision will be reviewed by the PZC or BoCC, as specified in the table in Section ~~4-1-1~~ 4-1.
4. *Appeals* and requests for reconsideration must be filed with the Administrator within **fourteen (14)** calendar days of the date of a *written decision*.
5. Any *applicant* or *affected person* seeking judicial review of a *written decision* must first request reconsideration of the final decision as provided here.

### B. Submittals

1. A notice of *appeal* or request for reconsideration must be filed on a completed *application* form provided by the *Department*.
2. The *application* must include a narrative description of the basis for the *appeal* or request for reconsideration, including the specific deficiencies of the decision alleged by the *applicant* or *affected person*.

### C. Notice and Requirements

1. Notice will be provided as required for the decision being *Appealed* from or being reconsidered.
2. If no notice was required for the original decision, published notice will be provided in a newspaper of general circulation in Teton County, posted at the courthouse, and posted on the County's website at least fifteen (15) days prior to the hearing.

### D. Procedures for *Appeals* and Requests for Reconsideration

1. Following notice and a hearing, as required by law, the reviewing official or body may affirm, reverse or modify the original decision after verification of compliance with applicable procedural and **Driggs AOI** LDC standards.
2. A *written decision* shall be provided to the *applicant* or *affected person* within sixty (60) days of receipt of the completed *appeal* or request for reconsideration.

3. Where no *written decision* on a request for reconsideration is issued to the *applicant* within sixty (60) days of receipt of the completed *application*, the request for reconsideration is deemed denied, without further action by the *applicant* or the County.

## ***4-16 Design Review Overlay***

- A. Applicability
  1. All commercial, civic, mixed use projects, industrial buildings, and apartment buildings (with three or more units per building) within the Design Review Overlay, including temporary and seasonal vendors, must submit an application for design review per the review and approval process in Appendix A. Design Standards do not apply to airport hangars located in the IR Industrial Research Zone.
  2. Applications for permanent construction and seasonal vendors will be evaluated in accordance with the Design Standards and Guidelines in Appendix A.
    - a. Development in the IR – Industrial Research Zone and CIV – Civic Zone will be reviewed against Section VI of the Design Standards and Guidelines.
- B. Submittals
  1. Application requirements are listed in Art. II of the Design Standards and Guidelines
- C. Notice Requirements
  1. Notice of review meetings shall be posted online and at the County Building.
- D. Review process
  1. Review procedures are listed in Art. II of the Design Standards and Guidelines.
  2. Design Review applications shall be reviewed by the Driggs Design Review Advisory Committee (DRAC), then Driggs PZC, then County PZC for a final decision.
- E. Temporary Vendors
  1. Temporary and seasonal vendors shall submit a Sketch Plan application, which will be evaluated by the Administrator, who must approve, conditionally approve or deny the application based on the standards below. The city will not issue a building permit or business registration for such projects until the design review application has been approved.
  2. Temporary Vendors must:
    - a. Provide parking in a quantity, location and design that meets the requirements in Art. 5-6
    - b. Provide trash receptacles if vending food or beverages.
    - c. Provide a safe area for pedestrian circulation and queuing that is adequately separated from vehicular traffic.
    - d. Conform to the lighting standards contained in Art. 5-8



- e. For structures that will be present for more than 14 days, the structure must reasonably comply with the Design Standards for the zone in which it is located, in a way that reasonably enhances the appearance of the area.

F. Approval Criteria

1. The proposed use is allowed in the respective zoning district.
2. The design complies with all applicable standards of the Driggs AOI Land Development Code, including setbacks, parking, landscaping, specific use standards.
3. For a design review application, the proposed development also complies with the requirements of Appendix A Commercial Design Standards and Guidelines.
4. The site plan has been approved by Teton County Fire Protection District, Public Works Department, Idaho Transportation Department, and other agencies or departments having jurisdiction when applicable.
5. Any adverse impacts resulting from the proposed design will be effectively mitigated or offset. A Development Agreement may be required.

# CHAPTER 5 GENERAL DEVELOPMENT STANDARDS

## 5-1 General

### 5-1-1 INTENT

The purpose of this Chapter is to provide standards for *development* to protect the health, safety, and welfare of the community, as well as support the local economy and preserve the natural resources upon which it depends.

### 5-1-2 APPLICABILITY

- A. This Chapter applies to all *developments* in the Driggs AOI, in Teton County, per 5-1-3 to 5-1-4 herein.
- B. No *buildings* or *structures* over two hundred (200) square feet in floor area may be erected, constructed, moved, enlarged or structurally altered and no *lots*, *parcels* or *development sites* in whole or in part, may be developed until all required permits, plans, and specifications have been reviewed and approved by Teton County or other governmental approving agency as required.

### 5-1-3 NEW CONSTRUCTION

- A. Applicability for New Construction
  1. Any new *development*, including but not limited to *dwelling units*, *accessory buildings*, and site grading that require a permit, must comply with this Chapter.
  2. *Accessory structures* that are under two hundred (200) square feet in floor area, personal residential landscaping, and similar *improvements* are exempt from permits but shall follow the general intent of this Chapter to ensure the health, safety and welfare of the community.

### 5-1-4 ADDITIONS

- A. Applicability for Additions
  1. For cumulative addition(s) of up to fifty percent (50%) of the existing *gross floor area* or improved site area, only the addition is subject to this Chapter.
  2. For cumulative additions of fifty percent (50%) or more of the existing *gross floor area* or improved site area, the entire *building* or site shall comply with this Chapter.

### 5-1-5 MAINTENANCE AND REPAIR

Applicability for Maintenance and Repairs

An existing *building* or site may be repaired, maintained, or modernized without conforming to this Chapter, provided there is no increase in *gross floor area* or improved site area. *Building* permit may still be required per Title 6, *building* regulations, of the Teton County Code.

### 5-1-6 APPROVAL MECHANISMS FOR DEVELOPMENT STANDARDS

- A. Table 6 lists all *development* standards from Chapters 5 & 6 and indicates the approval mechanism for each type of *development*. A *site plan* must be submitted with all permit *applications*.
- B. *Site plan* requirements
  1. Except as provided in 2. below, a *site plan* submitted with an *application* for approvals must contain:
    - a. Property lines;
    - b. *Lot Area*;
    - c. *Lot Coverage*;
    - d. Location of existing and proposed *structures*, including distances from other *structures* and property lines;
    - e. Location, size, height, and *gross floor area* of existing and proposed *structures*;
    - f. Existing and proposed natural and manmade features, such as *wetlands*, *creeks*, canals, rivers, and *riparian areas*;
    - g. *Setbacks* required by the **Driggs AOI LDC** or a state or federal authority;
    - h. Existing and proposed *easements*;
    - i. Drive approach and access point(s), with dimensions and radii shown;
    - j. Delineation and width of internal circulation roadways;
    - k. Existing and proposed vegetation and *landscape materials* and *buffers*;
    - l. Location and type of existing and proposed exterior lighting;
    - m. Distances between driveways and adjacent *roads*;
    - n. Location of existing and proposed below- and above-ground *utilities*;
    - o. Location and size of well and septic equipment and lines;
    - p. Parking and loading areas, including dimensions and a summary of parking and loading spaces required by the **Driggs AOI LDC**;
    - q. Existing and proposed fences and walls;
    - r. Adjacent *roads*, *alleys*, or other access *abutting* property with *road* names identified;
    - s. Location and size of existing and proposed signage;
    - t. Snow storage areas; and
    - u. Distances from property lines, proposed *structures* and land uses of rivers, *creeks*, *streams*, ditches, and surface water present on the *lot*.
    - v. Identification of sites and *structures* listed on State and National Registers of Historic Places or on the Idaho Historic Sites Inventory.
  2. After assessing the nature of a proposed *development activity* or *development site*, the Administrator may require additional materials relevant to the proposed activity or site and necessary to establish compliance with applicable **Driggs AOI LDC** approval criteria. Materials may include those illustrating *development activities* related to the following or to other matters subject to the requirements of Chapter 5 or 6 of the **Driggs AOI LDC**:
    - a. Grading;
    - b. Drainage;
    - c. Erosion control;

- d. Fire lanes;
- e. Scenic Corridor Protection;
- f. Proximity to wildlife habitats, Natural Resource Overlays, or Wildland Urban Interface; and
- g. Nutrient Pathogen Evaluation.

Table 6. Approval Vehicles for Development Standards

	Grading and Erosion Control Permit	Building Permit	Sign Permit	Subdivision Plat	Site Plan Review
Chapter 5 General development Standards					
Grading for all development per applicability herein	X				X
Erosion and sediment control for all land disturbing activities	X				X
Stormwater management for development per applicability herein	X				X
Development on hillsides with slopes greater than 20%	X				X
Vegetation Management		X			X
Wildlife Habitat Protection		X			X
Riparian Buffers		X			X
Scenic Corridor Protection		X			X
Roads, Driveways, Parking, and Access	X				X
Buffers, Screening and Fencing		X			X
Outdoor Lighting		X			X
Signage			X		X
Chapter 6 Subdivision Development Standards					
Subdivision Road Layout and Access	X			X	
Utilities	X			X	
Conservation Areas				X	
Nutrient Pathogen Evaluation				X	

## 5-2 Grading and Drainage

### 5-2-1 GRADING STANDARDS

#### A. Intent

It is the intent of this Section to ensure *development*, grading, and earthwork is completed in a safe and appropriate manner.

#### B. Applicability

1. Grading for all *developments and development activity* (*roads, driveways, building sites, site clearing, landscaping, utilities, etc.*) are required to meet the provisions of this Section.
2. The following activities shall be exempt from the requirement to obtain a Grading Permit:
  - a. Tilling and cultivation associated with *existing* agricultural operations ~~occurring on natural slopes that are less than 30%.~~
  - b. Earthmoving that occurs as emergency flood control measures. However, an after-the-fact grading permit is required to document the grading and stabilization completed after the emergency has passed.
  - c. Irrigation canal/ditch maintenance except where located within a *FEMA* designated *floodplain*.
  - d. Maintenance of *roads* that does not impact alignment of the roadway or increase the elevation more than *six inches (6")* from existing grade.
  - e. *Less than 1500 square feet of earthwork.*
  - f. *Development of an agricultural exempt building, as determined by the Building Official.*
3. There shall be no *development* on slopes over *thirty percent (30%)*.

#### C. General *Development* Standards

1. A Grading and Erosion Control Permit is required prior to the commencement of all land disturbing activities, unless explicitly exempted.
2. *Development* shall be designed to minimize requirements for cut-and-fill that alters the natural terrain.
3. Cut and fill slopes shall be graded to a slope no steeper than 2:1 or *fifty percent (50%)* to allow for permanent revegetation or *landscaping*, unless a retaining wall is used or a steeper slope is approved by the County Engineer.
4. Grading shall be limited to that necessary for construction of the proposed physical *development*, including *buildings*, driveways, and limited *yards*, and shall be designed to blend with the natural terrain of the site when feasible.
5. If natural drainage patterns are altered, then a stormwater drainage plan will be required to illustrate that the project will not adversely impact adjacent properties.
6. Grades at the property line must match existing grade unless a grading *easement* is obtained from the adjoining landowner.
7. *Roads* and driveways should be designed to:
  - a. Conform to existing grades to the extent possible;
  - b. Minimize the alteration of the physical and visual character of the property (e.g., large notches in *ridgelines* should be avoided); and

- c. Retain natural landforms by using gentle horizontal and vertical curves in alignments.
- D. Grading and Erosion Control Permit *application* Requirements
1. All Grading and Erosion Control Permit *applications* must be prepared by an Idaho Registered *professional engineer* or Landscape Architect and shall include the following:
    - a. Complete *application* form.
    - b. *Application* fee and refundable deposit per the Teton County official *application* and fee *structure*. Deposit will be returned to *applicant* once *improvements* have been officially inspected and accepted by Teton County.
    - c. A written letter describing the purpose or type of grading proposed including but not limited to excavation, construction, roadways, driveways, septic systems or *utilities*.
    - d. *Site plan* per requirements in Section 5-1-6.
  2. Additional information as applicable to the type of activity shall be submitted with the permit *application* per the following:
    - a. A Grading Plan including existing and proposed contours, extent of grading limits, stockpile location, and revegetation methods for disturbed areas.
    - b. An Erosion Control Plan including type and location of all required erosion control measures (silt fence, straw bales, detention basins, duff *berms*, etc).
    - c. A Stormwater Drainage Plan that shows stormwater flow directions, inlets, outlets, catch basins, waterways, *culverts*, retention and detention basins, outlets to off-site facilities, off-site drainage facilities, and any other proposed drainage facility planned to accommodate stormwater runoff from the project site.
    - d. A drainage report that describes and includes calculations for the design of the storm drainage system.
    - e. A geotechnical report in conformance with Section 5-2-5 for slopes over **fifteen percent (15%)**.

## 5-2-2 EROSION AND SEDIMENT CONTROL STANDARDS

- A. Intent
- During and after construction, soil erosion and movement of sediments off-site is a source of pollution and can negatively impact nearby waterbodies. The intent of this Section is to provide guidelines for erosion and sediment control during construction grading activities.
- B. Applicability
1. All *development* that includes land disturbing activities shall meet the standards in this Section.
  2. Construction activities that *disturb* an area of one acre or more or that are part of a larger common plan of *development* must also obtain a Construction General Permit (CGP) through the EPA in accordance with the National Pollutant Discharge Elimination System (NPDES) requirements.

C. General *Development* Standards

1. Recommended technical guidance documents for erosion and sediment control design and Best Management Practices (BMP) selection can be found in the *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties* by Idaho Department of Environmental Quality.
2. Erosion and sediment control (BMP) measures shall be identified and shown on plans submitted with the Grading and Erosion Control Permit per Section 5-2-1.D.
3. BMPs can be structural or non-structural and should include both source controls that keep pollutants out of stormwater runoff and treatment controls that temporarily store or treat stormwater runoff to remove pollutants.
4. For *developments* that require a CGP, a Stormwater Pollution Prevention Plan (SWPPP) and copy of the Notice of Intent (NOI) must be prepared and provided to the County prior to any land disturbing activities.
5. Requirements for SWPPPs can be found in the EPA's Construction General Permit, latest edition.

5-2-3 STORMWATER MANAGEMENT STANDARDS

A. Intent

Stormwater runoff from developed sites can contain pollutants such as sediment, nutrients, petroleum, oils, viruses, bacteria, heavy metals, and others. Impervious surfaces on developed sites also increase the volume and flow rate of stormwater runoff from the site. Stormwater is defined as both runoff from storm events and general runoff from snow melt and similar activities. The intent of this Section is to restore, protect, and maintain the chemical, physical, and biological integrity of County and State waters and to retain their beneficial uses.

B. Applicability

All *development* resulting in any or all of the following is required to meet the provisions of this Section:

1. Impervious area of a *lot, parcel or development site* that is ten (10) percent or greater.
2. Impervious area of a *lot, parcel or development site* that exceeds a half-acre in total.
3. Site grading within one hundred (100) feet of the Teton River or *wetlands* delineated by U.S. Fish and Wildlife National Wetland Inventory boundary, and within fifty (50) feet of all other waterways.
4. Site grading within twenty (20) feet of the property line.
5. Any site or *lot* that alters the natural drainage patterns.
6. All *development* in the IR zone.

C. General *Development* Standards

1. A Stormwater Drainage Plan is required to be submitted with the Grading and Erosion Control Permit per Section 5-2-1.D.
2. Additional recommended technical guidance for the selection and design of permanent stormwater management facilities can be found in the *Catalog of Stormwater Best*

*Management Practices for Idaho Cities and Counties (Catalog)* by Idaho Department of Environmental Quality. The process to determine which Best Management Practices (BMPs) are appropriate to the site include:

- a. Evaluate site conditions
- b. Identify performance goals and regulatory considerations for the site
- c. Develop Conceptual Site Design
- d. Characterize stormwater flows
- e. Evaluate BMPs using Table 4.1 of the Catalog
- f. Develop final plans to incorporate BMPs

D. Water Quality

The 95th percentile rainfall event shall be managed on the developed site by using stormwater facilities that infiltrate, evapotranspire, and/or harvest and reuse rainwater. Facilities should be designed, constructed, and maintained to manage one hundred percent (100%) of the 95th percentile rainfall event on site and shall not be allowed to discharge offsite to surface waters.

1. The 95th percentile rainfall event, also known as the Water Quality Capture Volume (WQCV), for Teton County is 0.65-inches falling over a 24-hour period based on the period of record from 1927 to 1982 for the Driggs rain gauge (USC00102676). Thus, 95% of daily storm events are estimated to have a depth of 0.65-inches or less.
2. Total runoff volume from a site should be determined using the Direct Determination Method, which takes into account rainfall, depression storage, and infiltration. The hydrologic soil group from the site should be used to determine estimated infiltration on the site.
3. Examples of stormwater facilities that can be used to manage and infiltrate the WQCV include, but are not limited to, bio-retention areas, stormwater planter boxes, vegetated swales, infiltration trenches, infiltration wells, permeable pavements, cisterns and rainwater harvesting systems, and green roofs.

E. Conveyance and Detention Systems

1. Minor drainage conveyances include *culverts*, pipes, and inlets. Minor conveyance systems are to accommodate peak flow from the 10-year storm event.
2. Major drainage conveyance systems include detention basins, *roads*, and open channels, and are to accommodate peak flow from the 100-year storm event. Adequate spillway provisions must be provided to pass stormwater runoff in excess of the 100-year storm event.
3. The runoff flow rate, velocity, and volume *post-development* shall be equal to or less than the *pre-development* runoff flow rate and volume for the 10-year and 100-year event. If this condition cannot be met, special approval must be obtained by the County Public Works Director, and the *applicant* must show that all downstream facilities are adequate to convey the *post-development* flows.



4. The Rational Method or the USDA Natural Resource Conservation Service Curve Number approach may be used to determine peak flow rates for the 10-year and 100-year storm events.

F. Irrigation Ditches and Pipelines

1. The discharge of storm water into irrigation ditches and pipelines shall not be allowed. If an irrigation ditch is to be used as a storm water receptor, DEQ will need to review for impacts to water quality and a written agreement must be secured between the *applicant* and the ditch company and provided to the County stating that the ditch company will accept responsibility for receiving stormwater runoff.

G. Offsite Flows

1. No land disturbance activity shall result in the impounding of surface water on property other than the *applicant*'s unless the *applicant* obtains an *easement* or a license for that purpose.
2. Public water shall not be discharged onto or through private property without the appropriate *easement*. An *easement* with the right of access shall be provided whenever conveyance systems are constructed in lands of private ownership. A minimum *easement* width of twenty (20) feet centered on the drain or ditch is required. The width may be in excess of the minimum when situations require.
3. In the event that proposed construction shall direct surface or stormwater runoff to properties or facilities owned and maintained by *agents* other than the property *owner*, written proof of permission, or approval from these *agents* must be provided prior to acceptance of drainage plans.

#### 5-2-4 CONSTRUCTION IN IRRIGATION DISTRICTS

- A. Pursuant to section 42-1209 of the Idaho Code, no construction *improvement* or use of any kind shall be permitted when either the *improvement* or use, or the access to the *improvement* or use shall be upon, over or along, or impinge upon an irrigation district, a Carey act operating company, a nonprofit irrigation entity, a lateral ditch association, or drainage district right of way or *easement*, unless there is first obtained written consent from the affected entity.
- B. The *applicant* shall investigate the existing and proposed use of any irrigation ditch within the project limits to determine if they are to be perpetuated. If the irrigation system is to remain, the *applicant* is responsible for contacting the water right holders or ditch company to obtain their requirements for protection of the irrigation system.
- C. Underground *utilities* that cross irrigation ditches and pipelines must be marked with permanent fiberglass marking posts located **fifteen feet (15')** each side of the ditch measured from the center of the ditch. Posts should be colored blue for water lines and green for sewer lines.

#### 5-2-5 STEEP SLOPES PROTECTION STANDARDS

- A. Intent  
The intent of this Section is to provide for safety and property protection through responsible *development* on potentially dangerous *hillsides*.
- B. Applicability  
This Section applies to all property located in Teton County where grading, excavation, or *development* is proposed on *hillsides* with slopes greater than **twenty percent (20%)**.
- C. General *Development* Standards  
In addition to the grading *development* standards in Section 5-2-1, the following applies to steep slopes:
  1. Any retaining wall over **four feet (4')** tall (from the bottom of the footing) will require a *building* permit and must be designed by a licensed *professional engineer*.
  2. No physical *development* shall be permitted on natural slopes in excess of **thirty percent (30%)**, with the exception of essential access for vehicles and/or *utilities* when no other alternative access exists which shall comply with the International Building Code as adopted by Teton County in Title 6.
  3. *Building envelopes* shall be located to avoid existing rock outcroppings to the extent feasible.
  4. Slope stabilization measures shall be utilized.
  5. A *site plan* showing accurate topographic data shall be submitted as part of a Grading and Erosion Control Permit per 5-2-1.D

### 5-2-6 GEOTECHNICAL ANALYSIS

#### A. Intent

The intent of this Section is to identify any geologic hazards or soil conditions which may cause injury to *persons* or injury or damage to *improvements* which may be constructed, such as *buildings*, water lines, sewer lines, and *roads*.

#### B. Applicability

These requirements apply to all *developments* where the following project conditions exist:

1. Proposed physical *development* on natural slopes greater than **thirty percent (30%)**.
2. Proposed cut or fill slopes steeper than 2:1 or **fifty percent (50%)**.
3. Soil or rock cuts or fills where the maximum height of cut or fill exceeds fifty (50) feet, or the cuts or fills are located in topography and/or geological units with known stability problems.
4. Proposed retaining walls with a maximum height at any point along the length that exceeds thirty (30) feet.
5. Unusual Geotechnical Features such as:
  - a. Embankment construction on a weak and compressible foundation material or fills constructed using degradable shale;
  - b. Geotextile soil reinforcement, permanent ground anchors, wick drains, ground *improvement* technologies; or
  - c. Experimental retaining wall systems, or pile foundations where dense soils are present.

#### C. General *Development* Standards

A geotechnical analysis and report with supporting data for the proposed project shall be prepared and stamped by a *professional engineer* and submitted with the Grading and Erosion Control Permit.

## 5-3 *Vegetation Management*

### 5-3-1 INTENT

It is the intent of this Section to prevent unnecessary spread of noxious weeds, stabilize slopes, prevent erosion, and maintain water quality.

### 5-3-2 APPLICABILITY

All *development* and **development activity** in the **Driggs AOI County** is required to meet the provisions of this Section.

### 5-3-3 GENERAL STANDARDS

- A. All commercial and industrial *development* listed as a permitted use per Chapter 3 of the **Driggs AOI LDC** shall submit a landscape plan with a *building* permit.

- B. All commercial and industrial *development applications* subject to final decision by the Administrator per Section ~~4-1-3~~ 4-3 of the Driggs AOI LDC shall submit a landscape plan as part of the *site plan* requirements of the Administrative *application*.
- C. All *subdivisions* shall submit a Landscape Plan as part of the Construction Drawings requirements of the preliminary *plat application*.
- D. Landowners and *developers* are required to control invasive and noxious weeds (see the Idaho Noxious Weed List) on their site. Where noxious or invasive weeds exist on the site, the *developer* must remove them prior to beginning construction, and re-vegetate the area within one (1) year. Where an infestation affects more than one (1) acre of land and immediate control is not feasible, a long-term vegetation management plan must be developed with and approved by the Teton County Weeds Superintendent.
- E. All disturbed areas that are not covered with new *improvements* must be successfully re-vegetated with a mix of native, or adapted, and drought tolerant grasses, ground covers, trees, and/or shrubs to stabilize slopes, prevent soil erosion, and prevent invasion of weeds.
- F. Plant varieties selected for natural areas should be native, or adapted, and drought tolerant and appropriate for USDA designated hardiness zones 4 or below. Plant varieties should be selected based on the natural conditions at the site and grouped together based on water, sun, and other similar needs. Plants should be able to survive on natural rainfall once established with no loss of health.
- G. Noxious and invasive plants per the Idaho Noxious Weed List shall not be used.
- H. If turf is used, turf areas should be a drought tolerant and/or adapted sod or seed mix that is appropriate to the natural conditions found at the site.
- I. Lawn and ornamental plantings may be non-native, but they must not be invasive in natural areas.
- J. *Landscaping* and vegetation shall comply with the utility company requirements within utility *easements*.
- K. Any pesticide, herbicide, or fertilizer *application* shall be in accordance with US EPA label restrictions and manufacturers recommendations.

## 5-4 *Natural Resource Protection*

### 5-4-1 WILDLIFE HABITAT PROTECTION

#### A. Intent

The intent of this Section is to maintain healthy populations of native wildlife species by protecting the habitat utilized by indicator species to ensure the long-term viability of the habitat. Teton County is located within the Greater Yellowstone Ecosystem, and, thus, wildlife and natural resources are an essential component of the character and economy of the community.

#### B. Applicability

1. This section applies to all new *development* within Teton County **and the Driggs AOI** that is within areas identified as significant wildlife habitat per the County's Natural Resource Overlay Map. The Natural Resource Overlay Map identifies the general areas where the most important and sensitive natural resources are located in the County. These areas are most likely to include indicator habitats for indicator species as listed in Sections 5-4-1-C and 5-4-1-D below. The Natural Resource Overlay Map may be updated to reflect new, credible information that is provided to the County.
2. Idaho Department of Fish and Game may identify additional sensitive wildlife habitats outside of the Natural Resource Overlay Map as a result of ongoing wildlife research. Such areas may be considered on a case-by-case basis.
3. Agricultural operations are exempt from meeting the requirements of this section.

#### C. Indicator Species

Indicator species are species whose presence, absence, or relative well-being is a *sign* of the overall health of its ecosystem. They also may have significant biological, ecological, economic, educational, and aesthetic values. The following are considered indicator species in Teton County, based on *A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho*, dated April 13, 2022:

1. Columbian Sharp-Tailed grouse
2. Bald Eagle
3. Grizzly Bear
4. Rocky Mountain Elk
5. Mule Deer
6. Moose
7. Trumpeter Swan
8. Greater Sandhill Crane
9. Long-billed Curlew
10. Yellowstone Cutthroat Trout
11. Any Federally Listed Threatened or Endangered Species

D. Indicator Habitats

The following vegetation communities are considered indicator habitats for the indicator species in Teton County, based on *A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho*", dated April 29, 2022. Where present, the following indicator habitats shall be identified and shown on the proposed *site plan*.

1. Emergent *Wetlands*
2. Willow Riparian
3. Forested Riparian
4. Aspen
5. Conifer Forest
6. Shrubland
7. Grassland
8. NRCS Conservation Reserve Program Grassland
9. Documented wildlife migration corridors

E. General *Development* Standards

All *development* proposed within wildlife habitat, range, breeding grounds, and migration corridors as identified on the Teton County Natural Resource Overlay Map and updated identification of areas where indicator habitats and/or habitats for indicator species are found as documented by input that is accepted by the County from Idaho Department of Fish and Game or other qualified wildlife professionals is subject to *site plan* review to ensure that the location of proposed *development* or use avoids or mitigates impacts to indicator species and indicator habitats to the extent practical, given the size and location of the *development* property.

1. The location of proposed *development* shall:
  - a. Reduce fragmentation of functional, intact areas of native vegetation and indicator habitat. Priority habitats shall include: Lower Teton River canyonlands including lower Badger and Bitch Creeks; forested foothills along the public land boundary (Teton Front, Horseshoe Canyon, Northeast foothill, etc.); Teton River corridor (valley reach); fluvial cottonwood corridors; and large wetland complexes on the east side of Teton River;
  - b. Avoid locations that affect landscape elements such as unique rock formations, sheltered draws, drainage ways, or riparian corridors; and
  - c. Maintain connectivity among fish and wildlife habitats and protect sensitive fish and wildlife habitats use for travel, foraging, reproduction, shelter, and security.
2. If impacts cannot be avoided as specified in Section 5-4-1-E, the lost habitat shall be mitigated by replacing it with similar vegetation communities at a one to one (1:1) ratio. The replacement ratio shall be higher within a half mile of *riparian areas* and equal a two-to-one (2:1) ratio or replacement of two vegetative components for every one that is removed.
  - a. Verification of vegetative establishment will be the responsibility of a County appointed Natural Resource Specialist.

3. Identification of indicator habitats, wildlife migration corridors, wildlife breeding areas, and big game wintering habitat may be determined by a qualified professional who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and similar disciplines.
4. Perimeter fencing shall be well maintained and wildlife friendly per suggested details provided by Idaho Fish and Game or the Natural Resource Conservation Service as appropriate to the type of wildlife identified and the following shall apply:
  - a. This requirement does not apply to privacy fencing used to enclose the living space immediately adjacent to a *dwelling unit* (i.e., dog runs, fenced in gardens and play areas within three hundred feet (300') feet of the *dwelling unit*).

#### 5-4-2 RIPARIAN BUFFERS

##### A. Intent

*Riparian areas* are located along the banks and margins of rivers, *streams*, *creeks*, ponds, and other water bodies. Riparian zones and the plant communities within them provide habitat for wildlife, shading for fish, areas to attenuate floods, and water quality enhancement. The intent of this Section is to protect and maintain *riparian areas* in Teton County.

##### B. Applicability

This Section applies to new *development and development activity* on sites that contain riparian features. This includes *riparian areas* associated with *wetlands*, the Teton River, tributary *streams* and *creeks*, and lakes and ponds.

##### C. Setback Requirement

All physical *development* and use, *development activity, and use*, except those specified in Section 5-4-2-D, is required to be set back from specified resources as shown in Table 7. The area within the *setback* is defined as the Riparian *buffer*.

Table 7. Riparian Buffers

Resource	Setback Distance (A)	Measured From (B)
Teton River	100'	Ordinary high water mark
Stream or Creek	50'	Ordinary high water mark
Wetland 1	100'	U.S. Fish and Wildlife National Wetland Inventory boundary
Wetland 2	50'	Site specific <i>wetland delineation</i> approved by U.S. Army Corps of Engineers
Lake or Pond	50'	Ordinary high water mark

D. *Development Allowed in Riparian buffers*

The following uses are allowed in a Riparian *buffer* to enhance the flood protection function and provide for long-term bank stabilization:

1. Planting of native riparian vegetation with handheld equipment.
2. Maintenance of existing plant material.
3. Management activities such as removal of hazardous fallen trees or branches. Those that do not pose a risk to human health and safety shall remain in place as they are beneficial for wildlife and fisheries.
4. Emergency bank stabilization.
5. Control of noxious weeds provided chemical control methods are in accordance with US EPA label restrictions and only by handheld sprayers.
6. Agricultural operations with no disturbance within **ten feet (10')** of any *stream* bank.
7. Electric, natural gas, cable communications and telephone utility related activities within an existing *easement*.

E. *Development Prohibited in Riparian buffers*

The following *development* and activities are prohibited in a Riparian *buffer*:

1. Construction of physical *development* in a riparian *buffer* except as allowed in Section 5-4-2-D above.
2. Fertilizer, herbicide, and pesticide *application*, except as needed for approved restoration or re-vegetation.
3. Grading that interrupts diffuse flow within the riparian *buffer*.
4. Septic tank drain fields.
5. Driveways and *road* crossings are prohibited unless there is no other alternative in which case driveways shall be not *disturb* more than twenty (20) feet in width and *road* crossings shall bridge the primary *riparian area*.
6. Accessory *structures* are prohibited unless for agricultural purposes if no other alternative exists.

F. *General Development Standards*

The following standards apply to allowed *development* and **development activity** within Riparian *buffers*:

1. The water body, its associated riparian plant community, and applicable riparian *setbacks* must be identified and shown on the *site plan*.
2. The area of the proposed *development* within the Riparian *buffer* must be identified and shown on the *site plan*.
3. *Development* should incorporate stable, native vegetation as required per Section 5-3.
4. All *development* shall be designed to:
  - a. Maintain existing vegetation,

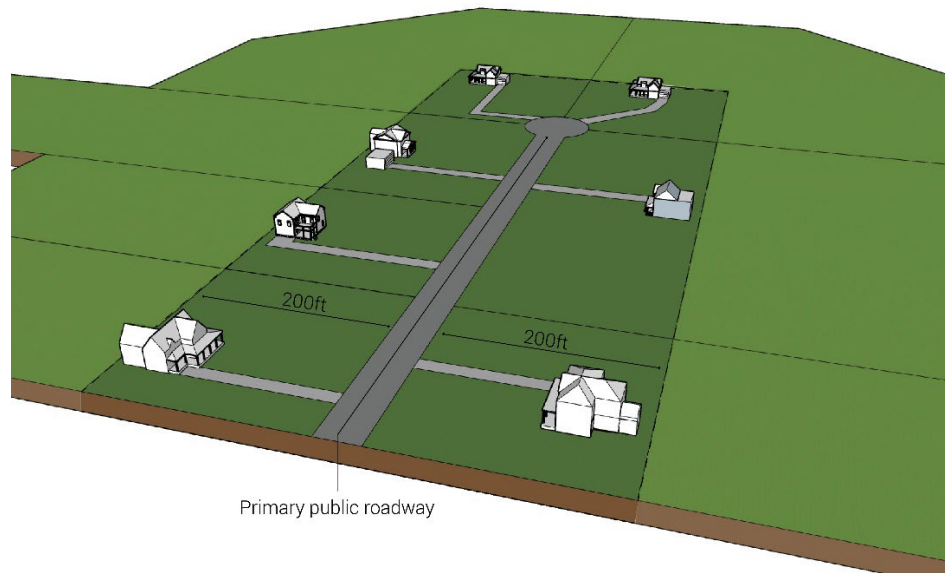


- b. Avoid *adverse effects* on aquatic life and habitat, and vegetation used for terrestrial wildlife,
  - c. Prevent the movement of sediment, nutrients, and other pollutants,
  - d. Minimize soil disturbance, and
  - e. Protect against soil erosion.
5. Diffuse flow of stormwater runoff must be maintained in the Riparian *buffer* by:
- a. Dispersing concentrated flow prior to its entry into the *buffer*, and
  - b. Reestablishing vegetation.
    - i. Will require a planting plan with maintenance and monitoring plan
    - ii. Verification of vegetative establishment will be the responsibility of a County appointed Natural Resource Specialist.
6. Bridges should be used for riparian *buffer* crossings. If *culverts* are utilized, they should be designed to minimize impacts to fish passage and shall be approved and permitted by ACE, Idaho Fish and Game, and Idaho department of Water Resources.

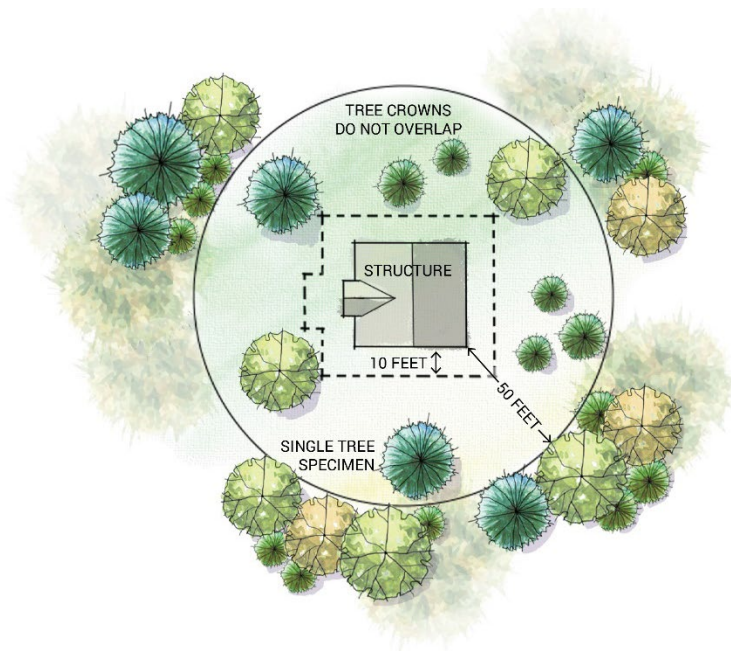
#### 5-4-3 WILDFIRE HAZARD AREAS

- A. Intent  
To protect the health and safety of structures in high-risk wildfire areas.
- B. Applicability  
These standards apply to all *development* within areas of high wildfire risk as identified on the County's Wildlife Hazard Overlay (WHO) Map.
- C. Development of principal **and accessory** structures in areas with high risk of wildfire, as identified by the WHO, shall be located within two hundred **feet (200') feet** of the primary **public** access roadway to provide safe and efficient access for wildfire protection.

*Location of Structures in High Wildfire Risk Areas*



- D. A plan for management of vegetation and defensible space shall be submitted with site plans for all *principal building* construction.
- E. Fuel breaks shall be implemented along access roads, driveways and subdivision boundaries. The fuel break shall be a minimum of ten feet (10') feet wide. Plant material shall be no taller than four inches (4") inches in the fuel break and trees limbed up to a minimum height of ten (10) feet above the ground.
- F. Defensible space shall be provided around principal structure per the International Wildland Urban Interface Code (general image included below).



## 5-5 Scenic Resource Protection

### 5-5-1 INTENT

The intent of this section is to maintain Teton County's scenic resources along *highway* corridors by ensuring that the location, scale, and appearance of *buildings, structures, and development* preserves the rural character of the area by limiting visual intrusion viewed from the four designated roadways as described below, retaining long vistas of the mountains and fields, and preserving existing native vegetation.

### 5-5-2 APPLICABILITY

These standards apply to all *applications* and permits for physical *development* located within five hundred (500) feet of Idaho State Highways 31, 32, and 33 and Ski Hill Road within Teton County. Permits to develop within the Scenic Corridor may be approved administratively if all development standards are met. At the discretion of the Planning Administrator, any applications that do not fully meet standards will require a public meeting to review the application with the Planning & Zoning Commission who will act as the decision-making body.

### 5-5-3 RESOURCE AREAS

#### A. Type 1 Resources

Type 1 resources exist where lands have been previously disturbed and developed but are still important to the character of Teton County. Type 1 resources exist along Idaho State Highway 33 between the City of Victor and the City of Driggs and Ski Hill Road from along Idaho State Highway 33 to the Wyoming State Line.

B. Type 2 Resources

Type 2 scenic resources are located along Idaho State Highways 32 and 33 between the Wyoming State Line and the City of Victor and between City of Driggs and northern Teton County Line, as well as along Idaho State Highway 31 from the County line to County Road S 2000W. These are the most iconic views related to the character and economy of Teton County. Type 2 resources include long vistas of mountains and fields and uninterrupted *natural skylines*.

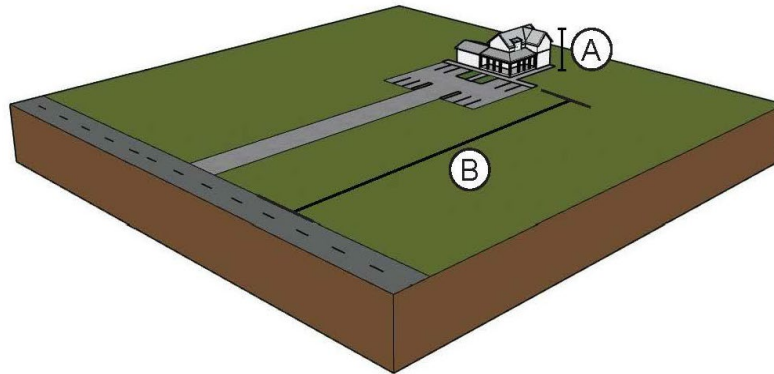
5-5-4 TYPE 1 RESOURCE DEVELOPMENT STANDARDS

- A. Physical *development* (including new *buildings* and existing *buildings* being replaced) shall be sited from the right-of-way of the state *highway* per Table 8 below.
- B. Physical *development* shall be located to maintain *open space* in relation to the scenic view being regulated. *Development* should be located at the rear or side edges of an open meadow or *pasture*, or at the foot of a hill or *ridge* (provided it is not in danger of slope failure), rather than in the middle of a meadow, *pasture*, or *hillside*.
- C. Existing *buildings* that encroach upon the dimensions shown in Table 8 shall not perform any repairs, additions or replacements of any portion of the *building* that will encroach any further into the standards in Table 8 than the existing condition.
- D. Submittals
  - a. Site plan including:
    - i. All proposed and existing structures,
    - ii. Setback from right-of-way of state highway of Ski Hill Road shall be clearly labeled,
    - iii. Building envelopes,
    - iv. Existing and proposed off-street parking areas,
    - v. Exterior elevations of primary structures visible from state highway of Ski Hill Road,
    - vi. Description of building materials.
  - b. Complete application
  - c. Latest recorded deed to the property
  - d. Affidavit of Legal Interest (in applicable)
  - e. Submit a detailed landscaping plan along with application materials in efforts to limiting visual intrusion from the highway.
    - i. Height of landscaping must meet at least half of the height of proposed structure.
    - ii. Label/list all plant species (preferably native plants).

Table 8. Type 2 Resource Development Standard Setbacks

	Option 1	Option 2	Option 3	Option 4	Option 5
<b>Building</b>					
A. Height (max)	Max per zone district	25'-27'	20'-24'	44'-21'	44'-18'
B. Distance from highway right-of-way	450'	350'	250'	150'	100'
<b>Parking</b>					
Front Max pavement depth	120'	90"	60'	40'	--
Rear	Unlimited behind rear building line	Unlimited behind rear building line	Unlimited behind rear building line	Unlimited behind rear building line	Unlimited behind rear building line

Type 2 Resource Development Standard Setbacks Illustrated



#### 5-5-5 TYPE 2 RESOURCE DEVELOPMENT STANDARDS

- A. In addition to all Type 1 Resource Development Standards, the following shall apply to Type 2 Resource Areas:
1. Highly reflective roof materials shall not be used, unless the materials are treated to eliminate reflection.
  2. If berms are used to screen structures located within a meadow or pasture, they shall be setback at least fifty feet (50') feet from the right-of-way with the side of the berm exposed

from designated scenic roads shall rise at no greater than a **five percent (5%)** grade to appear as a naturally occurring extension of the existing topography. *Berms* must be planted in native vegetation.

3. Revegetation of Disturbed Areas. Lands disturbed by earth moving or *berms* shall be revegetated per Section 5-3 of the **Driggs AOI** LDC.

#### 5-5-6 RIDGELINE PROTECTION

- A. Physical *development* shall not breach ridgelines as viewed from State Highways.
- B. If a breach of the ridgeline is unavoidable, a visual resource analysis shall be submitted for review to demonstrate and document the visual impact of the proposed *development* on surrounding designated scenic corridors and viewpoints. The analysis shall show the following:
  1. In accurate perspective format, illustrate what portions of the points along the scenic corridor or from critical viewpoints.
  2. Multiple perspectives may be required along scenic corridors to accurately reflect the appearance of the *development* as the viewpoint is moved along the corridor.
  3. The visual resource analysis shall contain a visual analysis narrative, photographic simulation or other comparable visual analysis of the proposed *development*, compare the visual impacts of alternative site designs, if any, and include plans identifying how the proposal complies with the standards of this Section.

## 5-6 Driveways, Parking, and Access

### 5-6-1 INTENT

This Section establishes standards for driveways, parking, and access for all *development*. The standards are intended to ensure safe access is provided for vehicles and pedestrians and an adequate supply of parking is available within a reasonable distance of *development*.

### 5-6-2 DRIVEWAYS

- A. Applicability  
All new *building* or site *improvements* must comply with this Section by way of a driveway or right-of-way access permit from the County Public Works Department.
- B. *Encroachments* and Access Points
  1. A driveway access from a *public road* shall be provided to serve two *parcels* or less. No open or continuous access along a *public road* is allowed. All points of access that do not conform to these standards shall be brought into conformance at such time that a *building* permit, or Grading and Erosion Control Permit is applied for with Teton County.
  2. Unless approved or required by the Public Works Director, the driveway for a *corner lot* must connect to the *road* with the lower roadway classification.
  3. Unless otherwise approved or required by the Public Works Director, a *lot* or *parcel* is only allowed one driveway access to a *public road*.

4. When allowed, driveways on the same property and same *road frontage* must be spaced in accordance with the spacing, speed limit, and sight distance standards identified by the Public Works Director.
5. Driveways may be no closer than 50 feet (50') from the intersection of two road rights-of-way, measured from the centerline of the driveway.

C. Shared Access

Property *owners* who establish a shared-access driveway must record an *easement* allowing shared access to and from the properties served by the shared-access driveway and record a joint maintenance agreement defining the maintenance responsibilities of each property *owner*.

D. Driveway Dimensions

Driveways must meet the dimensional standards shown in Table 9. Additionally, the following shall apply:

1. Driveways in excess of one hundred fifty feet (150') ~~feet~~ in length shall provide a driveway turnaround or pullouts per Public Works Standards, and
2. Driveways in excess of four hundred feet (400') ~~feet~~ in length shall provide pullouts every four hundred feet (400') ~~feet~~ per Public Works standards.

Table 9. Driveway Dimensions

Driveway Type		Width (max)	Curb Radius (min)
Residential	12'	24'	15'
Public/Commercial: one-way	12'	18'	15'
Public/Commercial: two-way	24'	32'	15'
Industrial	30'	40'	30'

### 5-6-3 PARKING

A. Applicability

All new *building* or site *improvement* must comply with this Section to ensure parking is located in designated parking areas on-site and not in the *public right-of-way*. Agricultural operations shall be exempt from parking requirements other than those with an agritourism use.

B. Minimum Parking Requirements

1. The minimum number of *vehicular parking spaces* required is shown in Table 10. Where a use is not listed or only a broad use category is shown, the Planning Administrator is responsible for categorizing the use in accordance with Chapter 3.
2. Unless otherwise noted, the parking requirement is based on the *gross floor area* of the *building* or portion of the *building* devoted to the particular use specified.

Table 10. Vehicular Parking Requirements

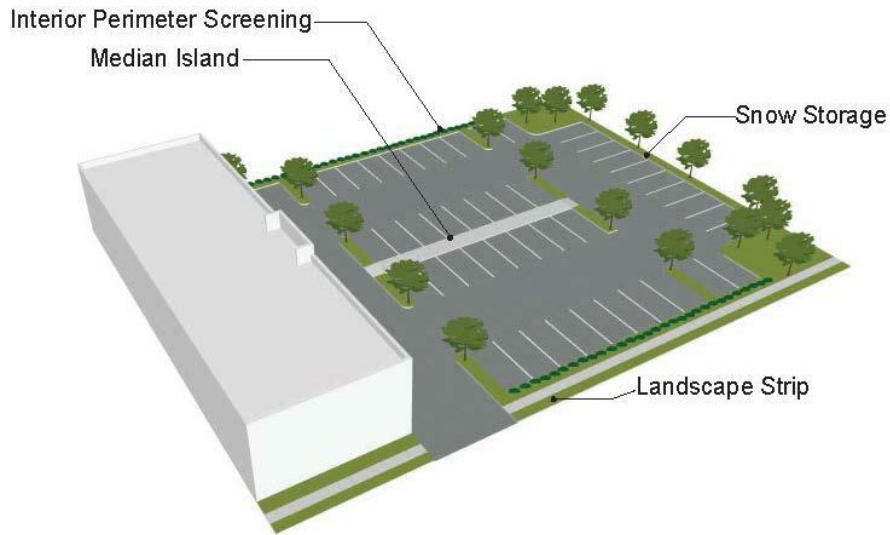
Use	Required Spaces (min)
Dwelling Unit	2 per unit
Group Residence	1 per employee (based on number of employees on site at any one time) plus 0.5 per resident
Agricultural Uses	No minimum
Public Uses (other than Schools as detailed below)	1 per 1,000 square feet
Secondary Schools	1 per employee plus 1 per 5 students
Commercial uses	2 per 1,000 SF
Overnight Lodging	1 per bedroom
Recreation Uses (unless otherwise specified in Chapter 3)	1 per every 2 employees plus 1 per every 4 users the facility can accommodate
Industrial Uses	1 per every 2 employees

3. For industrial and commercial uses with vehicle parking, accessible *parking spaces* must also be provided in accordance with the requirements of the Americans with Disabilities Act (ADA).
  4. For a change in use where the number of existing *parking spaces* exceeds the maximum number of allowed *parking spaces* for the proposed use, the additional *parking spaces* may remain in place, at the *applicant's* discretion. Where the number of existing *parking spaces* is less than the minimum number of required *parking spaces* for the proposed use, the additional *parking spaces* shall be installed.
- C. Parking Access and Layout
1. All vehicle parking must have direct access to a public right-of-way.
  2. All vehicle parking areas must be designed to allow vehicles to enter and exit in a forward motion, except for parking associated with a primary *dwelling unit*.
  3. All vehicle parking must be designed so that vehicles enter or leave a *parking space* without having to move any other vehicle.



4. All vehicle parking must be arranged so that no vehicle is forced onto any *public road*, to gain access from one parking aisle to another parking aisle.
5. Locations for snow storage must be provided and can be in conjunction with required landscape areas.

*Parking Lot Layout Exhibit*



D. *Parking Lot Landscaping*

For parking lots with **twenty (20)** or more *parking spaces*, the parking lot area must be landscaped with the following:

1. Interior islands provided every twenty (20) spaces.
2. Islands shall be a minimum of five (5) feet in width and contain:
  - a. **One (1) shade tree** when *abutting* a single row, or
  - b. **Two (2) shade trees** when *abutting* a double row.
3. Perimeter *landscaping* shall be provided per Section 5-7-3.
4. Landscape areas may be designed as stormwater facilities and snow storage facilities.

E. *Parking Lot Lighting*

Lighting used to illuminate *vehicular parking* shall not exceed **twenty feet (20') feet** in height and shall comply with all requirements of in Section 5-8 of the **Driggs AOI LDC**.

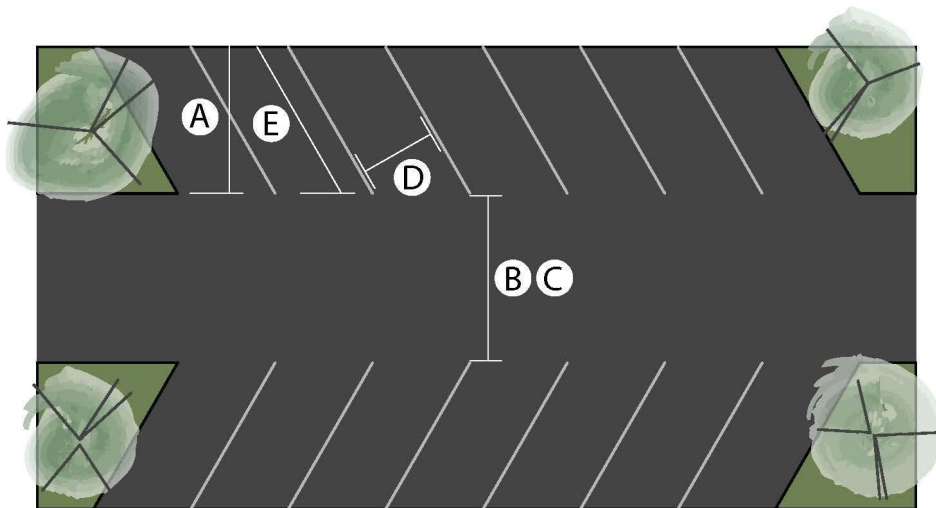
F. *Parking Space and Aisle Dimensions*

*Vehicular parking lots* must meet the following dimensions shown in Table 11. The minimum size of a gravel parking area shall be 10% larger than required of a paved area. *Parking spaces* and drive aisles using dimensions other than those specified may be approved if prepared and

stamped by a Registered Engineer in the State of Idaho, with expertise in parking lot design, subject to approval of the Planning Administrator.

Table 11. Minimum Parking Lot Dimensions

Minimum Dimensional Requirements					
Angle	Parking Row Depth (A)	Drive Aisle Width		Space Width (D)	Space Length (E)
		One-Way (B)	Two-Way (C)		
Parallel	8'	12'	20'	8.5'	23'
45 degrees	17.4'	13'	24'	9'	20'
60 degrees	21'	18'	24'	9'	18'
90 degrees	18'	24'	24'	9'	18'



#### 5-6-4 PEDESTRIAN ACCESS

##### A. Applicability

All commercial or industrial *development* in the IR *zone district*, the Area of City Impact, and *vehicle parking lots* with six (6) or more rows of parking must provide safe, direct, and convenient pedestrian access that connects parking areas and existing adjacent sidewalks to the primary entrance.

##### B. The following uses are exempt from this requirement:

1. Residential *dwelling*;
  2. Cemetery;
  3. Conservation area;
  4. *Utilities*; and
  5. Agricultural uses.
- C. Pedestrian Access Standards
1. Pedestrian access must consist of an accessible, easily discernible, and ADA- compliant walkway a minimum of five (5) feet in width.
  2. The pedestrian access surface must be comprised of a permanent, non-slip, ADA compliant material.
  3. Pedestrian access routes between *building* entrances and parking areas must provide direct connections and be physically separated from drive aisles, except where required to cross a drive aisle.
  4. Where a pedestrian walkway crosses a drive aisle, the walkway must have a continuous surface treatment across the drive aisle.

#### 5-6-5 BICYCLE ACCESS AND PARKING

- A. Applicability  
The provisions in this division are applicable only to property located in the Area of City Impact with *vehicular parking lots* of twenty (20) spaces or more.
- B. Minimum Number of Bicycle Spaces  
Bicycle parking must be provided in accordance with bicycle access and parking standards for the *city* in which the Area of City Impact is located (Section 11.1.5 of Driggs and Victor Land Development Codes).
- C. Access and Location
1. Required bicycle parking must be located in a convenient and visible area.
  2. Bicycle parking must not result in a bicycle obstructing a required pedestrian access walkway.
  3. Required bicycle parking may be placed within the *public right-of-way*, provided the *encroachment* is approved by the Planning Administrator.

#### 5-6-6 VEHICLE LOADING

- A. Applicability
1. Vehicle loading and unloading for passengers may be required by the Planning Administrator for uses such as:
    - a. Day Care;
    - b. Group Residence;
    - c. Place of worship; and
    - d. *Special event* facility.

2. Space may be required by the Planning Administrator for non-passenger unloading and loading of vehicles for commercial or industrial uses.

B. Location

If a loading space is provided or required, it must meet the following.

1. In the *IR zone district*, loading areas must be located to the rear of *buildings*. Loading areas may not be placed between a *public road* and the associated *building*.
2. No loading area is permitted within fifty (50) feet of a residential use (measured from the residential *lot line* to the closest point of the loading area).
3. It must be located outside of clear sight triangles for *road* intersections as established by the Public Works Director.
4. With the exception of areas specifically designated by the Teton County Planning Administrator, vehicle loading and unloading of goods, materials, items, or stock for delivery and shipping is not permitted on a *public road*.
5. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas, and parking areas.

C. Screening

Where a loading dock designed for tractor- trailers is placed between a *public road* or a shared *lot line* and the associated *building*, the entire length of the loading area must be screened with either:

1. An eight (8) foot high wall; or
2. Plant material that under typical conditions may be expected to reach a height of eight (8) feet and a spread of four (4) feet within three years of installation.

## 5-7 Buffers, Screening, Fencing, and Walls

### 5-7-1 INTENT

*Buffers, screening, fencing, and walls* are intended to minimize conflicts between potentially incompatible, but otherwise permitted, land uses and *development* on *abutting* property.

### 5-7-2 BUFFERS

A. Applicability

1. *Buffers* shall be installed between all uses in the *IR zone district* and adjacent properties zoned residential as the primary use.
2. *Buffers* shall be required to mitigate adverse impacts of certain uses as specified in Chapter 3 of the *Driggs AOI LDC*.
3. Type A *buffers* (per below) shall be installed around the perimeter of all *subdivisions* adjacent to property of a lower *density* use.
4. All vegetation used to meet buffer requirements shall remain alive with any dead plant material replaced by the same species or a species with similar growing habit within one growing season.

B. *Buffer Requirements*

There are two types of required *buffers* that include a variety of *landscaping* and/or fencing. The minimum width, *screening*, and *landscaping* requirements for each *buffer* type is shown in Table 12.

Table 12. *Buffer Types*

	Minimum number of plants per 100'		
	Buffer Type A	Buffer Type B Option 1	Buffer Type B Option 2*
Minimum Depth	10'	20'	10'
Shade Trees	4	4	4
Understory Trees - 20% shall be evergreen	--	4	--
Large Shrubs - 20% shall be evergreen	10	20	10
6' High Privacy Fence or Wall	--	--	Yes

\*type 1 plant requirements with a privacy fence or wall

Type 'A' Buffer



Type 'B' Buffer – Option 1



C. Location

Generally, a required *buffer* should be located along the entire property line between the two incompatible uses. A required *buffer* may be located within the required *setbacks* identified in Chapter 2. *Landscaping* must be planted on the developing property's side of the required *buffer*.

D. Encroachments

1. The parking of vehicles and the placement of *buildings* or *structures*, except for walls, fences and *landscaping* is not allowed in a required *buffer*.
2. No *building* or *structure* on the subject site may be located closer than 10 feet (10') to a required *buffer*.

E. Grade Change

1. In lieu of a required wall or fence, a natural or man-made vertical grade separation of at least 6 feet in elevation may be provided.
2. The developing property must be located at an elevation lower than the property to be screened.
3. The stabilized side slopes of the grade change may be no steeper than 3:1.

F. Alternative Compliance

The *buffer* requirements may be modified by the PZC. The PZC must consider the following criteria in determining the appropriateness of alternative compliance:

1. The existing topography or vegetation achieves the purpose and intent of this Section.
2. For topographic reasons, a fence or wall or other required *screening* device could not screen activities from an *abutting* property as required by this Section.

### 5-7-3 PARKING LOT SCREENING

#### A. Applicability

Vehicle parking areas *abutting* a *public right-of-way* must be screened as specified below.

#### B. Screening Options

The parking area shall be screened with a landscape strip located along the entire perimeter between the parking area and the *road*. Breaks in the landscape strip are allowed for pedestrian and bicycle access points. The following options may be used for the landscape strip:

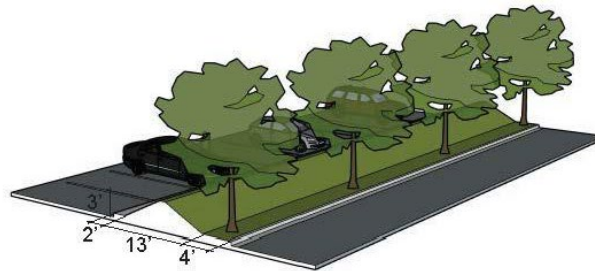
##### 1. Landscape Strip with Shrubs

A minimum ten **foot (10')** ~~feet~~ wide landscape strip planted with a minimum three **foot (3')** ~~feet~~ high continuous row of shrubs.



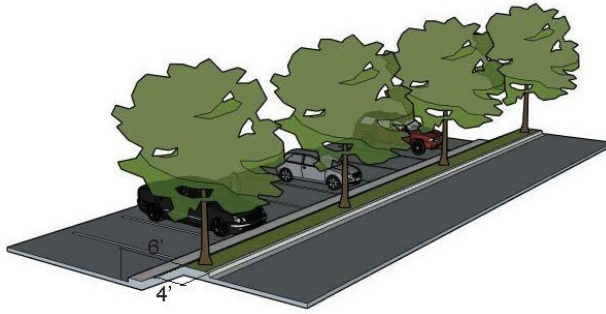
##### 2. Landscape Strip with *Berm*

A *berm* a minimum of **three feet (3')** ~~feet~~ higher than the finished elevation of the parking area.



##### 3. Landscape Strip with Grade Change

A **six foot (6')** ~~feet~~ landscaped strip with a minimum **three foot (3')** ~~feet~~ grade drop from the *public road* to the parking area planted with a **three foot (3')** ~~feet~~ high continuous row of shrubs.



#### 5-7-4 SERVICE AREA SCREENING

##### A. Applicability

Services areas for uses in the IR *zone district* and for some limited and *special uses* in all other *zone districts* may be required to mitigate adverse impacts of the proposed use (see Chapter 3).

##### B. General *Development Standards*

1. Trash and recycling collection and other similar delivery or service areas must be located to the side or rear of *buildings*. Trash and recycling collection areas must be located as far away from residential *structures* on neighboring properties as practical.
2. Service areas must be screened on all four (4) sides by a solid fence or wall with a minimum height of six feet (6')-feet (this can include the *building wall*). A solid gate with a minimum height of six feet (6')-feet may be placed on one side and shall be of complimentary material to the fence or wall. The gate and fence or wall must be maintained in good working order and must remain closed except when trash pick-up or deliveries occur.

#### 5-7-5 WALLS AND FENCES

##### A. Applicability

This Section provides standards for walls and fences used in required *buffers* or *screening*.

##### B. Materials

1. Walls must be constructed of high-quality, *opaque* materials such as decorative blocks, brick, stone, cast-stone, split-faced block, stucco over standard concrete masonry blocks, glass block, or other material approved by the Planning Administrator.
2. Fences must be constructed of high-quality materials such as wood, wrought iron, composites, PVC, aluminum, metal, high-quality recycled materials or other material approved by the Planning Administrator.
3. Fences in a required *buffer* must be *opaque*.
4. Wildlife friendly fencing shall meet the requirements set forth in Section 5-4-1.

##### C. Location

1. No wall or fence may be located within any required drainage or utility *easement*.
2. The finished face of all walls and fences must be located toward the *abutting* property.



3. For walls and *opaque* fences located outside of a required *buffer*, the maximum length of a continuous, unbroken, and uninterrupted fence or wall plane is **one hundred feet (100') feet**. Breaks must be provided through the use of columns, landscaped areas, transparent sections or a change in material.

D. Height

1. Wall or fence height is measured from the subject property grade to the highest point of the fence.
2. A wall or fence located in a side or rear *setback* may be no more than eight **feet (8') feet** in height.
3. A *subdivision* entrance wall or fence may not exceed eight **feet (8') feet** in height.
4. Walls or fences eight **feet (8') feet** in height or taller require a *building* permit.

## 5-7-6 PLANT MATERIAL

A. Applicability

This Section provides standards for *landscaping* plant materials to be used in required *buffers* or *screening*.

B. General Provisions

1. The property *owner* is responsible for maintaining all required *landscaping* for *buffers* and *screening* in good health and condition. Any dead, unhealthy, damaged, or missing *landscaping* must be replaced with *landscaping* that conforms to the **Driggs AOI LDC** within **ninety (90)** days (or within **one hundred-eighty (180)** days where weather concerns would jeopardize the health of plant materials).
2. No artificial plants, trees, or shrubs may be used for required *landscaping* and *screening*.
3. *Landscaping* shall meet the standards included in Section 5-3 in addition to the standards of this Section.

C. *Shade Trees*

1. All *shade trees* planted to meet the *landscaping* requirements must have a diameter at breast height (dbh) of three **inches (3') inches** and be at least ten **feet (10') feet** tall at time of planting.
2. *Shade trees* must be a locally-adapted species with an expected mature crown spread of at least twenty **feet (20') feet**.

D. Understory Trees

1. Single-stem understory trees planted to meet the *landscaping* requirements must have a minimum dbh of one and one half **inches (1½") inches** and be at least six **feet (6') feet** tall at time of planting.
2. Multi-stem understory trees planted to meet the *landscaping* requirements must be at least six **feet (6') feet** tall at time of planting.
3. Understory trees must be a locally-adapted species with an expected mature crown spread of at least fifteen **feet (15') feet**.

4. A minimum of twenty percent (20%) percent of understory trees planted to meet *buffer* requirements must be evergreen.
- E. Shrubs
1. All shrubs must be a minimum of five (5) gallon size at time of planting.
  2. A minimum of twenty percent (20%) percent of shrubs planted to meet *buffer* requirements must be evergreen and be of a species that, under typical conditions, are expected to reach a height and spread of four feet (4') feet within five (5) years of planting.

## 5-8 Outdoor Lighting

### 5-8-1 INTENT

The purpose of this section is to allow for use of *outdoor lighting* which minimizes adverse offsite impacts including *light trespass* and *glare*; improves views of the night sky; reduces impact to wildlife habitat; only provides *light* when and where needed that is no brighter than necessary; minimizes blue *light* emissions; is fully shielded; and generally conserves energy.

*Light Shielding Illustrated*



### 5-8-2 APPLICABILITY

The requirements of this section shall apply to all *outdoor lighting* in Teton County. All existing *outdoor lighting* shall be brought into compliance with the standards herein upon change of use or *building* permit and within five (5) years of the effective date of this Driggs AOI Land Development Code.

### 5-8-3 EXEMPTIONS

- A. This Section does not apply to the following:
1. Lighting within the *public right-of-way* that is used *principally* to illuminate *roads*.
  2. Lighting of *signs*, as regulated by Section 5-9 of the Driggs AOI LDC.

3. Temporary lighting of construction sites.
4. Lighting used primarily for Agricultural purposes.
5. *Holiday lighting*, displayed for less than sixty (60) days, provided that individual *lamps* are less than **seventy (70) lumens**.
6. Emergency Lighting.

#### 5-8-4 GENERAL DEVELOPMENT STANDARDS

- A. All *fixtures* must be *fully shielded or full cutoff* and downward directed so that no *light* is projected above the horizontal plane of the *fixture*.
- B. The color-temperature rating of *fixture lamps* shall not exceed **three thousand (3000) kelvin**.
- C. All lighting *fixtures* shall limit horizontal *light* levels such that no *direct light* falls onto the adjacent property.

*Light Trespass Illustrated*



- D. All *light fixtures* shall employ automatic lighting controls that extinguish exterior lighting when sufficient daylight is available, such as timers, photo sensitive *light* controls, photoelectric lighting controller, a *building* automation system, or a lighting energy management system.
- E. All lighting not required for public safety workplace visibility, or otherwise allowed herein, regardless of the date of installation, shall be extinguished after 11:00 PM.

#### 5-8-5 LIGHTING STANDARDS FOR NON-RESIDENTIAL USES

- A. Parking Lot and Area *Lights*
  1. The maximum height shall not exceed twenty **feet (20') feet** above average grade.
  2. Lighting shall not exceed a maximum initial horizontal *illuminance* of **four (4) 4.0** foot-candles.
- B. Outdoor Display Areas
  1. The maximum height shall not exceed twenty **feet (20') feet** above average grade.

2. Approach and driveway lighting shall not exceed a maximum horizontal *illuminance* of **four (4) 4.0** Foot-candles.
3. *Building* Facades and Service Areas shall not exceed a maximum horizontal *illuminance* of **five (5) 5.0** Foot-candles.

#### 5-8-6 LIGHTING STANDARDS FOR RESIDENTIAL USES

- A. Exterior lighting on *dwelling units* shall be downward directed and no brighter than a **sixty (60)**-watt incandescent (or equivalent, compact fluorescent or LED rating).
- B. With motion sensors, lighting on *dwelling units* shall be no brighter than a **seventy-five (75)**-watt incandescent (or equivalent, compact fluorescent or LED rating).

#### 5-8-7 PROHIBITED LIGHTING

- A. The following lighting types are prohibited from being installed in the County:
  1. Lighting that simulates, imitates or conflicts with warning signals, emergency signals or traffic signals.
  2. Blinking or flashing *lights* and exposed strip *lights* used to illuminate *building* facades or to outline *buildings*.
  3. Searchlights, laser *lights*, and aerial lasers or holograms.
  4. Lighting that is not in a *full cut-off-fixture*.
  5. Lighting in which any single *luminaire* exceeds **twenty thousand (20,000) lumens**.
  6. Bare *lamps* (not housed within a *fixture*) or *lamp strings*—except for *holiday lighting*— with outputs exceeding **twenty-five (25) lumens per lamp**.

## 5-9 Signage

### 5-9-1 INTENT

This Section is intended to provide regulations for *signs* within Teton County **and the Driggs AOI** which eliminate confusing, distracting, and unsafe *signs* while ensuring transfer of information and enhancing the visual environment of the County.

### 5-9-2 APPLICABILITY

No *sign* may be erected, altered, refurbished or otherwise modified after the effective date of the **Driggs AOI** LDC except in accordance with the requirements of this Section.

### 5-9-3 SIGN PERMIT REQUIREMENTS

#### A. Applicability

All *signs* described in Section 5-9-13 require a *sign* permit before they may be erected, altered, refurbished or otherwise modified. *Signs* described in Section 5-9-10 to 5-9-12 do not require a *sign* permit but must follow applicable standards. The following alteration and maintenance activities do not require a *sign* permit:

1. Painting, cleaning, or other normal and repair of a *sign*, provided that no change is made to any structural or electronic component of the *sign*.

2. Changing the message of an existing changeable copy of *sign*, provided that no change is made to any structural or electronic component of the *sign*.

B. *Sign Permit Application Requirements*

All *sign application(s)* shall be submitted to and reviewed by Teton County Planning Administrator for compliance with this Division. A *sign application* must include the appropriate fee plus the following items:

1. A completed *application* using the form supplied by the County.
2. For *building signs*: A *building elevation* drawn to scale which specifies the location of the proposed new *sign*, as well as the location and size of any other *sign* of the same type on the *building*.
3. For *freestanding signs*, *portable signs*, and *entry feature signs*: A *site plan* drawn to scale which specifies the location of the new *sign structure* with respect to adjacent *structures* and property lines.
4. A scaled drawing of the *sign* including dimensions of all *sign faces*, descriptions and colors of materials to be used for *sign faces* and support *structures*, including detailed specifications for any footings, posts, and hardware, and a detailed *sign lighting plan* which clearly indicates the location, type, and illumination strength (*lumens*) of all *sign lighting fixtures*.
5. Tenants of *buildings* with multiple occupants must include a copy of the approved overall *sign plan* and indicate how their proposed *sign(s)* fit(s) into the approved plan. If the new *sign* does not conform to with the approved *sign plan*, then the *applicant* must include an amended *sign plan* with the *building owner's* signature.
6. Any other information deemed necessary by the Administrator.

#### 5-9-4 NONCONFORMING SIGNS

- A. All nonconforming *signs* in existence before the effective date of the **Driggs AOI LDC** may remain, provided they are maintained in a safe manner and are kept in good repair until one of the following occurs:
  1. The *sign* has damage exceeding **fifty percent (50%)** of its value immediately prior to the event causing the damage or destruction; or
  2. The deterioration of the *sign* makes it a hazard.
- B. The Administrator will not approve a permit for a nonconforming *sign* to be:
  1. Relocated in any manner;
  2. Structurally altered; or
  3. For more than **fifty percent (50%)** of the sign face to be permanently altered.
- C. For the purpose of this Section, structural alteration of a *sign* modifies the *sign* dimensions, height, lighting, or support *structure*.

#### 5-9-5 LOCATION

- A. Off premise, outdoor advertising is prohibited.

- B. No *sign*, other than *signs* placed by agencies of government or a *sign* whose placement is authorized by such agencies, may be erected or placed on public property, including *roads* and the public right of way.
- C. No *sign* shall be located so as to conflict with the clear and obvious appearance of public devices controlling traffic or so as to impede vision clearance of intersecting traffic nor shall a *sign* obstruct the free use, of any *public right-of-way*, intersection, ingress or egress point, transit stop, *parking space*, drive aisle, driveway, sidewalk, *building* entrance, fire escape, or accessibility ramp.
- D. No *sign* may be placed so as to obstruct any door.
- E. *Signs* cannot be painted on or attached to a telephone or utility pole, tree, or traffic *sign*.

#### 5-9-6 CONSTRUCTION

- A. *Signs* must be constructed of permanent materials and be permanently affixed to the ground or a *structure*, except for allowed temporary *signs*.
- B. *Signs* that have structural components exceeding 6 feet (6') in height must obtain a *building* permit when they obtain a *sign* permit. The *structure* will be subject to a plan review as well as any inspections required by the Building Official and appropriate fees applied.

#### 5-9-7 MAINTENANCE

- A. *Signs* must be maintained in good condition at all times and must be kept free of cracked or peeling paint, or missing or damaged components.
- B. The Planning Administrator may request removal of any *sign* after due notice of signage which shows gross neglect, or becomes dilapidated.
- C. The Planning Administrator will give the *owner* ten (10) working days written notice to correct the deficiencies or to remove the *sign* or *signs*. If the *owner* refuses to correct the deficiencies or remove the *sign*, the Planning Administrator will have the *sign* removed at the *owner's* expense.

#### 5-9-8 PROHIBITED SIGNS

- A. The following *sign* types are prohibited from being installed in the unincorporated County and Driggs AOI:
  1. Rotating, moving, or animated *signs* involving motion or sound, except for clocks.
  2. Any *sign* with audio speakers or any form of pyrotechnics.
  3. Flashing, blinking, or varying *light* intensity *signs*.
  4. *Signs* that have a scrolling, flashing, or moving message, except those *signs* constructed by a governmental entity.
  5. *Signs* that contain or are an imitation of an official traffic *sign* or signal or other government *sign*.
  6. Any reflective or mirrored *sign*.
  7. Inflatable *signs*, including but not limited to balloons, gas inflated *signs*, or similar inflated devices.

8. Any *sign* attached to the roof of a *building*.
9. Wind-blown streamers, pennants and Balloons, except as temporary *signs*.
10. Portable *signs*, except as temporary *signs*.

#### 5-9-9 HERITAGE SIGNS

- A. A *sign* having historical significance, and which advertises an establishment or product no longer in existence or a product no longer being offered, may be designated as a heritage *sign*.
- B. In order for a *sign* to be designated a heritage *sign*, the PZC must make written findings that the *sign* is at least fifty (50) years old, and meets at least one of the following criteria:
  1. The *sign* has historic character, interest, or value as part of the *development*, heritage, or cultural characteristics of Teton County.
  2. The *sign* is significant as evidence of the history of the product, business, or service advertised.
  3. The *sign* embodies elements of design, detailing, materials, or craftsmanship that make it significant or innovative.
  4. The *sign* has a unique location or contains singular physical characteristics that make it an established or familiar visual feature within the community.

#### 5-9-10 TEMPORARY SIGNS

- A. The following temporary *signs* do not require a *sign* permit but must follow applicable standards.
  1. Temporary *signs* must be located on private property with the property *owner's* consent.
  2. Temporary *signs* cannot be located within the *public right-of-way*.
  3. Temporary *signs* cannot be illuminated.
  4. No premises may display more than four (4) temporary *signs* per year.
  5. Temporary *signs* shall have the first date of display affixed to the *sign* (front or back).

#### 5-9-11 SIGNS ALLOWED WITHOUT A PERMIT

- A. The following *signs* are allowed without a *sign* permit but must follow applicable standards.
  1. All *signs* erected in a public right of way by a public agency.
  2. Official notices issued by any court, public agency, or officer.
  3. *Flags*.
    - a. An individual *flag* cannot exceed thirty (30) square feet in area.
    - b. The maximum height of a flagpole is thirty (30) feet, measured from the highest point of the flagpole.
  4. *Signs* designated by the PZC as being Heritage *Signs*.
  5. A *sign* installed inside a window for the purposes of viewing from outside the premises. Such *signs* cannot exceed ten percent (10%) of the total window area.
  6. Any government *sign*, meaning any *sign* put up by a government agency either required by law or in sponsorship of a government function (a *building* permit may still be required for the construction of these *signs*).

7. Any directional *sign*.
8. One *incidental sign* per property that does not exceed six (6) square feet and does not exceed six feet (6') ~~feet~~ in height.

**5-9-12 SIGNS PLACED ALONG STATE HIGHWAYS AND SKI-HILL RD**

A. The following regulations apply to *signs* along State Highways 31, 32, and 33 and Ski Hill Road. Federal regulations control outdoor advertising along these scenic byways per Title 23, Section 131 of the United States Code.

1. No new outdoor advertising *signs* shall be constructed within six hundred fifty feet (650') ~~feet~~ of the right-of-way of these and visible from State Highways 31, 32, and 33 and Ski Hill Road.
2. Only State Approved Single Business *off-premise outdoor advertising signs*, State Approved Multi-business *signs*, State Approved Point of Interest *signs*, and State Approved Tourist Oriented Directional *signs* are permitted. These are *signs* that meet State of Idaho Transportation Department dimensional and design standards, are located in the state highway right-of-way, approved by ITD, and must be supplied/installed by ITD (per examples below). Teton County should be notified when an *application* is made to ITD.




**5-9-13 SIGNS REQUIRING A SIGN PERMIT**





A. *Sign Types*

The following *signs* are allowed following the issuance of a sign permit.

*Table 13. Signs Requiring a Sign Permit*

Sign Descriptions	
Specific Sign Types	
<i>Building Signs</i>	
Wall Sign. A building sign applied to or attached to the outside wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.	

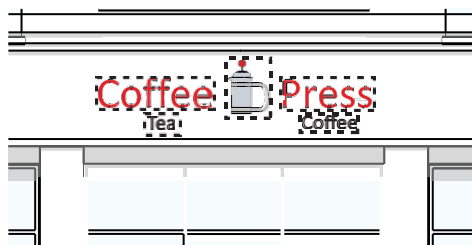


<p>Awning Sign. A building sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.</p>	
<p>Canopy Sign. A building sign attached to the top or front of a canopy so that the display surface is parallel to the plane of the front building facade</p>	
<p>Projecting Sign. A building sign attached to the outside wall or surface of a building or structure at a 90-degree angle, extending more than 1 foot from the outside wall of the building or structure.</p>	
<p>Hanging Sign. A building sign attached to the underside of a beam or ceiling of a porch, gallery or similar covered area.</p>	
<p><i>Freestanding Signs</i></p>	
<p>Monument Sign. A freestanding sign which is wholly independent of a building for support attached to the ground along its entire width to a continuous pedestal.</p>	

## 5-9-14 SIGN MEASUREMENTS

### A. Sign Area

1. Sign area includes the area of the smallest enclosing circle, half-circle, parallelogram, or triangle that encloses all of the letters, figures or symbols that comprise the *sign* message. Irregular shapes are calculated by up to a maximum of three (3) connected shapes.



2. For *signs* on a background, the entire area of the background is calculated as *sign* area, including any material or color forming the *sign* and the background used to differentiate the *sign* from the *structure* on which it is mounted.
3. The area for a *sign* with more than one face is computed by adding together the area of all *sign faces*. If the *sign face* angle is less than forty-five degrees (45°) degrees, only the area of the largest *sign face* is computed as part of the *sign* area.
4. *Sign* area does not include any *structure* supporting the *sign* unless the support *structure* forms a part of the message being displayed.

Table14. Total Allowed Sign Area

Occupant's Frontage in Linear Feet	Total Allowed Sign Area in Square Feet
60	15-30
70	30-45
80	45-60
90	60-75
100	75-90
125	Over 90

B. *Sign* Height

1. The total height of a ground *sign* is measured from the highest point of the *sign* or supporting *structure* to the finished grade directly below it.
2. The height may not be artificially increased by the use of mounding.

5-9-15 SIGN DIMENSIONS

Table15. Sign Dimensions

Allocation of Sign Area	Sign Types					
	<i>Wall Signs</i>	<i>Awning Signs</i>	<i>Canopy Signs</i>	<i>Projecting Signs</i>	<i>Hanging Signs</i>	<i>Monument Signs</i>
Size	40 sf max	20 sf max	32 sf max	20 sf max	8 sf max	24 sf max
Height	4' max	1' max	7' max (from	7' max (from	2' max	20' max

			ground above which they are suspended)	ground above which they are suspended)		
Width	NA	NA	NA	4' max	4' max	
Depth	NA	NA	1' max	1' max	NA	NA
Projection (Measured from building façade)	1' max	NA	NA	4' max	NA	NA
Clear Height Above Parking Area or Driveway	NA	14' min	14' min	14' min	14' min	NA

A. Wall Signs

1. No portion of a wall *sign* may extend above the roofline or above a parapet wall of a *building* with a flat roof.
2. No portion of a wall *sign* may cover windows.
3. A wall *sign* may be externally illuminated. Internal illumination is prohibited.

B. Awning Sign

1. An awning *sign* cannot extend outside the awning.
2. Only awnings over ground *story* doors or windows may contain *signs*.
3. Only one (1) *sign* is allowed per awning. A *sign* may be on either the front or side valance (but not on both).
4. *Signs* are not allowed on the sloping face of an awning.
5. An awning *sign* cannot be illuminated.

C. Canopy Sign

1. A canopy *sign* cannot extend outside the overall length or width of the canopy. However, a canopy *sign* may extend above or below the canopy.
2. A maximum of one (1) *sign* is allowed per canopy.
3. A canopy *sign* may be externally illuminated. Internal illumination is prohibited.

D. Projecting *Sign*

1. A projecting *sign* must be located below the window sills of the second *story* on a multi-*story building* or below the roof line of a single-*story building*.
2. Only one projecting *sign* is allowed per tenant.
3. The outside edge of a projecting *sign* must be no closer than eighteen inches (18") inches from the property line.
4. A projecting *sign* may only be externally illuminated. Internal illumination is prohibited.

E. Hanging *Sign*

1. A hanging *sign* must be located within five feet (5') feet of an accessible *building* entrance.
2. A hanging *sign* cannot be illuminated.
3. Hanging *signs* may encroach over public sidewalk but not over a *public right-of-way*. *Sign* must be a minimum of two feet (2') feet inside the curb line or edge of pavement, whichever is greater.

F. Monument *Sign*

1. Only one (1) freestanding *sign* is allowed per *road frontage*, except that one (1) additional freestanding *sign* is allowed for properties with five hundred feet (500') feet or more of *road frontage*.
2. Monument *signs* must display the *road* address of the property. If the area of the address is five (5) square feet or less, the area does not count towards the allocation of *sign* area.
3. A monument *sign* must be set back at least ten feet (10') feet from the *front lot line* and fifteen feet (15') feet from a *side lot line*.
4. A monument *sign* may be externally illuminated. Internal illumination is prohibited.
5. Monument *signs* shall be permitted in the public-right-of-way.

## 5-9-16 SIGN ILLUMINATION

A. Illumination of *signs* must be in accordance with the following requirements.

1. Prohibited *Light Sources*

- a. Blinking, flashing, and chasing.
- b. Bare bulb illumination.
- c. Colored *lights* used in any manner so as to be confused with or construed as traffic control devices.
- d. Direct reflected *light* that creates a hazard to operators of motor vehicles.
- e. Internal illumination.
- f. *Lights* that outline property lines, sales areas, rooflines, doors, windows, or similar area are not allowed, except for seasonal lighting.
- g. Neon lighting, except inside *building*.

2. Externally Illuminated *Signs*

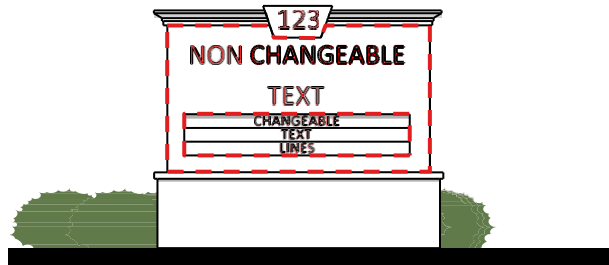
- a. An externally illuminated *sign* is characterized by the use of artificial *light* reflecting off its surface.

- b. Illumination must be by top-mounted *fixtures* aimed downward, and they cannot exceed two hundred (200) *lamp lumens* per square foot of *sign face*.
  - c. Illumination shall be incorporated into the *sign* bracket when possible.
3. Illumination Curfew
- a. The illumination of *signs* is prohibited after 12:00 AM unless required for public safety.

#### 5-9-17 CHANGEABLE COPY SIGNS

##### A. Manual Changeable Copy Signs

- 1. A *sign* or portion of a *sign* that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and is changed or re-arranged manually or mechanically with characters, letters, or illustrations that may be changed or rearranged without altering the face or the surface of the *sign*, such as a marquee *sign*.
- 2. Manual changeable copy is allowed in conjunction with an allowed wall or monument *sign* provided the changeable copy portion is no greater than **fifty percent (50%)** of the *sign* area.



##### B. Digital Changeable Copy Signs

- 1. Digital changeable copy *signs* are prohibited unless for public safety notification.

# CHAPTER 6 SUBDIVISION DEVELOPMENT STANDARDS

## 6-1 General Provisions

### 6-1-1 INTENT

The purpose of this Chapter is to provide standards for *subdivision development* to ensure that essential design elements such as *subdivision road* layout, access, *utilities*, and *open space* meet the minimum standards set forth by Teton County and the City of Driggs within the Driggs Area of Impact.

### 6-1-2 APPLICABILITY

- A. This Chapter applies to all *subdivision development* in Teton County the Driggs AOI per Section 4-13 4-1-13. This Chapter does not apply to short plat land divisions.
- B. The approval vehicle for all *development* standards included in this Chapter is a *Subdivision plat* per Section 4-13 4-1-13.
- C. No *buildings* or *structures* over two hundred (200) square feet in floor area, may be erected, constructed, moved, enlarged or structurally altered and no *lots*, *parcels* or *development sites* in whole or in part, may be developed until all required permits, plans, and specifications have been reviewed and approved by Teton County or other governmental approving agency as required.
- D. No services or *utilities* may be extended or furnished to any *development* until the *applicant* has installed or guaranteed the installation of on-site *improvements* specified in the Driggs AOI LDC.
- E. All streets and public improvements must conform with the Driggs Transportation Plan. For streets and connections required by the Transportation Plan, improvement plans must be in conformance with the most current Public Works Standards and Technical Specifications Manual.

### 6-1-3 PHASING

- A. *Roads* and public *improvements* may be constructed in phases provided a phasing plan is approved as part of the *development* agreement.
- B. Each phase must stand alone and meet all the requirements of the LDC without depending on *improvements* in later phases to function as intended.

### 6-1-4 ACCEPTANCE

*Roads* and public *improvements* will not be officially accepted until a letter from the project engineer has been received notifying Teton County that the *improvements* have been completed, the *improvements* are inspected by Teton County, any necessary corrections are made in the field and on the approved construction drawings, a reproducible copy of the record drawings is provided to the Public Works Director, and the warranty required in Section 6-1-5 is provided to Teton County. *Roads* and public infrastructure *improvements* shall be completed and accepted by Teton County prior to recording the final *subdivision plat*.

#### 6-1-5 WARRANTY

- A. All *roads* and public *improvements* must have a warranty guaranteeing the work against defects for a period of two (2) years from the date of final acceptance.
- B. If the *improvements* are constructed at different times, then the guarantee must continue until two (2) years from the date of final acceptance of the *improvement* last completed.
- C. The warranty must list Teton County as a beneficiary.
- D. A warranty surety must be provided in an amount of **ten percent (10%)** of the estimated value of the warranted *improvements*. The surety must expire six (6) months after the expiration of the warranty period.

#### 6-1-6 EASEMENTS

- A. Where *utilities* are not provided within a dedicated *road* right-of-way, *easements* of not less than twenty **feet (20') feet** shall be provided to accommodate water lines, sanitary sewer lines, and/or stormwater drainage, irrigation ditches, and pipelines. The minimum width of *easements* for power lines, telephone lines, and other *utilities* shall be fifteen **feet (15') feet**.
- B. Easements may also be required for shared access between properties, snow storage, and for providing adequate slope for *road* construction. In this case, the Administrator will specify the *easement* type and widths and may require additional *easement* width above the minimum in order to accommodate additional *utilities*, and future *utilities* or needs, or construction and repair of facilities.

#### 6-1-7 SUBDIVISION NAME

The proposed name of a *subdivision development* shall be approved by Teton County to ensure it is not a duplicate or phonetically similar to the name of any other *subdivision* in Teton County.

#### 6-1-8 SURVEY MONUMENTS

Survey *monuments* must be installed in accordance with Idaho Code Sections 50-1303 and 54-1227 at all *road* centerline intersections and points where the centerline change directions, at all points, witness corners, and reference points on the exterior boundary where the boundary line changes directions, and at all *lot* and *block* corners.

#### 6-1-9 HOMEOWNERS ASSOCIATION

In residential *developments*, common areas, *roads* and stormwater management facilities associated with the *development* must be maintained by a homeowner's association unless the facilities are dedicated to and accepted by Teton County. Documentation of homeowner's association creation (including articles of incorporation and by-laws) must be submitted to the Planning Administrator at the time of final *plat* Approval.

#### 6-1-10 POSTAL DELIVERY SYSTEM

One or more *cluster* box units (CBU), approved for use by the USPS, may be provided for residents in new residential *developments*. No mailboxes may be located in a sidewalk or right-of-way so as to impede pedestrian or vehicular traffic.

## 6-2 Road Layout and Access

### 6-2-1 INTENT

The intent of this Section is to provide a well-connected *road* network with access points that provide safe and convenient vehicular and pedestrian access between adjacent *developments*.

### 6-2-2 SUBDIVISION ROADWAY LAYOUT

- A. *Roads* must be aligned to join with planned or existing *road*, including *roads* that follow the Teton County *Road* network at increments of 1 mile (1000's) and ½ mile (500's). **Consideration should be made, where possible, to allow for future interconnectivity and density. This may be accomplished with smaller block size and/or easements for provide for future connections.**
- B. **Planned connections within the Driggs Transportation Plan are required.**
- C. *Road* jogs with centerline offsets of less than one hundred twenty-five **feet (125')**~~feet~~ are not allowed.
- D. All *roads* shall intersect at approximate right angles **ninety degrees (90°)** ~~degrees~~ with a minimum intersecting angle of **seventy degrees (70)** ~~degrees~~.
- E. The Public Works Director may modify the *road* layout requirements where slopes in excess of **twenty percent (20%)**, waterways, railroads, preexisting *development*, conservation areas, *open space*, or *easements* would make the provision of a complete *block* using *roads* spaced at one (1) mile and half (½) mile increments infeasible.

### 6-2-3 SUBDIVISION ACCESS

- A. No *subdivision* may be designed to eliminate *road* access to adjoining *parcels* that do not have existing *road* access.
- B. **All subdivisions over two lots shall create an interior subdivision road for access of all proposed lots.**
- C. All *subdivisions* must provide at least one entrance/exit to a public or *private road*. The *subdivision* must provide all necessary *easements* for ingress and egress for police, fire, emergency vehicles, and all operating *utilities*.
- D. Every new *lot* must abut a public or *private road* or access *easement*.
- E. Teton County recognizes the Local Highway Technical Assistance Council Manual for Use of Public Right of Way Standard Approach Policy for access guidelines.
- F. A pathway may be required within *subdivisions* as part of the *public right-of-way* or as a separate *easement*. In addition, if a County adopted pathways plan **and/or the Driggs Transportation Plan** shows a pathway through or adjacent to the proposed *development*, the *applicant* is required to show the location of that pathway and propose an on-site pathway that connects to the master planned pathway system.
- G. **Subdivisions shall be designed to decrease or eliminate individual lot access to collector roads to the greatest extent possible.**



#### 6-2-4 STUB ROADS

- A. Where a *subdivision* adjoins unsubdivided land, *stub roads* within the new *subdivision* ~~may be~~ **are** required to provide future access to the *abutting* property.
- B. The *stub road* right-of-way, surface, and/ or curbing must extend to the boundary of the *abutting* property to the point where the connection to the anticipated *road* is expected.
- C. Where a *stub road* is provided, a barricade using a design approved by the Public Works Director must be constructed at the end of the *stub road*. A *sign* noting the future *road* extension must be posted.
- D. If a *stub road* exists on an *abutting* property, the *road* system of any new *subdivision* must connect to the *stub road* to form a through *road*.
- E. The Public Works Director may eliminate the requirement for a *stub road* or require pedestrian only access when:
  - 1. Slopes in excess of **twenty percent (20%)**, waterways, railroads, pre-existing *development*, conservation areas, *open space* or *easements* would make the provision of a *stub road* infeasible; or
  - 2. An industrial use is located adjacent to a proposed residential *subdivision*.

### 6-3 Road Design Standards

#### 6-3-1 INTENT

- A. The intent of this Section is to provide a palette of *road* types and design elements for *road* development within Teton County.
- B. All new *roads* in Teton County must meet the guidelines and requirements in the **"Highway & Road Guidelines for Designs and Construction in Teton County"**, latest edition, and the requirements of this Section. **Except that roads and connections that are indicated in the Driggs Transportation Plan shall meet the requirements and standards with the City of the Driggs Public Works Standards and Technical Specifications.**
- C. Teton County supports the use of context sensitive design solutions and will review projects on a case-by-case basis for conformance with these concepts.

#### 6-3-2 GENERAL

- A. *Site plan* approval and an Access/Encroachment Permit must be obtained from Teton County prior to installing any new *roads* or driveways.
- B. *Applicants* must dedicate sufficient right-of-way to Teton County for *roads*, drainage, *utilities*, and sidewalks where applicable.
- C. The Public Works Director may require turn lanes and additional right-of-way to accommodate these lanes.
- D. The costs for constructing new or upgrading existing *roads* required to accommodate traffic generated by the proposed *development* shall be borne by the *applicant*. This includes any *roads* needed to connect the proposed *development* with the nearest County *road*, *city road*, or state *highway* for primary access.

### 6-3-3 PRIVATE ROADS

- A. All *private roads* must be constructed to equal or exceed the *development* and dimensional standards for *public* roads and must be approved by the Public Works Director.
- B. A *public right-of-way* may be required to be dedicated; however, this does not imply the *private road* will be publicly maintained.
- C. A final *plat* or *site plan* that contains *private roads* must clearly state that such *roads* are *private roads*.
- D. In residential *subdivisions* where *private roads* are proposed, the Public Works Director may require a *public road* for inter-*parcel* connection or cross-access.

### 6-3-4 GATED ROADS

- A. Gated *public roads* are not allowed. Gates installed on *private roads* serving more than one *lot* must comply with the following:
  - 1. No gate may be installed within *public right-of-way*;
  - 2. *Site plan* approval and an Access/Encroachment Permit must be obtained prior to installing any gates. Gates must not prohibit public access to any areas dedicated to public use;
  - 3. Each gate must provide adequate space for queuing and provisions for emergency vehicle access;
  - 4. Gates must be removed if *private roads* are to become public; and
  - 5. Gates may be denied by the Public Works Director based on traffic conditions and overall community-wide connectivity needs.

### 6-3-5 DEAD END ROADS

Dead-end *roads* or driveways more than one hundred fifty feet (150') feet in length shall have an approved fire apparatus turn-around that is in conformance with the most recent adopted edition of the International Fire Code and meets other applicable adopted standards of the Teton County Fire Protection District. The *road* length is measured along the centerline of the *road* from the center of the intersection to the center of the turnaround.

### 6-3-6 ROAD NAMES

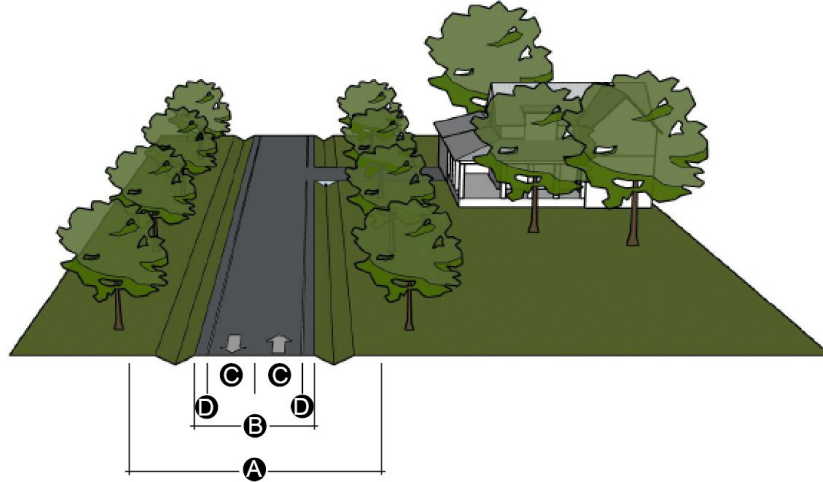
- A. New *roads* must be approved by Teton County to provide continuity with existing *roads* and to prevent conflict with identical or similar *roads* names.
- B. *Roads* lying on approximately the same line must have the same name unless the *roads* are offset more than one thousand feet (1,000') feet.

### 6-3-7 ROAD TYPES

- A. General  
All new or extended public and *private roads* must meet the requirements of the "Highway and Street Guidelines for Design and Construction in Teton County, Idaho" as approved by the Public Works Director. Basic roadway dimensions, in accordance with the Highway and Street Guide, are included below for the three primary *road* types. Except that roads and connections that are

indicated in the Driggs Transportation Plan shall meet the requirements and standards with the City of the Driggs Public Works Standards and Technical Specifications.

B. Roadway Dimensions



Local Roads		
Right-of-way width	60' min. max, 50' min	A
Road width	24' min, including ribbon curb	B
Travel Lane		C
Shoulder	2'	D
Major Collectors		
Right-of-way width	<del>60' max, 50' min</del> – 82.5 min.	A
Road width	<del>30'</del> 24' min., unless dictated by traffic volumes	B
Travel Lane	11' min	C
Shoulder	4' 2'	D
Minor Collectors		
Right-of-way width	60' (50' min.)	A
Road width	24'	B
Travel Lane	10' min	C

Shoulder	2'	D
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6-4 Utilities

6-4-1 INTENT

The intent of this Section is to provide standards for adequate public utility systems to meet the needs of the proposed development while protecting the health, safety, and welfare of the public and avoiding damage to the environment.

6-4-2 WATER AND WASTEWATER

A. Potable Water Supply. Any Lot not connected to a public or community potable water system must meet all state requirements for the use of individual water wells. Individual wells must be drilled by a licensed well driller and require a permit from the Idaho Department of Water Resources.

B. Potable Water Supply System. For developments of ten (10) or more lots with proposed residential density of two (2) or fewer acres per residence, a potable water system shall be provided to meet the following:

1. Where an approved public or community water supply is within five hundred feet (500') feet of a proposed development under these conditions, the applicant shall make application to the appropriate authority to connect to such water supply. If approval is granted, the applicant shall connect to the system and install water lines to make the water supply available to each lot of record within the development at its property line. The applicant shall install water meters to record and bill for water consumed by the individual property.

i. If connection is granted by the Driggs City Council, the system shall be constructed in accordance with the most current adopted edition of the Driggs Public Works Standards and Technical Specifications, and reviewed and approved by the Driggs Public Works Director.

2. Public or Community Water Supply Not Accessible. Where a community water supply is not available, the applicant shall, at the discretion of the BoCC, provide one of the options below, either:

a. Preferred option - Install Central Water Supply System. The developer of the subdivision shall install a central water supply system with all distribution lines and lateral water lines to the lot line of each lot of record from wells or other approved sources in accord with Idaho Department of Water Resources, Eastern Idaho Public Health Department, Idaho Department of Environmental Quality, and with the approval of the County Public Works Director. The Central Community Water System shall have a licensed operator who has responsibility for operating and maintaining the system. The Community Water Supply system shall be designed to meet all relevant State and Federal Standards and be approved by the County Public Works Director and Department of Environmental Quality prior to installation. The developer shall install water meters for billing purposes and water meter pits to ensure that the connections to the main supply lines are protected from tampering, OR

- b. Provide Evidence of Water Supply Available to Each *Lot of Record*. Submit evidence satisfactory to the County Public Works Director that an adequate water supply meeting all State and County requirements is otherwise available to each *lot of record* in the proposed *development*, such as by an individual well provided that a well meets requirements of Idaho Department of Water Resources for utilizing such a well. The *developer* shall demonstrate why a community or central water supply cannot be provided for the *development*.
- C. Wastewater Treatment. Any *lot* not connected to a public or community wastewater system must meet all state requirements for the use of individual on-site wastewater systems. Each *lot* shall have an Eastern Idaho Public Health site evaluation at the time a property owner applies for a septic system. All septic systems in the subdivision shall be properly designed and constructed in accord with Eastern Idaho Public Health, Idaho Department of Environmental Quality and the then current Individual Subsurface Sewage Disposal Rules, IDAPA 58.01.03 and the Technical Guidance Manual. Further, *subdivision covenants, Conditions and Restrictions (CC&Rs)* shall require adequate septic tank maintenance in accord with current Eastern Idaho Public Health and Idaho Department of Environmental Quality recommendations.
- D. Wastewater Treatment. For *developments* of ten (10) or more lots with proposed residential *density* of two (2) or fewer acres per residence, a wastewater treatment shall be provided to meet the following:

1. Where a public wastewater treatment or sanitary sewer system is located within five hundred feet (500') ~~feet~~ of a proposed *development* under these conditions, the *development* proponents must submit an *application* to the appropriate public entity to connect to that system. If the entity approves the connection, the costs of connection for every Lot in the *development*, including any necessary extension of mains or expansion of system capacity, is the responsibility of the *applicant*.
    - a. If connection is granted by the Driggs City Council, the system shall be constructed in accordance with the most current adopted edition of the Driggs Public Works Standards and Technical Specifications, and reviewed and approved by the Driggs Public Works Director.
  2. Where a public wastewater treatment or sanitary sewer system is not located within five hundred feet (500') ~~feet~~ of the proposed *development* and is not reasonably available, the *development applicant* shall install sewage disposal facilities which meet approval by Eastern Idaho Public Health, Idaho Department of Environmental Quality and the County Public Works Director. The *applicant* shall provide as a part of the *application* for the *development*, an engineering trade-off study prepared by a civil engineering firm licensed in the State of Idaho that examines the cost benefits of each option considered for treating the sewage produced at each lot or collectively for the entire *development*. The study shall consider, at a minimum, a private septic system located at each proposed lot and shall compare that option with a single or multiple public sewer system located within the *development*. If a study is not included in the *application*, that may be grounds for rejection from consideration of the *application*.
    - a. The *applicant* is encouraged to provide a centrally located septic system within the confines of the *development* that is properly sized to accommodate the needs of all lots within the *development*.
    - b. The septic system shall be designed by a registered professional engineer and approved by the Eastern Idaho Public Health Department and Idaho Department of Environmental Quality. The *applicant* shall furnish a report of percolation, groundwater, and soil tests. These tests shall be performed in sufficient numbers and completed on the land by a licensed engineer or land surveyor indicating that enough soil tests are made in separate test holes, spaced uniformly over proposed absorption field sites, and that the results of such tests indicate that percolation rates and high groundwater levels are adequate to permit the installation of the proposed type of soil absorption system without creating sanitation or pollution problems.
- E. *Subdivisions* with *lot* sizes that are less than one (1) acre must provide a community water supply and/or wastewater treatment system that meets all requirements of the Eastern Idaho Public Health Department and the Idaho Department of Environmental Quality. A taxing district or homeowners association with the power to compel the payment of dues, assessments, or taxes through liens on individual properties shall also be created to maintain and replace system components.

- F. Any *lot* not connected to a public or community water or wastewater system must meet all state requirements for the use of individual water wells and/or individual on-site wastewater systems.

#### 6-4-3 ELECTRIC AND TELECOMMUNICATIONS

- A. Electric and telecommunications service to each *lot* is required for all new *subdivision developments*.
- B. Within the *development*, all new electric and telecommunication utility lines must be placed underground.
- C. Ground mounted electrical transformers and communication pedestals must not be located within the *public right-of-way* ~~or a dedicated utility easement.~~

#### 6-4-4 FIRE PROTECTION

- A. All *roads* must be designed to meet the standards set forth by the International Fire Code and adopted by the Teton County Fire Protection District.
- B. Adequate fire protection must be provided in accordance with the International Fire Code and the “Teton County Fire Protection District Fire Protection Resolution for Subdivisions” as adopted by the Teton County Fire Protection District.
- C. The location and specifications of fire protection facilities required to serve the *development* must be approved by the Teton County Fire Protection District.

### 6-5 Parks

#### 6-5-1 APPLICABILITY

For new subdivisions that would result in 10 or more dwelling units, without regard to the number of phases within the subdivision, the Developer must mitigate a development’s impact on the city park system by setting aside or acquiring land within, adjacent to, or in the general vicinity of the subdivision for park space

#### 6-5-2 MITIGATION ACREAGE

- A. Parks must be set aside in accordance with the following formula:
- B.  $P = X$  multiplied by 0.028 where “P” is the parks contribution in acres and “X” is the number of dwelling units, including condominium units and backyard cottages, contained within the plat. Where multi-family lots are being platted with no fixed number of units, “x” is the maximum number of residential units possible within the subdivision based on current zoning regulations. And 0.028 is a minimum standard ratio of one acre of park per one hundred residents, assuming a household average of 2.8 persons (2010 Census data for Driggs).

#### 6-5-3 REQUIRED IMPROVEMENTS

Improvements for parks are based on size and are considered either a Mini Park (between one-quarter acre and one acre), or a Neighborhood Park (between one and ten acres).



- A. Mini Park: Minimum improvements: finished grading and ground cover, trees and shrubs, picnic table, trash container(s), park bench(es). All parks must provide an average of 15 trees per acre, of which at least 15% must be of 4" caliper or greater. A maximum of 20% of any single tree species may be used.
- B. Neighborhood Park: Minimum improvements: finished grading and ground cover, large grassy areas, trees and shrubs, trash container(s), park bench(es) and at least one of the following features per acre of park: play structure, hard surface court (tennis or basketball), athletic field, picnic pavilion. All parks 2 acres or larger in size must provide restroom facilities adequate for the number of projected users. All parks must provide an average of 15 trees per acre, of which at least 15% must be of 4" caliper or greater. A maximum of 20% of any single tree species may be used.

**6-5-4 REQUIRED STANDARDS**

Land proposed to be dedicated for recreation purposes must meet identified needs and standards contained within the adopted Recreation Master Plan. All parks must meet the following criteria for location and size (unless unusual conditions exist that prohibit meeting one or more of the criteria):

- A. Must provide safe and convenient access, including ADA standards.
- B. May not be gated so as to restrict access.
- C. May not be configured in such a manner that will create a perception of intruding on private space.
- D. Must be configured in size, shape, topography and improvements to be functional for the intended users.
- E. May not create undue negative impact on adjacent properties, and must be buffered from conflicting land uses.
- F. May not create undue demands on city services.
- G. Must require low maintenance, or provide for maintenance or a maintenance endowment.
- H. May not conflict with the use or planned use of parks recreation facilities.
- I. Must be connected in a useful manner to other recreation opportunities. Preserved green space within proposed developments must be designed to be contiguous and interconnecting with adjacent green space (both existing and potential future space).

**6-5-5 DEDICATION AND MAINTENANCE**

A park may be privately owned and maintained by a property owners association ~~or, if it is two (2) acres or more in area, deeded to and maintained by the city, subject to compliance with other provisions of this Article.~~ Any privately owned and maintained park or recreation space must meet the following standards:

- A. Land area may not be occupied by non- recreational buildings and must be available for the use of all the residents or employees of the proposed subdivision.
- B. The use of the private green space must be restricted for park, playground, trail, green space or recreational purposes by recorded covenants which run with the land in favor of the future

owners of the property within the tract and which cannot be modified without the consent of the City Council.

- C. The proposed private green space must be reasonably adaptable for use for such purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private green space land.
- D. The facilities proposed for such purposes are in accordance with the provisions of the recreational element of the Comprehensive Plan.
- E. The private ownership and maintenance of the green space must be adequately provided for by written agreement.
- F. Public and private green space for park or recreation purposes must be complementary to one another, and the use of private facilities should not be exclusive to the homeowners, residents, and employees of the development only.

#### **6-5-6 IN-LIEU CONTRIBUTIONS**

Developers may propose to satisfy the park land dedication requirement with voluntary cash contributions in-lieu of park land dedication/park improvements. The Planning & Zoning Administrator shall approve or deny a request for in-lieu contributions. The Administrator shall consider proximity to other parks, size of development, and any other factors that the Administrator deems relevant. Fee-in-lieu contributions must be segregated by the city and not used for any other purpose other than the acquisition of park land and/or park improvements. The fee structure for cash contributions for acquisition of park land is based upon the appraised value of the required land area at the time of the application. The appraisal must be submitted by a mutually agreed upon appraiser and paid for by the applicant. The fee structure for park improvements, including all costs of acquisition, construction and all related costs, is based upon the estimated costs of an approved improvement provided by a qualified contractor or vendor.

### ~~6-5 Conservation Areas~~

#### ~~6-5-1 INTENT~~

~~The purpose of this Section is to establish standards for required *open space* conservation areas. The intent is to prioritize the use of certain best practices to ensure that required conservation areas achieve the community's goals for preserving resources that are important to the ecological value and economic *development* of the County as identified in the *comprehensive plan*.~~

#### ~~6-5-2 APPLICABILITY~~

~~This Section shall apply to any *subdivision* that includes the conservation values indicated in Section 6-5-3 on the proposed site.~~

#### ~~6-5-3 CONSERVATION VALUES IN SUBDIVISIONS~~

- ~~A. Chapter 5 of this Code establishes *development* standards to protect natural resources, including *riparian areas* and wildlife habitats. The conservation values listed below that are~~

~~present on a *development site* shall be included in designated *open space*, and may be designated by a *conservation easement* or *open space lot*. When configuring a required conservation area, the identified conservation values shall be prioritized in the order listed here.~~

~~B.—Riparian Corridors~~

~~Where riparian corridors as defined in Section 5-4-2 of this Code are present, they are considered conservation values.~~

~~C.—Wildlife Habitat~~

~~Where Indicator Wildlife Habitats identified in Section 5-4-1 of this Code exist, protection of wildlife, wildlife habitat, and wildlife movement through the *development* area shall be considered a conservation value.~~

~~D.—Agriculture~~

~~Where active agricultural operations exist, protection of agricultural uses on the *development* area are considered to be a conservation value.~~

~~E.—Scenic Resources~~

~~Where scenic resources defined in Section 5-5 of this Code are present, they are considered to be a conservation value.~~

~~F.—Recreation/Access~~

~~If none of the above listed conservation values exist in the *development* area, provision of public access and recreation shall be considered a conservation value. Granting of public access to a conservation area is not required when public access is not a protected conservation value.~~

~~6-5-4 DESIGN~~

~~A.—Conservation areas and the associated *development* areas shall be designed to meet the following standards:~~

~~1.—The conservation area shall be maximized to avoid decreased conservation value due to size, isolation, or fragmentation.~~

~~2.—Primary access to *development* areas shall not divide conservation areas.~~

~~3.—A conservation area may cover multiple *parcels* or *lots of record*. In such a case, the conservation area on each *parcel* or *lot of record* shall meet the following standards:~~

~~a.—It shall be large enough to contribute to the conservation value(s) of the conservation area.~~

~~b.—*Contiguous parcels* making up a conservation area shall not be separated by fencing or otherwise visually or functionally separated, except as may naturally occur.~~

~~B.—Connecting Conservation Areas~~

~~Configuration of conservation areas should consider connection to adjacent, existing conservation areas, protection of the conservation values, and the potential value that might result from future conservation of adjacent property.~~

### ~~6-5-5 Uses~~

- ~~A. Stewardship and restoration that enhances the conservation value(s) of the conservation area shall be allowed. Any physical *development, use, or subdivision* allowed in a conservation area shall be consistent with the protected conservation value(s) identified for the conservation area.~~
- ~~B. Physical *Development* in Conservation Area  
Physical *development* activities that are allowed in the conservation area shall be scheduled to limit impacts to the protected conservation value(s) of the conservation area.~~
- ~~C. Temporary Impact to Conservation Area  
Impacts from temporary physical *development* or use shall be avoided. When a temporary impact cannot be avoided, conservation features shall be restored consistent with the protected conservation value(s) of the conservation area.~~
- ~~D. Existing *Special Use* in Conservation Area  
Review of a proposed conservation area on the site of an existing *special use* (formerly known as a conditional use) may include review of the *special use* Permit to evaluate the cumulative impact of all permitted uses and *development* options on the site's *open space* as compared to the use of the site at its base residential *density*.~~
- ~~E. Wildlife Habitat Protection in Conservation Area  
When wildlife habitat is a protected conservation value, the following shall be considered in *development* project design.
  - ~~1. The impact of domestic pets on wildlife.~~
  - ~~2. Limited chemical use in order to minimize unnecessary and negative side effects on wildlife.  
This shall not be read to restrict the use of chemicals in support of agriculture or control of noxious weeds.~~
  - ~~3. The effects on wildlife in determining off-*road* use of motorized vehicles.~~~~
- ~~F. Recreation in Conservation Areas  
Recreation shall be managed to be consistent with, and reduce impacts to, the protected conservation value(s).~~

## 6-6 Nutrient Pathogen Evaluation

### 6-6-1 INTENT

- A. The intent of this Section is to ensure that ground and surface water quality is protected from contamination from on-site sewage systems.
- B. Nutrient-Pathogen (NP) evaluations are designed to locate an appropriate number of on-site wastewater treatment systems (for example, septic systems) for full build-out of any given *parcel* of land and to direct the placement of the on-site wastewater treatment systems in a way that will not degrade the quality of ground water resources and will comply with the Idaho

Ground Water Quality Rule and the Idaho Water Quality Standards (IDAPA 58.01.02) for surface water.

#### 6-6-2 APPLICABILITY

A. This section applies to:

1. *Subdivision developments* in the **Driggs AOI** ~~TN, RN, IR, RA, RR, and FH zone districts~~ with **thirty (30)** acres or less average *density* with standard on-site septic systems or **twenty (20)** acres or less average *density* with advanced nutrient reducing on-site septic systems.
2. *Subdivision developments* in the LA zone district with **seventy-five (75)** acres or less average *density* with standard on-site septic system or **forty (40)** acres or less average *density* with advanced nutrient reducing on-site septic systems.
3. *Subdivisions* that lie within Nitrate Priority Areas identified by Idaho Department of Environmental Quality (DEQ) and all proposed Large Soil Absorption Systems (LSAS), both of which require a Nutrient Pathogen Evaluation submitted to DEQ.

#### 6-6-3 QUALIFIED PROFESSIONAL

A. Type I NP Evaluation

When an NP evaluation is required by Teton County, it must be performed by a qualified professional with a background in geology, hydrogeology, soil science, geochemistry, or related engineering disciplines who is registered in the State of Idaho as a Professional Geologist or *professional engineer*, and who has experience conducting similar kinds of studies, hereafter called Qualified Professional.

B. Type II NP Evaluation

Level II NP evaluations conducted to satisfy County requirements shall be completed by a Qualified Professional who also has professional experience in groundwater modeling.

#### 6-6-4 APPROVAL STANDARDS

A. Process

The BoCC, upon recommendation by the **County** PZC, shall approve or deny the NP Evaluation based on the comments and recommendations from the DEQ (or a third party Qualified Professional in the event that DEQ is unable to perform the review), and on information provided by the County's technical representative. In order to be approved, a NP Analysis must demonstrate that the approval is consistent with the approval criteria defined in sub-section B below.

1. If the NP Evaluation is not approved by the County based upon the comments or recommendations made by DEQ (or a solicited third-party Qualified Professional) and feedback from the County's technical representative, then the following actions may be taken:
  - a. The *applicant* may choose to make modifications based on recommendations made by the PZC, the BoCC, the County's technical representative, and the DEQ; or

- b. The *applicant* may choose to reduce the *density* or adjust the site layout so that the proposal septic disposal systems (quantity and layout) meet DEQ requirements; or
  - c. The *applicant* may elect to conduct a Level II NP Evaluation based on the original *development* design. The *applicant* must then submit the Level II NP Evaluation to the County. The review process shall then proceed with DEQ review/comment and a County decision of approval that should be based upon that review and associated feedback.
  - d. Alternatively, the *applicant* may choose to connect to an existing municipal sewer line, if available.
2. Following action taken to address comments or recommendations stated in A.1 above, the County should then base its approval decision upon comments and recommendations provided by DEQ's review of the revised NP Analysis and associated materials.

B. Approval Criteria

In order to be approved, an NP evaluation must demonstrate that the approval is consistent with DEQ's criteria for approval, that the County's guidelines have been followed, and that the following conditions are satisfied:

1. Appropriate data collection, analysis techniques, and evaluation procedures are utilized in light of specific site characteristics, conditions, layout, etc.
2. Discharge from the proposed on-site wastewater treatment systems will not significantly degrade ground water quality beyond existing background levels and will otherwise comply with Ground Water Rule (IDAPA 55.01.11);
3. Discharges from the *development* will comply with Idaho Water Quality Standards (IDAPA 58.01.02);
4. Discharges from the *development* will be consistent with the approved Total Maximum Daily Load (TMDL); and
5. The *application* complies with all applicable criteria specified in Individual/Subsurface Sewage Disposal Rules IDAPA 58.01.03) and County guidelines.

C. Minimum Review Recompense and Total Cost

When an NP evaluation is required by DEQ, EIPHD, or Teton County, an NP evaluation minimum review recompense shall be paid by the *applicant* to Teton County.

- D. A NP evaluation waiver may be requested during the *concept plan* phase of *application* for relief from these standards if on-site scenario does not appear to warrant the need for a NP evaluation. Waiver will then be reviewed by PZC as part of the *application* process.

## CHAPTER 7 DEFINITIONS

### A

- **Abutting.** Having property lines in common. Separation by a *fee simple* dedicated right-of-way is not considered *abutting*. Touching at the corners is not considered *abutting*.
- **Accessory Building.** A *building* or *structure* not used for human habitation the use of which is customarily accessory to and incidental to that of the *principal* use located on the same *lot* and that is used as a tool or storage shed, or similar use.
- **Accessory Dwelling Unit (ADU).** A secondary, independent residential *dwelling unit* located on the same lot as a principal residence or structure. *ADUs* can either be attached to the principal structure or detached.
- **Area Of Impact (AOI) Agreement.** Agreements between the BoCC and an incorporated *city* that establish the allocation of authorities related to zoning and *subdivision* as required by Idaho Code section 67-6526. AOI Agreements include originally adopted agreements, as well as duly adopted revisions between the parties.
- **ADA Accessible.** A *building site, building, facility, or portion thereof* that complies with the minimum standards of the Americans with Disabilities Act of 1990 (ADA) found in the 2010 ADA Standards for Accessible Design document, ([http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards\\_prt.pdf](http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards_prt.pdf)), or future revisions.
- **Adversely Affect/Adverse Effect.** Effects that are a direct or indirect result of the proposed action or its interrelated or interdependent actions given that the effect is not discountable, insignificant or beneficial. Discountable effects are extremely unlikely to occur. Insignificant effects relate to the size of the impact and should never reach the scale where a take occurs. Based on best judgment, a *person* would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. Beneficial effects are contemporaneous positive effects without any *adverse effects*. In the event that the overall effect of the proposed action is beneficial, but is also likely to cause some *adverse effects*, then the proposed action is considered to result in an *adverse effect*.
- **Affected Person.** A party having a bona fide interest in real property that may be *adversely affected* by actions under the **Driggs AOI LDC**, as defined under Idaho Code section 67-6521.
- **Agent.** A *person* who legally represents the *developer* and the *owner* and such legal authorization shall be on file, in writing, with the *Planning Department* of the County.
- **Agricultural Building.** A *structure* designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This *structure* shall not be a place of human habitation or a place of full-time employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.
- **Alley.** A public or private thoroughfare which affords only a secondary means of access to *abutting* property.
- **Appeal.** A request for review of a previously made decision or interpretation of provisions of this Code. The procedure is outlined in this Code.

- **Applicant.** The *applicant* refers to the *person* or *persons* who file an *application* with the Planning Department seeking relief or authority under this Code.
- **Application.** The documents submitted to the County to apply for a permit to fulfill the requirements of the County ordinances with regard to land use. An *application* is deemed complete and officially received by the County at the time the applicable *application* checklist items are complete and confirmed in writing and dated by the **County** Administrator.
- **Average Density.** The number of dwelling units per acre of the total land to be developed including land dedicated to public use.

## B

- **Berm.** A shaped and sloped mound or embankment of earth capable of holding vegetation or ground cover, usually two to six feet high, used to shield or *buffer* a property from adjoining uses, *highways*, or noise.
- **Bioretention.** The process of using soil, plants, and microbes to treat stormwater before it is infiltrated or discharged.
- **Block.** The space along one side of a *road* between the two (2) nearest intersecting *roads* or between an intersecting *roads* and a right of way, waterway or other similar barrier, whichever is lesser.
- **Boundary Adjustment.** The adjusting of common property lines or boundaries between *contiguous tracts*, or *parcels* for the purpose of accommodating a transfer of land or rectifying a disputed property line location. The resulting adjustment shall not create any additional *tracts* or *parcels* and all reconfigured *tracts* or *parcels* shall contain sufficient area and dimension to meet minimum requirements for zoning and *building* purposes. See Div. 14.10.2.A
- **Buffer.** An area of natural vegetation or man- made construction that is intended to provide a dimensional separation between dissimilar land uses or protection of sensitive lands. A *buffer* may secondarily provide a visual screen between land uses.
- **Building.** Anything attached to the ground having a roof supported by columns or by walls and intended for shelter, housing or *enclosure* of *persons*, animals or personal property. For purposes of this code.
- **Building Envelope.** That area of a *lot* that encompasses all *building improvements* and appurtenances including but not limited to: Excavation, fill, grading, storage, demolition, *structures*, decks, roof overhangs, porches, patios and parking. *Building envelopes* are required in certain *developments* throughout the County to protect scenic vistas and to ensure defined *building sites* within special *development subdivisions* and planned unit *developments*.
- **Building, Principal.** A *building* that contains the *principal* use on the *lot* on which the *building* is situated.
- **Building Site.** An area proposed or provided and improved by grading, filling, excavation or other means for erecting pads for *buildings*.

## C

**Campground.** A *campground* is a *parcel* of land under single, unified, ownership or control, within which spaces are rented or used by the ownership for occupancy by two (2) or more tents, *recreational vehicles*, cabin sites or travel trailers for nightly or short-term rental.



- **City.** The *city* having jurisdiction of the *parcel* of land under consideration.
- **Cluster.** An arrangement of adjoining residential *lots* in groupings that allow closer spacing than would be generally permitted, where the reduced *lot* sizes are offset by *open space*, and where groupings of *lots* are limited in size and location in order to reduce the perception of a single large *development* and to preserve rural and open character.
- **Color Temperature.** A measure of the color spectrum of *light*, specified by the *lamp* manufacturer and displayed as “*Light Appearance*” on Lighting Facts packaging labels.
- **Comprehensive Plan.** The most recent plan or any portion thereof, adopted by the BoCC, which includes all the land within the jurisdiction of the BoCC. The plan with maps, charts, and reports shall be based on components outlined in Title 67-6508 of the Planning Act.
- **Concept Plan.** The first formal presentation of the three-phase process for *subdivision development* as required in Section [4-1-13-4-13](#).
- **Contiguous.** Touching at more than just a corner point.
- **Council.** The *City Council* of an incorporated city within the County. **the City of Driggs.**
- **County Clerk/Auditor/Recorder.** The office of Teton County Clerk/Auditor/Recorder.
- **County Road Standards.** The “Highways and Road Guidelines for Design and Construction” manual for Teton County, Idaho, as adopted, **unless indicated otherwise.**
- **Covenant.** A written promise or pledge or contract recorded on/within a public or official document of the County.
- **Culvert.** A drain that channels water under a bridge, *road*, or driveway.
- **Club/Lodge.** A day-use facility for nonprofit, educational or recreational social gatherings.

D

- **Dedication.** The setting apart of land or interests in land for use by the public by ordinance, resolution, entry in the official minutes or by the recording of a *plat*. Dedicated land becomes public land upon the acceptance by the County.
- **Density.** A unit of measurement for the number of *dwelling units* per acre of land. This is sometimes expressed in the reciprocal, as in 5 or 20 acres per unit.
- **Density, Average.** The number of *dwelling units* per acre of the total land to be developed including land dedicated to public use.
- **Design Professional.** The Architect, Landscape Architect, Surveyor, or Engineer registered or licensed to practice in the State of Idaho. When used in this Code, *design professional* means the professional with qualifications to perform the work
- **Developer.** A *person* who undertakes land *development* or *subdivision* activities.
- **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of *buildings*, *structures* or *accessory buildings*, or the construction of additions or substantial *improvements* to *buildings*, *structures* or *accessory buildings*, or associated infrastructure.
- **Development Activity.** The construction of *buildings*, *structures*, or *accessory buildings*; excavation, grading and vegetation removal; additions or substantial *improvements* to existing

*structures*; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; and the construction or elevation of dikes, *berms* and levees, etc.

- **Development Site.** That portion of a property that will be dedicated to a proposed *development*.
- **Direct Impact.** Those effects caused by the proposed action and occurring at the same time and place.
- **Direct Light.** *Light* emitted directly from a *fixture's light* source, namely from the *lamp* and its diffusing, reflecting, refractive, focusing, or other integrated *fixture* elements designed to project and radiate *light*.
- **Distribution.** The pattern of *light* produced by a *lamp* or *light fixture*.
- **Disturb.** Human change that causes a material difference in the physical, chemical or biological characteristics of the land. A disturbance may either improve or degrade land use. Cleared land, graded land, or land affected by subsurface testing are examples.
- **Dwelling.** A *building* designed, arranged or used for habitation, including permanent or temporary living and sleeping quarters.
- **Dwelling Unit.** A *structure* for *habitable space* which shall not include a mobile living unit, hotel, dormitory, or hospital. A single unit providing complete independent living facilities for one or more *persons*, including permanent Kitchen and *Sanitation Facilities*, and provisions for living, sleeping, and eating.

E

- **Easement.** A right of use over the property of another. The use and area affected (if relevant) need to be clearly defined, as does to whom the *easement* was granted (public or private entity), or who can use the *easement* for the specified purpose.
- **Easement Prescriptive.** Real property that has met the following five conditions-
  - The use by the public or a private party has been open and notorious;
  - The use by the public or a private party has been continuous and uninterrupted;
  - The use by the public or a private party is adverse and under claim of right
  - The use by the public or a private party is with the actual or imputed knowledge of the *owner* of the servient tenement (the property burdened by the *easement*)
  - The use by the public or a private party has continued for five years or more
- **Easement Public.** A right of use over real property that has been granted, dedicated, or deeded to a governmental jurisdiction, or the public for a limited purpose. It differs from a *fee simple right-of-way*, in that the real property is owned by the jurisdiction in a *fee simple right-of-way*.
- **Eligible Parcel.** An "existing *parcel*", as defined, or a "new *parcel*" or "*lot*" created and approved under the current or previous land division process, short *plat* process or full *plat* process of Teton County; *parcels* of land must be "*eligible parcels*" to be eligible for residential *building* permits or commercial *building* permits, as allowed by their zoning designation; if a residence exists on an *eligible parcel*, no *building* permits for additional *dwellings* (not including accessory *dwellings*) can be issued for this *parcel* except under the provisions of Div. 14.5 Subdivision Review of this Code. SEE ALSO NON-ELIGIBLE PARCEL.

- **Enclosure.** An area enclosed by solid walls or an area formed when any space is enclosed on all sides by walls or partitions. Insect *screening* or open wood lattice used to surround space is not considered an *enclosure*.
- **Encroachment.** The physical advance or infringement of uses, fill, excavation, *buildings*, *structures*, or *development* into a required *setback*, across a property line or into a designated area such as - *floodplains*, *wetlands*, *streams*, etc.
- **Existing Manufactured Home Park or Manufactured Home Subdivision.** A *manufactured home park* or *manufactured home subdivision* where the construction of facilities for servicing the *lots* on which the *manufactured homes* are to be affixed (including at a minimum the installation of *utilities*, the construction of *roads* and final site grading or the pouring of concrete pads) is completed before 03/31/2000.
- **Expansion To an Existing Manufactured Home Park or Subdivision.** Means the preparation of additional sites by the construction of facilities for servicing the *lots* on which the *manufactured homes* are to be affixed, including the installation of *utilities*, the construction of *roads* and either final site grading or the pouring of concrete pads.

F

- **Family.** One or more *persons* occupying a *dwelling unit* and living as a single, nonprofit housekeeping unit, provided that a group of 5 or more *persons* who are not within the second degree of kinship shall not be deemed to constitute a *family* unless such 5 or more *persons* qualify as a group residence as described in Idaho Code section 67-6531.
- **Federal Emergency Management Agency (FEMA).** The agency with the overall responsibility for administering the National Flood Insurance Program.
- **Fee Simple.** Ownership of land without limitation or condition.
- **Fee Simple Right-Of-Way.** A portion of land that is described on a deed, *survey* or *plat*, and ownership of the *parcel* is transferred to by a public entity for the use of public access or *utilities*.
- **Fire Authority or Fire District.** The Teton County Fire Protection District.
- **Fixture.** The complete lighting unit (*luminaire*), consisting of a *lamp*, or *lamps* and ballast(s) (when applicable), together with the parts designed to distribute the *light* (reflector, lens, diffuser), to position and protect the *lamps*, and to connect the lamps to the power supply.
- **Flag.** A piece of durable fabric or other flexible material with distinctive colors and patterns mounted by attaching one side to a freestanding pole or a pole attached to a *building*.
- **Floodlight.** *Fixture* that projects *light* in a broad, directed beam, typically of two *lamp* types: simple *lamps* whose supporting optic elements are part of the *fixture* casement having wide beam- spread angles up to 110 degrees; or sealed-beam *lamps* with internal parabolic reflectors having narrower beam-spread angles of 25 to 55 degrees. Designation as a *floodlight* is ordinarily displayed on *lamp* packaging.
- **Floodplain or Flood-Prone Area.** Any land area susceptible to being inundated by water from any source (see definition of “flooding”).
- **Floodway.** The channel of a river or other *watercourse* and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

- **Footcandle.** The unit of measure expressing the quantity of *light* received on a surface. One **footcandle** is the *illuminance* produced by a candle on a surface one foot square from a distance of one foot measurable by a *light* meter. In this Code, *footcandle* units are referenced to the initial-*lumen*- output rating of the *fixture lamp*.
- **Frontage.** The length of any one property line of a premises, which property line abuts a legally accessible *road* right-of-way.
- **Fully Shielded (Full Cut-Off) Luminaire.** A *luminaire* constructed and installed in such a manner that all *light* emitted by the *luminaire*, either directly from the *lamp* or a diffusing element, or indirectly by reflection or refraction from any part of the *luminaire*, is projected below the horizontal plane through the *luminaire's* lowest *light*-emitting part. "Full cutoff" and zero uplight *fixtures* in particular meet this definition.

## G

- **Glare.** Lighting entering the eye directly from *luminaires* or indirectly from reflective surfaces that causes visual discomfort or reduced visibility
- **Gross Floor Area.** The sum in square feet of the gross horizontal area of all floors of a *building* measured from the interior faces of the exterior walls or from the centerline of walls separating two *buildings* when two *buildings* or units abut. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, and could include enclosed porches and areas devoted to roofed accessory uses are included in the calculation of *gross floor area*. However, the following is not included: any space devoted exclusively to on-site parking; outdoor loading, display, storage, utility service areas; and/or uninhabited enclosed space on tops of roofs; or attic space having head room of less than 7'-10".

## H

- **Habitable Space**– A space for human habitation that includes a *building* or *structure* intended to be used for living, sleeping, cooking, and dining.
- **Health Authority.** Eastern Idaho Public Health, of the Idaho State Department of Health and Welfare
- **Highway.** A *road* or *roads* designated as a *highway* by the state or federal government.
- **Hillside.** Sloping land with a rise or fall of more than one foot vertically for each 10 feet horizontally (10 percent slope).
- **HISTORIC STRUCTURE or SITE.** A *structure* or site that is:
  - o Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
  - o Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district.
  - o Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior, or

- Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - By an approved state program as determined by the Secretary of the Interior, or
  - Directly by the Secretary of the Interior in states without approved programs.
- **Holiday Lighting.** Strings of individual *lamps*, where the output per *lamp* is not greater than fifteen (15) *lumens*.

I

- **Illuminance.** The amount of *light*, measured in foot-candles, falling on any point of a surface. All *illuminance* values in this Code shall be initial values based on new *lamps* and *fixtures*. Unless otherwise specified, “*illuminance*” refers herein to horizontal *illuminance*, measured at ground level.
- **Improvement.** Any alteration to the land or other physical construction associated with subdivisions and *building site developments*.
- **Improvement Plan.** The engineering drawings intended to be used in the construction of *road*, trail, water, sewer, drainage, drainage facilities, fire protection, landscape facilities, appurtenances, and other *improvements*.
- **Incidental Sign.** A permanent or temporary on- premises *sign* that is intended to provide information or direction for the convenience and necessity of the public. Such *signs* include but are not limited to entrance and exit *signs*, for sale *signs*, *building* numbers, names, addresses, private parking *signs*, telephone, no trespassing *signs* or dangerous animal *signs*, etc. These *signs* cannot be located in a public right of way or *easement*.

J

- **Junkyard.** A property on which old or scrap metal, rope, rags, batteries, paper trash, rubber, refuse, rubbish, debris, waste, 3 or more dismantled or wrecked vehicles and automobiles or parts thereof, iron, steel, and other old or scrap ferrous and nonferrous material or any matter having no substantial *market value* as a whole, which is exposed to the elements and is not enclosed in any *structure* or otherwise concealed from public view.

K

- **Kitchen Facilities.** A permanently installed means for cooking, such as a range or cook-top, OR a permanently installed kitchen sink with the capacity to wash dishes.

L

- **Lake/Pond.** A body of standing water larger than one-quarter acre in size, that is either natural or man-made, in a depression of land or expanded part of a river, *stream* or *creek*.
- **Lamp.** Component, tube, or bulb of a *fixture* that produces *light* when energized. Multiple *lamps* within a single *fixture* are *lumen*-rated additively as if a single *lamp*.
- **Lamp String.** Multiple, interconnected *lamps* attached to a single electrical source, but not additionally housed as is typical within a *fixture*. Included are “light strings” commonly used as *holiday lighting*, “rope lights” strung within a continuous protective sheath, and similar interconnected aggregations of LED *lamps* integrated within individual light-dispersing refractors.

- **Landscape Material.** Any combination of living plants and non-living materials, such as rock, pebbles, sand, mulch, pavers, *berms*, walls, and other decorative materials.
- **Landscaping.** The planting and arranging of *landscape materials* to enhance the aesthetic and functional qualities of a site.
- **Light.** Radiant energy that can be sensed or seen by the human eye. Visible *light* is measured in *lumens*.
- **Light Trespass.** *Light* that falls beyond the property it is intended to illuminate.
- **Lighting Plan.** Documents specific to a land use that describe the location and characteristics of all exterior lighting and the *light* levels on the property and at the property boundaries.
- **Lot of Record.** A *lot* that is part of a *subdivision*, the *plat* of which has been recorded in the office of the Recorder of Teton County, Idaho, or any *parcel* of land, whether or not part of a *subdivision*, that has been officially recorded at a size that met the minimum dimensions for *lots* in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the *lot* is located. A *lot of record* may be established by one of the following means:
  - a. For *parcels* created before **June 14, 1999**,
    - i. A recorded deed describing the *parcel* by a metes-and-bounds description of the boundaries, or
    - ii. A recorded *survey* with a metes-and-bounds description of the *parcel* boundaries, or
    - iii. An authorized, signed, and recorded *subdivision plat* or planned unit *development plat*, or
    - iv. A recorded “*Family Exemption*” *survey* with a Teton County authorization signature creating two or more *lots*.
  - b. For *parcels* created between **June 15, 1999 and August 3, 2022**;
    - i. A *one time only land split* that created no more than two distinct *parcels*, or
    - ii. A recorded Agricultural Exemption *survey*, recorded before **September 22, 2003** (may be labeled “Agriculture split” or “Agriculture break-off”) that created one or more *parcels* of property, or
    - iii. An authorized, signed, and recorded *subdivision plat* or planned unit *development plat*.
  - c. For *parcels* created after **August 3, 2022**;
    - i. An *agricultural land division*, or
    - ii. An Administrative Land Division, or
    - iii. An authorized, signed, and recorded *subdivision plat*.

- **Lot.** A *contiguous* quantity of land which is defined by *subdivision lot* number, government aliquot description, or metes and bounds description, recorded as the property of *persons* or entities with a legal description that addresses permissions or constraints upon its *development*.
- **Lot Area.** The area of any *lots* shall be determined exclusive of *road, highway, or other rights of way*.
- **Lot, Corner.** A *lot abutting* upon two or more *roads* at their intersection.
- **Lot, Interior.** A *lot* other than a *corner lot*.
- **Lot Line, Front.** The front property line coincident with a *road* right-of-way line. The side of the *lot* that abuts the *primary road* or if it does not directly abut the *primary road*, the side of the *lot* that the front door faces.
- **Lumen.** A rating; a manufacturer-supplied measure of *light* emitted from a *lamp*. All *lumens* in this Section are initial *lumens*, that is, the amount emitted by a new *lamp* after 100 hours of seasoning. *Lumens* are usually listed on *lamp* packages as “*Light Output*”. Also, the amount of *light* a bulb produces or a quantitative unit measuring the amount of *light* emitted from a *light* source.
- **Luminaire.** The complete lighting unit, including the *lamp*, the *fixture*, and other parts.

M

- **Manufactured Home.** A *structure* with a permanent foundation that was built in compliance with HUD *manufactured home* construction and safety standards established under 42 U.S.C. Section 5401. Units manufactured prior to June 1976 not stamped approved by HUD shall not be considered a “*manufactured home*” as defined herein. For clarification, this definition excludes *recreational vehicles, trailers, campers, and other similar units* as may be defined in this Code. Idaho Code §39-4105
- **Manufactured Home Park or Manufactured Home Subdivision.** A *parcel* (or *contiguous parcels*) of land divided into two or more *manufactured home lots* for rent or sale.
- **Market Value.** The *building* value, not including the land value and that of any *Accessory Structures* or other *improvements* on the *lot*. *Market value* shall be the adjusted tax assessed values as established by the Teton County Assessor. This value may be modified by submittal of an independent certified appraisal.
- **Mitigation.** A design, action, or facility offered by an *applicant* for *development* approval, or required by Teton County as a condition of *development* approval, in order to avoid, minimize, or offset negative impacts of *development* that would or might otherwise occur. Avoidance of impacts and minimization of impacts are preferable to offsetting *mitigation* measures. *Mitigation* shall be conducted on-site unless efforts to mitigate for *development* related impacts on-site have limited value to relevant resources, in which case offsite *mitigation* proposals will be considered.
- **Modular Building.** Any *building* or *building* component other than a *manufactured home* that is of closed construction and either entirely or substantially prefabricated or assembled at a place other than the *building site*. Idaho Code §39-4301
- **Monument.** A survey marker as defined in Idaho Code Section 50-1303.
- **Most Recently Recorded Deed.** The deed that was recorded most recently. In most cases, this is the deed that transferred ownership of the *lot/parcel* into the current *owner*.

- **Motion Detector.** A device that activates a *luminaire* when it senses motion. To meet the exemptions in this Section, *motion detectors* must sense motion only on the property on which it is installed.
- **Mudslide or Mudflow.** Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A *mudslide* (i.e., *mudflow*) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the *mudflow*, and not the landslide, is the proximate cause of damage that occurs.

N

- **Nonconforming Lot.** A *lot* that either (1) is not a *lot of record* or (2) lawfully existed upon the effective date of adoption or revision to the **Driggs AOI LDC**, which does not meet the minimum *lot* size requirements of the present **Driggs AOI LDC**.
- **Nonconforming Structure.** A structure built in accordance with County requirements at the time of its construction, but which fails to conform to the present requirements of the **Driggs AOI LDC**.
- **Nonconforming Use.** A land use or activity, which was lawful prior to the adoption, revision, or amendment of the LDC but which fails to conform to the present requirements of the **Driggs AOI LDC**.
- **North American Industry Classification System- NAICS.** A standard land use classification system issued by the federal Office of Management and Budget which categorizes establishments by the type of economic activity in which they are engaged.

O

- **Occasional Lighting.** Illumination that is infrequent, or intermittent; and controlled by a manual or timer- operated switch, or by a motion sensor not activated by off-property movements.
- **Off-Premise Outdoor Advertising.** Any outdoor *sign*, display, *light*, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended or used to advertise or inform and which is situated in order to be visible from any *highway*, *road* or other traveled way and which is located on property which is separate from and not adjoining the premises or property on which the advertised activity is carried out.
- **Official Zoning Map.** The adopted map for Teton County which illustrates zoning district, special overlay zoning district, and Areas of **Driggs Area of City Impact including boundaries and zoning districts as jointly adopted by Teton County and the City of Driggs in the Area of City Impact Agreement**. The *official zoning map* may be referred to also as the Zoning Map.
- **One Time Only Land Split.** A legacy term meaning the division of land approved and recorded under the “One Time Only Split of One Parcel of Land” provisions of Chapter 3 of Title 9 of County Subdivision Regulations repealed on August 3, 2022.
- **Opaque.** Impenetrable to view, or so obscuring the view that features, *buildings*, other *structures*, and uses become visually indistinguishable.
- **Open Space.** Significant *tracts* of land not under residential, mixed, institutional, commercial or industrial use; however, *open space* may be held in privately owned large *lots* of 20 acres or more. *Open space* may include sensitive environmental areas and productive uses including



agriculture or low impact recreation amenities. *open space* shall not include features such as *roads*, parking areas, constructions for habitation, or *building envelopes*. *open space* includes but is not limited to lands set aside as a Community Benefit.

- **Ordinary High Water Mark** - The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.
- **Outdoor Lighting**. Lighting equipment installed within the property line and outside the *building envelopes*, whether attached to poles, *building structures*, the earth, or any other location; and any associated lighting control equipment.
- **Owner**. The individual, firm, association, syndicate, partnership, or corporation having an interest in a *parcel* of land.

P

- **Parcel**. A *contiguous* quantity of land which is defined by *subdivision lot* number, government aliquot description, or metes and bounds description, recorded as the property of the same *owner* or entity for taxation purposes.
- **Parcel of Land Divided**. A *contiguous* quantity of land recorded as the property of *persons* or entities, each of which is named in a single instrument conveying ownership thereof, and which has been separately conveyed from any adjoining quantity of land, whose boundaries are defined in the last recorded instrument of conveyance of such *parcel* which was recorded prior to **June 14, 1999**. Conveyance of Title, or contracts which provide for conveyance of title, to portions of existing *parcels* which are executed after **June 14, 1999**, shall be deemed to create new *parcels*, except when transferred as a boundary line adjustment.
- **Parent Parcel**. The *parcel* of property from which a smaller *parcel* or *parcels* have been created, whether by deed, court decree, land division or *subdivision*.
- **Parking Space**. Usable space within a public or private parking area or *building* exclusive of access drives, aisles or ramps for the storage of one passenger automobile or commercial vehicle.
- **Partly Shielded Luminaire**. A *luminaire* with *opaque* top and translucent or perforated sides, designed to emit most *light* downward
- **Pasture**. An area used for grazing domestic animals.
- **Planning Department or Department**. The *Planning Department* of Teton County, Idaho.
- **Plat**. The drawing, map or plan of a *subdivision*, cemetery, townsite or other *tract* of land, or a replatting of such, including certifications, descriptions and approvals. See also, Idaho Code §50-1301.
- **Primary Road**. The *road* of which a property is addressed from.
- **Principal**. Primary; A separate, complete *structure* that is the larger/largest of the *structures*.
- **Professional Engineer**. An engineer registered to practice engineering in the State of Idaho.
- **Professional Surveyor**. A surveyor registered to practice engineering in the State of Idaho.

- **Public Right-of-Way.** Any land dedicated and open to the public and under the jurisdiction of a public *highway* agency, where the public *highway* agency has no obligation to construct or maintain said right-of-way for vehicular traffic.
- **Public Utility.** Any *person* or municipal department duly authorized to furnish to the public under public regulation.

Q

- No terms beginning with the letter Q are defined at this time.

R

- **Recreation, Active.** Activities, such as organized sports, golf, playground activities, and the use of motorized vehicles, which require extensive facilities or *development* or that have a considerable environmental impact on the recreational site.
- **Recreation, Passive.** Outdoor recreational activities, that require a minimum of facilities or *development* and that have minimal environmental impact on the recreational site.
- **Recreational Vehicle (RV).** A motor home, travel trailer, truck camper camping trailer, park model, or similar vehicle designed for recreation or emergency human habitation that is:
  - o Built on a single chassis,
  - o Designed to be self-propelled or permanently towed, and
  - o Designed for use as temporary living quarters for recreational, camping, travel, or seasonal use.
  - o Per Idaho Code §46-1021
- **Rezone.** Process outlined in Chapter 4 for changing the *zone district* a property is found in.
- **Ridge.** The crest, or apparent crest, of a hill or mountain or linear crests of part of a hill or mountain when viewed from the State Highways or Ski Hill Road.
- **Ridgeline.** An area including the crest of a hill or slope and a vertical, perpendicular distance in feet on either side of the crest within which *development* would break the *skyline*.
- **Right of Way.** A strip of land established by prescriptive use, dedicated, deeded or reserved for use as a public way, which normally includes *road*, sidewalks and other public *utilities* or services areas.
- **Riparian Area.** Areas *contiguous* to and affected by surface and subsurface hydrologic features of perennial or intermittent water bodies (*rivers, streams, lakes, or drainage ways*). *Riparian areas* generally have distinctly different vegetative species than adjacent areas, or similar species with more robust growth than adjacent areas. *Riparian areas* are often located between wetland and upland areas. Also, defined as the green, vegetated areas along the edge of water bodies like rivers, *creeks*, canals, lakes, springs, sloughs, potholes and *wetlands*. They are the transition zone between upland and aquatic ecosystems. Underlying saturated soil is a key feature in *riparian areas*. Idaho Code § 22-2402.
- **Riverine.** Relating to, formed by, or resembling a river (including tributaries), *stream*, brook, etc.
- **Road.** See *Road, Private* and *Road, Public*.

- **Road, Private.** A road within a *subdivision plat* that is not dedicated to the public and not a part of a public *highway* system. It is not maintained by a public agency.
- **Road, Public.** A road, thoroughfare, *alley*, *highway* or bridge that is open for public use. It may or may not be maintained by a public agency

S

- **Sanitation Facilities.** A toilet, or other permanent conveyance for sewage as approved by the District 7 Health Department. A detached privy, incinerating toilet, septic system, or other alternative approved system shall be considered part of the *dwelling unit* served.
- **Screening.** Natural vegetation or a decorative *structure* that creates an *opaque* visual block or obscures an unattractive view from one side to the other throughout the year. *Screening* may consist of any combination of the following:
  - o Fencing
  - o Masonry or rock wall
  - o Plants or natural vegetation
  - o Earthen *berm*
- **Setback.** A line demarcating that portion of a *parcel* of property which must remain open with no *buildings* or *structures*, and the buildable portion of the *parcel*.
- **Shade Tree.** A tree that composes the top layer or canopy of vegetation and will generally reach a mature height of greater than fifty (50) feet.
- **Short Plat Land Division.** A division or partition of land that creates up to four (4) *parcels* from any existing *parcel* that meets minimum *parcel* size requirements herein and that has not been previously platted. The resulting *parcels* are *lots of record*.
- **Single Legal Parcel of Land.** All *contiguous* lands described in a single deed. Land that touches only at the corner point, is not *contiguous*.
- **Sign.** Any combination of words, letters, numbers, images, or symbols, designed to attract the attention of, or communicate information to, the public, in regards to an activity, business, commodity, event, sale, or service.
- **Sign Face.** That portion of the *sign*, excluding the supporting *structure*, where the words, letters, numbers, images, or symbols can be placed.
- **Site Plan.** An illustration of a *lot* or *parcel* submitted in order to demonstrate the nature and extent of a proposed use or *structure* and compliance with the requirements of the **Driggs AOI LDC**. See Section 5-1-6 for *site plan* requirements.
- **Special Use.** A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the County and granting a conditional use approval imposing conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.
- **Special Event.** A temporary, one-time or infrequently occurring event for purposes such as education, meditation, spiritual renewal, meetings, conferences, seminars, craft fairs, carnivals, rodeos, weddings, races, parades, concerts and similar activities which may provide meals,

services, and recreation for participants during the period of the retreat or program. *Special events* can be for or not for profit and occur on private or public property.

- **Start of Construction.** This includes substantial *improvement* and means the date activity begins on the construction site.
- **Story.** That portion of a *building* comprised between a floor and the floor or roof next above. The first floor of a two- or multi-story *building* shall be deemed the *story* that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.
- **Stream/Creek.** A *watercourse* having a source and terminus, banks, and channel, through which waters flow at least periodically, and it usually empties into other *streams*, lakes or river, but it does not lose its character as a *watercourse* even though it may break up and disappear.
- **Structure.** A combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water.
- **Subdivider.** Any legal entity who subdivides a *parcel* of land, may also be referred to as a *developer*.
- **Subdivision.** Except as provided in section 4-10-A ~~4-1-10(A)~~, a *tract* of land existing on the land records of the County that is divided into two (2) or more *lots*, *parcels*, or sites, through the platting process, for the purpose of sale or *building development*, whether immediate or future.
- **Subdivision Master Plan.** A design document that shows all the future phases of a *subdivision*. A Master Plan does not create entitlements, those are created through the *plat*. It should identify future *roads*, *lots*, *open space*, parks, trails, public access points or any other public *improvements* to be made
- **Survey.** An official document developed by a licensed surveyor in the State of Idaho that identifies the ownership, quantity, location, boundaries and measurements of a *parcel* with the courses and distances clearly identified. A *survey* does not create rights or uses such as a *plat*.

T

- **Temporary Use.** See section 3-9-2.
- **Tiny Home.** means a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with International Building Code and does not have an interior habitable area greater than 1,000 square feet.
- **Tract.** See “Lot/Parcel/Tract”

U

- **Undue Hardship.** Special conditions depriving the *applicant* of rights commonly enjoyed by other property *owners* in the same district under the terms of this Code; not merely a matter of convenience or profit.
- **Utilities.** Installations for conducting water, sewage, gas, electricity, television, storm water, telephone and similar facilities providing service to and used by the public.

V

- **Variance.** A modification of the requirements of this Code, as authorized by the Planning Act and as provided under Chapter 4.

- **Vehicular Parking.** A space available for parking of motor vehicles, which conforms to the *vehicular parking* provisions in Chapter 5.
- **Vicinity Map.** A map illustrating the general location and presence of clearly identifiable landmarks and features within one-half mile of the *development site*, including: existing land uses, future land use and zoning districts, locations of *buildings* on adjacent *parcels*, *easements* on adjacent *parcels*, public services, *roads* and *road* names, and *utilities*. Vicinity maps are not engineered or surveyed maps, but indicate the approximate location of the above features discovered after inquiry by the *applicant* of the appropriate County department, property owners, and other agencies.
- **Violation.** The failure of a *structure* or other *development* to be fully compliant with any portion of this Code.

W

- **Watercourse.** A lake, river, *creek*, *stream*, wash, channel, or other topographic feature on or over which waters flow at least periodically. *Watercourse* includes specifically designated areas in which substantial flood damage may occur.
- **Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. For the purpose of this Code, *wetlands* generally mean the areas identified as such on the National Wetlands Inventory Map (<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>).
- **Wetland Delineation.** The process of establishing the existence and physical limits of a wetland for the purposes of federal, state, and local regulations. The National Wetlands Inventory Map may be used as a resource for initial identification of a potential wetland. Final delineation shall be performed by a licensed professional.
- **Wind Turbine.** An alternative energy device which converts wind energy to mechanical or electrical energy. A *wind turbine* may also be deemed a windmill.
- **Written decision.** A final determination signed by the Administrator, PZC, or BoCC, or their designee, under the terms of the **Driggs AOI LDC**, which must be accompanied by a reasoned statement that explains the criteria and standards of the **Driggs AOI LDC** considered relevant, the relevant contested facts relied upon, and the rationale for a final decision based on the applicable provisions of the **Driggs AOI LDC**. *Written decisions* resulting in a denial or finding of *violation* must describe actions, if any, an *applicant* or *owner* may take to obtain a final decision of approval or finding of no *violation*.

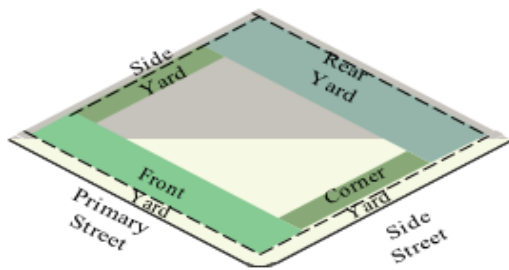
X

- No terms beginning with the letter X are defined at this time.

Y

- **Yard.** Any *open space* located on the same *lot* with a *building*, unoccupied and unobstructed from the ground up, except for *accessory buildings*, or such uses as provided by this Code. The minimum depth or width of a *yard* shall consist of the horizontal distance between the *lot line* and the drip line of the main *building*.

- **Yard, Corner.** On a corner, a yard lying between the side line of the *lot* parallel to the side *road* and the nearest line of the *building* and extending from the *front yard* to the *rear yard*. *Corner yard* width shall be measured at right angles to the side lines of the *lot*.
- **Yard, Front.** A yard extending along the full width of a *front lot line* between side *lot lines* and from the *front lot line* to the front *building* line in depth.
- **Yard, Rear.** A yard extending the full width of the *lot* and lying between the rear *lot line* and the nearest line of the *building*. *Rear yard* depth shall be measured at right angles to the rear line of the *lot*.
- **Yard, Side.** A yard lying between the side line of the *lot* and the nearest line of the *building* and extending from the *front yard* to the *rear yard*. *Side yard* width shall be measured at right angles to the side lines of the *lot*.



Z

- **Zone/Zoning District.** A portion of the unincorporated area of the County shown on the *official zoning map* and associated with this Code, and given formal district designation.



## STAFF REPORT

**To:** City Council  
**From:** Leanne Bernstein, Planning & Zoning Administrator  
**Report Date:** April 10, 2024  
**Meeting Date:** April 16, 2024  
**Project:** City of Driggs Area of City Impact – Negotiations with Teton County, ID  
**Action:** Public Hearing and Final Decision

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The Area of City Impact (AOI or AOI), is an identified area of unincorporated County land, outside of city limits. This area is defined and agreed upon by both the City and the County. This area is under the County’s jurisdiction; however, specific plans and ordinances are agreed upon by both the City and County that dictate annexations and other planning and zoning procedures. The County enforces the applicable code in the AOI, although for some applications a joint city-county review process is followed. [Idaho Code §67-6526](#) dictates the negotiation and adoption procedures for creating and updating the AOI. This section of state code has recently been amended. Details about these changes are included below in Section II of this report.

### REPORT CONTENTS:

- I. Process
- II. Legislative Update
- III. April 16 Meeting & Public Hearing Summary
- IV. Project History
- V. Planning & Zoning Commission Recommendation
- VI. UPDATES SINCE PLANNING & ZONING COMMISSION HEARING AND RECOMMENDATION
- VII. County Planning & Zoning Commission work session update and request
- VIII. Public Comments
- IX. Deliberation
- X. Motions

I. **PROCESS:** [Idaho Code §67-6526](#) dictates the negotiation and adoption procedures for creating and updating the AOI. However, this section of state code has recently been amended. A discussion of these amendments can be found in Section II. As such, a public hearing was conducted by the Driggs Planning & Zoning Commission (Driggs PZC) on March 13, 2024. The Driggs PZC ultimately made a recommendation on the AOI update, which is detailed below in Sections V and VI. Driggs City Council will conduct another public hearing, and consider Driggs PZC’s recommendation and any public comments. If the Council is ready to move forward with the proposal, it will be forwarded to the Teton County Planning & Zoning Commission (County PZC) for consideration at a public hearing, where the County PZC may provide a recommendation to the Board of County Commissioners (BoCC). The BoCC will also conduct a public hearing and consider making a final decision. The BoCC ultimately holds the authority to adopt an AOI ordinance.

II. **LEGISLATIVE UPDATE:** On March 28, Governor Little signed [Senate Bill 1403](#) which will become effective on July 1, 2024. This bill made amendments to State Statutes [67-6509](#) and [67-6526](#) and has

significant implications for the Areas of Impact. This bill lays out the following criteria to be considered in defining the AOI: (1) anticipated commercial and residential growth; (2) geographic factors; (3) transportation infrastructure and systems, including connectivity; (4) areas where municipal or public sewer and water are expected to be provided within five (5) years; and (5) other public service district boundaries. It goes on to state that AOIs shall not exceed the areas that are very likely to be annexed to the city within the next five (5) years and that the AOI shall not extend more than two (2) miles from existing city limits. The amendment clarifies that the County's Comprehensive Plan and Code should be adopted in the AOI, although special provisions can be included. There are also some changes to the process for adopting or amending the AOI, **notably that the County will pass an ordinance for the AOI, and not the City.** It is stated in the Bill that AOIs must be in conformance with these changes by December 31, 2025. Please note that this is a very simplified summary of this bill. Please review the entire amended code section in the link above. **City staff finds that the current proposal is generally in conformance with this new legislation. Council should review the updated statute and discuss the current AOI proposal in the context of the updated requirements. Decision-makers to consider. Staff also notes that this Bill will change the process for adopting the AOI. The City is no longer required to pass an ordinance. Only the County will pass an ordinance.**

**III. APRIL 16 MEETING & PUBLIC HEARING SUMMARY:** The Driggs City Council will conduct a public hearing during their regular meeting on April 16 at 6pm. The agenda item will begin with a presentation from staff on information regarding the AOI, the proposed update, and the Driggs PZC recommendation. Council will have the opportunity to ask staff questions. Members of the public will then have the opportunity to ask questions about the AOI update. Then Council will open the public hearing, which is the appropriate time for the public to make statements *in favor of, neutral to, or opposed to* the AOI update. Councilmembers will then deliberate and may decide to make a final decision or may request more time and information. Proposed motions can be found below.

**IV. PROJECT HISTORY:** The first AOI Agreement between the City of Driggs and Teton County was in 1995. More recently, the City of Driggs adopted Ordinance #325-11 on October 4, 2011, which adopted the boundary and legal description of the Driggs Area of City Impact and specified the plan, zoning regulations, and subdivision regulations in effect in the Driggs Area of City Impact. Teton County also adopted the AOI agreement via Ordinance in 2011. In 2017, the Area of Impact was amended by both the City and County to include the Airport Overlays and regulations. *Current* State Statute §67-6526 requires that the governing boards review the AOI agreement at least every 10 years to determine if renegotiations are in the best interest of the citizenry. As such, City Council formally requested that the City of Driggs and Teton County mutually begin the process of renegotiating the AOI Agreement, by letter dated December 29, 2020. Teton County responded, affirming the effort to renegotiate the AOI Agreement via letter on April 1, 2021. The Driggs PZC began discussions about an updated AOI agreement in 2021 and into 2022. Due to other demands on staff and review requests in front of the Commission, the update process had slowed down. However, the Driggs PZC and staff were able to prioritize the project again beginning this past July. Since July 2023, the Commission has been working on this topic during work sessions each month in their regular meetings. A summary of those meetings is included as Attachment H. In February,



the PZC acknowledged that they were ready to move forward with a formal recommendation. As such, a public hearing was scheduled and noticed for March 13.

OPEN HOUSE SUMMARY: On February 8, 2024, city staff hosted a public open house at city hall. In addition to city staff and the mayor, county planning staff and a County Commissioner attended the meeting. In total we spoke with eight members of the public. Conversations were primarily focused on answering questions and clarifying the AOI generally and about the current proposal, as well as about what zoning will be assigned to areas if they are no longer in the AOI.

**V. PLANNING & ZONING COMMISSION RECOMMENDATION:** On March 13, 2024, during the Driggs Planning & Zoning Commission’s regular meeting, the Commission held a public hearing on this matter. Minutes from this meeting are included as Attachment F. Over sixty members of the community attended the meeting in person or via zoom. The Commission and staff fielded many questions about the AOI process and proposal and there were a handful of formal comments. Written comments were also received prior to the Commission meeting and are included in Attachment G.

The Commissioners ultimately made the following recommending motion with all four Commissioners present voting in favor:

*“Having found that the following conforms with Idaho State Statute and will encourage orderly development, and I move to recommend the adoption of the following provisions in the Driggs Area of Impact: the AOI Boundary and Zone Map included as Attachment B [Attachment C of this 4/16 report], the Land Development Code as edited in Attachment D [Attachment E of this 4/16 Report], including comments and considerations discussed during the Commission’s deliberation, and including Appendix A: Design Review Standards and Guidelines, the Driggs Transportation Plan as adopted in 2019, the Teton County Idaho Comprehensive Plan as adopted in 2012, and the Driggs Airport Overlays as shown in the Airport Master Plan adopted in 2022.”*

The comments and considerations on the drafted code were as follows:

- A. Regarding the review process for land use applications in the AOI, the Commission was open to the idea of a sperate review for the City P&Z Commission and the County P&Z Commission, but there was a preference for continuing the Joint P&Z Commission procedure.
- B. Staff should more closely compare the requirements for lighting in the County LDC versus City LDC and the Commission recommends that the more strict standards should be adopted in the AOI.
- C. Staff should more closely review/compare *Sec. 6-5 Conservation Areas* in the County’s LDC (and included in the proposed draft in Attachment D) and Council should consider adopting the City’s Parks requirement (Art. 12.4 City LDC) in place of the Conservation Areas requirement.
- D. Staff should prepare more clear information about what non-conforming uses might be created with the zoning and code changes and how non-conforming uses will be dealt with, and clarify how non-conforming lots will be dealt with and make clear what rights are preserved for non-conforming lots. Staff will make this information available to the public and for Council consideration.

A more detailed summary of PZC's decisions is included at Attachment B.

**VI. UPDATES SINCE PLANNING & ZONING COMMISSION HEARING AND RECOMMENDATION:** After this public hearing, staff more closely reviewed the listed items and presents the following recommendations for consideration by Council:

- A. Regarding review process: Staff amended the drafted Code to reflect a Joint Planning & Zoning Commission review process. In this scenario, whenever the code calls for review/recommendation/decision by "the Planning & Zoning Commission," this shall mean a "Joint Planning & Zoning Commission" made up of 3 Driggs PZC members and 2 County PZC members. **Council to consider.**
- B. Regarding outdoor lighting: Staff compared the outdoor lighting requirements in the Driggs LDC against the County LDC and recommends that the language from the County LDC regarding outdoor lighting requirements be adopted in the AOI. This is reflected in the draft code in Attachment E. **Council to consider.**
- C. Regarding Conservation Areas and Park Space: Staff reviewed these sections and provides the following context - There are two elements of the County's LDC that relate to this topic: *Section 6-5 Conservation Areas* and *Section 5-4 Natural Resource Protection*. *Section 6-5* is within Chapter 6 regarding Subdivision Development Standards. *Section 6-5* applies to proposed subdivisions which include "conservation values," such as riparian corridors, wildlife habitat, agriculture, scenic resources, and recreation/access. The section outlines requirements that subdivisions must be planned in such a way to maximize conservation areas, and "avoid decreased conservation value due to size, isolation, or fragmentation." In sum, this Conservation requirement would essentially require a proposed subdivision to leverage clustering in order to decrease impact on valuable areas. The Natural Resource Protection provisions in *Section 5-4* apply to all new development that has significant wildlife habitat per the County's adopted natural Resource Overlay map. This section requires that all new development avoids or mitigates impacts to indicator species and habitats to the extent practical. If impacts cannot be avoided then habitat is required to be restored, as prescribed. The Parks requirement in Art. 12.4 of the City's Land Development Code requires that all subdivisions that result in 10 or more dwelling units shall provide parks space using the following formula:  $P=x$  multiples by 0.028, where  $x$  equals dwelling units and the product ( $P$ ) is acres. This article also details requirements for certain parks amenities based on the size of the park. **Given this comparison, staff recommends that the City's Park requirement be adopted in the AOI.** First, it appears that the county's requirements rely on the ability to cluster development. The proposed AOI Zone 1 has a minimum lot size of 2.5 acres, so may not lend itself to clustering very effectively. Second, areas identified in the AOI are anticipated to be annexed in the future and become part of the city. As such, it is important to create park space as areas are subdivided in order to protect access to parks for the future. This change has been added to the Draft AOI Code in Attachment C. Changes from the City's original code text have been made to address differing maintenance responsibilities. The original language for Natural Resource Protection remains in *Section 5-4* of the draft. **Council to consider.**
- D. Regarding non-conforming uses and lots: Staff presented this information to Council during a work session on April 2.

Staff also recommends the following amendments be considered, which were not reviewed by the PZC:

1. Adopt code changes that are currently being considered by the County in their County-wide code update. These changes are being proposed by county staff and are primarily clarifications. These proposed amendments are shown in the drafted code in green text. City staff recommends that these changes be included. **Council to consider.**
2. Staff added language in the Airport Overlay – Object Free Area Section (1-4-A-5-c) to clarify that wildlife fences up to 9.5 feet tall are allowed in this overlay zone. Staff changed a reference in Sections 3-9-10 and 3-7-1 to refer more generally to “the City of Driggs.”

**VII. COUNTY PLANNING & ZONING COMMISSION WORK SESSION UPDATE:** The County Planning & Zoning Commission (County PZC) held work sessions on February 13 and April 9. During the April 9 work session, the County PZC indicated that they would like a recommendation (however general it may be) regarding zoning for the areas that are proposed to be taken out of the AOI. **Council to consider.**

**VIII. PUBLIC COMMENT:** This hearing was noticed in the Teton Valley News (3/27 & 4/3), mailed to over 900 property owners within the AOI and within 300ft of the current AOI boundary, and posted around the AOI boundary. As of the date of this report comments have been received from the following individuals and are included as Attachment A.

- Chris Appelhans
- Evan Howard
- Kelley Rabjohns

Written public comments were also received prior to the PZC public hearing and are included in Attachment G. Comments received by the Commission during the public hearing are included in the minutes from that meeting.

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**IX. DELIBERATION:** Staff recommends that the Council consider this list of topics in their deliberation:

- ❑ Confirm agreement on the proposed AOI boundary, including the reasoning provided by PZC. (Refer to map in Attachment C)
- ❑ Confirm agreement on the proposed zoning districts in the AOI. (Refer to map in Attachment C)
- ❑ Confirm compliance with new amendments to State Statute.
- ❑ Confirm request that the County adopt the Airport Overlays in the AOI. Confirm request that the County consider implementing the Airport Overlays. (Refer to overlay map in Attachment D)
- ❑ Confirm proposed amendments to the Code to be adopted in the AOI. (Attachment E)
  - Confirm PZC’s recommendation (red text)
  - Confirm city staff’s proposed changes (based on PZC recommendation) (purple text)
  - Confirm amendments currently pursued by County (green text)
- ❑ Confirm agreement on adopting the County’s Comprehensive Plan in AOI (Note Legislative changes notes in Section II)
- ❑ Consider discussing a recommendation for zoning for areas that are proposed to be taken out of the AOI, per County PZC request.
- ❑ Any other items the Commission wishes to examine further and/or deliberate on.

**X. POSSIBLE MOTIONS:**

**APPROVE:** Having found that the following conforms with Idaho State Statute and will encourage orderly development, and I move to recommend the adoption of the following provisions in the Driggs Area of Impact: the AOI Boundary and Zone Map included as Attachment C, the Land Development Code as edited in Attachment E and including Appendix A: Design Review Standards and Guidelines, the Driggs Transportation Plan as adopted in 2019, the Teton County Idaho Comprehensive Plan as adopted in 2012, and the Driggs Airport Overlays as shown in the Airport Master Plan adopted in 2022.

**TABLE:** I move to table consideration of the Driggs Area of Impact recommendation to the [DATE] meeting and request the following information... *[to be determined by Council]*

**ATTACHMENTS:**

- A – Public Comments (received after P&Z Commission hearing)
- B – Detailed Summary of Driggs Planning & Zoning Commission recommendation
- C – Drafted AOI Map, including AOI Boundary and proposed zoning
- D – Shifted Airport Overlays
- E - Drafted Red-line Code
- F – P&Z Commission meeting minutes, March 13, 2024
- G - Public comments (received prior to P&Z Commission hearing)
- H – Driggs Planning & Zoning Commission project history

**CITY OF DRIGGS  
PLANNING AND ZONING COMMISSION  
MEETING MINUTES  
March 13, 2024  
6:00 PM**

City of Driggs Planning and Zoning Commission met on March 13, 2024 at 6:00 pm. Commission members present were: Carol Barker (Vice Chair), Mitzi Van Arsdell, Ken Kirkpatrick (Chair), and Guyon Moseley. City staff present were Planning & Zoning Administrator – Leanne Bernstein, and Planning & Building Coordinator—Carly Andersen.

**1. Call to Order, Roll Call**

Commissioner Kirkpatrick called the meeting to order at 6:00 pm.

**2. Action Item: Approval of minutes from January 10, 2023 and February 13, 2024**

Commissioner Van Arsdell motioned to approve the minutes from January 10, 2023. The motion was seconded by Commissioner Kirkpatrick. Commissioners Barker and Moseley – aye. Motion passed all in favor.

Commissioner Barker moved to approve the February 13, 2024 minutes, Commissioner Moseley seconded the motion. Commissioners Kirkpatrick and Van Arsdell – aye. The motion passed all in favor.

**3. Action Item: Public Hearing – Area of Impact Update**

**a. Public Hearing and Recommendation**

Commissioner Kirkpatrick opened the hearing at 6:02pm and called for any conflicts of interest. No conflicts were noted by the Commissioners.

There were 27 citizens present in the Chambers, and 36 attendees on Zoom.

The staff report was presented by Ms. Bernstein. Ms. Bernstein opened by reminding the public that the staff report and map were located online.

Ms. Bernstein explained the general process for the AOI negotiations between the County and the City, she also recapped what the process for the negotiations had entailed up to the point of the current hearing.

Ms. Bernstein reviewed the map contained in the staff report and explained the recommended changes in the AOI boundary. Ms. Bernstein then explained the zoning districts for the attending public's understanding.

Ms. Bernstein addressed the commission, and explained the possible outcomes for this hearing. The Commission has the option to table, continue or send a recommendation to City Council.

Commissioner Barker stated that the majority of written comments from the public that the Commission had received focused on the Transportation Plan and asked for the history of the Transportation Plan, and more specifically details regarding the construction of Legrande Pierre Rd. Ms. Bernstein obliged and additionally stated that Legrande Pierre was slated for construction sometime between 2028 and 2030.

Commissioner Kirkpatrick inquired about the County zoning that was adopted and the county zoning that was proposed to be removed – such as foothills zoning due to the fact that we do not have foothills. Ms. Bernstein obliged with an explanation that those would be removed.

Commissioner Barker asked for an explanation of areas in Driggs that are on the future annexation list. Ms. Bernstein explained that areas on that list are connected to city utilities and areas that are reasonably expected to be annexed in the future. Ms. Bernstein elaborated that the city would work toward eventually annexing these areas, and the timing of that was dependent upon growth.

Commissioner Kirkpatrick asked impacts to the wildlife overlays. Ms. Bernstein responded that the immediate zoning decreases density potential and that items currently on the transportation plan potentially impact wildlife. The proposal is to use the county's wildlife and natural resources overlay.

At 6:38pm Commissioner Kirkpatrick opened the public comment portion of the meeting.

**Commissioner Kirkpatrick called for comments in favor of the proposal.**

Carrie Wolnar spoke on zoom. However, she asked a question regarding the AOI Zone code rather than making a public comment. Ms. Bernstein directed her to the City Webpage.

Rosa Rosoff spoke on zoom. However, she asked a question regarding the industrial research zone. Ms. Bernstein directed her to the City Webpage.

Chuck Patton spoke on zoom. However, he asked a question rather than speaking in favor. Ms. Bernstein directed him to reach out to County staff for the answer to his question.

Kelly McDonald spoke on zoom. However, she asked a question rather than making a statement in favor. Ms. Bernstein directed her to the airport master plan or to contact the airport manager for the answer to her question.

Andrew McCullough spoke. However, he asked a question regarding ADU's and limiting acreage rather than speaking in favor of the proposal. Ms. Bernstein noted his question and stated she would look into it after the public hearing.

Daniel Schwen spoke on zoom. However, he asked a question rather than speaking in favor of the proposal. The question was regarding the zoning for parcels that are platted. Ms. Bernstein responded that any lots currently platted could be built as platted.

#### **Commissioner Kirkpatrick called for Neutral comments**

Arne Carter of Driggs stated that he and his business partner, Andrew McCullough own Sweetwater Phase 2 and stated that the ADU situation should be considered. Mr. Carter stated that he wants to keep ADU's to provide affordable housing.

Evan Howard of Driggs stated that he owns land in Sweetwater and that the ADU potential was the determining factor in buying the property.

#### **Commissioner Kirkpatrick called for comments from those Against the proposal**

Bruce Carlisle of Driggs stated that completing LeGrande Pierre would have a negative impact on the wildlife gateway and wintering grounds. He also stated that he has City water at his home in Miller Ranch, but they need a pump in order to get it to pressure.

Elaine Morraine of Driggs spoke against the road extension of LeGrande Pierre due to impacts on Wildlife.

Rachel Gray of Driggs spoke against the road extension of LeGrande Pierre due to the negative impacts on wildlife.

Russell Weaver of Ski Hill Ranch in Driggs asked about annexation and whether he would be required to connect his property to City utilities. Ms. Bernstein stated that the city would be able to provide services to areas that are annexed including water, sewer, and road maintenance.

Kelly Von Stroh of Durango, CO spoke on zoom against the proposal. Ms. Van Stroh stated that she owned property on Rainbow Loop in Ski Hill Ranch and has chosen not to build on the property because of the wildlife corridor. Ms. Von Stroh stated she was against the proposal.

Eugene Fillios asked why the land uses were all being put together. Ms. Bernstein stated that the scope of the AOI is defined by statute, and explained that the adopted plans pertinent to the negotiations include both the Transportation Plan and the Land Development Plan.

Andrew McCullough commented again, this time against the proposal. Mr. McCullough stated that the ADU code should clearly state that it applies to parcels under 2.5 acres, and stated the code should be clear. Mr. McCullough stated that he believed that the proposed code severely limits the lots that could be added to his development.

Russel Weaver spoke, however he asked if citizens could vote on annexation. Ms. Bernstein stated that citizens do not vote on annexations.

Dan Thoms of Idaho Falls spoke on behalf of one of his clients. He stated that he believed the proposal favored particular entities and not the citizens.

**Commissioner Kirkpatrick called for the applicants rebuttal.** Ms. Bernstein did not have a rebuttal.

**Commissioner Kirkpatrick closed the public comment portion of the hearing at 7:33pm**

The Commission deliberated and discussed the bullet points located in the staff report. After deliberations, the Commission was in agreement.

Commissioner Kirkpatrick motioned to recommend approval:

Having found that the following conforms with Idaho State Statute and will encourage orderly development, I move to recommend the adoption fo the following provision in the Driggs Area of Impact: the AOI Boundary and Zone map included as Attachemtn B, the Land Development Code as edited in Attacment D an including Appendix A: Design Review Standards and Guidelines, the Driggs Transportation Plan as adopted in 2019, the Teton County Idaho Comprehensive Plan as adopted in 2012, and the Driggs Airport Overlays as shown in the Airport Master Plan adopted in 2022.

Commissioner Van Arsdell seconded the motion, Commissioner Bark – aye, Commssioner Moseley – aye. The motion carried all in favor.

The public hearing ended at 9:00pm

#### **4. Staff Items: City Business and Project Updates**

There were no project updates. Ms. Bernstein stated for the Commission that there had been some discussion about updating the Comprehensive Plan. Ms. Bernstein stated she was in the process of researching a consultant for that update.

Commissioner Barker stated she would need to attend the April and May Commission meetings via Zoom. Commissioner Moseley stated he would attend the April and May meetings via Zoom as well.

#### **5. Adjourn**



Commissioner Moseley motioned to adjourn the meeting. Commissioner Kirkpatrick seconded the motion. Commissioner Van Arsdell – aye, Commissioner Barker – aye. The meeting adjourned at 9:03pm



Leanne Bernstein <lbernstein@driggsidaho.org>

## City AOI comment

1 message

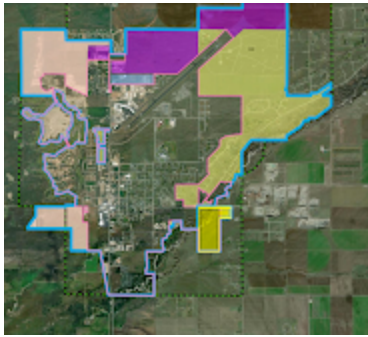
**Chris Appelhans** <cappelhans@gmail.com>  
 To: PublicHearingComments@driggsidaho.org

Tue, Apr 9, 2024 at 6:24 PM

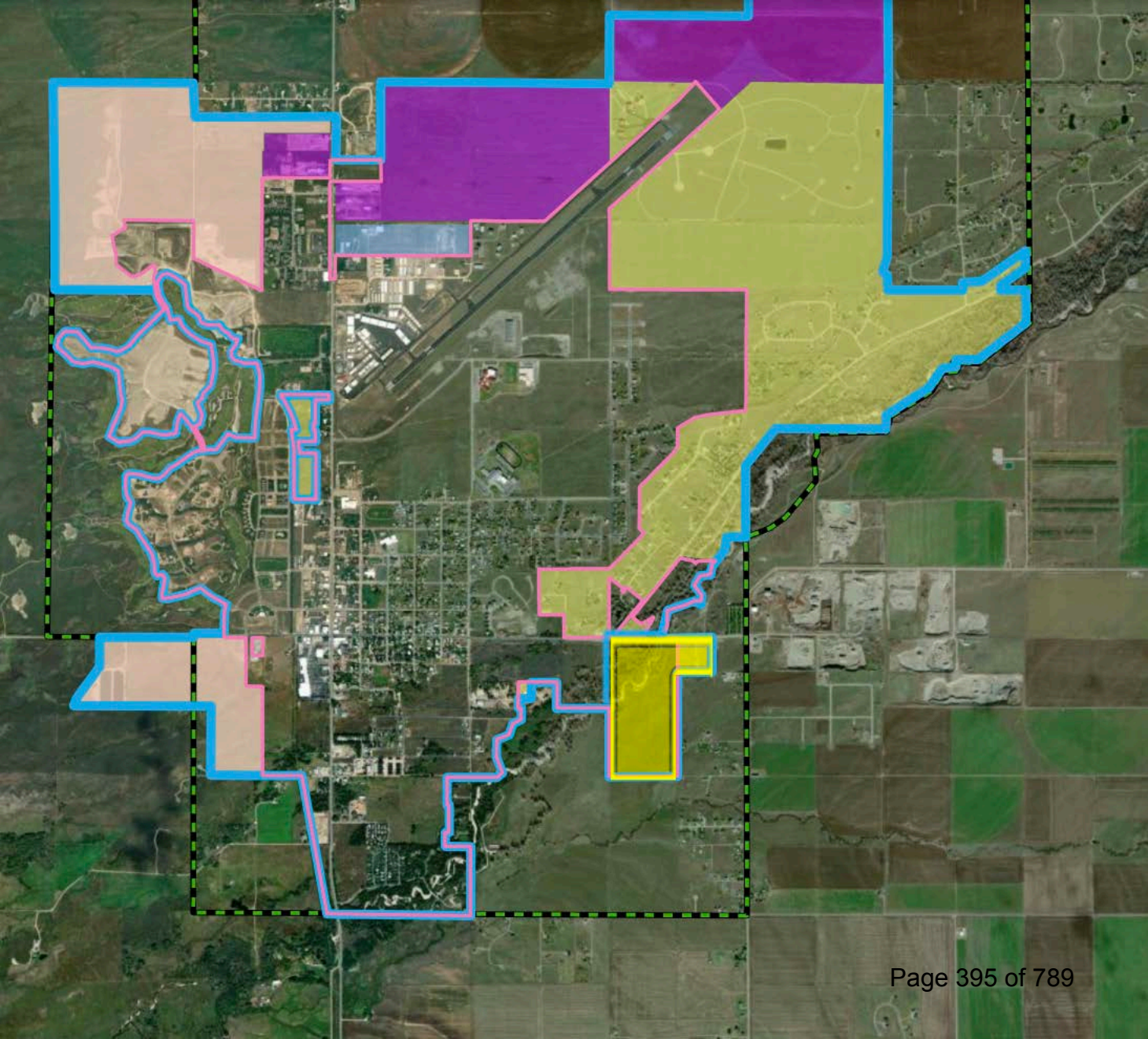
To committee/council-

I would recommend excluding the parcel(s) outlined in yellow from the AOI. This Sagebrush step south east of the creek is in the big game migration corridor and connects several hundred acres of conservation easement property. Given the stated goals of using Teton Creek as a threshold for city/rural, the county zoning density (R-5 or R-30?) seems more appropriate for this parcel than the AOI zoning. (R-2.5)

Thanks for your consideration,  
 Chris Appelhans



**Screenshot 2024-04-09 at 5.20.34 PM.png**  
 1381K





Leanne Bernstein &lt;lbernstein@driggsidaho.org&gt;

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## Gratitude for Your Dedication to Crafting the Proposed Code

1 message

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**Evan Howard** <evanhowardx@gmail.com>

Thu, Mar 14, 2024 at 12:23 PM

To: lbernstein@driggsidaho.org, Jade Krueger &lt;jkrueger@tetoncountyidaho.gov&gt;

Jade &amp; Leanne,

I wanted to take a moment to express my heartfelt gratitude to both of you for the incredible effort you've dedicated to crafting the new draft of the proposed code. Your hard work has not gone unnoticed, and it means a great deal to me and my family.

Returning to the valley after years away has been a dream come true for us. The prospect of raising our young children here has always been our aspiration, but the soaring home prices kept us at bay. However, upon discovering our one-acre lot and learning that we could build an ADU to help offset the costs, we seized the opportunity. We sold our home in Utah, purchased the lot, and relocated our family here. It was a leap of faith based on the assurances we received regarding ADU allowances from the city and county.

Unfortunately, we've been in a state of uncertainty for some time now due to the perplexing and contradictory codes, receiving conflicting responses regarding ADUs from local authorities. Throughout this ordeal, we've poured our resources into architectural plans and an expensive rental, all while holding onto the hope of making our dream of living in the valley a reality. Our desire to provide our children with abundant outdoor activities and to establish thriving businesses in this community has been unwavering. This valley is where we envision raising our family and retiring.

I genuinely believe that adopting the county code for the Area of Impact (AOI) is a sensible decision. The current code has left me feeling caught in the middle, grappling with its inconsistencies and confusion. I am particularly pleased to see that the proposed code allows for detached 900sqft ADUs on properties of 2.5 acres or less (section 3.9.3), as well as attached 1500sqft ADUs on any sized lot (section 3.9.2). These proposed regulations strike me as fair and equitable, aligning with the allowances made by both the county and city in other areas. It seems only fitting that homeowners in the AOI should have the same opportunities.

Thank you both immensely for your dedication and commitment to this matter. Lastly, I sought clarification on the proposed code during the meeting on the 13th, but unfortunately did not receive a direct answer. However, it is my interpretation that the commissioners' motion to move the proposed code forward indicates that ADUs will indeed be allowed on one-acre lots.

Warmest regards,

**Evan Howard**

**Founder & Chief Design Officer | Yes & Yes Design**  
**Senior Designer & Developer | Bags | Polaris, Klim, 509**

We design captivating brands, products, packaging, and digital experiences for the world's most compelling brands.

**(801) 512-7890**[www.evanhoward.com](http://www.evanhoward.com)<https://www.linkedin.com/in/evanhowarddesigner/>



Leanne Bernstein &lt;lbernstein@driggsidaho.org&gt;

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## Area of Impact Open House

1 message

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**Kelley Rabjohns** <rabjohns.kelley@gmail.com>  
To: LBernstein@driggsidaho.org  
Cc: Adam Romines <Adam.Romines@gmail.com>

Tue, Mar 19, 2024 at 5:56 PM

Hello!

I know we are over a month past the open house for the area of impact open house, so maybe this is a mute point by now. BUT just in case it's not too late... we live on Aspen Meadows Road in the Driggs Area of Impact and as homeowners and community members, we would prefer to be in Driggs City proper. It seems that we are surrounded by Driggs City so it would make perfect sense for our neighborhood to be annexed into the City.

We wanted to voice our support for this move in case it is something you are considering. Let us know if there is more we can/should do to have an impact on these developments.

Thank you so much!

Kelley Romines  
[230 Aspen Meadows Road](#)  
[Driggs ID 83422](#)



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## Le Grand Pierre Extension

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**Nell Hanson** <nellthebelle@aol.com>  
To: PublicHearingComments@driggsidaho.org

Mon, Mar 4, 2024 at 6:03 PM

Dear Committee,

My name is Nell Hanson. I live in Ski Hill Ranch next to the proposed extension of Le Grande Pierre.

I have concerns over our major Cut-through road through this area.

We've lived here over 20 years and seen many wildlife in the fields behind our house.

Annually, Herds of elk up to 80 in number, moose families, and herds of deer travel in the fields.

All of these animals use the irrigation, ditch and cottonwood trees next to it, where the road will be as a safe, place to bed down and hide.

I feel the road is going to take that safe space away.

If there's a need for through traffic in that spot, possibly a bike path from Ski Hill Road down to the elementary school part of Grand'Pierre could work.

Kids could bike or walk from Ski Hill Road to both elementary and middle schools.

I just feel we have a responsibility to offer and keep safe areas for the animals that have lived here as well.

Now that TVTAP has created a Nordic track in those fields, a road in the middle of it would break it up, and I've been told it is the most popular Nordic track in the valley.

Also, I have a concern of traffic coming on the Ski Hill Road at the point when there's already our subdivision and Miller Ranch and the traffic on ski hill is crazy when Targhee is open. It just seems it could be a little hazardous to have a through road from 33 to Ski Hill Road

I know we're growing and there a lot of new needs, but I just wanted to put out the idea of a bigger picture maybe with some creative ideas that might work for a long-term balance between animals and humans and safety for those humans.

Thank you so much for listening!

Blessings!

Nell Hanson

Sent from my iPhone

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## comments for AOCI meeting 3/13/24

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**Rachel Gray (via Google Docs)** <mastersonviolins@gmail.com>  
Reply-To: Rachel Gray <mastersonviolins@gmail.com>  
To: publichearingcomments@driggsidaho.org

Tue, Mar 5, 2024 at 2:21 PM

## Rachel Gray attached a document



Rachel Gray (mastersonviolins@gmail.com) has attached the following document:

Attached is a pdf of my comments for the upcoming March 13th meeting. I also posted them below. Thank you!

-Rachel Gray  
808 Rainbow Loop  
Driggs

Dear City of Driggs, 4 March 2024

After seeing signs around town and receiving mail about proposed changes to the City of Driggs Area of Impact, I thought I'd better get informed and submit comments; however, I am finding it rather difficult to obtain much information about the upcoming meeting. Admittedly, I have not kept up with city meetings or planning and zoning issues, so perhaps I've missed some previous information, but I do find it odd to be expected to submit comments for an upcoming meeting prior to the meeting agenda being posted. I was able to view the AOCI map and the various layers of information on the map, but I sure wish there were explanations of the reasons for the proposed boundary changes so I could develop a more informed opinion.

I did notice that the easternmost section of LeGrande Pierre is still slated to be a future connector road, and with this I have several issues. My primary concern is the angle at which LeGrande Pierre meets Ski Hill Road. It is a sharp angle that will make visibility challenging when turning left from LeGrande Pierre onto Ski Hill Road heading east. The intersection of LeGrande Pierre and Ski Hill Rd is extremely close to the intersection of Double Rainbow Drive and Ski Hill Road. Having traffic entering Ski Hill Road immediately west of the Ski Hill Ranch subdivision may pose a danger or cause great difficulty for the residents of Ski Hill Ranch to exit their neighborhood. The

residents in Miller Ranch and Ski Hill Ranch who will be most negatively impacted by the development of LeGrande Pierre (it will literally be in their backyards and will reduce their property size and greatly diminish their property values, will be extremely noisy, and may be dangerous for families and pets) will also not even benefit from the presence of this road section. Additionally, an elk herd migrates through the open space between Shoshoni Plains and Miller Ranch every year (currently this space in winter is part of the Teton Valley Trails and Pathways groomed system, and is highly used and enjoyed by so many city and county residents) and crosses this rural stretch of LeGrande Pierre. I fear the development of LeGrande Pierre as a connector road will inhibit this migration, and will pose a danger to elk and humans alike. I suggest preserving this space for wildlife and recreational use. Perhaps this land could be jointly purchased by the City of Driggs, Teton County, and donations by residents. As we witness rapid growth and development in Teton Valley, open space is a rapidly diminishing resource. The fact that this section of LeGrande Pierre was once an active road in the past is not a relevant reason for it to once again become an active road. If a connector road were absolutely necessary in the future due to continued development in Shoshoni Plains, I think the county should consider rerouting traffic to Ski Hill Road at a safer angle in a different location. There is currently a plat of land for sale (SEC 30 T5N R46E) that perhaps the City of Driggs and/or Teton County should consider purchasing for this purpose; however, I would much prefer to see LeGrande Pierre become a bike and walking path, with preserved open space and existing mature cottonwood trees and irrigation stream.

Thank you for considering my comments.

Rachel Gray  
[tetonrachel@yahoo.com](mailto:tetonrachel@yahoo.com)

(After writing this, I received a call back from someone in City Hall who kindly answered some of my questions. I realize some of my comments may be more relevant for a future meeting when the Transportation Plan is discussed, but I will submit them now as well.)

Dear City of Driggs, 4 March 2024

After seeing signs around town and receiving mail about proposed changes to the City of Driggs Area of Impact, I thought I'd better get informed and submit comments; however, I am finding it rather difficult to obtain much information about the upcoming meeting. Admittedly, I have not kept up with city meetings or planning and zoning issues, so perhaps I've missed some previous information, but I do find it odd to be expected to submit comments for an upcoming meeting prior to the meeting agenda



being posted. I was able to view the AOCI map and the various layers of information on the map, but I sure wish there were explanations of the reasons for the proposed boundary changes so I could develop a more informed opinion.

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The intersection of LeGrande Pierre and Ski Hill Rd is extremely close to the intersection of Double Rainbow Drive and Ski Hill Road. Having traffic entering Ski Hill Road immediately west of the Ski Hill Ranch subdivision may pose a danger or cause great difficulty for the residents of Ski Hill Ranch to exit their neighborhood. The residents in Miller Ranch and Ski Hill Ranch who will be most negatively impacted by the development of LeGrande Pierre (it will literally be in their backyards and will reduce their property size and greatly diminish their property values, will be extremely noisy, and may be dangerous for families and pets) will also not even benefit from the presence of this road section. Additionally, an elk herd migrates through the open space between Shoshoni Plains and Miller Ranch every year (currently this space in winter is part of the Teton Valley Trails and Pathways groomed system, and is highly used and enjoyed by so many city and county residents) and crosses this rural stretch of LeGrande Pierre. I fear the development of LeGrande Pierre as a connector road will inhibit this migration, and will pose a danger to elk and humans alike. I suggest preserving this space for wildlife and recreational use. Perhaps this land could be jointly purchased by the City of Driggs, Teton County, and donations by residents. As we witness rapid growth and development in Teton Valley, open space is a rapidly diminishing resource. The fact that this section of LeGrande Pierre was once an active road in the past is not a relevant reason for it to once again become an active road.

If a connector road were absolutely necessary in the future due to continued development in Shoshoni Plains, I think the county should consider rerouting traffic to Ski Hill Road at a safer angle in a different location. There is currently a plat of land for sale (SEC 30 T5N R46E) that perhaps the City of Driggs and/or Teton County should consider purchasing for this purpose; however, I would much prefer to see LeGrande Pierre become a bike and walking path, with preserved open space and existing mature cottonwood trees and irrigation stream.

Thank you for considering my comments.

Rachel Gray

[tetonrachel@yahoo.com](mailto:tetonrachel@yahoo.com)

(After writing this, I received a call back from someone in City Hall who kindly

answered some of my questions. I realize some of my comments may be more relevant for a future meeting when the Transportation Plan is discussed, but I will submit them now as well.)



comments for AOCI meeting 3/13/24

Google LLC, [1600 Amphitheatre Parkway, Mountain View, CA 94043, USA](#)  
You have received this email because [mastersonviolins@gmail.com](mailto:mastersonviolins@gmail.com) shared a document with you from Google Docs.



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**comments for AOCI meeting 3/13/24.pdf**

38K



Carly Andersen <candersen@driggsidaho.org>

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## AOCI update

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**karlajkrieger** <karlajkrieger@gmail.com>  
To: PublicHearingComments@driggsidaho.org

Tue, Mar 5, 2024 at 3:22 PM

Hello,

My name is Karla Krieger. I own a home in Ski Hill Ranch subdivision. I am also the HOA president of the subdivision. Many of us have questions and concerns about the AOCI negotiations. You will notice most of us are concerned about a negative impact these changes may have on wildlife in the area. I would like to know which organization with expertise on this subject has been contacted to give the wildlife a voice in this matter.

I plan to attend the meeting to learn more about the changes being proposed, and learn the answer to my question.

Lastly, I felt you should know the link to look at the current zoning in the AOCI, through Teton County's GIS portal, is not working. It would be very helpful to see the current zoning, so we can compare that to what is being proposed for new zoning.

Thank you for sending the letter to include us in this important process.

Karla

Sent via the Samsung Galaxy S23 5G, an AT&T 5G smartphone

## **HIGH-LEVEL SUMMARY OF WORK SESSIONS:**

4/14/2021 – Driggs PZC Work Session

- ✓ Introduction to the AOI and update process

5/12/2021 – Driggs PZC Work Session

- ✓ Reviewed major pieces of the AOI (zone designations, subdivision regulations, administrative procedures) and options for updating each piece.

11/10/2021 – Driggs PZC Work Session

- ✓ Reviewed major pieces of the AOI discussed in May, with the addition of the Boundary and Comprehensive Plan

1/12/2022 – Driggs PZC Work Session

- ✓ In-depth conversation about zoning map and zoning districts, referencing the Driggs' Comprehensive Plan
- ✓ Discussed overlays

2/9/2022 – Driggs PZC Work Session

- ✓ Continued discussion on the zoning map and zoning districts

7/1/2023 – Driggs PZC Work Session

- ✓ Refreshed understanding of the AOI, update process, and intended goals.
- ✓ Discussed proposed zoning
- ✓ Discussed overlays to apply in the AOI, including wetlands, floodplain, design review, natural resources, etc.

8/14/2023 – BoCC Work Session

- ✓ Staff updated the BoCC on the status of Driggs PZC work session and discussions and fielded questions.

9/27/2023 – Driggs PZC Work Session

- ✓ Discussed Comprehensive Plan to be effective in the AOI
- ✓ Discussed drafted zoning and AOI boundary, including findings and justification regarding AOI boundary
- ✓ Discussed proposed Annexation Plan
- ✓ Discussed adoption of code sections from county vs. city

10/4/2023 – Driggs PZC Work Session

- ✓ Discussed using the County's Comprehensive Plan in the AOI
- ✓ Discussed drafted zoning and AOI boundary, and proposed Annexation Plan
  - Commissioners asked for more information on existing utility connections and will-serve outside of city limits.
  - Commissioners expressed general support for Annexation Plan and wanted to ensure that it captured all appropriate areas.
- ✓ Discussed which code sections to adopt from county code vs. city code. General support for code sections as presented in staff report.

11/8/2023 – Driggs PZC Work Session

- ✓ Reviewed all water and sewer connections and will-serve outside of city limits (staff presented map during meeting)
- ✓ Discussed annexation plan and proposed AOI Boundary. Commission expressed general support for both, although a need for more discussion was acknowledged regarding the proposed boundary.
  - Discussion focused largely on utilities and water/sewer service, whether we should consider an annexation plan for areas where connection lines exist, how monitoring outside of city limits works.

12/13/2023 – Driggs PZC Work Session

- ✓ Discussion with Public Works Director regarding utilities and services.
  - ✓ Discussed annexation plan and proposed AOI boundary and justifications for each.
  - ✓ Discussed plan to meet with City Council on February 6 and general support to show Council the Commission's current consensus on potential AOI negotiation proposal.
- 2/6/2024 – Driggs Council Work session
- ✓ Staff presented on big-picture concepts regarding the AOI
  - ✓ Staff presented an update on the PZC work sessions
- 2/8/2024 – Public Open House
- ✓ City and County staff and elected officials discussed the AOI with interested members of the public during a 2-hour long open house
- 2/13/2024 – County PZC Work Session
- ✓ City and County staff presented an update on the Driggs PZC work sessions and fielded questions
- 3/13/2024 – Driggs PZC Public Hearing
- ✓ Driggs PZC held a public hearing and ultimately made a recommendation to City Council
- 3/19/2024 – Driggs Council Work Session
- ✓ Staff provided an update on the process and the Driggs PZC recommendation and fielded questions
  - ✓ Council indicated that they were ready to schedule a public hearing and requested an additional work session beforehand.
- 4/2/2024 – Driggs Council Work Session
- ✓ Staff and Council continued to discuss PZC recommendation and staff updated to proposal.
  - ✓ Staff provided an update on Legislation.

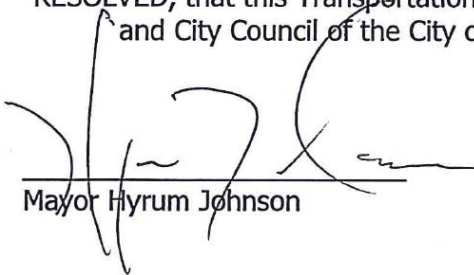
# CITY OF DRIGGS TRANSPORTATION PLAN

August 2007- UPDATED November 2019

Resolution No. 358-19

## A RESOLUTION ADOPTING A TRANSPORTATION PLAN FOR THE CITY OF DRIGGS AND ITS PLANNING AREA.

RESOLVED, that this Transportation Plan is hereby approved and adopted by the Mayor and City Council of the City of Driggs on this 19<sup>th</sup> day of November, 2019.



Mayor Hyrum Johnson



Attest: City Clerk, Kreslyn Schuehler

### Acknowledgments

Local Highway Technical Assistance Council (2007 Funding)

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# City of Driggs Transportation Plan

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## Chapter 1: INTRODUCTION AND OVERVIEW

More than 100 years ago, Driggs was developed as a farming community in a six-block by six-block grid pattern served by a railroad one block to the west of its Main Street. Today, railroad service has been discontinued; Main Street has become part of Idaho State Highway 33, a state minor arterial; and the City has expanded along this highway. Strong commercial development is occurring along Little Avenue and on Main Street to the north and south of Little. New residential developments are being built throughout the community, often on a street network that does not resemble the original grid system. The City of Driggs wants to plan for a future transportation system that can support new development while ensuring that the City has a vital downtown, strong neighborhoods, an environment that encourages walking and bicycling, and a high degree of mobility to all its residents and visitors.

The City has proactively initiated numerous planning efforts, including this Transportation Plan, which has been coordinated with other smart growth efforts. This Transportation Plan will guide the development of the City's multi-modal transportation system.

This document has three chapters and four appendices. **Chapter 1** presents an overview of the plan and gives a summary of recommended actions and projects. **Chapter 2** discusses existing transportation conditions, future traffic, issues, and goals and objectives. Existing conditions include:

- Existing ordinances
- Traffic control
- Functional street classification
- Road conditions
- Existing traffic volumes/operations
- Traffic accidents and safety
- Downtown parking
- Bike lanes, sidewalks, and pathways
- Transit

**Chapter 3** presents:

- A Roadway Network Plan containing a street classification system for recommended new streets, design standards, connectivity standards, an access management policy, and traffic calming strategies
- Traffic projections
- Recommended intersection strategies and improvements
- Sections on pedestrian, bicycle, and transit mobility
- A list of proposed projects
- Recommended actions

Attached as appendices are:

- A. Capital Improvements Plan
- B. Traffic Counts & Projections
- C. Main Street Corridor Plan
- D. Driggs Public Works Standards
- E. Driggs Snow Removal Policy
- F. Hwy 33 Transportation Access Plan

The Plan includes a street classification system and map showing new and proposed streets. These streets are designated as local, collector, and arterial. This Plan also includes a commercial overlay district in which local and collector streets that have more than 50 percent of commercial development on them will be designed to support this activity. The plan also includes truck routes that will be designed to support trucks.

## **Chapter 2: EXISTING & PROJECTED CONDITIONS**

This chapter discusses existing transportation conditions, future traffic, community issues and goals and objectives, as expressed through the city comprehensive plan. Existing conditions include:

- Existing ordinances
- Traffic control
- Functional street classification
- Road conditions
- Existing traffic volumes/operations
- Traffic accidents and safety
- Downtown parking
- Bike lanes, sidewalks, and pathways
- Transit

### **REVIEW OF CODE AND DESIGN STANDARDS**

The City's Land Development Code and Appendix on Design Standards regulate issues that affect the operation and development of the City's transportation facilities. Additionally, the Driggs city code chapters 6 (Motor Vehicles and Traffic) and 7 (Public Ways and Property) regulate sidewalk maintenance, street trees, trails and pathways use, parking, speed limits, etc.

The Public Works Standards, dated June 2016, contain the detailed street cross-section designs based on the recommendations of this plan. These standards describe the detailed construction requirements in addition to the required width for lanes, sidewalks, bike lanes, and parking lanes that are shown in this plan.

The Land Development Code includes requirements for new development to extend the network of streets to ensure connectivity as well as various design standards, such as block length maximum and required sidewalks and bike lanes, to ensure convenient and safe vehicle, bicycle and pedestrian travel.

The Land Development Code requires off-street parking minimums based on land use. The Downtown Parking Exemption Overlay exempts the four blocks adjacent to Main Street and Little Avenue from required off-street parking. Within this area, parking is treated as a public utility. Impact fees, sales tax and tax increment financing are utilized to develop and expand central public parking facilities within the core of these blocks. This may need to be extended in the future to help the downtown grow.

### **TRAFFIC CONTROL/SIGNAGE**

Currently, the only traffic signal in Driggs is located at the Main Street (SH-33)/Little Avenue intersection, the city's central crossroads in the heart of the

downtown area. The side streets and side roads along the City's two primary street corridors – Main Street and Little Avenue –Ski Hill Road – are all stop-controlled. In addition to the traffic controls on the main corridors, virtually every intersection in the primarily residential neighborhood north of Little Avenue and east of Main Street has some form of stop or yield control, much of which was installed to control traffic after the opening of the new Teton High School campus at Fifth Street/Ross Avenue. All city-controlled roads have a 25 MPH speed limit that is set by ordinance unless otherwise posted. State Highway 33 speeds vary from 55MPH to 25MPH through town.

Regulatory signage and signals typically indicate traffic laws (stop signs, speed limits) while non-regulatory signage provide guidance for users (street signs, parking). The City of Driggs installs and maintains both types of signage. An inventory of both regulatory and non-regulatory signs was performed with this update using the IWorq program.

### **FUNCTIONAL CLASSIFICATION**

The purpose of the Driggs street system is to provide safe, convenient access for existing and future development throughout the city. To provide the necessary access, streets must serve a range of functions: some streets must serve through traffic; some must provide access into, out of, and within neighborhoods; and some must provide direct access to adjacent properties. In order for the street system to operate efficiently and effectively, and minimize the impacts of traffic on residential areas and businesses, the desirable and necessary functions of city streets are determined and specified in the form of a *Functional Classification Plan* (see Figure 3.2 for a map of City roads by classification).

A Functional Classification Plan designates streets as arterials, collectors, or local streets, specifies their use (through traffic, neighborhood traffic, and/or local traffic); sets use standards for type and volume of traffic; and establishes roadway design standards (e.g., roadway width, driveway/side street spacing, etc.). Each county also adopts a Functional Classification Map, which is approved by the Federal Highway Administration. The county map contains the official current classification of roadways that is referenced for federal grant funding programs. The City's road classification system (Figure 3.2) differs from the county map.

To provide safe, convenient access and circulation throughout the city while accommodating the expected future traffic volumes generated by area growth and development, the city street network will need to be upgraded and expanded. A Functional Classification Plan designates all city streets as either *Arterials*, *Collectors*, or *Local Streets*, as defined below:

*Arterials* provide primary traffic access routes into, out of, and through the City; Arterials connect the city street system with the state/regional highway system.

*Collectors* collect and distribute traffic to/from neighborhoods, and provide connections between local streets and the arterial system and between neighborhoods.

*Local Streets* provide access to adjacent properties.

The role of collectors is to serve the primary travel needs of the community – for trips to schools, stores, and parks and to the arterial routes that provide connection to other communities. Historically, the lack of collector streets has not been a problem for the City, because residential areas are geographically small and have not been interconnected.

## **ROAD CONDITIONS**

A survey of road conditions was conducted in the City of Driggs as part of an overall pavement management plan for the City. This is included in the appendices of the Transportation Plan. Existing unpaved roads include: Front Street (north of Buxton), Johnson Avenue, South Fifth Street, Teton Avenue, Fremont Avenue (East of Third) and Le Grand Pierre Avenue (east of 5<sup>th</sup>).

The City maintains approximately 23 miles of asphalt road and 1.5 miles of gravel road. Maintenance is divided into summer and winter seasons for this update.

**Summer Maintenance:** Road maintenance of the asphalt roads in the summer season utilizes a variety of treatments to maintain, protect and extend the life of the roadway. These techniques include crack sealing, fog sealing, chip sealing, slurry/micro sealing, mill & overlays, and overlays. Typical new asphalt roads have a 20-year lifespan without maintenance; however, this lifespan can be extended significantly with the above-mentioned techniques. The city currently is on a program to treat each road on a 5-7-year rotation. Gravel road maintenance consists of grading the road and application of dust control/gravel stabilization product. Additionally, the city periodically sweeps the streets using a combination of a backhoe mounted broom and street sweeper.

**Winter Maintenance:** The City plows snow from city owned roadways using plow trucks (1992, 1996), backhoe (2016), and a motorgrader (2008). Additionally, each plow truck has a sander. A new smaller plow truck is scheduled for delivery in 2020. The City adopted a snow removal policy document (Appendix E) in January 2016 that guides snow removal on the transportation network.

## **EXISTING TRAFFIC VOLUMES**

### Seasonal/Monthly Volumes

Average daily traffic volumes on Ski Hill Road for each month of the year are captured just east of Fifth Street and compiled in figure 2.1. Despite significant use of Ski Hill Road by seasonal recreation traffic, daily volumes do not vary

widely over the course of the year, falling into a fairly narrow range of 3,500 – 4,500 vpd. July (4,481 vpd in 2018) and August (4,092) are the highest volume months, and June and September volumes are higher than the annual average. February, March, and December volumes are approximately equal to the annual average.

Figure 2.1 Average Annual Daily Traffic

Daily Traffic Volume

The approximate average annual daily traffic levels for arterial routes in and adjacent to the city are shown in figure 2.1. Hwy 33 and Ski Hill Rd have seen significant increases in traffic since the year 2000. The City’s annual traffic counts, in Appendix B, provides a comparison of 2005, 2020 and a projected 2030 traffic count based on a 4% growth rate. This appendix should be update when the 2020 traffic counts are completed.

Truck volumes on E Little Ave have decreased from 2005, when one-third of all vehicles were heavy trucks, to about 7% of traffic in 2013. As construction continues to rebound, the percentage of truck traffic on E Little will also increase. The presence of trucks on Little Avenue is primarily the result of the location of the county landfill and several active gravel pits near Cemetery Road.

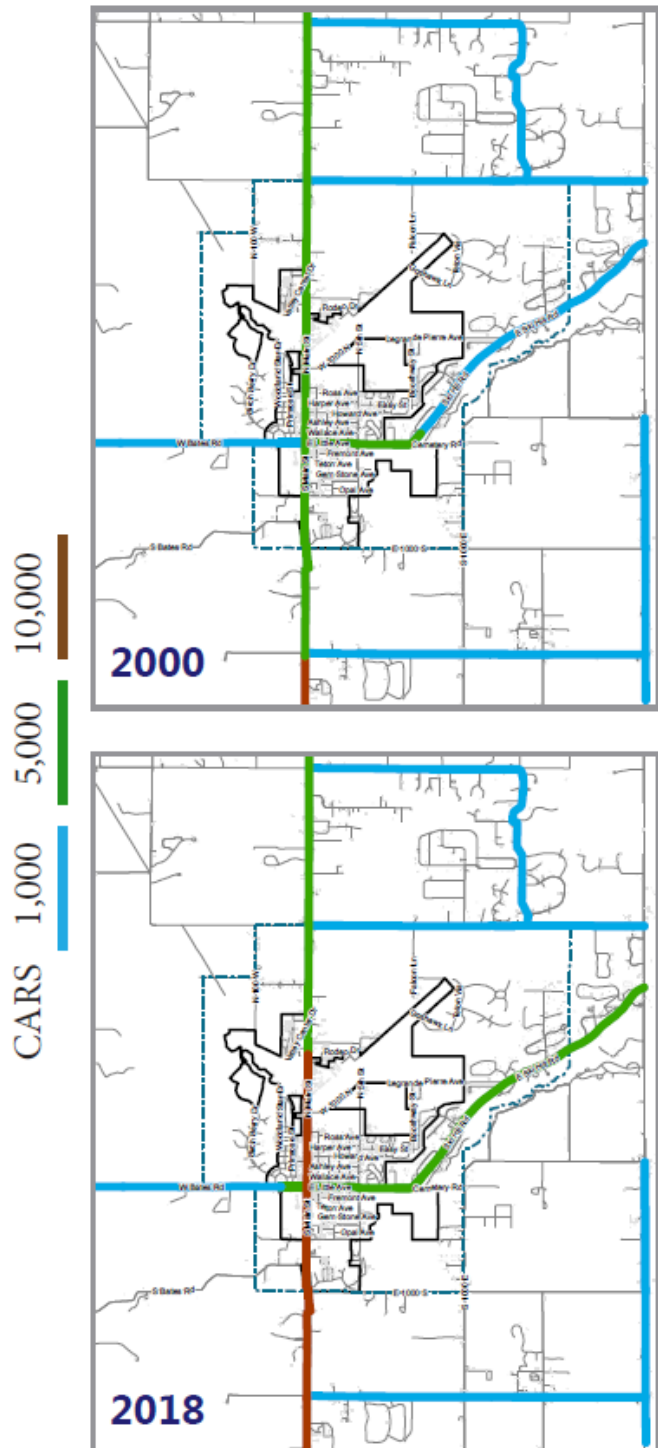
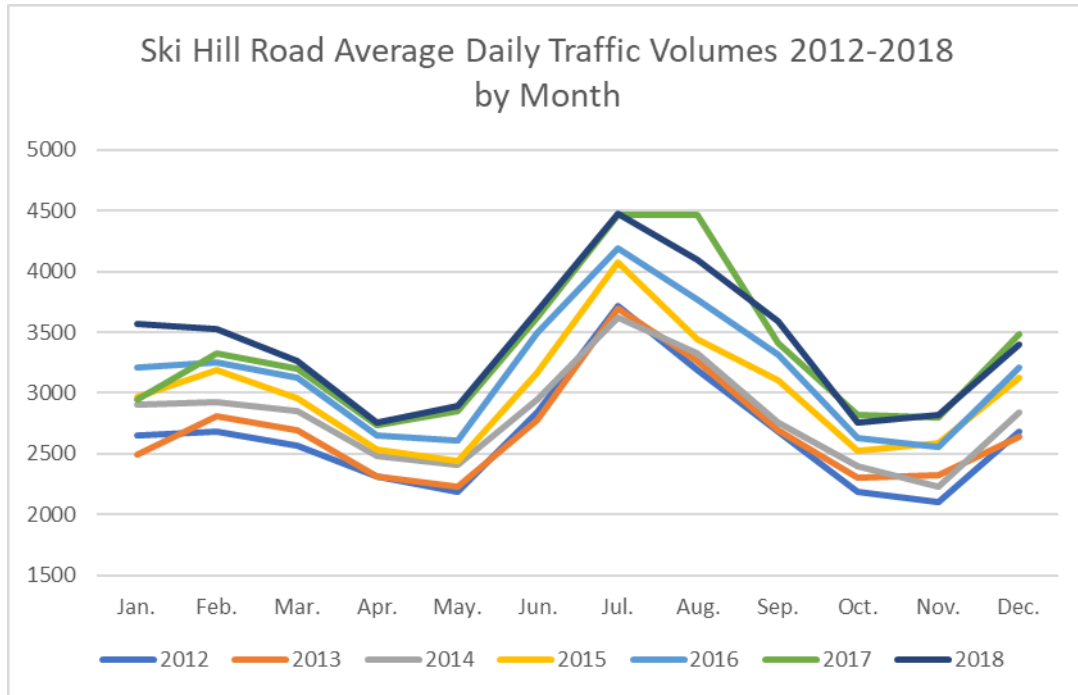


Figure 2.2 Monthly Traffic Variation



**TRAFFIC OPERATIONS**

The adequacy of street/highway capacity and the smoothness of traffic flow (or lack thereof) are described by a measured called “Level of Service” (LOS). LOS is determined for each roadway element (freeway mainline and ramps, highway sections, signalized and stop-controlled intersections, etc.). The Highway Capacity Manual, published by the Transportation Research Board and used nationwide, defines LOS as follows:

*“Level of Service” (LOS) is a quality measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience.*

*Six LOS are defined for each type of facility that has analysis procedures available. Letters designate each level, from A to F, with A representing the best operating conditions and F the worst. Each level of service represents a range of operating conditions and the driver’s perception of those conditions. Safety is not included in the measures that establish LOS.*

For all LOS measures, LOS E represents capacity, with LOS F representing congested, over-capacity conditions, and LOS D indicating that a facility is nearing capacity.

For the analyses guiding/supporting development of the City of Driggs Transportation Plan, a LOS measure based on roadway type and daily volumes was employed. For existing traffic volumes, all streets and highways in the study area currently operate at LOS A or B (LOS C or better conditions meet all operational standards and are considered desirable). No analysis of LOS was completed with the 2019 update.

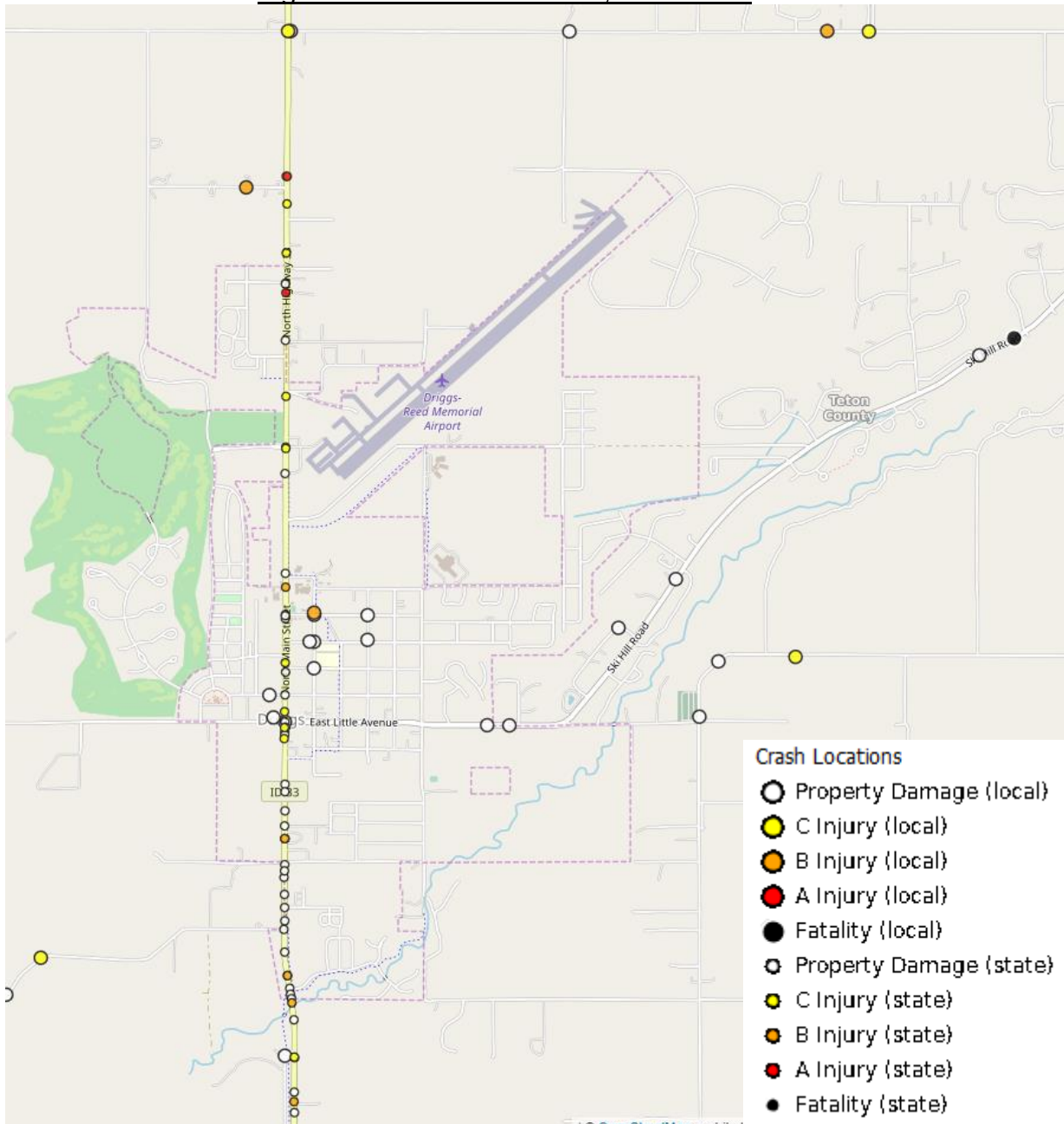
### **Traffic Accidents / Safety**

Traffic safety conditions in Driggs were evaluated by compiling and analyzing accident records for the five-year period 2014-2018. The accident records are plotted in Figure 2.3. Injury Type A requires immediate medical attention. Types B and C do not.

From 2012 to 2017, the number of traffic accidents has averaged 8 per year and the average number of injury accidents was 2 per year (1.27 per capita compared to a national average of 7.6 injury accidents per capita). In 2018, the number of accidents climbed to 17, with 5 injury accidents. Seventy percent of injury accidents occurred in winter months. The number of crashes per vehicle miles traveled is lower than the national average. The Idaho Transportation Department has, in 2015, increased the speed limit to 30mph on Main Street (Hwy 33) between Ross Ave and Wallace Ave following a speed study that showed drivers were traveling nearly 33mph on average. Future monitoring will assess whether this speed limit increase contributes to faster speeds and a return to a higher accident rate.



Figure 2.3: Traffic Accidents, 2014-2018



Source: Local Highway Technical Assistance Council (<http://gis.lhtac.org/safety/>)

### PARKING FACILITIES

This section presents the results of an inventory of existing on- and off-street parking in the downtown. The inventory includes three off-street public parking lots. It does not include the Broulim’s parking lot because that seems to be

separate from the Main Street area. Figure 2.4 shows the number of existing parking spaces in the downtown area along with the percent of spaces that were found to be occupied in August 2018 during the weekday noon hour (peak parking demand). Currently, the downtown overall does not have a parking shortage, however certain block faces fill up at peak demand (noon hour and early evening near food establishments).

Figure 2.4: Existing Parking Facilities



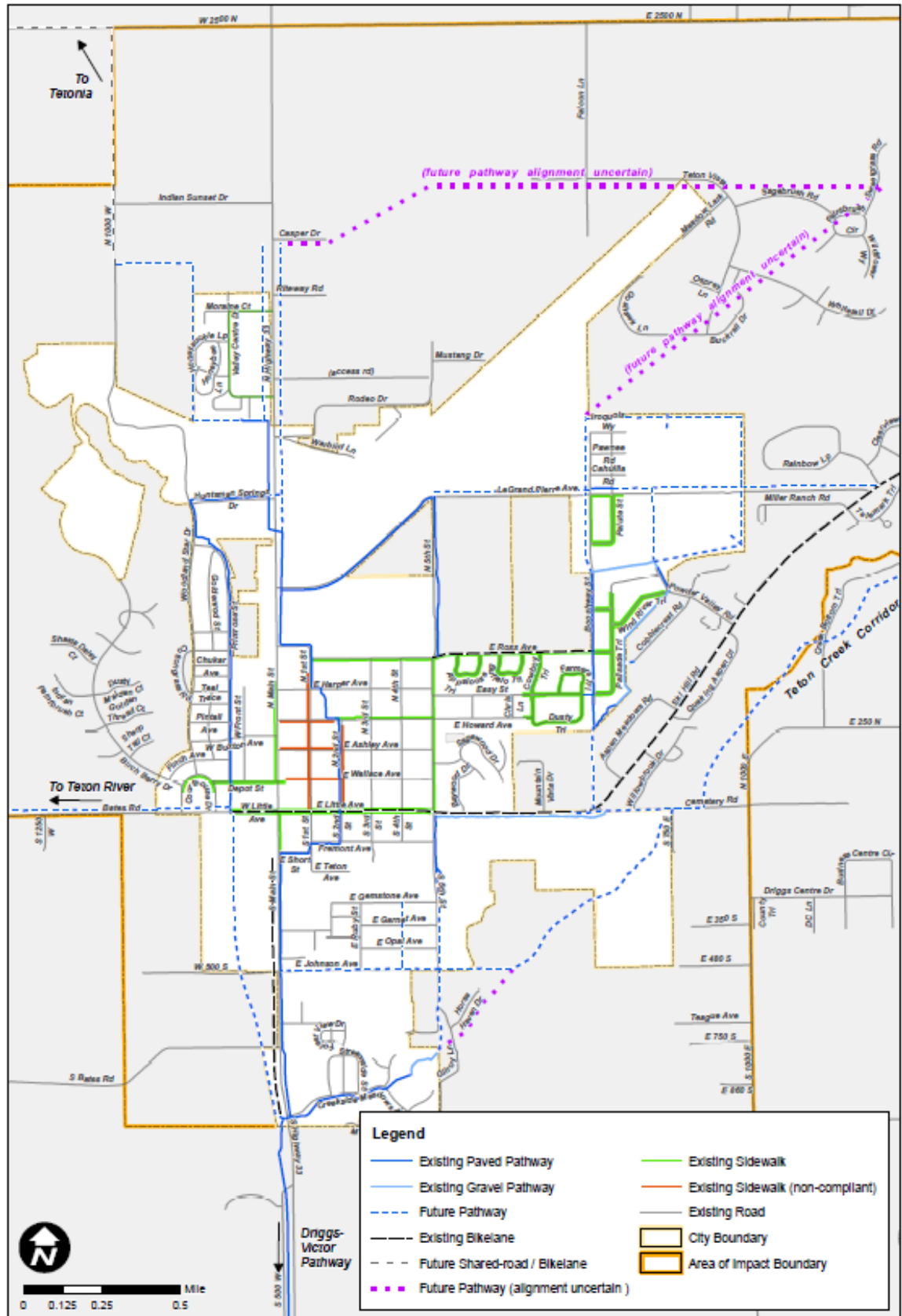
### **BIKE LANES, SIDEWALKS AND PATHWAYS**

As Figure 2.6 shows, most streets in the downtown commercial core and in newer residential areas have sidewalks. First Street East to Fourth Street and Harper Ave South to Fremont have few sidewalks and those that do may be deteriorated, not connected or do not meet standards for width or accessibility.

Existing bike lanes are on SH33 between Short Street and Creekside Meadows Road, and along Little Avenue and Ski Hill Road as well as along recently built and reconstructed collector routes such as 5<sup>th</sup> and Ross Avenues. A separated pathway is often utilized in lieu of bike lanes and sidewalks such as along Boosway Ave.

Pathway locations are required to conform to the adopted Driggs Pathways Plan by aligning with or connecting to proposed or existing pathway routes. The purpose of these routes is to meet the goals and objectives of the city's Comprehensive Plan by providing alternative (non-motorized) mobility connections between neighborhoods, schools, parks, shopping and employment areas. Figure 2.6 also depicts the adopted City Pathways Plan and shows existing and proposed pathway routes.

Figure 2.5: Bicycle & Pedestrian Facilities and Pathways Plan



## **PUBLIC TRANSPORTATION**

Prior to May 2019, there were three active public transportation services operating in Driggs and Teton Valley: Southern Teton Area Rapid Transit (START), Targhee Regional Public Transportation Authority (TRPTA) and the Grand Targhee Resort Shuttle. TRPTA, which provided door-to-door demand-response service in Teton Valley, ceased operation on April 30, 2019.

START, operated by Town of Jackson and Teton County, Wyoming, provides four commuter runs each weekday, departing from the Driggs Transit Center between 5:40am and 7:40am and returning to Driggs between 5pm and 8:45pm. Fares are \$8 each way, or \$95/month for regular commuters. Annual ridership on the Teton Valley - Jackson commuter service (including the Victor stop) is between 30,000-35,000 and growing at around 10% annually, with the two later morning buses being routinely at capacity. The service is used by both students commuting to public and private schools in Jackson and commuting employees. START is preparing a Route Plan to guide operations and expansion between 2020-2024.

The Grand Targhee Resort shuttle is a fixed route scheduled service between Driggs and Grand Targhee Resort operated in both winter and summer seasons. The service has been primarily an employee shuttle, but is open to the public and is expected to become more of a true public transit option, with full accessibility provided on vehicles. Service expansion to Victor is also expected in the 2019-2020 season. Fares are \$2 each way. The service is contracted out by START and funded through a Federal Transit Administration grant with local match from Grand Targhee Resort. The shuttle has the following stops: Buffalo Valley in Valley Centre, Driggs Transit Center, 5th Street/Ski Hill, Powder Valley Townhomes, Teton Creek Resort, Grand Targhee Resort. Ridership for 2017 was just over 20,000, with about 75% of riders being employees. Grand Targhee's master plan states that the resort's winter goal is 70% of employees and 30% of public riding public transit. In summer, the goal is 40 employees/day and 20% of public visitors.

The City of Driggs continues to facilitate communication between transit operators to improve the effectiveness and efficiency of services, ensure good connections and to encourage informed expansion of services to meet changing transportation needs. The City of Driggs has also developed supporting capital facilities, such as the Driggs Transit Center, park & ride lots and bus storage facility.

## **TRANSPORTATION FUNDING**

The city's road fund receives a portion of the state gas tax and registration fees based on the city's population relative to the population of other cities in the state. For fiscal year 2020, this state revenue was projected to be \$85,000. Additionally, Teton County shares its temporary road levy with the City of Driggs.

For fiscal year 2020, \$143,000 of county road levy funds were projected. These sources together represent less than 50% of the city's transportation expenses.

To address this funding gap, a local sales tax on lodging and retail sales was adopted in Driggs and is used for improvements to and maintenance of transportation infrastructure, including roadways, sidewalks and pathways, stormwater and lighting, as well as transit facilities. This local option non-property tax is projected to produce approximately \$460,000 in FY20, with approximately two thirds of sales tax revenue allocated to transportation expenses. The "Resort Tax", as it is commonly referred to, was renewed in 2017 and will be up for renewal again in 2027.

The city has also adopted a streets impact fee, which is collected at the time of building permit for all new development. This fee is used to add capacity to the street system that is needed to serve the new development while maintaining the same level of service in the system. As of 2019, the impact fees are used exclusively to build or improve collector roads, higher volume roads typically spaced every half-mile through the community.

The City of Driggs also works to secure funding from several regular grant programs offered through the Idaho Transportation Department, Local Highway Technical Assistance Council and Federal Transit Administration. Often, these grants are combined with funding from the sales tax fund and/or with tax increment financing from the Urban Renewal Agency. In residential subdivisions, where grant funds and urban renewal revenue are typically not available, a local improvement district tool can be used (assessing a portion of the cost to property owners benefited by the project) in conjunction with impact fees (if a collector road) and/or sales tax, with the ability to finance the LID assessment over a period of typically 10-20 years.

In summary, the city is able to maintain and improve its transportation infrastructure at a slow, but steady pace. The city utilizes the iWorq pavement database for developing and prioritizing road maintenance treatments. Major transportation projects are listed in the Capital Improvements Plan attached as to this plan as Appendix A. The Capital Improvements Plan (CIP) should be reviewed, updated, and adopted by City Council every 3 years. The CIP is critical for identifying projects, which typically must be on the CIP to be eligible for grant funding.

## **AIRPORT**

The Driggs-Reed Memorial Airport is a Class C2 airport, under which scheduled commercial airline traffic is not possible. General aviation including air charter, air taxi, corporate, business and recreational activity are permitted. In 2018, the airport had an estimated 15,000 flights. The airport runway and North taxiway are 7300 feet in length, with a runway width of 100 feet. The airport is owned and operated by the City of Driggs with guidance and direction by the Driggs Airport

Board and flight operations managed by a Fixed-Based Operator, currently Teton Aviation.

Currently, the Airport operates under a set of rules that include “preferred hours of operations” (6:00 a.m. to 11:00 p.m.) as well as voluntary requirements for aircraft to use “procedures that will minimize noise to surrounding areas” such as avoiding low altitude maneuvers, and authority for the Airport Board to prohibit operators who have repeatedly “created conditions that are detrimental to good community relations”.

The City’s Land Development Code also contains various airspace protections and land use restrictions to ensure compatibility of land use with airport operations.

The Airport Master Plan is being updated as of 2019. This Master Plan provides a comprehensive analysis of the airport facilities, projected trends, and documents facility requirements and activities affecting the airport and surrounding environment. Investments related to airport facilities and land acquisition are currently being pursued in line with the Airport Capital Improvement Plan that is also a part of the Master Plan.

## **PROJECTED CONDITIONS**

### **Estimated Future Traffic Volumes**

Traffic volumes on all city streets and Area of Impact roads will increase with increasing residential and commercial development. Appendix B contains the traffic count data (to be updated annually) and a projection for traffic at ten years in the future. The traffic projections are currently based on a growth rate of 4%, which mirrors population growth projections used in other city planning documents. Traffic counts should be updated regularly to verify the projected traffic counts are correct.

## **CONCERNS**

### **Truck Traffic**

One of Driggs residents’ primary transportation-related concern is excessive truck traffic coming through town, especially down Little Avenue, and that the impacts of dust and noise, in particular, significantly detract from the attractiveness of downtown as a pedestrian shopping district. Others commented that heavy truck traffic is taking an unfair toll on Little Avenue. Gravel debris in the bike lanes is also an issue.



### **Speeding Vehicles**

Many residents expressed concerns about speeding vehicles in the 2006 Comprehensive Plan survey and the Transportation Plan public meetings. Specific problem areas included Little Avenue / Ski Hill Road, Main Street (particularly at Johnson), and Fifth Street. Speed dips on Little Avenue seem to control speed for the most part, but motorists often ignore stop signs on Ross Avenue and Fifth Street between Ross and Little Avenues, and repeated vehicle accelerations create noise impacts. Dips on 5<sup>th</sup> and Ross Avenue are more severe than on Little Avenue and may discourage through traffic (e.g., school traffic) from using these collector routes and result in increased through traffic on local roads in the townsite neighborhood.

### **SH33 Accesses and Downtown Circulation**

Increased traffic on Main Street / SH33 coupled with many accesses (sometimes multiple per property) has reduced safety and efficiency for both vehicle and pedestrian movements. Some residents expressed a general dissatisfaction with downtown vehicle congestion and circulation patterns; others identified the Broulim's and Post Office accesses as specific locations of concern.

### **Pathways, Sidewalks and Bike lanes**

Concerns over the safety and adequacy of pedestrian and bicycle routes were raised in the Comprehensive Plan and Transportation Plan meetings, including:

Mid-block crossings are dangerous because of faded markings and speeds; the City should consider flashing signs, crossing flags, bulb-outs and other means to increase pedestrian visibility and overall safety.

Crossing SH33 from the Driggs-Victor Pathway to Creekside is dangerous because of high speeds and low visibility. This was addressed with the improved pathway crossing and addition of a rectangular rapid flashing beacon.

Bicycle connection between downtown and neighborhoods to the north has been improved with the Valley Centre pathway, but additional connections – to the Teton Business & Education Center, Super 8 and airport, for example, remain to be made. Connection to the south has been improved with the completion of the North-South pathway, however through connection of the Greater Yellowstone Trail along the old railroad right of way should be pursued to reduce the need for crossing SH33.

Pedestrian safety within the Valley Centre Subdivision is inadequate and sidewalks should be required in any improvement project. As the city expands this will become a concern in other locations and the city should continue to require sidewalk improvements during improvement of existing road facilities.

### **Street Beautification and Pedestrian Amenities**

The community expressed desire for street beautification and the addition of pedestrian amenities (wide sidewalks, bulb-outs, street trees, benches, historic light poles, etc.) on the main thoroughfares. While the 2013 Main Street Improvement project as well as Little Avenue and Depot Street improvements have addressed these points, there are additional locations such as North Main Street that could benefit from improvements to the streetscape and intersections. Stamped brick patterns between sidewalk and curb and bollard outline of bulbouts are simple solutions that could improve aesthetics and safety.

### **Street Conditions / Maintenance**

Excessive dust, deteriorated streets, substandard (gravel) streets, potholes, and the lack of enforcement on sidewalk snow clearing requirements were expressed as concerns. The City subsequently began clearing snow from downtown commercial area sidewalks and Safe Routes to Schools to ensure these areas were open and accessible for the community and visitors.

### **Connectivity**

Many residents expressed a desire to maintain the historic grid pattern of streets, which has a high connectivity, rather than the curvilinear or cul-de-sac design patterns, which have lower connectivity. High connectivity distributes traffic more evenly through the network and usually allows for more efficient response from emergency services. Connectivity between new developments (particularly to the east of the original town site) and the new High School and Ski Hill Road was a concern to those living on Fifth Street, Ross Avenue, and Powder Valley Road. Concerns from the 2007 study regarding a standardized addressing system throughout the county were resolved. However, minor discrepancies still remain in the city specifically related to consistency of street naming conventions and street signage matching street name (First St. vs 1<sup>st</sup> St.)

## **Chapter 3: TRANSPORTATION PLAN**

This chapter will guide the development of the City's transportation system as the city grows. This chapter presents:

- A Roadway Network Plan containing a street classification system, recommended new streets, access management policy, and traffic calming strategies
- Recommended intersection strategies and improvements
- Sections on pedestrian, bicycle, and transit mobility
- A list of proposed projects
- Recommended actions

## **CODE AND DESIGN STANDARDS**

Roadway design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, adjacent land use, composition of traffic, and safety. The standards are also established to provide appropriate separation between travel lanes and pedestrian and bicycle facilities. They are necessary to ensure that the street system will be capable of serving the traveling public as it develops, while also accommodating the accessibility and orderly development of adjacent lands.

It is important to note that the street design standards are meant for new streets or streets undergoing significant upgrades. The street standards contained in the adopted Public Works Standards (Appendix D) do not require that the City or a property owner upgrade a street to these design standards unless a new street is being constructed or a street is being improved/upgraded.

The current street design standards are for only collector and local streets and not for arterials. Main Street is the subject of a special design process, which produced the 2011 SH33 Corridor Plan (Appendix C), and Ski Hill and Little Avenue, the other two arterials, have been recently upgraded. On some roads, a separated pathway may be preferred over bike lanes, where the pathway provides the same connection and a safer environment for users. Street and pathway connectivity standards and requirements are established by and contained in the Driggs Land Development Code.

Appendix A contains the City's prioritized list of transportation improvement projects for the planning horizon of this plan. Appendix A should be continually updated and adopted by City Council. In addition to those projects, the Idaho Transportation Department has scheduled a Highway 33 turn lane project for 2024-2025, which is expected to include turn lanes at the Highway 33 / LeGrand Pierre and 2000 South (truck route) intersections. The City of Driggs continues to work with Idaho Transportation Department on the long-term Highway 33 corridor improvements envisioned by the SH33/Main Street Corridor Plan, adopted by the City in 2008.

This plan recommends that local and collector streets that have more than 50 percent of the street frontage of non-residential zoning as recommended by the Driggs Comprehensive Plan, would be subject to commercial street design standards.

All new pavement for collector streets should be designed according to the latest AASHTO guide with a twenty-year design life. The design should include forecasted traffic growth rates and equivalent single axle loads and design traffic for the future road.

Street design standards are established by and contained in the adopted Driggs Public Works Standards document (attached as Appendix D). These design standards should be reviewed and updated every 2-3 years.

**Actions:**

- Require roads with more than 50% non-residential zoning to be subject to commercial road design standards
- Require collector streets to be designed with a 20-year design life according to AASHTO standards. Include projected traffic loading as part of the design.
- Review and update street design standards every 2-3 years.
- Disallow cul-de-sacs unless they are required by topography or existing development.
- Require all new subdivisions to connect to at least two collector streets. If this is not possible, the new development should have at least two connections to the same collector street. These should be spaced as far apart from each other as possible.
- Require local street block lengths not exceed 400 feet as measured along the street centerline from centerline intersection to centerline intersection unless topography or existing development prevents this.
- Allow streets up to 1200 feet in low density residential areas, as long as there is a pedestrian walkway connection between blocks no more than 400 feet apart.
- Require subdivision street plans to show and provide easements or rights-of-way for potential roadway and pedestrian connections to neighboring properties

**TRAFFIC CONTROL/SIGNAGE**

The sign inventory completed as part of this updated plan should be used to implement a sign maintenance and replacement program. Regulatory sign maintenance should be prioritized over non-regulatory signs. This data should be updated regularly, but at a minimum of every three years.

All new signage should comply with the MUTCD retroreflective requirements and the City should implement a program to replace existing signage that does not meet MUTCD requirements. The city should continue to fund a sign replacement program for both types of signage.

**Intersection Control**

There are three basic types of intersection traffic controls that provide *active* control: traffic signals, stop signs, and roundabouts. (Yield signs and traffic right-of-way rules provide *passive* control in the absence of active controls.) In addition to providing capacity – and being the primary determinant of the street system’s overall capacity – intersection traffic controls also set priorities among the various traffic flows approaching intersections, they can be used to calm traffic calming and control speeds, and they can be urban design features.

Below is a summary of intersection traffic control features and characteristics, and guidelines for their use in the City of Driggs.

### **Traffic Signals**

Traffic signals provide the greatest capacity and highest level of control at intersections. Installation and maintenance costs are significant. Traffic signals are appropriate for intersections where traffic volumes dictate the need for a greater level of capacity and/or control.

A set of warrants for the installation of traffic signals is defined in the *Manual on Uniform Traffic Control Devices* (MUTCD), and should be used to determine the need/location for traffic signals.

#### Guidelines for Use of Signal Control

- Installation of traffic signals may be considered at all arterial/arterial and arterial/collector intersections.
- Installation of traffic signals at Main Street intersections should be considered as a means of calming regional through traffic by alerting motorists to the urban conditions that prevail in the City of Driggs.
- Signals may be appropriate at some collector/collector intersections.
- Signals cannot be installed until warrants are met.

### **Stop Signs**

The primary purpose of stop sign control is to establish a hierarchy of active controls where intersection volumes are too great to operate safely with only passive controls. There are two types of stop sign control: (1) Two-Way Stop Control (TWSC) allows traffic on major approaches to flow freely and stops traffic on minor approaches, and (2) All-Way Stop Control (AWSC) stops traffic on all approaches. TWSC gives priority to the major approaches, while AWSC gives equal priority to all approaches. Stop control does not provide as much capacity as signal control, and is appropriate for intersections with limited traffic volumes. Stop signs should not be used as a traffic calming/speed control measure.

#### Guidelines for Use of Stop Control

- All-Way Stop Control (AWSC) may be considered at arterial/collector and collector/collector intersections.
- AWSC should not be used at local street intersections.
- At minimum, Two-Way Stop Control (TWSC) shall be applied to collectors at arterial/collector intersections, and to local streets at collector/local and arterial/local intersections.

### **Roundabouts**

Roundabouts control intersection traffic by merging approaching traffic onto a freely-flowing circle. Depending on size and design, roundabouts can provide a wide range of capacities, making them appropriate for use on arterials, collectors, and local streets. Roundabouts can have a traffic calming effect by slowing the

approaching traffic flows, and like AWSC, roundabouts inherently give equal priority to traffic on all intersection approaches.

Due to the size of their footprint, roundabouts require more right-of-way than a typical intersection. In addition, because pedestrians (and bicycles) must go around the periphery of the roundabout, crossing the approach legs at least a car length from the roundabout itself, roundabouts make for longer walking distances.

Unlike the other intersection control types, however, roundabouts can be significant urban design and/or landscaping amenities/features (e.g., a roundabout can be used to help define a “gateway” to a particular area).

#### Guidelines for Use of Roundabouts

- Installation of roundabouts may be considered at any intersection in the city.
- In addition to traffic capacity and operations issues, the property/right-of-way requirements of the roundabout should be a primary consideration from the outset.

#### Actions:

- Update sign inventory every 2-3 years.
- Review, analyze and adjust stop-controlled intersections on local streets.
- The City should implement a sign maintenance program, with priority given to regulatory signs.

## **ROADWAY SYSTEM PLAN**

The City’s roadway system plan addresses three key issues:

1. The roadway classification system and corresponding street design standards (Public Works Standards, Appendix D) and access management policies
2. Roadway connectivity, including new and improved streets to meet both existing and future needs
3. Traffic calming techniques that ensure multi modal use of streets and improved safety, including techniques to limit the noise and dust caused by trucks on non-truck route streets

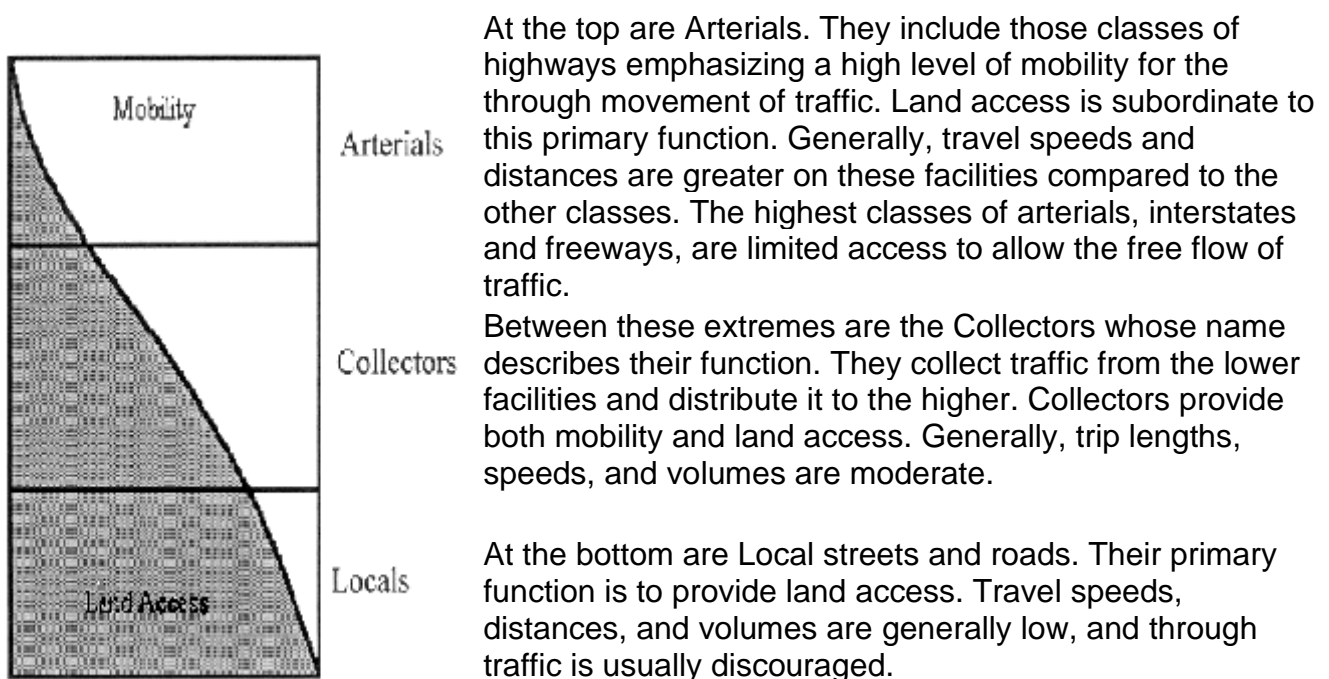
The classification system establishes the relative importance of a facility to the community and the types of anticipated transportation activities. The street standards applied to the City’s roads identify right-of-way and multi-modal design requirements for the transportation network. Roadway connectivity requirements address the intent to create stronger circulation patterns, reduce average auto

trip lengths and out-of-direction travel, and improve multimodal accessibility. In addition, site development review is also addressed in this section to identify planning requirements and design standards.

### City of Driggs Roadway Functional Classification System

Functional Classification is the grouping of roads, streets, and highways in a hierarchy based on the type of roadway service they provide. Streets and highways do not operate independently. They are part of an interconnected network, and each one performs a service in moving traffic throughout the system. Generally, streets and highways perform two types of service. They provide either traffic mobility or land access, and can be ranked in terms of the proportion of service they perform, as shown in Figure 3.1.

Figure 3.1: Mobility and Accessibility



With growth and development in the broader areas east and west of town, the need for streets to provide the collector function will rapidly become acute. Initial locations for new collector streets were determined by ensuring that collectors were provided at one-half mile spacing to create a 'grid' street pattern capable of providing adequate capacity and access for area growth. In some cases, because of physical constraints or existing development patterns (e.g., the airport runway), this pattern is not possible. The grid pattern established with the original townsite should be continued to allow future access and traffic flow.



Increases in traffic and congestion should be assumed for State Highway 33. When the level of service on State Highway 33 falls below the ITD threshold, ITD may street and access improvements to increase the level of service. The City should plan this eventuality and work to develop Front Street and First Street as alternative routes for local traffic and commercial/retail development. This Plan recommends a simple system for the City of Driggs consisting of arterial, collector, and local streets in addition to a *truck route* category that overlays collector streets.

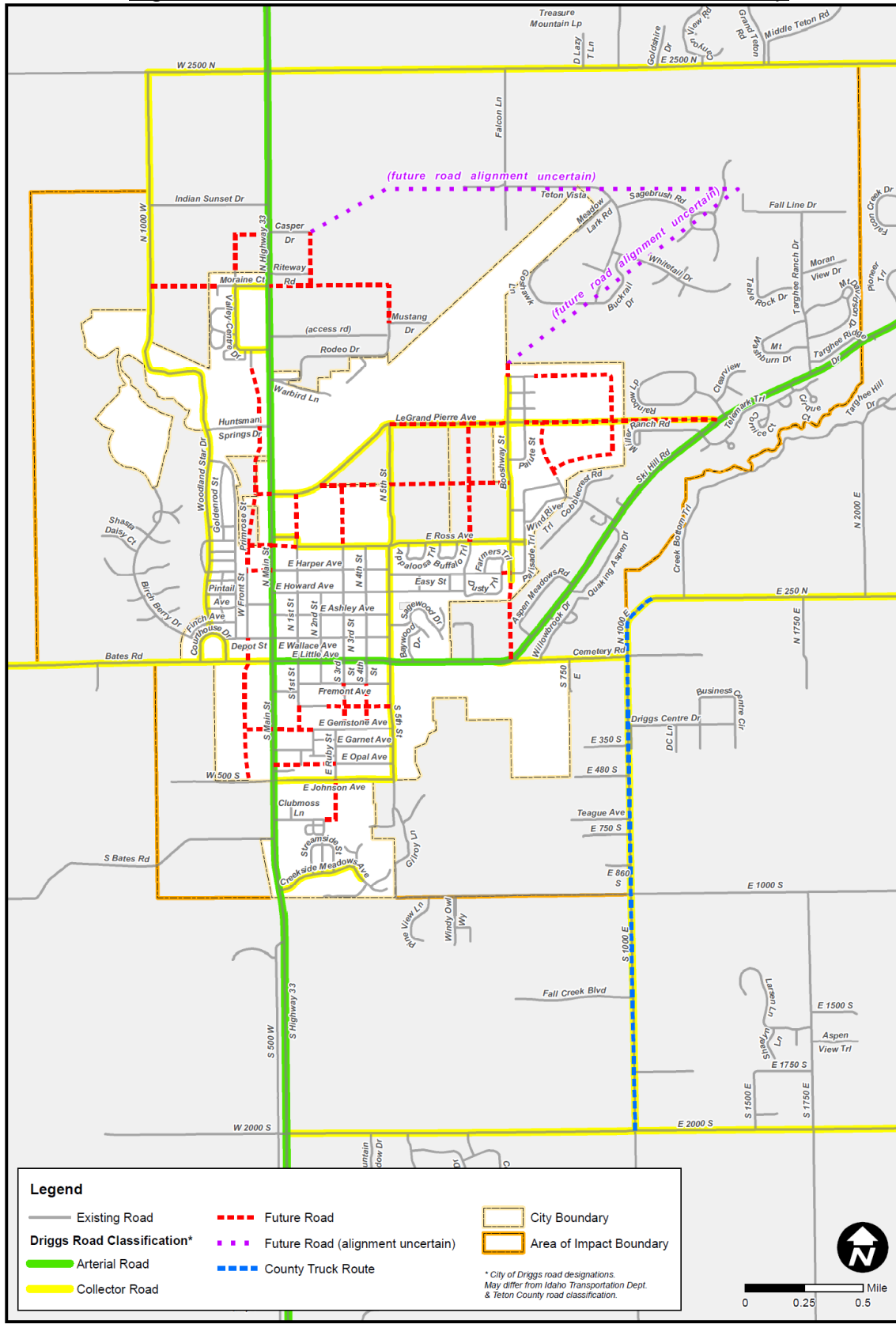
Figure 3.2 presents a street map with functional street classification for existing streets and future collectors (“desired connections”) The route of these future collectors is conceptual, and merely represent the “desired connections”.

**Equivalency to Teton County Functional Classifications**

Driggs Arterial = Teton County State Hwy and Major Collector

Driggs Collector = Teton County Minor Collector

Figure 3.2: Street Classification & Future Connections Map



**Actions:**

- Review and update street classification map as needed.
- Coordinate classifications and routes with ITD and Teton County.
- Annually, identify roads that meet ITD's collector status and apply for ITD collector classification on said road (Example: LeGrand Pierre).
- The City should maintain its Street Classification Plan and Street Design Standards Matrix in accordance with the guidelines contained in this plan.

**Connectivity**

A well-connected street system encourages walking and biking and decreases unwanted traffic on local streets and unnecessary congestion on collectors and arterials. Fortunately, the City of Driggs, unlike many other small communities facing significant growth, is planning before the fact to ensure a good level of roadway connectivity.

This Plan proposes the addition of needed collector streets (see Figure 3.2 above) to provide for appropriate connections throughout the city and its area of impact. Funding options for those streets include:

- Developer funded, including options for developer reimbursement and community infrastructure districts.
- LID funded
- Impact fee funded. The City currently collects a street impact fee at the time of building permit for new construction that will generate additional traffic. These impact fees may only be used to construct or expand new collector routes.
- Local sales tax ("resort tax")
- State and Federal grants administered by the Local Highway Technical Advisory Council.

A well-connected street plan of collector and arterial streets is only one component of a good overall connectivity plan. Other strategies involve requiring new development to provide well-connected local streets that support biking and walking.

**Actions:**

- Disallow cul-de-sacs unless they are required by topography or existing development.
- Require all new subdivisions to connect to at least two collector streets that meet city standards. Ideally, this should be two different collectors. If this is not possible, the new development should have at least two connections to the same collector street. These should be spaced as far apart from each other as possible.
- Limit Street Length: Local street block lengths shall not exceed 400 feet as measured along the street centerline from centerline intersection to centerline intersection, unless topography or existing development prevents this. In low density residential areas, streets may be up to 1,200

feet but there must be a pedestrian walkway connection between blocks no more than 400 feet apart.

- Require subdivision street plans to show potential roadway and pedestrian connections to neighboring subdivisions and provide easements or rights-of-way for these connections.
- Require construction of clearly marked accessible pedestrian routes from the sidewalk to buildings in commercial developments.
- Require new developments (subdivisions, commercial, industrial, etc.) to construct transportation improvements, meeting city standards, to provide safe efficient access route to the development.

### **Access Management Policy**

The primary purpose of access management policy and guidelines is to facilitate safe and convenient access and circulation for vehicular traffic, pedestrians, and bicycles within the city. This is accomplished by providing for the best property access possible while minimizing vehicular conflicts and locating conflict points (i.e., driveways) in such a way as to reduce hazards and maximize safety. The following access management guidelines are related directly to street type. The City's official access standards are provided in the Driggs Land Development Code.

#### Main Street/SH-33

Main Street in the City of Driggs is a State Highway (SR-33), and access is controlled by the Idaho Transportation Department (ITD). ITD, in cooperation with the City, has developed a specific access management plan for Main St/SH-33.

- New or modified accesses to Main Street / SH-33 should conform to the adopted Transportation Access Plan Agreement between ITD and the City of Driggs (Appendix F).

#### Arterials

The primary function of arterials is to carry traffic (vehicular, pedestrian, and bicycle) into, out of, and through the city. The Access Management Guidelines are designed to support this function by minimizing property access and minimizing the number of access points:

- Access to arterials should be provided at intersections with public streets only.
- Where direct private property access to an arterial is unavoidable and necessary, there should be a maximum of one access point for each property. Private property accesses should be combined and consolidated to the extent possible. Full-frontage access should be prohibited.

#### Collectors

The primary function of collectors is to carry traffic (vehicular, pedestrian, and bicycle) into, out of, and through individual neighborhoods. The Access Management Guidelines are designed to support this function and to enhance the residential environment by minimizing property access, the number of access points, and the number of residences with front yards and driveways on traffic-carrying streets:

- Access to collectors should be provided at intersections with public streets only.
- Where direct private property access to a collector is necessary, there should be a maximum of one access point for each property. Private property accesses should be combined and consolidated to the extent possible. Full-frontage access should be prohibited.
- New or modified accesses to Commercial Collectors should be approved through the Design Review process.

#### Local Streets

The primary function of local streets is to provide access to adjacent properties. The Access Management Guidelines are designed to support this function and to enhance the residential environment by minimizing property access and the number of access points:

- There should be a maximum of one access point for each property. Private property accesses should be combined and consolidated to the extent possible. Full-frontage access should be prohibited.
- New or modified accesses to Local Commercial streets should be approved through the Design Review process.

#### Actions:

- Review and update land development code to ensure it complies with the transportation access management guidelines.
- The City should follow the Access Management Strategies set out in this Plan and enforce associated adopted standards when reviewing proposed development.
- Work with Idaho Transportation Department to develop an intersection traffic control plan for SH33 that includes assessing the need for traffic control at all intersections and the affect this will have on traffic flow.
- Require developments to analyze traffic impacts and provide mitigation to maintain LOS at level C or better at full buildout.

#### **Traffic Calming**

According to the Federal Highway Administration, traffic calming is the *combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users*. In essence, traffic calming slows traffic to improve safety for all users of the street. Traffic calming is most effective when it is part of the original

street design, but it can be retrofitted on to an existing street. Appropriate traffic calming techniques vary depending on the traffic goal and type of street. The two major functions of traffic calming are controlling speed and diverting traffic. Traffic calming measures should be carefully selected based on the desired effect and road use. Below are some, but not all of the available traffic calming techniques.

### Speed Control Measures

One of the most effective ways to slow traffic on any type of street is to either narrow the street or make it appear narrow. Such techniques include:

- Narrowing lanes.
- Planting trees along the street to frame it. Tree planting locations should be reviewed to ensure they do not affect street maintenance operations (snow removal, sightlines, etc.)
- Placing curb extensions at intersections on streets that have on-street parking. This is also a pedestrian improvement that shortens crossing distances for pedestrians.
- Narrowing turning radii so that drivers have to slow down when they turn. The actual degree of the intersection will depend the number of trucks it serves and where it is located. Keeping turning radii narrow is most important in the downtown. Historically, downtown turning radii were at right angles in the commercial sections of cities. Radii should be designed to accommodate the anticipated design vehicles.
- Painting bike lanes in addition to striping them to create the illusion of a narrower street.
- Providing on-street parking.
- Installing traffic circles and raised islands at intersections, around which traffic circulates. Sometimes called *intersection islands*, raised islands are usually circular in shape and landscaped in their center islands, though not always. They are typically controlled by YIELD signs on all approaches. Large vehicles may not be able to turn around small-radius curves. One solution is to make circles partially or wholly mountable by adding outer rings (called truck aprons), building conical-shaped center islands (with “lips”), or paving over the tops of islands with concrete or asphalt. Alternatively, center islands can be designed with cutouts for buses and trucks with wide turning radii.
- Installing chicanes — curb extensions that alternate from one side of the street to the other— forming S-shaped curves. Chicanes are also referred to as *deviations*, *serpentine*s, *reversing curves*, or *twists*. They are less common than circles, partly because of the high costs of curb realignment and landscaping. Also, unless well-designed, chicanes may still permit speeding by drivers cutting straight paths across the center line or testing their skills on the curves. A chicane-like effect can be achieved, at a fraction of the cost, by alternating on-street parking from one side of the street to the other. Parallel parking, angled parking, or a combination may

- be used. This treatment can be as simple as restriping to delineate parking bays. Or, it can include landscaped curb extensions to beautify the street, screen unsightly parking, and create protected parking bays.
- Placing speed bumps or humps across the road. The Institute of Transportation Engineers (ITE) has a recommended practice for the design and application of speed humps. Its guidelines specify a speed hump that is 12 feet long (in the direction of travel), 3 to 4 inches high, and parabolic in shape, and that has a design speed of 15 to 20 mph. It is usually constructed with a taper on each side to allow unimpeded drainage between the hump and curb. This space is typically kept narrow to discourage motorists from crossing a hump with one wheel on the hump and the other in the gutter. The 12-foot length guarantees that a passenger vehicle cannot straddle a hump, thereby reducing the likelihood of bottoming out. While humps as short as 6 to 8 feet have been tested, they tend to function more like speed bumps. Bumps produce their greatest driver discomfort at relatively low speeds. At higher speeds, the suspension quickly absorbs all impact before the vehicle body has time to react. Also, at higher speeds, damage to the suspension or loss of control can result. Speed humps are not appropriate on high volume streets.
  - Installing gateway treatments or center island narrowing, which are raised islands located along the centerline of a street that narrow the travel lanes at that location. They are also called *midblock medians*, *median slow points*, or *median chokers*. They often are nicely landscaped to provide visual amenity and neighborhood identity, and are placed at the entrance to a neighborhood and often combined with textured pavement and monument signs.

#### Truck Traffic Control Measures

This plan recommends the development of designated truck routes, which are collector streets designed to sustain and support trucks with appropriate curb turning radii and lane widths. There are several strategies to limit truck traffic or truck traffic disturbance:

- Prohibit trucks on certain roads all the time or at certain hours of the day (only when there are other routes available for them).
- Require by city ordinance that commercial vehicles keep their loads securely covered.
- Post lower truck speeds on other streets to encourage trucks to use designated truck routes.

#### Actions:

- Implement traffic calming features at gateways to the city and other locations where excessive speeding is documented.
- Implement and enforce a covered load ordinance for commercial vehicles.
- Posting lower truck speeds on non-truck route streets to encourage trucks to use designated truck routes.

- Prohibiting trucks on certain roads all the time or at certain hours of the day (only when there are other routes available for them).

### **Road Maintenance**

Roads with a Remaining Service Life (RSL) under 3 years should be scheduled for replacement as they are at the end of their useful life. Many roads with deteriorating asphalt do not have adequate structure (base) to support the anticipated traffic loads and therefore may require full reconstruction.

#### Summer Maintenance

The city should maintain and formalize the current asphalt road maintenance plan and fund appropriately. Additionally, the city should formalize a street sweeping program to minimize dust and alleviate some of the issues generated by truck traffic. Weekly or bi-weekly sweeping of the main traffic routes would be appropriate.

#### Winter Maintenance

The adopted snow removal policy should be reviewed and updated every 2-3 years.

The city should identify snow storage locations throughout the city where the city and private snow removal contractors can deposit/store snow.

A capital equipment replacement plan should be implemented for snow removal equipment to allow proper planning and budgeting. The city should consider loading/hauling snow from the downtown core as storage of snow in parking spots reduce the availability of parking.

### **Actions:**

- Review and update the snow removal policy every 2-3 years
- Prepare a 5-10-year snow removal plan with snow removal locations for the city and private contractors to haul/store snow.
- Prepare a capital equipment procurement/replacement plan to include expansion of snow removal (parking lots, street parking, etc.)
- Create and adopt street sweeping plan or policy.
- Plan and budget for the replacement of streets with an RSL of 3 or less.
- The City should formalize and fund an asphalt maintenance plan that will treat and maintain all asphalt roadways on a 5-7-year cycle.
- The City should install a gateway treatment on at all entrances to the city.
- The City should identify and prioritize pavement markings and a pavement marking maintenance plan.

### **DOWNTOWN PARKING**

Downtown parking is an important component of the city infrastructure. It is essential to provide the right amount. Too much parking takes valuable land away from commercial and other uses that make the downtown vital; too little



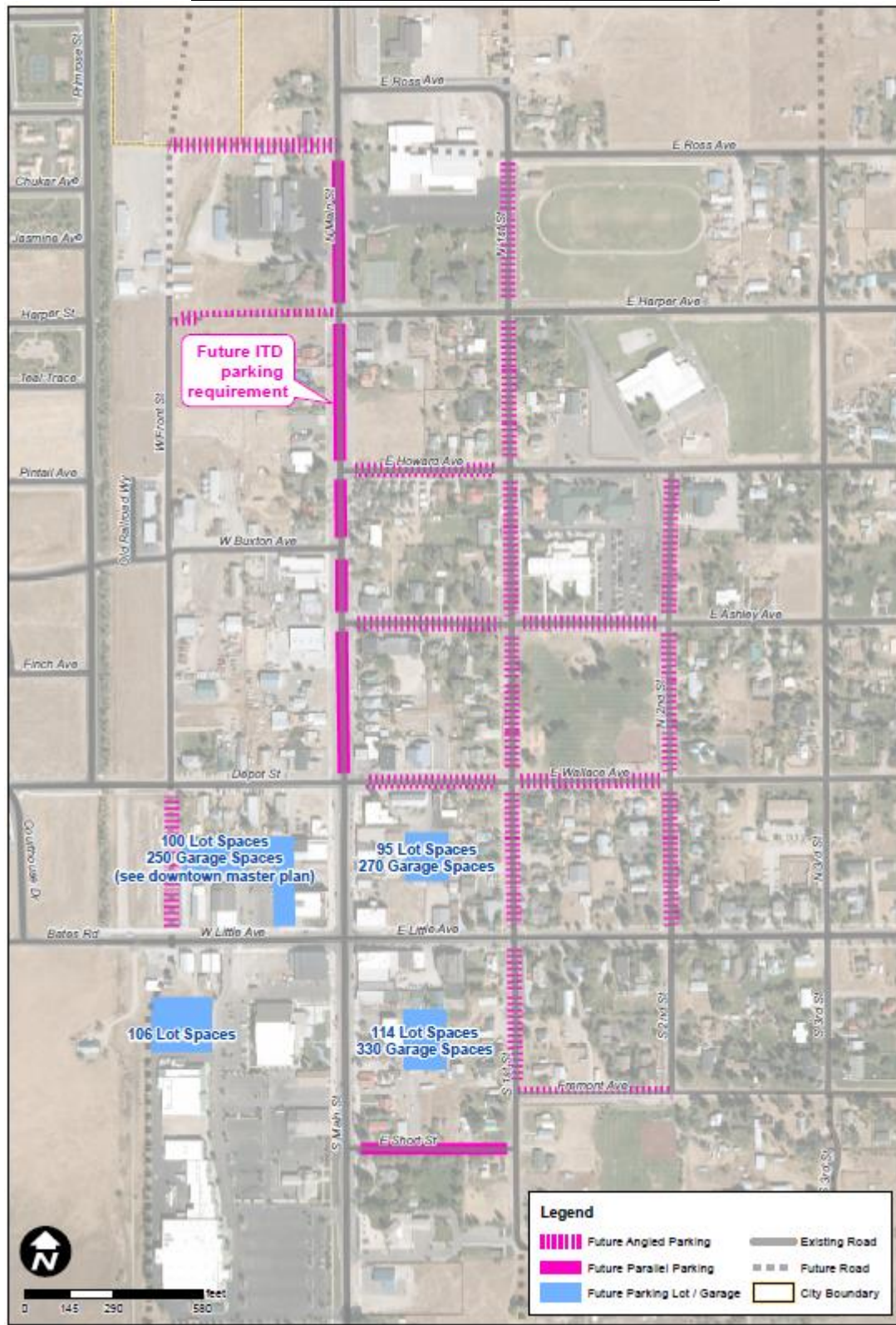
parking discourages shoppers, diners, and other visitors from coming to the downtown. On-street parking is an important component of the downtown; it slows traffic and helps create a good pedestrian environment by buffering walkers from the moving traffic. Parking is considered at capacity when it is 85-90 percent occupied.

While parking immediately adjacent to a destination may not be possible at peak demand times, there is generally sufficient on-street and off-street parking available nearby to satisfy demand. However, as the downtown grows to support both tourism and increased population, the need for parking will increase. Figure 2.4 should be updated every two years and used to plan for expansion of parking facilities. There is also a need for wayfinding signage to direct drivers to public parking facilities in the downtown core.

To create a vital pedestrian oriented area and to encourage development in the downtown core, the City does not require additional off-street parking for new commercial development in the downtown core (downtown parking zoning overlay). The City plans to meet the need for increased parking by increasing the amount of off-street municipal parking in the middle of the large downtown blocks and developing angled parking along commercial streets. These improvements (shown in Figure 3.9 Downtown Parking Facilities) will be financed through a variety of means, including the use of Urban Renewal funds, local sales tax, grants and local improvement districts.

Future public parking improvements include both expanding off-street parking lots and improving on-street parking. Figure 3.3 shows the locations of proposed parking improvements. Idaho Transportation Department is expected to require a conversion to parallel parking on the remainder of Main Street in the future in order to maintain traffic flow with higher traffic levels.

Figure 3.3: Downtown Parking Facilities Plan



To encourage development of a vital downtown pedestrian environment, this Plan recommends that commercial off-street parking be a conditional use (with the main condition being a requirement for shared parking) and that the City meet the majority of parking needs of this area by maximizing on-street parking and providing municipal off-street parking throughout the downtown as appropriate. Providing centrally located municipal parking lots instead of individual off-street parking decreases the number of curb cuts, creating a better pedestrian environment and allowing developers more land on which to develop revenue-generating activities. The Urban Renewal District and possibly a future Parking District can help pay for associated costs. The City should review minimum parking ratios for most commercial uses and maintain maximum parking ratios.

The City should continue meeting the parking needs of the downtown area by maximizing on-street parking and providing municipal off-street parking throughout the downtown as appropriate.

**Actions:**

- Update Figure 2.4 (Existing Downtown Parking) every two years
- Implement Figure 3.3 (Future Downtown Parking Plan) when constructing streets.
- Begin planning for parking expansion when capacity reaches 75%
- Install wayfinding signage for public parking areas
- Update code to require a CUP for downtown commercial parking lots
- Create a Parking or Business Improvement District to fund the construction and maintenance of public parking

**RV Parking and Loading Zones**

The City needs to provide parking spaces for RV vehicles as well as for trucks loading and unloading for the businesses in the area. It is preferred that these activities not occur on the street because they use up the limited supply of these spaces. The municipal parking lots must provide space for RVs. To make this work both for RVs and for visitors, the City should sign the municipal parking lots at several locations, including entry points to the city, so that visitors will know where to look. These entry signs should clearly mark the location of RV parking.

Currently, many of the downtown businesses have alleys or parking behind buildings that delivery trucks can use. As the City develops more commercial uses and adds municipal off-street parking lots, it will be important to retain these spaces as possible and/or to add truck loading zones in the off-street parking. It may be necessary to augment parking lot areas for loading and unloading of trucks with on-street loading zones. However, this should be kept to a minimum so as not to lose unnecessary amounts of on-street parking.

Currently, the City regulates but does not enforce the time allowed in on-street parking. There are various parking regulation signs with different rules throughout

the downtown, from 2hr to 4hr limits. In general, the 4hr limit is preferred and existing signs should be replaced to conform to this guideline. Additionally, the City should work proactively with businesses to encourage owners and employees to park in off-street parking areas and generally in less prime customer and visitor parking locations. Should parking availability become an issue, the city should consider a parking enforcement program.

Section 6.2 of the City Code regulates parking. This section should be reviewed and updated to conform with the Land Development Code and Public Works Standards.

On street parking in residential areas should be discouraged as it interferes with snow removal activities and is prohibited in the winter months.

**Actions:**

- Review and update Section 6.2 of the City Code (parking)
- Prohibit on-street parking in new residential areas.
- Plan for parking enforcement as peak use occupancy rates approach 85%.

## **SIDEWALKS, BIKE LANES, AND PATHWAYS**

### **Pedestrian Facilities: A Walkable City**

To ensure a vibrant, active downtown and safe neighborhoods, the City of Driggs has adopted the goal: *To be a walkable community*. This is achieved by having a year-round well-connected street system; safe, well-marked crosswalks; and intersections, sidewalks, and pathways that are comfortable, safe, and attractive.

Streets must be well connected and not so long that walkers have to travel out of direction to get to their destination. This Plan recommends block lengths of no more than 400 feet except in low density residential areas where block lengths may be as long as 1,200 feet if there are pathways connecting streets every 400 feet. These pathways must be well lit and feel safe, or they will not attract walkers.

Sidewalks should also be well connected to the buildings adjacent to them. This means that commercial buildings should have accessible walkways that connect them to the sidewalk in the most direct way possible. Ideally, these walkways should be raised or separated from parking lots.

Good sidewalks are a key component of a good walking environment. Sidewalks must be wide enough to easily accommodate walkers. The street design standards should require sidewalks of different widths depending on their use. Sidewalks in areas of high pedestrian activity or forecasted high pedestrian activity should also have good lighting at a pedestrian friendly height. On non-

local streets, sidewalks should be buffered from traffic by a planting strip or by street trees planted along the sidewalk. Finally, on busy streets, on-street parking helps create a *safety zone* for pedestrians.

A third, equally important component of a walkable community is safe street crossings. Neglecting street crossings in the development of a community can negatively impact the success of a pedestrian environment. Good crosswalks should be well marked, either with paint, street pavers, streetlights, or in-ground lights. If there is on-street parking, streets should have bulb-outs that decrease the distance across the street.

Midblock crossing can be a safe part of the pedestrian network if they are well marked and signed, but should be discouraged unless shown to be desirable route. These crossing would be good locations to use contrasting materials to define crossings.

The goal of a year-round walkable community requires summer and winter maintenance of all the sidewalks in the city. The current city code requires property owners to remove snow from adjacent sidewalks within 24hours of falling, however this ordinance has not been consistently enforced and therefore compromises the community walkability in winter months. The city should implement a sidewalk clearing program with enforcement. A successful program that may be used as a model is the City of Minneapolis, MN.

#### **Actions:**

- Review Land Development Code to ensure block lengths meet pedestrian needs.
- Review and update lighting requirements to ensure pedestrian needs are being met.
- Provide lighting in commercial/retail/high pedestrian areas.
- Implement a pavement marking/maintenance plan.
- Implement and enforce a sidewalk snow removal program
- Implement a sidewalk sweeping program, recommend all sidewalks be swept once per year.
- Assess sidewalks for ADA compliance and implement a repair/replacement program to ensure sidewalk ADA compliance.

#### **Pathways & Bike Lanes: A Bikeable City**

Driggs' residents have strongly voiced the desire for a well-connected system of bike lanes for both recreation and transportation. The City has adopted a pathways plan (Figure 2.6) and works closely with Teton Valley Trails and Pathways, a non-profit group dedicated to developing multi-use, well-connected pathways within Driggs and all of Teton County. Pathway connections should be coordinated with the Teton County to ensure a connected network. This Transportation Plan calls for the inclusion of bike lanes or pathway along new collector streets. Bike lanes are not required on residential local streets because

vehicular traffic is traveling slowly enough that they can share the travel lane with bicycles.

In addition to bike lanes, amenities to support bikes are important. The City should require that new businesses provide secure bicycle parking on the street. Municipal parking lots should also include bicycle parking.

### **The Program**

While new roadways as well as those undergoing major improvements should have both sidewalks and bike lanes, there are still existing streets in the City that do not have either. Working with its residents, the City should develop a ranked list of sidewalks and bike lane improvement projects. Ranking should be based on:

- Neighborhood interest
- Street classification: arterials and collectors should take precedence over a local street
- Proximity to a school or park and/or on a pathway to one from a neighborhood
- Roadway vehicular traffic volumes/accident reports
- Projected use based on population centers
- Pedestrian connectivity
- Commercial/retail development.

### **Actions:**

- Implement a sidewalk/pathway improvement program as outlined in this plan
- Coordinate pathway and bike lane connections with Teton County
- Provide bicycle parking facilities at municipal parking lots
- Implement a pathway/bike lane sweeping program
- Implement a pathway asphalt maintenance program, that ensures all pathways are sealed every 5-7 years.
- The City should require sidewalks and bike lanes or pathways along, all collector streets and bike lanes on all collectors.
- The City should require new businesses to provide secure bike racks in which to park bicycles.

## **PUBLIC TRANSPORTATION**

The City should continue to play a coordinating role in expanding transit service throughout Teton Valley to connect communities and meet residents' and visitors' mobility needs. Specifically, the City should encourage regular service between Driggs and Victor, which may serve as a feeder route to an expanded START commuter service. The City should support the START-led initiative to establish a regional transportation planning organization. The City should also cooperate with others in the evaluation and pursuit of a possible inter-city route between

Driggs and Rexburg-Idaho Falls to meet medical, education, commuter and visitor travel needs.

While the City may provide some funding towards expanded transit service, the capital improvements projects list should address needs in the City for the physical infrastructure of park & ride lots and passenger shelters.

**Actions:**

- Coordinate with provider services to ensure transit meets the needs of the residents and visitors

**COORDINATION**

Coordination with other organizations and entities is one of the best ways that the City of Driggs can leverage its limited resources and implement its transportation plan. Strategies for coordination include working with:

**Actions:**

- Teton County to implement the Driggs roadway design/connectivity standards in the Area of Impact
- Teton County to construct designated roads to commercial vehicle bearing standards
- Idaho Transportation Department to define improvements to enhance SH-33 as a Scenic Byway and coordinate efforts to implement the Main Street Conceptual Design Plan
- START and Grand Targhee Resort to expand transit services
- School District to coordinate roadway improvements
- Teton Valley Trail and Pathways to implement the trails & pathways plan
- Chamber of Commerce and other business groups to develop parking programs that meet the needs of downtown
- Coordinate with Teton County to implement a truck route outside of the city limits.

**Funding Strategies**

The City should maintain its street impact fee to fund the development of new collector routes to serve new development and growth.

The City should continue to utilize its pavement maintenance program for planning pavement treatments and expand the sources of dedicated ongoing funding for pavement maintenance. The City should continue to prioritize funding for the development of pedestrian and bicycle improvements. The funding sources should include a dedicated property tax levy, sales (“resort”) tax, Local Improvement Districts, Community Infrastructure Districts and grants such as those administered by the Local Highway Technical Advisory Council.

**Appendices A-F are attached as separate documents.**



# Driggs: Western heritage on the quiet side of the Tetons...



## Land Development Code Appendix A: City of Driggs Design Standards and Guidelines

Adopted: May 2, 2006 by Ordinance 267-06  
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March 2, 2010 by Ordinance 310-10  
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### **Consultant (2006 & 2017 update)**

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## A. Purpose and Benefits of Design Review

Once a relatively quiet farming community, Driggs has grown quite dramatically over the past decade, and continues to grow. A new Western migration is bringing people to the Teton Valley in numbers not seen since the early 1900s. These new settlers have come for the natural beauty, recreational opportunities, welcoming culture and relaxed way of life the area offers. Together, new and longstanding residents make up a diverse population. Active retirees, working families, young professionals and other independent spirits call Driggs home. All are committed to making Driggs the best it can be. We all cherish this area – one of the West’s last great places – and are committed to preserving our way of life.

Driggs also serves as the commercial center for a much broader community and that role is likely to increase as Teton Valley continues to grow. Both tourists and residents will increasingly rely upon Driggs for retail and commercial services. The City of Driggs intends to guide this growth responsibly and in a way that respects the town’s history and unique character.



### Design Review

Residents and businesses look to the City government for leadership in shaping the built environment. With every land transaction and development deal, there is a lot at stake. As new development projects are planned, the community must provide clear direction through its ordinances. Both the private sector and the community have a lot to gain, or lose, from each project. Therefore, it is in the public interest for the City of Driggs to establish clear standards for land use and development design. Our quality of life – the success of our businesses, the beauty of the valley and the character of our town – depend on it.

Since the adoption of what was then titled the “City of Driggs Commercial Design Standards and Guidelines” in 2006, Driggs has continued to experience development and redevelopment of its commercial core, including improvements to Main Street itself. Design review is essential to maintaining a healthy business environment and protecting our quality of life. The community will not accept generic or formula designs transplanted from other communities. Our ordinances discourage uncoordinated growth and the type of placeless, automobile-oriented sprawl that has occurred elsewhere. Driggs requires that all development occur in an orderly and deliberate manner, with each project contributing to the overall vision and well-being of the community, consistent with the following goals:

1. Protect and enhance town’s historic character. New development and redevelopment projects are expected to provide a contemporary interpretation of Driggs’s Western heritage, as it is expressed within the Design Review Overlay.
2. Provide clear and consistent direction for new development and redevelopment projects within the Design Review Overlay. The design review process should be as predictable and efficient as possible while striving for excellence in design.
3. The design standards and guidelines support these community values:
  - Integration and functionality of land uses,
  - Honoring our western heritage
  - Respecting neighborhood transitions

- Designing to our climate
- Aesthetics and context-sensitive design
- Balancing durability and affordability

## B. Enabling Law

The Idaho State Constitution and Idaho Statute (Title 67, Chapter 65, Section 18) provide the basis for the City adopting and implementing development design standards, as follows:

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING
67-6518. STANDARDS. Each governing board may adopt standards for such things as: building design; blocks, lots, and tracts of land; yards, courts, greenbelts, planting strips, parks, and other open spaces; trees; signs; parking spaces; roadways, streets, lanes, bicycleways, pedestrian walkways, rights-of-way, grades, alignments, and intersections; lighting; easements for public utilities; access to streams, lakes, and viewpoints; water systems; sewer systems; storm drainage systems; street numbers and names; house numbers; schools, hospitals, and other public and private development.
Standards may be provided as part of zoning, subdivision, planned unit development, or separate ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code.
Whenever the ordinances made under this chapter impose higher standards than are required by any other statute or local ordinance, the provisions of ordinances made pursuant to this chapter shall govern.

This document supplements the City of Driggs Land Development Code (LDC) and applies to all land and premises that are subject to the Design Review Overlay, with the exception of residential building types as listed below:

- a. Detached house
- b. Backyard cottage
- c. Cottage Courts
- d. Duplexes
- e. Attached House
- f. Four-plex
- g. Townhouse up to 4 units

## C. City of Driggs Design Review Process

This document sets forth the application requirements, design standards and approval criteria for applications subject to Land Development Code (LDC) [14.6.2.B](#) Design Review.

## How to Use This Document

The City of Driggs uses this document in reviewing and approving design review applications. It is a regulatory document; however, it is also intended to be a user-friendly guide to the City's design review process. Applicants should familiarize themselves with this document before preparing project plans.

**Applicability.** These regulations apply to all land and premises that have the Design Review Overlay as designated on the City of Driggs Zoning Map, except for detached homes, backyard cottages, cottage courts, duplexes, attached homes, Four-plexes, and townhomes up to 4 attached units.

**Redevelopment and Remodels.** Where an existing use or development is proposed to be modified (i.e., through redevelopment or exterior remodeling), the Design Standards and Guidelines apply only to that portion of the use or development that is to be modified.

**Burden of Proof.** The applicant has the burden of proof of demonstrating compliance with the requirements contained herein.

**Ordinance Conflicts.** Where conflicts occur between the Design Standards and Guidelines and other LDC regulations, the Design Standards and Guidelines apply.

**Non-Conforming Situations.** Nonconforming uses and structures are subject to LDC [14.12](#).

## What are the Steps?

The following summarizes the steps for completing design review. The specific application requirements are outlined in Part II, below.

- Step 1: Verify Zoning and Review City Standards and Guidelines** - The City's Planning & Zoning Administrator ("Administrator") is available to assist you; a pre-application conference with the City is recommended before filing an application.
- Step 2: Sketch Plan Review** - Following the pre-application conference, applicants submit a "sketch" plan for preliminary review. This initial review by the Administrator is intended to verify the applicable ordinance standards, guidelines and criteria, and advise the applicant regarding application requirements and review procedures. The Administrator may circulate the sketch plan to other City departments, outside agencies, or Design Review Advisory Committee (DRAC) for their input as well. Generally, within 10 business days of receiving a sketch plan, the Administrator will hold a meeting with the applicant to review the proposal and discuss any recommendations prior to his or her filing an application. The fee for Sketch Plan Review is established by the Driggs City Council.
- Step 3: Application Submittal and Acceptance** - All applications for site design review must be accompanied by the required application form, fees and site plan. Applications missing any one of these items will be returned to the applicant. The fee for design review applications is established by the Driggs City Council.



- Step 4: Application Completeness Review** - Upon accepting an application (Step 3), the Administrator will review it for completeness. An application must be deemed complete before the Administrator can approve it, or, as applicable, forward it to DRAC (Step 6). It may be necessary for applicants to submit additional exhibits, studies, plans or narrative information to clarify a proposal and fully address the approval criteria. The Administrator will advise the applicant in writing when additional information is needed, or notify the applicant if it is complete
- Step 5: Changes or Revisions for Completeness (as applicable)** - It is the applicant's responsibility to prepare any additional information, changes or revisions identified in Step 4. The Administrator will schedule a meeting with Design Review Advisory Committee meeting (Step 6) and notify the applicant when his or her application is deemed complete.
- Step 6: Administrative Review or Design Review Advisory Committee Meeting** - If the application proposes modifications to an existing development that meets the threshold for Administrative Review under LDC [14.6.5](#) and/or [14.13.1](#), the Administrator shall act upon it within 10 business days. The Administrator may also administratively review applications for minor improvements such as signs, pedestrian amenities, seasonal displays, substitution or modification of secondary building materials or colors. All other proposals shall be referred to the Design Review Advisory Committee (DRAC), a sub-committee of the Planning & Zoning Commission (Commission) with local background and expertise in design issues. DRAC reviews all site design applications for consistency with City standards and guidelines, then forwards its recommendation to the full Commission. The applicant will have an opportunity to supplement or revise the application prior to meeting with the Commission (Step 7) based on any input from DRAC.
- Step 7: Planning and Zoning Commission Public Meeting** - The Commission will review the site design application during one or two public meetings, in which the applicant and any other affected party may testify.
- Step 8: Written Decision with Any Conditions of Approval** - The Administrator will issue a final decision notice with any conditions of approval within ten (10) days of the Commission's decision. Unless appealed to City Council within the prescribed timeframe (Step 9), the Commission's decision is final.
- Step 9: Appeal Period** - Appeals are subject to the deadlines and process specified in [14.3.7](#) of the LDC.

***Other Steps in the development process after Design Review approval:***

*Step 10: Securities for Completion and Public Improvement Plans, as applicable*

*Step 11: Building Permits*

*Step 12: Construction Inspections*

*Step 13: Sign-Off, Occupancy Permit(s), Release Securities*



## A. Sketch Plan Review

The applicant shall submit a sketch plan application to the Administrator, who will circulate it among city staff and other affected agencies for preliminary review as needed. The purpose of the review is to provide constructive feedback and provide guidance to the applicant so that his or her application can be refined prior to commencing the formal review and public meeting process. The sketch plan will be reviewed and comments provided within three weeks of the sketch plan submittal. The Administrator, at his or her discretion, may refer the sketch plan to the DRAC for review and non-binding input at one of its meetings; this review does not constitute a permit decision.

At a minimum, the sketch plan shall consist of: a plan view drawing showing property lines, the proposed location and configuration of building(s), pedestrian circulation, vehicle access and parking (where applicable), lighting, landscaping, streetscapes, open space/civic space, signs and pedestrian amenities; preliminary architectural elevations for the front, rear and sides of all proposed building; and proposed materials and colors to be used (i.e., building elevations, furnishings, signage, pavers/paving, lighting, landscaping). The sketch plan should be drawn to scale and only to a level of detail sufficient to describe the overall concept. Photographs, product cut-sheets, and/or other materials may be provided to illustrate proposed materials and finishing. The City does not intend for property owners to invest in highly illustrative plans or final engineered drawings at this stage.

## B. Application Submittal, Acceptance and Completion Review

The Administrator shall use the following procedures in reviewing an application for completeness:

1. **Submittals.** All proposed projects submitted for design review shall be filed with the Driggs Administrator and contain all of the following information:
  - a. **Form.** A City of Driggs Design Review application form;
  - b. **Fee(s)** as set by resolution of and determined by Driggs City Council;
  - c. **Vicinity Map** at a scale sufficient to show the location of the proposed project in relation to adjacent properties, buildings, parking areas, streets, sidewalks, plazas and other rights-of-way. The Vicinity Map shall indicate the zoning district in which the project is located and show zoning designation(s) of abutting properties if different than the site;
  - d. **Site Plan(s)** drawn to a scale specified by the Administrator and indicating the location and dimensions of all of the following items, existing and proposed, as applicable. The administrator may require that separate sheets be provided for buildings, streetscapes, parking/landscaping and utilities.
    - (1) Property line dimensions, total square footage of subject property and percentages of the site covered by all existing, proposed, and potential future structures and parking areas, broken-out by buildings, landscape areas and parking area(s), and shown at a level of detail sufficient to determine code compliance and general consistency with the Downtown Master Plan; and;
    - (2) All structures, including setbacks and separation between structures on abutting properties, if any (See also, Architecture Plan);
    - (3) Vehicle circulation system, as applicable, including street access, driveways, alleyways and/or lanes, adjacent pedestrian facilities including ADA-accessible routes and related lighting;

- (4) Parking areas and individual parking spaces, parking area landscaping, pedestrian crossings through parking areas, including ADA parking spaces, accessible routes and lighting;
  - (5) Streetscape(s), including sidewalks, plazas, pedestrian amenities and any other pedestrian facilities extending from the public right-of-way into the site, including ADA-accessible routes and lighting;
  - (6) Approximate outlines of buildings on abutting properties within twenty (20) feet of common property lines;
  - (7) Water, sewer and storm drainage facilities and a general description of telephone, power, gas, cable, etc., including any off-site improvements;
  - (8) Fire hydrants; those not on subject property may be shown on the Vicinity Map;
  - (9) Walls and fences (See also, Architecture Plan);
  - (10) Drainage of impervious surfaces including any on-site retention facilities, need for sump pumps in basements and/or off-site improvements;
  - (11) Exterior lighting (See also, Architecture Plan);
  - (12) Signage, including any off-premise signs (See also, Architecture Plan);
  - (13) Garbage storage areas (See also, Architecture Plan);
  - (14) Snow storage and drainage thereof, including source and direction of snow slide and drainage from roofs (See also, Architecture Plan).
- e. Architectural Plan(s) and/or Details, as applicable, for all proposed structures, including buildings; plazas/courtyards, walls, fences, screening (e.g., garbage storage or mechanical equipment screens), pergolas and other structures; signs; lighting; and other accessory structures:
- (1) Floor plans for every building story at 1/8 inch or greater scale, or at other scale acceptable to Administrator;
  - (2) Exterior elevations for all sides of the proposed building(s) at 1/8 inch or greater scale, or at other scale acceptable to Administrator, showing type and color of proposed materials, fenestration (windows and entrances/egresses), projections (e.g., awnings, canopies, marquees, porticos, arcades, colonnades, trellises, spires, balconies, etc.), architectural details, lighting and signage in sufficient detail to communicate how the City of Driggs design standards will be met;
  - (3) Elevations and/or details for proposed streetscape improvements, courtyards, plazas, street furnishings, lighting, way-finding signs, etc.; and
  - (4) Conceptual signage plan indicating location and approximately size and configuration of signs. Requirements of LDC [11.3](#) Signs must be met before any sign permit is issued.
  - (5) Preliminary cost estimates for proposed civic spaces, including any pedestrian amenities, prepared by a registered architect, landscape architect or other qualified professional. All estimates are subject to review and approval by the Administrator.

f. Landscape Plan drawn to a scale specified by the Administrator and indicating the location and dimensions of all of the following items, existing and proposed, as applicable:

- (1) The location and size of all street trees, and other existing trees three (3) inches or greater in diameter (at 4 feet above grade), including trees with multiple trunks that individually are smaller than three (3) inches and shrubs greater than six (6) feet in height.
- (2) A clear and understandable summary of all calculations used to determine the total amount of landscape area required.
- (3) A legend with identifying symbols for the number, size and type of all existing vegetation and all proposed landscaping.
- (4) Information on the locations, species (by both common and scientific name), and sizes of all proposed landscaping materials, including existing trees and other plant and non-plant materials, that will be incorporated into the landscaping.
- (5) A description of the type and coverage of the irrigation system(s) planned for all landscaped areas.
- (6) A description of the soil amendments proposed.
- (7) Cost estimates for landscaping (including amendments and irrigation system) prepared by a licensed nurseryman or other landscape professional.

2. **Acceptance.** When an application is received by the City, the Administrator shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant;

- a. The required form;
- b. The required fee. Applicant(s) for design review shall pay to the City of Driggs by depositing with the City Clerk certain fees to reimburse the City for reasonable costs of administering this ordinance. Said fees shall be set by resolution of Driggs City Council, and shall be paid by the applicant(s) prior to consideration by the commission of an application for design review. The City Council may also establish reasonable fees to cover the City's costs in administering pre-application meetings and sketch plan reviews, as described above in Section 1.
- c. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

3. **Completeness.**

- a. Review and Notification. Following application acceptance, the Administrator shall review the application for completeness. If Upon finding an application incomplete, the Administrator shall notify the applicant in writing of what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information. The Administrator may advise that additional plans, exhibits, studies or other information be submitted to demonstrate how the application meets applicable development and design standards. If after 180 days from the date the Administrator issues his or her letter the applicant has not substantially responded or withdrawn the proposal, the administrator may declare the application void, in which case a new application (including fee) is required for consideration of a proposal.

- b. Application Deemed Complete for Review. Upon receipt of all required information, the Administrator shall deem the application complete and schedule a tentative meeting date with the Design Review Advisory Committee. The Administrator shall notify the applicant of the meeting.
  - c. Applicable Standards and Criteria. Design review approval or denial shall be based upon the standards and criteria in effect upon the filing of a complete application. d. Coordinated Review. The Administrator shall also submit the application for review and comment to the city engineer, road authority and any other applicable review agencies. Comments and recommendations from such agencies shall be accepted as advisory and non-binding on the City. The applicant is responsible for obtaining any and all required permits from outside agencies, as may be applicable to their project.
4. *Changes or Additions to the Application During the Design Review Process.* Once an application is deemed complete:
- a. All documents or other evidence relied upon by the applicant, or otherwise submitted to the City, shall become part of the record for the application. Any new documents or evidence submitted after an application is deemed complete shall be forwarded to applicable review body, but may result in a delay in processing of the application, including continuance of any pending public meeting or hearing..
  - b. When testimony or other evidence is submitted by the applicant after the application is deemed complete, the Administrator, Design Review Advisory Committee, or Commission, as applicable, shall determine whether the new information substantially changes the proposal, requiring the filing of a new application. The City may accept the new information and continue to process the existing application; reject the new information and continue to process the existing one; or allow the applicant to withdraw his or her application and submit a new one, thus, restarting the design review process.

### **C. Design Review Advisory Committee Meeting (When Required)**

Upon receipt of a complete application, the Administrator shall schedule a meeting with the DRAC not less than two (2) weeks from the date of completeness. The DRAC shall review the application and provide comments to the Planning and Zoning Commission (Commission) on conformance to the Design Standards and Guidelines.

### **D. Planning Commission Meeting and Action (When Required)**

At the next regular meeting after receipt of the DRAC's recommendation, the Commission shall conduct a public meeting on the application for design review, pursuant to the LDC [Section 14.6](#). The Commission shall have the authority to require conditions it deems necessary to make the proposed project comply with the Design Standards and Guidelines.

1. *Two-Meeting Limit.* The Commission shall have up to two (2) working meetings to consider and approve or deny an application for design review pursuant to this ordinance. If the Commission is unable to act on the application in two meetings, the application shall automatically be referred to City Council, which shall review the application as if it were conducting an appeal hearing, pursuant to LDC [14.2.2.A.3](#).

2. **Extensions.** The time for action upon an application, including the limit of two meetings in D.1, above, may be extended by either the Commission or the City Council at the request of the applicant. The time may be extended in cases where the complexity of the project or changes made by the applicant during the review process requires additional time for review.
3. **Effective Date.** A permit for design review approval shall become effective upon expiration of the appeal period in Section E, below. If the project is appealed, final approval of public improvement plans and issuance of building permits shall be stayed until the appeal is decided.

## E. Appeal Procedure

Appeals of design review decisions shall be processed pursuant to LDC [14.3.7](#).

## F. Security for Completion

1. **Financial Assurance(s).** When applicable, to ensure compliance with approved design review plans, and to assure completion according to said plans, the applicant(s) shall provide the City of Driggs financial assurance(s) in the form of a performance bond, non-revocable letter of credit from a bank or other financial institution, cash, co-signed certificate of deposit, or other form agreed upon by the City Council.
2. **Amount.** The amount of such financial assurance(s) shall be determined and collected by the City Council but, in any event, shall not exceed 125% of the pre-construction appraised value of the project as represented to the City of Driggs upon application for a building permit. Financial assurance(s) will be returned upon satisfactory completion of work as determined by the Council and/or the Administrator.
3. **Forfeiture.** Failure to construct a project in conformity with approved plans is a violation of the Zoning Ordinance and subject to enforcement proceedings. In the event that construction of the project is not completed, or in the event that construction is completed but not in substantial conformity to the approved plans for the project, the financial assurance(s) shall be forfeit to the City of Driggs by the applicant. Forfeiture of the financial assurance(s) shall not in any way require the City to complete the project nor shall forfeiture preclude the City from seeking other redress or remedy for failure to comply with the approved plans or for failure to complete the project. This includes, but is not limited to, refusal to issue an occupancy permit or any other remedy either at law or in equity, through judicial action or through any action as may be determined by the Driggs City Council

## A. Overall Guiding Principles

The purpose of the Design Standards and Guidelines is to provide clear and consistent design direction for new development and redevelopment projects within the *Design Review Overlay Zone*. The land use approvals process should be as predictable and efficient as possible while striving for excellence in design. The standards contained in this document are intended to ensure that projects support the following objectives. These objectives are defined generally below and are further articulated in the standards themselves. Except as allowed for Administrator approval of modifications under LDC [14.6.4](#), an applicant may request the Planning & Zoning Commission modify a standard and allow an alternate design solution. When considering such requests, the Commission applies the following principles, as well as the purpose of the standard for which the modification is sought, in making its decision:

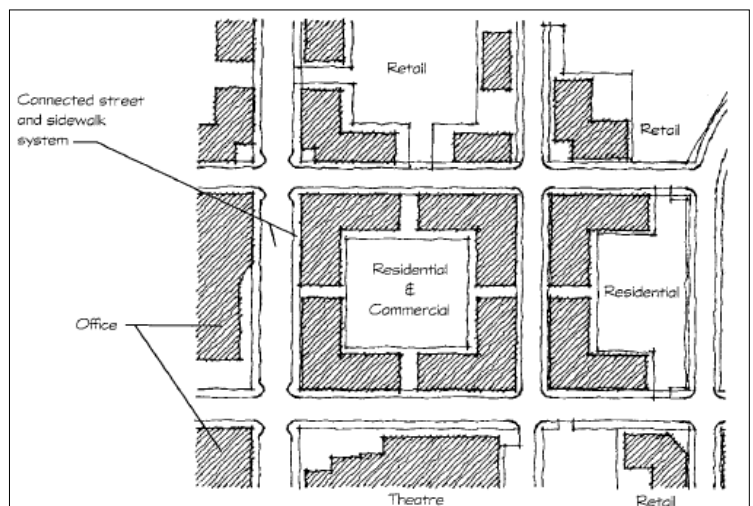
- Integration and functionality of land uses,
- Honoring our western heritage, history, or enhancing the city's character.
- Respecting neighborhood transitions
- Designing for the climate
- Aesthetics and context-sensitive design
- Balancing durability and affordability

### Integration and Functionality of Land Uses

Developments should be connected physically and interrelated in their design so that they support each other on cognitive and functional levels. Connections should be made, for example, with

walkways, plazas, shared parking areas and the like. Cognitive connection means the design offers visual cues (e.g., form, rhythm, materials, signage, textures, colors, etc.) that relate well to adjacent uses and contribute to the overall experience of the district.

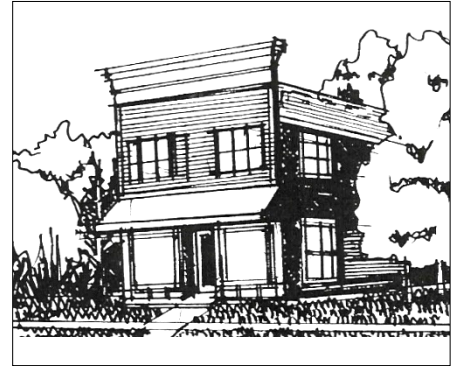
Functionality includes addressing the winter climate and supporting multiple modes of transportation. For example, building entrances and civic spaces should be placed close to one another and connected to the street with direct and convenient pedestrian walkways that are easily maintained. Site plans should maximize the opportunity for shared parking serving multiple developments to reduce the need for out-of-direction travel.



Integration of uses

### Honoring Our Western Heritage

*Honoring Our Western Heritage* means that a proposed design respects the historic street grid, block and lot pattern and Driggs' unique architecture language. This language ranges from an agricultural-ranching vernacular on edges of town to a Western main street tradition in the downtown core, and more contemporary mixed-use/ski-town character along Little Avenue. While historic restoration projects are desirable, and when done should be historically accurate, new buildings and redevelopment projects are not required to mimic or replicate historic period styles. Rather, new development is expected to draw on and adapt historic styles to create a new interpretation of our western heritage.



Western heritage also includes the landscape. The view is not defined by skyscrapers but by jagged, snow-capped mountains, pine and aspen forests, wetlands, meadows, tree groves and rivers. While the community recognizes that is not possible or practical to preserve views in all directions in every development, new projects should be designed to take advantage of views while maintaining view corridors from adjacent rights-of-way and civic spaces to the greatest extent practicable.

### Respecting Neighborhood Transitions

*Respecting neighborhood transitions* means that development on the edge of the downtown district and commercial area is compatible with adjacent residential and/or neighborhood-oriented uses with respect to height, massing, scale, materials, detailing, setbacks and other elements. The design standards support compatibility by stepping-down building heights from the downtown to adjacent neighborhoods, and in these areas requiring increased setbacks, parking lot screening and building designs that are residential in scale.



### Designing for the Climate

On any day, nine months out of the year, it can snow in Driggs. We also enjoy many days of clear, cold sunshine. People like being outside and will often walk (or ski) from place to place during the winter. During the summer, we relish the sunshine and enjoy outdoor activities such as hiking, bicycling, wildlife viewing and fishing. How does all this relate to development? On a practical level, building codes require that buildings be designed to support specified snow loads and withstand high winds. Rooflines should not be overly complex due to the potential for ice accumulation and roof avalanche hazards. Roofs should shed snow away from building openings, utility and mechanical equipment vaults, emergency access drives, refuse storage areas and other such areas. Canopies, awnings, decks and other projections should be designed to hold typical snow loads, and where possible shed snow away from building entrances and pedestrian clear zones (first four feet of sidewalk during winter months). Where surface parking areas incorporate space for snow storage, such areas should not block public rights-of-way or interfere with traffic circulation. Fences, signs, lights and other structures should be designed and placed so that they assist with way-finding and do not become a hazard after heavy snowfall events.

### Aesthetics and Context-Sensitive Design

Our sense of aesthetics is rooted in our town’s unique Western heritage and its position at the base of the Teton Mountains in Teton Valley. We have a strong association with agriculture as well as the natural and recreational amenities of the region. We support efforts towards historic preservation and restoration, but we also encourage new development that honors the past and provides a more contemporary interpretation of our history. The use of native materials, such as stone, stone blocks, bricks and painted wood or natural-stain wood (including rough-hewn wood and timbers), is encouraged.



The City of Driggs does not accept stock building plans or designs that do not respond to the local context. Applicants for design review are expected to apply the design review standards and guidelines to their particular site conditions and from there refine their development program (not the other way around). Formula retailers, national chain stores, franchises and similar companies with stores or offices in multiple locations should not take plans that have been approved by other communities and expect Driggs to approve them. Driggs’ standards provide clear direction on what is required and, to be successful in our town, applicants are expected to work with City staff through the sketch plan review process described in Part I before investing in final design or construction drawings.



### Balancing Durability and Affordability

*Balancing durability and affordability* means that the City is practical in administering its codes. Great design does not have to be expensive, and even inexpensive materials can be contextually appropriate, durable and beautiful. While Driggs has high standards for aesthetics, we also recognize the importance of sticking to sound design principles, quality workmanship and long-lasting materials. Historically, development in Driggs has been characterized by relatively simple building forms with moderate detailing and ornamentation. Solid and durable materials, such as stone, brick and rough hewn wood, are preferred, but the City also considers substitute materials (e.g., architectural grade concrete block instead of limestone, scored concrete instead of pavers, etc.) when it is demonstrated that the material is durable and complements adjacent buildings and public spaces. Attractive projects that respect their surroundings, both past and present, will have the greatest chance of success in Driggs.



The office building on Wallace Avenue (top), the mixed-use/neighborhood commercial building on Little Avenue (middle) and the residential /live-work unit on First Street (below) employ a variety of architectural styles and materials. They address the varied character of Driggs and fit within the context of their surroundings.



## B. Community Design Framework and Relationships

### Historic Development Pattern

*Driggs can trace its urban patterns to several sources. The town emerges near the intersection of the north-south railroad corridor along the eastern rim of the valley's wetlands and the westerly trend of Teton Creek as a rough southern edge. These eastern wetlands edge presses the town site visually towards the base of the Teton Range and away from the center of the valley, giving the town site a westerly, cross-valley orientation.*

*The original orientation resulting from the railroad placement is reinforced by the later alignment of the main north-south valley road, State Route 33 (Main Street). Unlike many other western towns whose main commercial street bisects the town plat, Driggs' original plat is laid out to the east of Main Street (in an uphill direction and away from the wetlands) and north of the main cross-valley road (Little Avenue). This has the effect of throwing the logical site for a commercial core to the southwest corner of the town plat. In Driggs, the significant visual edge of town – the valley edge – is reinforced by that edges accommodation of the town's commercial activity and its connection to the outside world. Driggs's front door faces West.*

*Driggs also bears many of the telltale features arising from its origins as a turn-of-the-century Mormon farm village. Most striking is the large-block pattern with wide curbless streets, grassy ditched verges, alternating block lot frontages, and collections of buildings deep within each block. Driggs was platted later than many similar Mormon farm villages, and thus has a more varied and contemporary stock of housing types and styles than might be seen in earlier-origin villages.*



*The openness and casual order of this distinctive urban pattern is still very present, however, and is strengthened by the presence of a sizable open zone along the north edge of the original plat, giving the town two very abrupt edges north and west onto large-scaled open spaces. The east and south town edges, by contrast, are defined by the wall of the Teton Range and the line of the tree gallery along Teton Creek.*

*The transition from railroad to highway as the main instrument of distribution in Driggs created tensions that still exist today. The original setup allowed goods to offload on the western edge of town and to find their way to commercial destinations either through the interiors of the blocks between the tracks and Main Street or along Main Street as a local "distributor." This process was reversed in the case of outgoing goods, and the railroad's placement two blocks off of Main Street allowed enough space for warehousing, freight transfer, and vehicle movements to occur away from the more people-oriented functions of Main Street. This all changed with the advent of the highway as the critical connection to the world; large distribution vehicles now shared the space of Main Street with townspeople as these once-segregated functions overlapped.*

*The proximity of the Depot, the existing Courthouse, and the 100% commercial corner (Little Avenue and Main Street) is likely intentional... the logic of the commercial core on this crossroads and the proximity of the Depot and Courthouse only a block away is powerful in a pre-automobile environment. The compact arrangement of these elements ... has historically worked against the dual pressures of commercial expansion and motor vehicle accommodation in downtown Driggs.*

(Source: "Driggs Public Workshop: a vision for sustainable growth downtown," 2005)

### Design Review Overlay

The Design Review Overlay applies to the following districts, corresponding to the City of Driggs Zoning Map:

**Downtown Mixed Use (DX) District** – Driggs’s downtown orients to the intersection of Main Street and Little Avenue, the town’s main axes. The downtown generally extends north to Howard Avenue, south to Short Street, one-half to one full block east to First Street, and one-half to one full block west to Front Street. This area includes the Teton County Law Enforcement Center, City Hall, storefront commercial uses on Main Street and Little Avenue, and transitional commercial uses along side streets such as Depot Street. The downtown contains several potential redevelopment sites as well as some historic restoration projects.

The downtown’s traditional street grid, regular blocks, storefront character, historic architecture and proximity to walkable neighborhoods provide an important framework. The street grid contains 400-foot square blocks and lot widths of approximately 25-50 feet. Street rights-of-way are typically 82 feet in width and contain travel lanes, curbs, gutters, sidewalks, street trees and full, cut-off pedestrian-scale lighting. Where street trees do not currently exist, they are required with future development and/or street improvements.

**Neighborhood Mixed Use (NX) and Residential Mixed Use (RX) Districts** – The east side of downtown is adjoined by a lower intensity area containing a mix of commercial and residential uses, some in new structures and others in converted cottages and houses. The NX and RX districts provide a transition between the more intense developments in the downtown and the residential neighborhoods to the east. The area is walkable and easily accessible to the adjoining neighborhoods and Main Street. Many small homes and cottages in the area have been converted to commercial and live-work uses and the area’s deep lots afford opportunities for infill development, including backyard cottages and shopfront houses. New mixed-use buildings with small commercial uses (e.g., live-work studios, small retail, commercial services and office uses) on the ground floor and dwellings above or behind storefronts are envisioned. As a transition between the DX and other commercial districts and adjacent residential neighborhoods, building height is limited to 35 feet in the NX and RX districts. Front yards and building envelopes are typical of residential areas.

**Residential Multifamily (RM) District** – The Design Review Overlay applies to portions of the RM district where properties abut or back up to a mixed use district. Design review in these areas is limited to multifamily development, and ensures that these projects are complementary to development in adjacent mixed use zones, while providing an effective transition into residential neighborhoods.

**Commercial (CX, CC, CH) and Industrial (IX and IL) Districts** – The commercial and industrial design districts serve as important gateways into the community, which should become more pedestrian-friendly over time with connections to the downtown and residential districts with improved pathways.



Examples of buildings in the CBD (top), neighborhood commercial district (middle), and the service and highway commercial area (bottom).

## C. Applicability of Regulations

### 1. Applicability

The following provisions, in addition to all applicable regulations required by other City ordinances, shall apply to all land and premises where the Design Review Overlay is combined with an underlying commercial zoning district and/or multifamily development. (See also, LDC 9.3 Design Review Overlay.) The provisions of the Design Standards apply to all applications, unless otherwise demonstrated by the applicant and confirmed by the administrator.

### 2. Redevelopment and Remodels

Where an existing use or development is proposed to be modified (i.e., through redevelopment or exterior remodeling), the standards shall apply only to that portion of the use or development that is to be modified.

### 3. Seasonal Vendors

Applications for design review of a seasonal vendor project shall be guided by the standards and guidelines for the respective zoning district, however the Design Review Advisory Committee may recommend and the Planning & Zoning Commission may waive otherwise applicable design standards and guidelines where the proposed seasonal use will not conflict with guiding principles for the standard(s) or the values and objectives for the applicable district. .

### 4. Burden of Proof

The applicant has the burden of proof of demonstrating conformity with the design standards.

### 5. Ordinance Conflicts

Where conflicts occur between the design standards and other zoning ordinance regulations or other ordinances, the provisions of this document apply.

### 6. Non-Conforming Situations

Existing uses and/or developments that do not conform to the design standards, but were established lawfully prior to the City adopting the design standards, shall be allowed to continue, as provided in [Section 14.12](#) of the LDC (Non-Conforming Uses).

## D. Permitted Uses

### 1. Base Zones (Districts)

The uses or building types permitted on a particular property are prescribed by the underlying zoning district ([Chapters 5](#) and [10](#) of the LDC), except that the orientation and/or design of some uses/building types may be modified by the Design Review Overlay.

### 2. Avoidance of Takings

The City's denial of a design review application, or approval with conditions, shall not have the effect of denying a use that is otherwise permitted by zoning.

### 3. Conditional Uses

A design review approval made for a conditional use(s) shall be contingent upon the City's approval of a conditional use permit under Chapter 14, [Section 7](#) of the LDC.

#### 4. Fulfillment of Requirements

Except as provided in subsection 5, below, the City shall not issue building permits or a certificate of occupancy for a project until all required design review application(s) and conditional use permit(s) have been approved and appeal periods have expired, as applicable. A certificate of occupancy may not be granted, and a use may not commence, until all relevant conditions of approval have been met, as determined by the administrator.

#### 5. Phased Approvals

A project may be submitted for design review approval in phases, at the discretion of the Administrator or applicant. Where a project is submitted for site design approval and/or subdivision approval prior to submittal(s) of individual building(s) for building design review, the proposed site plan shall indicate building envelopes, potential uses, pedestrian circulation, vehicle circulation, landscape buffers (as applicable), freestanding signs (if any) and preliminary building elevations (i.e., sketch plan) with primary entrance(s), potential sign locations and weather protection features shown. The site plan shall indicate how each phase relates to one another and to adjoining properties. The preliminary elevations shall indicate how the building(s) is/are to be oriented on the site and relate to one another.

In approving a phased plan, the Planning & Zoning Commission must find that the subject phase meets all applicable City standard and guidelines, and any future development of the site can reasonably conform to City standards and guidelines. Approval of one phase does not entitle the property owner to design review approval of any other phase. Approval of a site plan, in above case, does not entitle the property owner to design approval for any building.

### E. How to Apply the Guiding Principles and Standards

#### 1. Guiding Principles

Every design standard in this document is preceded by a statement of *guiding principle(s)*. The principles, together with the overall principles in Section A, above, and the purpose statements, below, serve as the policy basis for the regulations. The principles shall guide the Administrator, Design Review Advisory Committee, Planning & Zoning Commission, and City Council in interpreting the standards and responding to requests from applicants to adjust the standards, as described in subsection 3, below.

#### 2. Design Standards versus Guidelines

The design standards are meant to provide clear and objective criteria with built-in flexibility. The City of Driggs distinguishes between *standards* and *guidelines*. The word “shall” or “must” typically indicates a standard, required element or specification. Guidelines are supplementary to standards. Guidelines or guiding principles aid decision makers in interpreting standards; they are not mandatory, but not ignorable either. The words “should,” “preferred” and “recommend” indicate guidelines, or parameters for interpreting, applying, and/or modifying the standards contained in this document. This document also contains illustrations and photographs. The graphics are intended to be interpreted as *examples* of recommended, acceptable or unacceptable elements, styles or design treatments. Unless a graphic provides a specific dimensional standard or is accompanied by the words “shall” or “must,” the graphics are to be used as guidelines. The document also provides cross references to other relevant ordinances, as applicable.

### 3. Adjustments/Modifications to the Standards

While this document provides for flexibility and discretion in design reviews, City standards shall not be waived without the City approving a variance under LDC [14.8](#) or a modification subject to LDC [14.6.4](#). However, the Design Standards may be *adjusted* or *modified* without a variance if the applicant demonstrates that the purpose the standard serves can be better met through an alternative design.

Where the text provides for more than one way to meet a particular standard, the applicant is encouraged to be creative and propose the most appropriate design solution given the site's context and the purpose of the code. Where the text is clear and objective, and the applicant proposes an alternate design that is not clearly supported by the text, the Planning & Zoning Commission or City Council (on appeal) shall refer to the Overall Guiding Principles (Section A, above), the principles under each standard, and the purpose statement(s) accompanying each section in approving or denying the adjustment/modification. These "guidelines" will serve as the approval criteria for such requests.

### 4. Incentives for Design Excellence

The City of Driggs encourages excellence in design. Projects that maximize the public benefits of development (e.g., through the provision of exceptional civic spaces, pedestrian amenities, public art, or superior architecture) may be rewarded, for example, with increased floor area, building height, or assistance from Driggs's Urban Renewal Agency. These incentives are described in Part IV. Downtown Mixed Use (DX) District.

## **A. Downtown Mixed Use (DX) – General Provisions**

The heart of Driggs is its downtown core. It was the first area to develop and it still displays many of its original, historic elements. It is also a primary tourist destination and the gateway to the mountains and Grand Targhee Resort. The 100% corner of Driggs's downtown is the intersection of Main Street and Little Avenue. The area historically extends north to Howard Avenue, south to Short Avenue, east to First Street and west to Front Street. The area includes the Teton County Law Enforcement Center, City Hall, storefront commercial uses on Main Street and Little Avenue, and transitional commercial uses along the side streets.

The downtown's traditional street grid, regularly-shaped blocks, storefront character, historic architecture, and proximity to walkable neighborhoods provide an important framework. The street grid is comprised of 400-foot square blocks and typical lot widths of approximately 25-50 feet. Main Street is contained within an approximate 100-foot right-of-way. Other downtown street rights-of-way are typically 82 feet in width. In addition to travel lanes, parking, curbs and gutters, streets are to provide wide sidewalks with street trees, plazas, and pedestrian street furnishings such as benches and antique-style lighting. Where these features do not currently exist, they are required with future development and/or street improvements.

### **Purpose Statement**

The downtown design standards and guidelines implement the vision for the downtown core. The standards reflect the following values and objectives:

- Retain Driggs's compact, walkable downtown as its main working, shopping and entertainment district
- Western heritage architecture with a close, intimate human-scale
- Contextually appropriate materials, textures and colors
- Continuous alleys and mid-block lanes with central, shared parking
- Vibrant civic spaces (e.g., plazas, public art, café seating areas, etc.); civic spaces should create intrigue and comfort, while adding value to adjoining properties
- Architectural design that addresses all four sides of a building
- Break down large building masses and provide storefront character appropriate to Main Street
- Balance rhythm and continuity – encourage creativity in the design of building elevations, rooflines and façade elements
- Treat corner lots as focal points (e.g., public art, seating, etc.).
- Provide weather protection and designing for the climate
- Where areas of surface parking are proposed, site plans should allow for future infill of those areas with buildings, civic space and/or structured parking (e.g., mid-block).

## B. Downtown Mixed Use (DX) – Blocks

### Guiding Principles:

New development and redevelopment projects should reinforce the historic town grid and support an attractive, comfortable and economically successful downtown. Buildings should be placed at the sidewalk edge and parking should be limited to on-street spaces and shared parking areas internal to each block. By maintaining the integrity of the town's historic urban form, land is used efficiently, traffic is distributed evenly, and new development contributes to a cohesive, pedestrian-friendly downtown. See Figures 1 and 2., which are conceptual only. Projects within the four blocks sharing the intersection of Main and Little should be guided more specifically by the Downtown Master Plan (Figure 3) adopted by the Driggs Urban Renewal Agency. (Ord. 289-08)

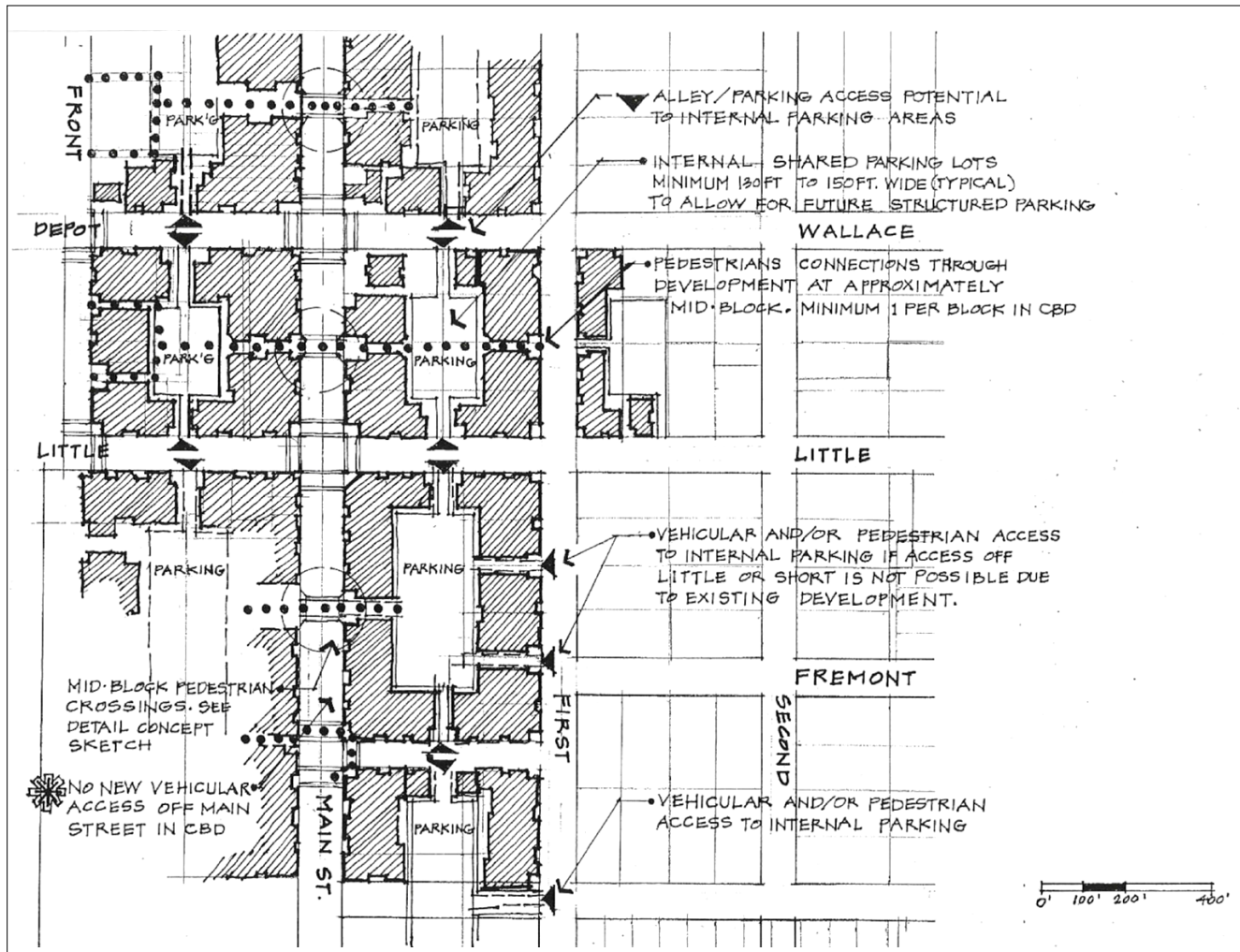


Figure 1: Desired DX District Block Layout

### Standards:

- 1. Rights-of-Way.** Street right-of-way should not be vacated, except where the vacation serves to implement the Downtown Master Plan. Where it is necessary to vacate right-of-way or dedicate new right-of-way, the change must be consistent with Driggs's historic block pattern or result in an improved pedestrian environment.

**Exception:** Dedicating right-of-way for the creation of internal public parking facilities and/or pedestrian ways is an example of improving the pedestrian environment.

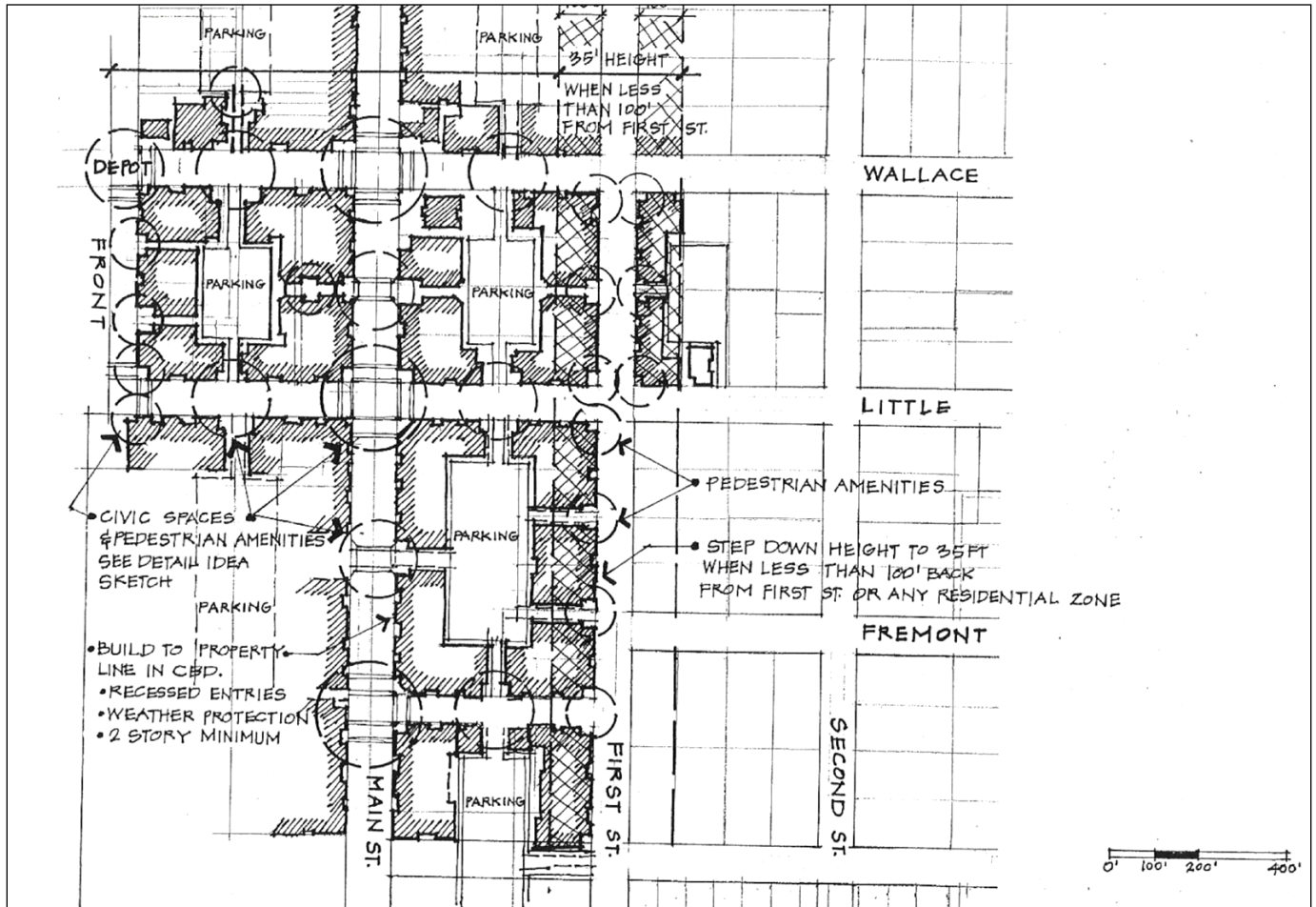


Figure 2: Guidelines and Standards for DX District

## 2. Street/Alley Access.

- a. Vehicle access to/from Main Street shall conform to the Idaho Transportation Department's Main Street/SH-33 Corridor Plan. The City of Driggs may require as a condition of design review/land use approval that an existing access to/from Main Street be consolidated and/or closed over time as access from the side streets (i.e., to interior parking areas) becomes available and easements or other accommodations are made for affected properties.
- b. Except as provided by the Downtown Master Plan (Figure 3), the alignment of streets and alleys shall be maintained in new development to ensure connectivity from block to block.
- c. Alleys should be continuous through a block to facilitate traffic circulation and full utilization of internal parking areas; any new non-continuous alley should be limited to providing access to an internal parking facility and/or pedestrian plaza.
- d. Where a vehicular connection through a block cannot be made due to existing development patterns, the City may require a pedestrian access way through the block.



3. **Building Orientation.** All buildings and their primary entrances shall oriented to a street. See also, Section C.2, Setbacks.
4. **Armature of the Block.** The width of all buildings fronting Main Street shall generally extend from side lot line to side lot line, except where intervening pedestrian walkways, courtyards, or similar amenities are provided, to create a human scale and to maintain continuity in storefront character.  
*Exception: Developments with more than 150 feet of frontage onto any street shall provide a pedestrian break and accessway near the middle of the block. Such access ways shall be no less than 20 feet in width and provide direct and convenient access to the interior parking areas described above. Access ways may be open or covered. (See also, Sections C-G., below)*
5. **Interior Parking Areas.** Where a block is planned to contain an interior parking area, buildings abutting the parking area shall provide secondary entrance(s) to it. The entry may be a back door or a side door within twenty (20) feet of the interior parking area. No building or development shall be configured in a way that precludes pedestrian access to such parking areas. (See also, Sections C through G, below.)
6. **Primary Entrances.** Buildings shall have clearly defined primary entrances. Primary entrances for building fronting onto Main Street or Little Avenue shall be oriented to those streets and not an interior parking area, court or alley. Buildings on other streets shall have primary entrances oriented to a street, court or alley. All primary entrances shall be recessed by at least four (4) feet, or covered by a canopy extending at least five (5) over the sidewalk, plaza, court, or similar pedestrian space. See also, subsection C.11, Pedestrian Shelters.
7. **Secondary Entrances.** Buildings with more than ninety (90) feet of frontage on a street shall have a second entrance oriented to that street. Buildings adjacent to an internal parking area shall provide a secondary entrance in conformance with subsection A.5. (See also, Section C, Buildings, and Section D, Streetscapes, below.)
8. **Civic Spaces.** All new building developments at street intersections or designated mid-block pedestrian access way locations (Figure 2) shall incorporate civic space(s) with pedestrian amenities, as provided in Section E, below.

IV. Downtown Mixed Use (DX) Design District  
City of Driggs Design Standards and Guidelines



Figure 3: Urban Renewal Agency Downtown Master Plan Guides Development in these Blocks (Ord. 289-08).

## C. Downtown Mixed Use (DX) – Buildings and Structures

### Guiding Principles:

New buildings and exterior remodels are expected to honor Driggs' unique Western heritage and enhance the appearance and functionality of the downtown. While many communities attempt to "create" or "re-create" an urban downtown of their own, the City of Driggs already has a main street with a mixture of historic and contemporary buildings. This eclectic group of buildings loosely follows the ageless rhythm of Driggs's historic Main Street. The building design standards draw on historic elements of the downtown while allowing for a contemporary interpretation of Driggs' Western heritage.

It is not the intent of the City of Driggs to create an architectural theme or to freeze time. The design standards are intended to encourage creativity, while ensuring that new buildings and remodels fit within the context of their historic surroundings and support a compact, walkable downtown. In this way, the City will ensure that the downtown retains its sense of place, vitality, and economic base.

The key elements of building design in the downtown are:

- Western heritage architecture
- Building height and articulated facades that create a sense of street enclosure at a human-scale
- Contextually appropriate materials, textures and colors
- Storefront character (windows, pedestrian shelter, furnishings, etc.) appropriate to Main Street
- A diversity of building facades and rooflines that fall into a consistent rhythm
- Corner lots as focal points with furnishings and public art

### Standards:

#### 1. Height.

- a. **Maximum Height.** The maximum allowable height is forty-five (45) feet, except that buildings, or portions of buildings, located less than one hundred (100) feet from First Street or any residential zone shall not exceed thirty-five (35) feet in height. Buildings that are partially within 100 feet of First Street or a residential



zone shall step-down in roof elevation (i.e., from 45 feet to 35 feet) to provide a more sympathetic scale relationship with the residential and neighborhood-commercial zoning to the east. (Figure 2) See also, Section C.5.b, Building Mass and Height Step-Back.

***Exception:** These standards preempt the height limitations for certain building types in LDC [Chapter 8](#). The height limits described above may be increased only through the Variance process. In approving a variance for increased height, the Planning & Zoning Commission shall find that the proposed plan exemplifies superior architecture, complementing other downtown buildings and adjacent residences, provides pedestrian amenities or other streetscape enhancements, protects mountain views, and promotes sustainability. In evaluating sustainability, the commission may consider the project's eligibility for Leadership in Energy and Environmental Design (LEED) certification.*

- b. **Minimum Height.** Buildings fronting onto Main Street shall be built to a height of not less than two (2) stories or twenty-four (24) feet, whichever is less, to maintain an intimate, human scale relative to the street, and a sense of street enclosure. Single story buildings shall incorporate parapets that reach the minimum required height. (Figure 4)

**Exception:** Single-story structures of less than twenty-four (24) feet in height and fronting onto Main Street may be approved by the Planning & Zoning Commission where the proposed building is replacing an automobile oriented use, such as a fuel filling station, drive-up ATM or coffee kiosk. In approving such buildings, the Commission shall find that the proposal is consistent with the DX District guiding principles.

## 2. Setback

- a. **Build-To Zone Required.** The Build-To-Zone requirements of LDC Chapter 5 shall be met. For civic buildings (e.g., courthouse, city hall, library, museums, etc.), the build-to zone does not apply, provided that a plaza or public square fills the space between the building and the street. Where a building is proposed to be constructed on the rear portion of an oversized lot, a master development plan must show how future development will conform to the build-to zone on the front portion of the lot.

*Exceptions:*

1. *The maximum setback is 10 feet for the Build-To Zone on Depot Street, between Huntsman Springs PUD and Main Street.*
  2. *Fences and walls exceeding three (3) feet in height shall not be placed between the street right-of-way and any building in the DX District. Low patio walls and seating walls (pedestrian amenities) are allowed.*
  3. *Where public utility easement or similar restricting legal conditions make conformance with the zero setback impracticable, the building shall instead be placed as close to the street as possible given the legal constraint, and pedestrian amenities shall be provided within the street setback in said location.*
- b. **Right-of-Way.** Pedestrian amenities such as street furnishings, canopies, awnings, signs and similar features approved through design review may be placed in the sidewalk right-of-way provided that ADA accessibility and vertical and horizontal (vision) clearance requirements are met. Canopies, awnings and other features that are cantilevered over the sidewalk shall conform to the clearance requirements of the adopted building code. Portable signs are subject to the provisions in the Sign Ordinance and Section H, below.

## 3. Building Form

- a. **Overall Form.** Architectural designs shall address all four sides of a building. The predominant form on Main Street is a generally “flat” elevation with any recesses, projections, or rounded edges (“articulations”) appearing subordinate to the dominant rectangular form. New buildings should reflect the predominant form, while expressing individuality. New buildings should not directly copy any other building in their form or detailing. (Recommended: Figures 4, 6 and 7; Discouraged: Figure 5)

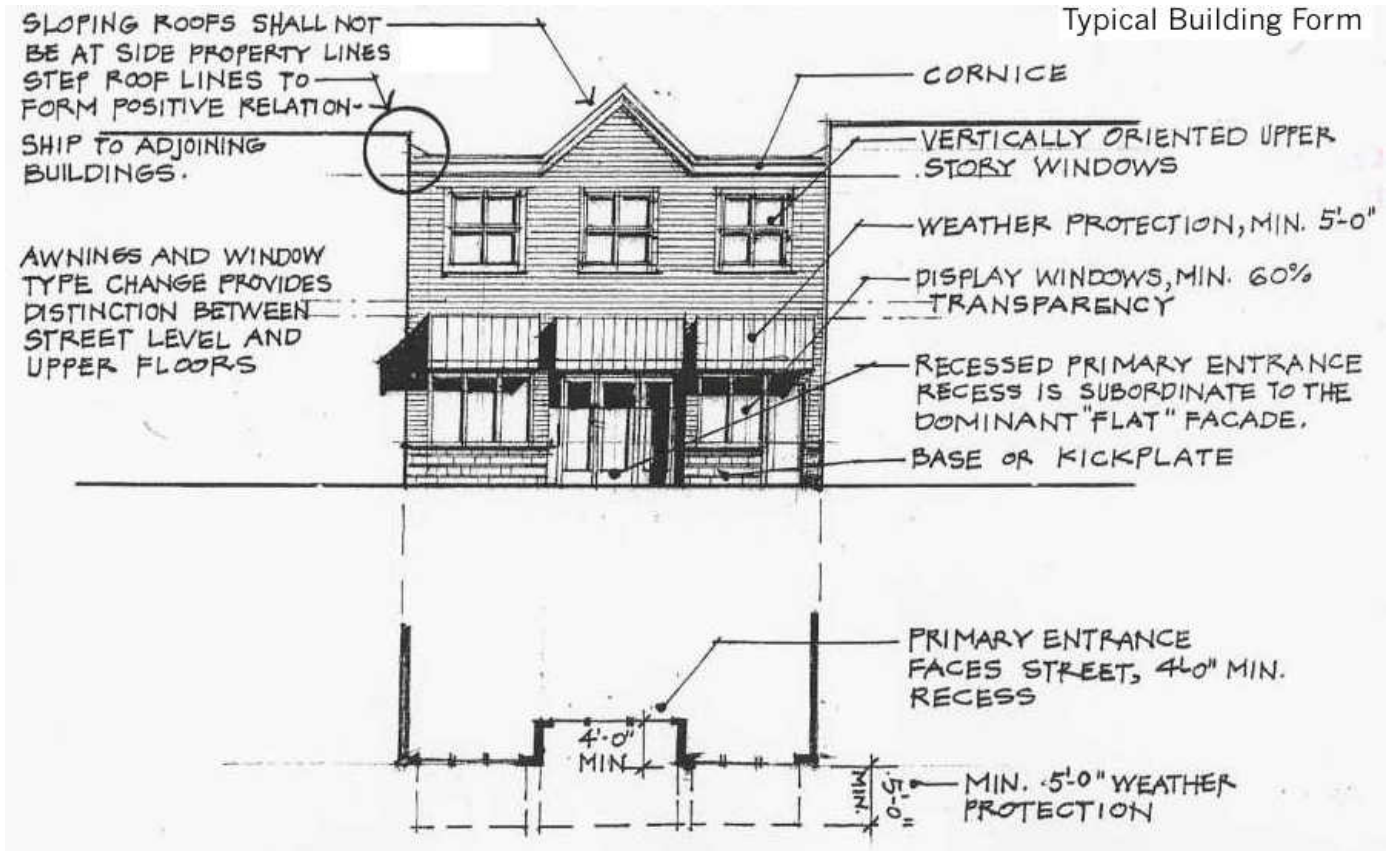


Figure 4: Acceptable Building Elements (Typical 2-story) in the DX District

- b. **Stepped Rooflines.** Height shall vary consistent with the traditional building rhythm described in Section C.3, above. This standard is met by using either stepped parapets or slightly dissimilar overall height (i.e., building-to-building) to avoid a homogenous look and to maintain the traditional staggered streetscape appearance. Abrupt changes in height between buildings can be managed by having the taller building follow the horizontal lines of the shorter building along the first two floors and reference elements or detailing of the shorter building(s) on its upper stories. See also, Section C.8, Horizontal Rhythms. (Recommended: Figures 4, 6 and 7; Discouraged: Figure 5)

- c. Sloping Roof. Sloped roof forms are discouraged in the DX District, unless visually screened from the right-of-way by a parapet. Where a roof slopes to the rear of a site, it shall have side parapets that screen the roof and step-down toward the rear of the building. Front-facing gables, split-barrel roofs, rounded parapets, turrets and similar forms may be used as accents

but not primary roof forms. Mansard roofs, A-frame buildings and other non-historically appropriate forms are generally inappropriate.

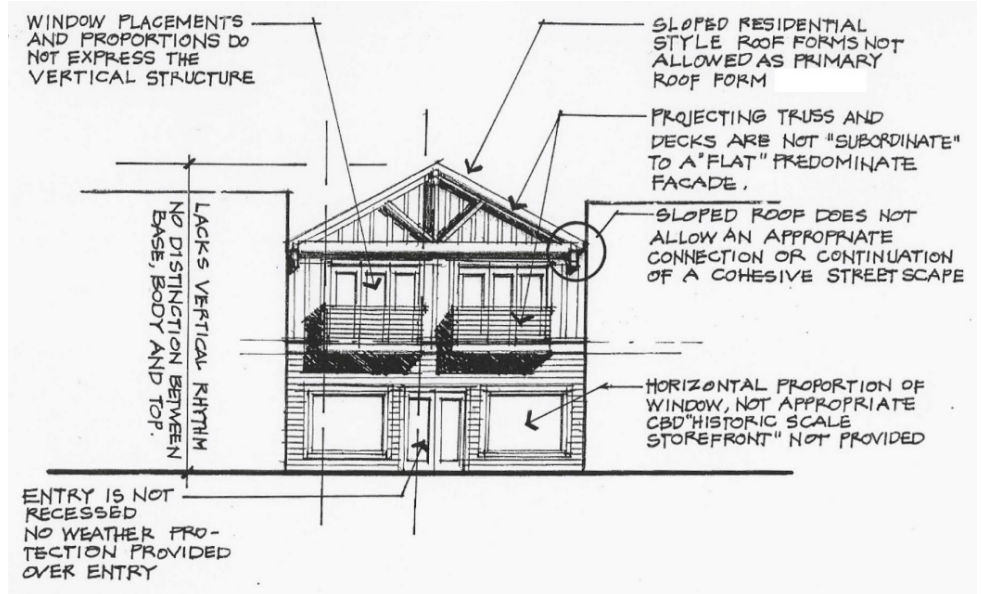


Figure 5: Unacceptable Building Elements in the DX District

- d. False Fronts. False fronts (e.g., boards, panels, flashing, etc.) covering historic masonry facades are not permitted. Exterior remodels of buildings with existing false fronts may be required to remove the false front(s) and restore or replace said materials with acceptable masonry.
- e. Rear Elevations. Rear elevations on buildings exceeding two stories shall step-down in elevation toward alleys, where applicable, to establish a human scale. Additive forms, such as projecting roofs at the ground floor over entrances, covered patios, decks and outdoor seating areas may be used to reduce the perceived scale; when used, these forms shall remain subordinate to the primary structure.



False fronts on Little Avenue (right) and on Main Street to be removed with future redevelopment. Historic restoration is encouraged where the original materials can be successfully rehabilitated or restored.

- f. Recesses and Projections. Ground-level entries shall conform to Section A.6. Recessed or projecting balconies, verandas or other usable space above the ground level on existing and new buildings shall not be incorporated in a street facing elevation, except as provided below in subsection B.5.b, below. (Recommended: Figures 3, 4, 6 and 7; Discouraged: Figure 5)

#### 4. Storefront Character

- a. **Fenestration (Windows and Doors).** Consistent with the desired storefront character in the downtown, buildings should maintain the historic scale and elements such as large display windows, windowed doors and transom windows. Notwithstanding the provisions of LDC [Chapter 8](#) Building Types, the ground floor, street-facing elevations of all buildings shall comprise at least sixty percent (60%) transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane seventy-two (72) inches above the sidewalk grade. Upper floors may have less window area, but should follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings without a street-facing elevation, such as those that are setback behind another building and those that are oriented to a civic space (e.g., internal plaza or court), shall meet the sixty percent (60%) transparency standard on all elevations abutting civic spaces(s) and elevations containing a primary entrance. All side and rear elevations, including ground floors and upper stories, except for zero-lot line/common wall elevations (where windows are not required), shall provide no less than thirty percent (30%) transparency. (Recommended: Figures 3, 4, 6 and 7; Discouraged: Figure 5)

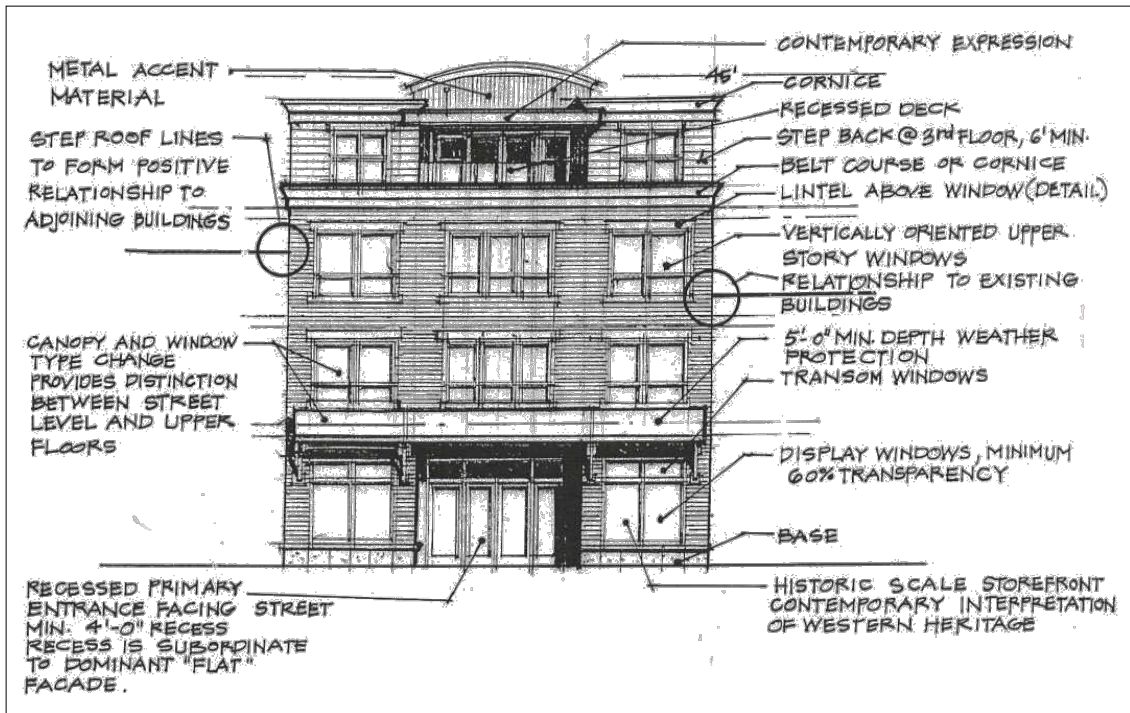


Figure 6: Acceptable Building Elements (3+ stories) in the DX District

**Exceptions:** The Planning & Zoning Commission may reduce the transparency standard where the building elevation is not visible from any public way or civic space and adjusting the standard would not conflict with applicable building codes.

- b. **Street Level Entrance.** All primary building entrances shall open to the sidewalk and be ADA accessible. Primary entrances above or below grade are not allowed.
- c. **Street Level/Upper Floor.** The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration. (Recommended: Figures 4, 6 and 7; Discourage: Figure 5)



Figure 7: Rhythm, Massing, and Building Openings in the DX District

## 5. Building Mass

- a. **Traditional Building Pattern.** Buildings exceeding fifty (50) feet in width (e.g., two traditional lot widths) shall incorporate off-sets or divisions in the façade to express the traditional, twenty-five (25) foot typical lot pattern and building widths of the downtown. Changes in façade material, window design, façade height or decorative details are examples of techniques that could be used. These variations should be expressed throughout the width of the structure such that the composition appears to be a collection of smaller buildings or storefronts. (Recommended: Figures 3, 4, 6 and 7; Discouraged: Figure 5)
- b. **Height Step-Back.** The fourth story, and/or any portion of a building exceeding forty (40) feet in height, shall step-back at least six (6) feet from the outer plane of the building. The purpose of the height step-back is to maintain the appearance of a three-story, or shorter, building as viewed from the street, to maintain views of the mountains from upper stories of adjacent buildings, and to provide for solar gain and light filtering down to Main Street. (Recommended: Figures 4, 5 and 7)



## 6. Accessibility

Accessibility shall be provided in all new buildings and building remodels, consistent with applicable buildings codes. Storefront entries shall be at the street level. Where ramps are required, the ramp design shall incorporate materials and detailing similar to the base of the building.

## 7. Openings

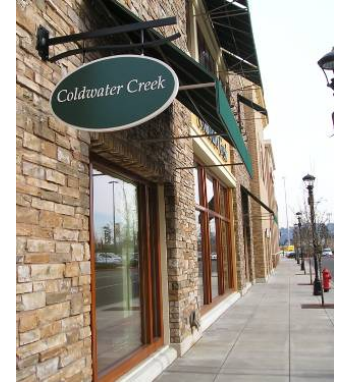
- a. **Ground Floor Windows.** Ground floor elevations shall conform to subsection C.4.a. and should contain windows that are framed by piers or pilasters (sides); awnings, canopies or trim/hoods (tops); and kick plates or bulkheads (base). Decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged. (Recommended: Figures 3, 4, 6 and 7; Discouraged: Figure 5. See also, positive photos in sidebar.)
- b. **Upper Floor Windows.** Upper floor window orientation shall primarily be vertical, or have a width that is no greater than height, consistent with the Western vernacular. Paired or grouped windows that, together, are wider than they are tall, should be visually divided to express the vertical orientation of individual windows. (Recommended: Figures 4, 6 and 7; Discouraged: Figure 5. See also, photos at right.)
- c. **Projecting Windows, Display Cases.** Windows and display cases shall not break the front plane of the building (e.g., bay windows and projecting display boxes are discouraged). For durability and aesthetic reasons, display cases, when provided, shall be flush with the building façade (not affixed to the exterior) and integrated into the building design with trim or other detailing. Window flower boxes are allowed provided they do not encroach into the pedestrian through-zone. (Figure 3)
- d. **Entrances.** Ground level entrances shall be at least partly transparent to encourage an inviting and successful business environment. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door. Where ATMs or other kiosks are proposed on any street-facing elevation, they shall be visible from the street (i.e., for security) and have a canopy, awning, or other weather protection shelter. (Recommended: Figures 3, 4, 6 and 7; Discouraged: Figure 5)
- e. **Corner Entrances.** Buildings on corner lots should have corner entrances. Such entrances are not required to be recessed, but shall have an awning or canopy for weather protection. Where a corner entrance is not provided, the building plan shall provide for a corner plaza consistent with Section E, below, or the building shall provide architectural features (e.g., alcove with seating or artwork) at the corner that honors the corner as a civic space. (See also, Section E - Civic Spaces.)
- f. **Remodels.** The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns and other features shall be visually compatible with the original architecture.



Examples of desired transparency and entrances.

## 8. Horizontal Rhythms

- a. **Traditional Lot and Building Pattern.** Buildings must respect the traditional lot pattern and building rhythm in the downtown by incorporating rhythmic divisions in all elevations. As a general guideline, front elevations should be articulated not less than once every twenty-five (25) feet. Articulation should be subtle. For example, slight offsets in a building elevation, roofline and/or the rhythmic placement of windows, pilasters, awnings, trim, art/medallions, or other detailing and ornamentation are preferred. Abrupt divisions, such as clashing paint colors, should be avoided. Side and rear elevations may be articulated less frequently but should complement the overall building design. The Planning & Zoning Commission may require detailing on a zero-lot line elevation to reduce the apparent scale and avoid blank walls (i.e., until an abutting property develops). (Recommended: Figures 3, 4, 6 and 7 and photos at right; Discouraged: Figure 5)

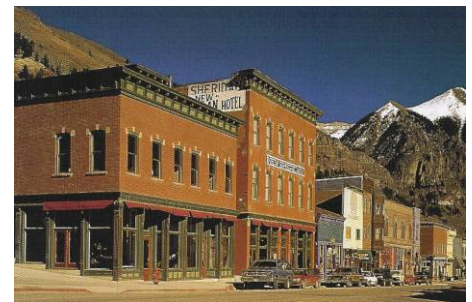


- b. **Horizontal Lines.** New buildings and exterior remodels shall follow prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line. (Recommended: Figures 3, 4, 6 and 7 and photos at right; Discouraged: Figure 5)



*Exceptions: Where existing buildings do not meet the City's current architectural standards, a new building may establish new horizontal lines.*

- c. **Ground Floor/Upper Floor Division.** A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the use of a belt course, transom, awnings or canopies. (Recommended: Figures 3, 4, 6 and 7 and photos at right; Discouraged: Figure 5)
- d. **Building Base.** Buildings shall have a foundation or base, typically from ground to the bottom of the lower window sills, with changes in volume or material, to give a sense of strength and symmetry. (Recommended: Figures 3, 4, 6 and 7; Discouraged: Figure 5)



Example of appropriate articulation and rhythm using architectural bays, windows, off-sets, detailing, and weather protection (above). Note the civic space on provided in the top photo.

## 9. Vertical Rhythms

New construction and front elevation remodels shall reflect a vertical orientation, either through breaks in volume or the use of surface details, to divide large walls, so as to reflect the underlying historic property lines. See also, Section B.8.a, Traditional Lot and Building Pattern, above. (Recommended: Figures 3, 4, 6 and 7 and photos at right; Discouraged: Figure 5)

## 10. Materials and Color

- a. **Primary Materials.** Exterior building materials shall predominately consist of those materials traditionally found in Driggs, or others that are indigenous to the intermountain West, including brick, natural or block stone (e.g., limestone, rhyolite, granite, etc.) and painted or natural wood. (See examples in sidebar.) Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior cladding in the downtown. See also, Secondary Materials and Substitute Materials, below.

*Exception: Rear and sidewalls that are not visible from any public way or parking area are exempt. Concrete or masonry block may be used.*

- b. **Change in Materials.** Elevations should incorporate changes in material that define a building's base, middle and top and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way or plaza may utilize changes in texture and/or color of materials in the interest of affordability, provided that the design is consistent with the overall composition of the building.

*Exception: Rear and sidewalls that are not visible from any public way or parking area are exempt. A change in materials is not required.*

- c. **Secondary Materials.** Any of the materials listed above may also be used as secondary materials or accents. Metals such as copper, iron, bronze, steel/ galvanized steel, and similar appearance metals may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design, and subject to review and approval through design review.

- d. **Substitute Materials.** Substitute materials that are equal in appearance and durability to those in subsection 'a' may be approved by the Planning Commission through design review. The applicant will be required to provide specifications from the manufacturer.

- e. **Color.** Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each twenty-five (25) feet of the front elevation; one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles. Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent, sparkling, or "day-glow" colors are not allowed. Metals shall be finished in mute, earth-tones or otherwise burnished to minimize glare.

- f. **Contemporary Designs.** Contemporary interpretations of Driggs's Western heritage are encouraged; metal may be used as an accent but not as a predominant siding material on any street-facing elevation in the downtown. Storefronts that resemble suburban strip-malls (e.g.,



Example of appropriate materials.

picture windows extending to near grade level) and those that use highly reflective glass, clerestory windows and/or similar non-traditional features are prohibited.

- g. **Restoration and Rehabilitation.** Restoration and rehabilitation projects shall incorporate original materials and design elements (e.g., previously covered over), to the extent practicable. See also, “False Fronts,” subsection B.3.d.

## 11. Pedestrian Shelters

Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least thirty percent (30%) of a building’s ground floor elevation(s) where the building abuts a sidewalk, plaza, pedestrian access way, or outdoor seating area. See examples in sidebar. Pedestrian shelters used to meet the above standard shall extend at least five (5) feet over the pedestrian area, shed snow away from building entrance(s), be proportionate to the building in its dimensions, and not obscure the building’s architectural details. If mezzanine or transom windows exist, the shelter shall be below such windows where feasible. The Planning Commission may require snow/ice dams or other features to minimize ice accumulation on sidewalks. Pedestrian shelters shall align to the extent practicable. (Recommended: Figures 3, 4, 6 and 7)

**Exception:** The Planning & Zoning Commission may reduce the minimum shelter depth to four (4) feet upon finding that existing right-of-way dimensions or building code requirements preclude a larger shelter.

## 12. Mechanical Equipment

- a. **Building Walls.** When mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, must be installed on a building wall, it shall be oriented away from all streets. Where such equipment is installed on a side or rear building elevation and is adjacent to an alley, access way, or civic space, its appearance shall be minimized using materials and/or colors that are similar to those used on the subject building. Standpipes, meters, vaults and similar equipment should not be placed on a front elevation when other alternatives exist; such equipment shall be placed low on a side or rear elevation to the extent practicable.

**Exception:** Window air conditioning units may only be installed on non-street facing elevations.

- b. **Rooftops.** Rooftop equipment shall conform to LDC [11.2.4](#). Where such equipment cannot practically be screened by use of a parapet or similar building element, it shall be painted with muted colors that make it visually subordinate to and blend in with its background.
- c. **Ground-Mounted Equipment.** Ground-mounted mechanical equipment shall comply with the screening requirements of LDC [11.2.4](#).



Pedestrian shelters may come in a variety of forms, materials, and colors provided they fit the overall composition of the building and generally align with one another. Actual designs should address the location and function of the shelter, building codes, architecture, durability, right-of-way constraints, if any, along Main Street.

## D. Downtown Mixed Use (DX) – Streetscapes

### Guiding Principles:

The relationship between the local street system, Highway 33 and adjoining properties is important from both a transportation planning and land use development standpoint. The City of Driggs and Idaho Department of Transportation work cooperatively to manage access onto the State Highway. Access management helps preserve roadway capacity and creates a safer pedestrian environment.

The design standards also implement the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks, weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting that protects the night sky, public art, opportunities for café seating, and other amenities. A safe, inviting and comfortable pedestrian environment benefits businesses and the community as a whole.

### Standards:

- 1. Transportation Plan Conformity.** New development shall conform to the policies, standards, specifications and design details (e.g., street sections) contained in the City of Driggs Transportation Plan and Main Street/SH-33 Corridor Plan. When streetscape improvements are required of new development, such improvements shall conform to these plans.
- 2. Conformance with Design Standards.** Streetscape improvements, when required, shall conform to other applicable Design Standards. See also, the Block Standards (Section B), the Building Standards (Section C), the Civic Space Standards (Section E), Vehicle Access Standards (Section F), Pedestrian Circulation Standards (Section G), Sign Standards (Section H) and Lighting Standards (Section I).

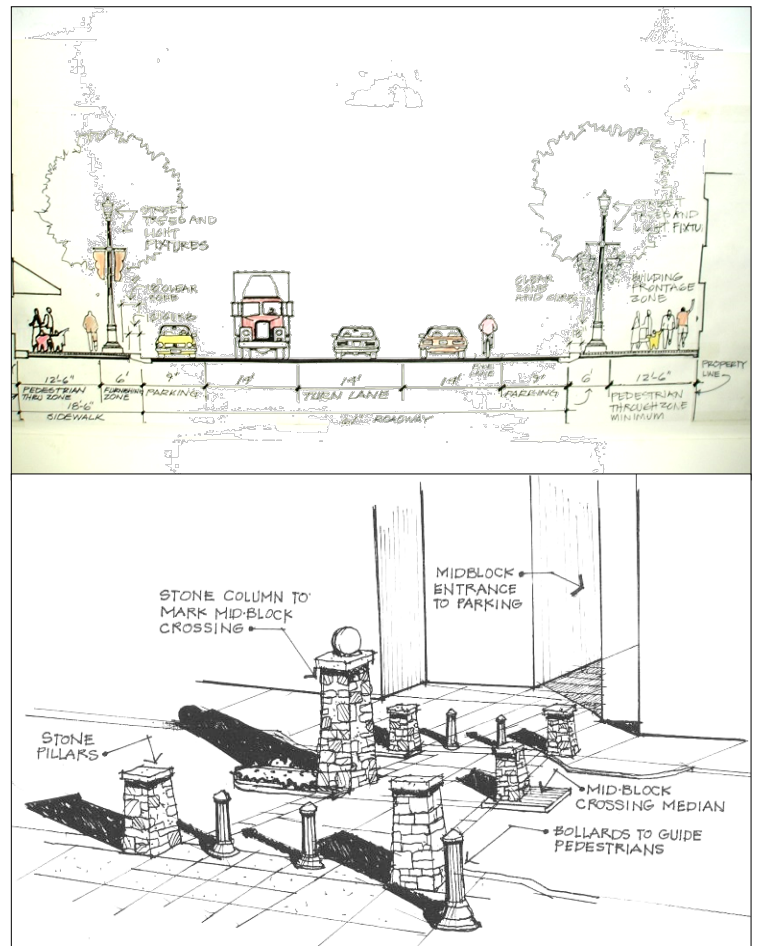


Figure 8: Main Street concept and example of potential mid-block crossing

## E. Downtown Mixed Use (DX) – Civic Spaces

### Guiding Principles:

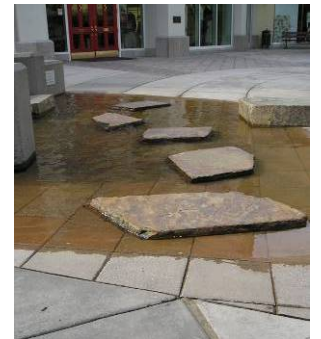
The increased development intensity, pedestrian activity, close building orientation and minimal private open space and landscaping in the downtown require that civic space be provided along building frontages and in breaks between buildings. Civic space, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provide visual relief, pedestrian resting areas and opportunities for socialization. Civic spaces do not have to be publicly owned or maintained. Public or private, they are as important as building design and centralized parking areas to the success of downtown. Therefore, the City requires that all new developments and redevelopment projects contribute their proportionate share of civic space.

### Standards:

- 1. Civic Space Standard.** At least three percent (3%) of every development site shall be designated and improved as civic space, with the highest priority locations being those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways), as generally designated on Figure 3 and in the sidebar photo examples.

***Exception for Minor Projects:** Building additions and remodels are not required to provide civic space when proposed building costs are estimated to be less than fifty percent (50%) of the existing assessed value of improvements on the subject site. Assessed values shall be the value of record at the Teton County Assessor's Office.*

***Exception for In Lieu Fee:** The Planning & Zoning Commission may find that the creation of civic space is not practicable based on the project location or other relevant factors. In such cases, the City may accept an in lieu fee equal to the fair market value of the land and improvements that would have otherwise been required. In this case, the applicant shall obtain a third-party appraisal*



Civic spaces should serve as focal points and gathering places, giving the downtown a unique identity and sense of place. Pedestrian amenities may include, but are not limited to outdoor seating areas or cafes, pedestrian access ways, weather protection, plazas, benches, public art, and street furnishings such as bicycle racks and pedestrian lighting (e.g., bollards) at crossings.

prepared by a qualified professional that is mutually agreed upon with the City. The fair market value shall be determined after the City approves the site design review application and before issuance of any building permits on the project

2. **Dimensions.** All civic spaces shall have dimensions of not less than eight (8) feet across and have a surface area of not less than forty-eight (48) square feet.
3. **Public Access.** Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture). Where a right-of-way connection is not possible, the owner shall be required to provide a public access way easement to the civic space. (Recommended: Figures 1, 2, 3, 8 and 9. See also, Section G, Pedestrian Circulation, below.)
4. **Incentives.** To encourage larger, more successful civic spaces, the Planning & Zoning Commission may award the following incentives for projects that designate and improve more than the minimum three percent (3%) civic space:
  - a. Building height bonus allowing two (2) feet of additional building height (above 45 feet or 35 feet, as applicable) for every one percent (1%) of additional site area (above 3%) designated and improved as civic space, not to exceed a total height bonus of ten (10) feet.
  - b. Reduction in the number of required off-street parking spaces by one (1) space for every 180 square feet of additional site area designated and improved as civic space (i.e., above the 3% minimum).
5. **Pedestrian Amenities Required.** Where civic space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (i.e., outdoor café space), benches, public art, pedestrian-scale lighting, way finding signs (as approved by the Downtown Business Association) or similar pedestrian areas in an amount equal to or greater than one-half of one percent (0.5%) of the estimated construction cost of the subject building(s). Where a civic space adjoins a building entrance it should incorporate a weather protection canopy, awning, pergola, or similar feature. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., antique lamps or bollard lights) at street corners or mid-block pedestrian access ways may be counted in fulfilling the 0.5% requirement. The cost of any public parking structure used in the assessment of civic space improvements. Cost estimates for pedestrian amenity improvements shall be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the administrator. (See Figures 9 and 9a)

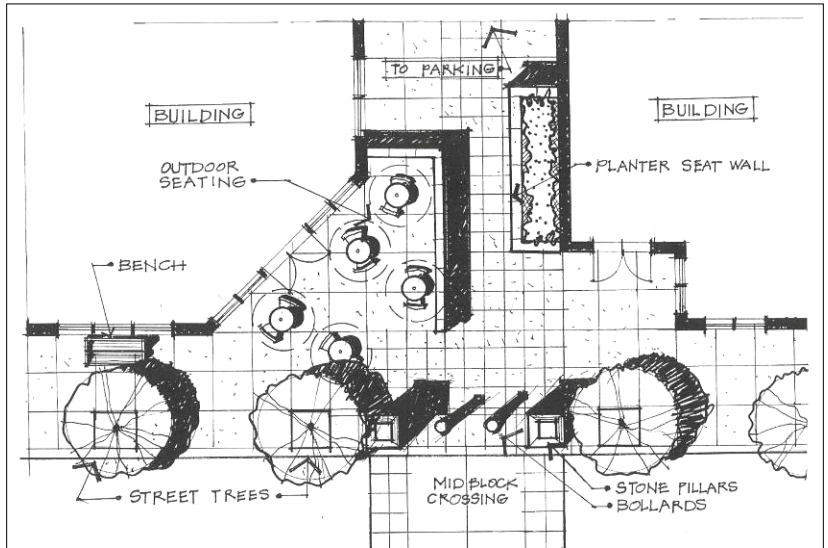


Figure 9: Desired pedestrian amenities with example of mid-block access way leading to internal parking area.

**Exception:** Building additions and remodels that are exempt under Section E.1 are not required to provide pedestrian amenities, though they are encouraged to do so. In such cases, the Planning &

*Zoning Commission may consider the voluntary provision of pedestrian amenities in approving height bonuses, reductions to off-street parking standards and/or modifications to other commercial design standards.*

6. **Mechanical Equipment and Garbage Storage Areas.** Mechanical equipment and garbage storage areas are not permitted within the civic space(s) required under subsection E.1. Where placement of these facilities where they would be visible from a public way or civic space is unavoidable, they shall conform to LDC [11.2.4](#).
7. **Gates.** Civic spaces shall not be gated or closed to public access, unless otherwise prescribed by the Planning and Zoning Commission through conditions of approval.

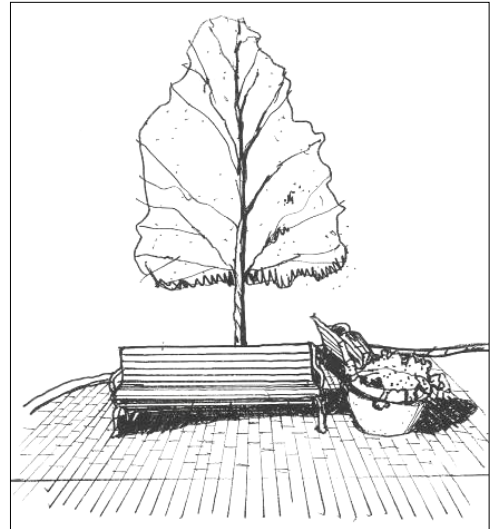


Figure 9a: Small civic spaces may fulfill the pedestrian amenity requirement by providing seating and planters



## F. Downtown Mixed Use (DX) – Vehicle Access and Parking Areas

### Guiding Principles:

Vehicle access and circulation shall be subordinate to the pedestrian environment of the central business district. Parking is to be provided primarily in on-street parking spaces and in shared parking areas internal to each block. Where large areas of surface parking exist, such areas are to transition to structured parking over time as the market and public-private partnerships allow. See also, Figures 1, 2, 8, 9 and 10.

### Standards:

- 1. Access and Driveways.** Access onto Main Street shall conform to the Main Street/SH-33 Corridor Plan.
- 2. Drive-up and Drive Through Uses.** New drive-up/drive-through facilities (e.g., windows, ATMs, etc.) are not permitted. Where applicable, the Planning Commission may approve the relocation and improvement of existing drive-up facilities where they are to be oriented away from Main Street (e.g., behind Main Street and accessed from an alley or interior lot).
- 3. Off-Street Parking.** Where new surface parking is planned, it shall be limited to on-street parking spaces and/or shared parking areas internal to a block, as shown in Figures 2 and 3. (See also, LDC [11.1.3](#) Parking Exemption Overlay.) Any parking and vehicle circulation areas abutting a public street or pedestrian access way (e.g., between buildings) shall provide a landscape screen of not less than four (4) feet in width and four (4) feet in height, or a decorative wall, bollards, or other buffer that is consistent with the landscape requirements in Part VII, and as approved through design review. (Recommended: Figure 10.)
- 4. Parking Lot Landscaping.** All surface parking areas shall be landscaped in conformance with Part VII, except that the landscape standards may be reduced by up to fifty percent (50%) for parking areas that are setback fifty (50) feet or more from all streets and located interior to a block. (Recommended: Figures 1, 2 and 10.)
- 5. Redevelopment of Surface Parking Lots.** Site plans should allow for conversion of internal surface parking lots to structured parking in the future, consistent with the Downtown Master Plan (Figure 3). Site plans should also allow for the conversion of non-conforming front yard parking lots to new building sites or civic spaces as properties redevelop. (Recommended: Figures 2 and 3. See also photos at right.)
- 6. Parking in Front of Buildings.** Due to the pedestrian-orientation of downtown, surface parking is not allowed between any new building and the street to which is it oriented. Where such parking currently exists, the owner may be required to install landscaping or other buffering between the parking area and the sidewalk with future redevelopment. (Recommended: Figure 8) See also,

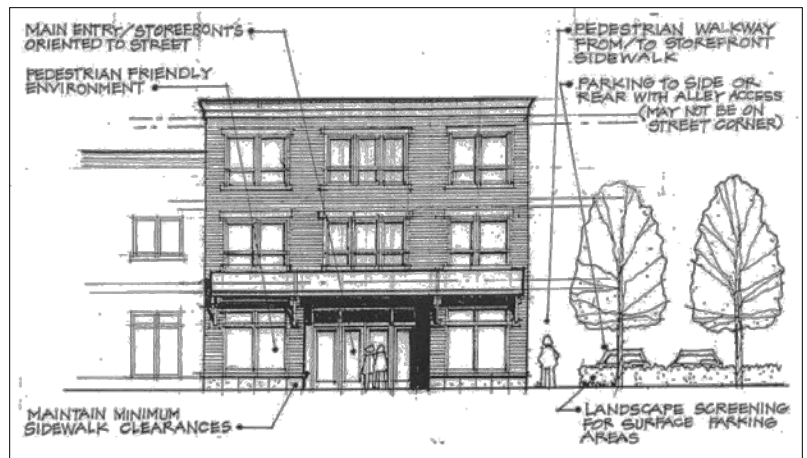
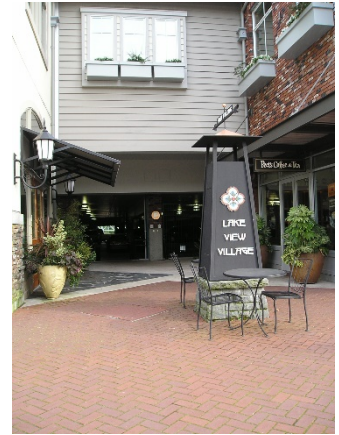


Figure 10: Parking is subordinate to storefront character. Parking must be buffered from adjacent streets and pedestrian ways. Drive-up/drive-through uses, where allowed, shall be oriented away from Main Street.

subsection C.1.b (building height exception for parking lot redevelopment), subsection F.2 (off-street parking), above, and Section A, Blocks.

7. **Parking Structures.** Parking structures (e.g., garages, decks, lids, etc.) shall not open directly onto any public street, but shall instead receive access from an alley or other approved access under subsection F.1. Alleys shall conform to the Downtown Master Plan (Figure 3). Where structured parking is provided, it shall not abut Main Street, but shall instead be clad/screened with commercial building(s) and/or civic space along the Main Street frontage.
8. **Service and Loading Areas.** The visual, traffic, odor and noise impacts of service and loading areas, relative to streets, civic spaces, pedestrian access ways and adjacent residences, shall be minimized. Service areas and loading docks/bays shall be accessed from an alley and screened using architectural elements that are compatible with adjacent building(s). Where no alley exists, service areas shall be accessed from streets other than Main Street and Little Avenue.
9. **Parking Incentive.** When a project provides public parking underground or in a structure, the Planning and Zoning Commission may approve a height bonus under Section C.1.a and/or reduce the civic space requirements under Section E.



Where feasible, site plans in the CBD should anticipate and not preclude future development of parking structures, particularly in the four block area adjacent to Main Street and Little Avenue.

The aerial photo (top) shows an example of a parking structure interior to the block; access is provided via a side street in the upper right corner. Below the aerial, and clockwise from the upper-left, are photos of the driveway opening and public parking signage, a pedestrian access way to the garage, another view of the garage with a pedestrian access way, and a storefront on the main street. Note the parking structure is clad with commercial buildings and civic space.

## G. Downtown Mixed Use (DX) – Pedestrian Circulation

### Guiding Principles:

The pedestrian circulation system shall provide a direct, convenient and comfortable means of accessing individual uses and connecting to other parts of the City and beyond. The pedestrian system includes sidewalks, pathways, mid-block access ways and trails designated by the Driggs's Pathway Plan.

### Standards:

1. **Site Layout and Design.** To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system consistent with the network shown in Figures 1, 2, 3, 8, 9 and 10, and conforming to the following standards:
  - a. **Continuous Walkway System.** The pedestrian system shall extend throughout the development site and connect to adjacent sidewalk(s). The system shall also provide stubs to allow for their continuation through future phases of development and to existing or planned off-site adjacent pedestrian ways and civic spaces, to the greatest extent practicable.
  - b. **Safe, Direct and Convenient.** Walkways within developments shall provide safe, reasonably direct and convenient connections between all building entrances and between primary entrances and adjacent sidewalks, based on the following definitions:
    - (1) **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
    - (2) **Safe and convenient.** Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations. Walkways shall connect all building entrances to one another to the extent practicable
    - (3) **On- and Off-Site Connections.** Walkways shall connect all on-site parking areas and civic spaces, and shall connect off-site adjacent walkways to the site to the extent practicable. Obstacles posed by existing structures may be cause for not making walkway connections.
2. **Pedestrian Facility Design and Construction.** Walkways, including mid-block pedestrian access ways (Figures 1 and 2), shall conform to all of the following standards:
  - a. **Vehicle/Walkway Separation.** Except for crosswalks, where a walkway abuts a driveway or street, it shall be raised and curbed along the edge of the driveway/street. Alternatively, the Planning & Zoning Commission may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed for withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.
  - b. **Crosswalks.** Where a walkway crosses a parking area, driveway, or street ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, brick, or stamped/scored concrete inlay), which may be part of a raised/speed-table type of crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for short crosswalks not exceeding twenty-four (24) feet in length.
  - c. **Walkway Width and Surface.** Walkway and pedestrian access ways shall be at least five (5) feet in width and constructed with stamped or scored concrete, brick/masonry pavers, or other

durable surface that contrasts with the driveway paving surface. Note: public sidewalks and trails are also subject to the provisions of Driggs' Transportation Plan and Pathway Plan.

- d. Accessible routes. Walkways shall conform to applicable Americans with Disabilities Act (ADA) guidelines and standards. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA-accessible, and walkways shall provide direct routes to primary building entrances.

## H. Downtown Mixed Use (DX) – Signs

### Guiding Principles:

The number, size, configuration, placement, color, materials, and illumination of signs all play a part in shaping the built environment. Signs in the downtown should function primarily as tools for pedestrian way finding and business identification. Business identification does not require that owners maximize the size or number of signs. Downtown has built-in traffic calming features that, together with the building design standards enable motorists and pedestrians to notice signs at a relatively small scale. Unique buildings, by themselves, can become icons and serve as signs for the businesses inside them (e.g., The “Bison” as a landmark building). Billboards and other signs designed to a “highway scale” are not necessary and are discouraged.

### Standards:

1. See LDC [Section 11.3](#) for all size, height, placement, and illumination standards for signs in the DX district.
  - a. Sidewalk Signs, when applicable, must be placed in the portion of the sidewalk that is made up of red brick-stamped concrete known as the Furniture Zone.

2. **Contextual Design.** Signs, including sign faces and support structures, should complement Driggs' natural surroundings. Signs engraved on or sculpted from metal or wood (natural or painted wood) are preferred, however, those that are predominately made of vinyl, Plexiglas, or similar materials may be approved administratively provided they are non-reflective and similar in appearance to wood or metal. Sign support structures and frames shall consist of metal, wood, brick, stone or a material that is similar in appearance. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street. Sign colors shall be muted or warm earth-tones without reflective finishes, except that bright colors may be used over small areas (e.g., less than 2 sq ft) or as accents.



Individual buildings and collections of buildings can become icons and serve as signs for the businesses inside them.

**3. Prohibited Signs.** Signs containing large areas of white or cool grays, florescent (e.g., day-glow), sparkling, reflective, or similar colors or finishes are not permitted. Streamers, moving signs, video or animated signs, flashing signs (, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.



Examples of acceptable signs in the Central Business District.

## I. Exterior Lighting

### Guiding Principles:

The number, size, design and placement of lights all contribute to creating a safe and aesthetically pleasing downtown compatible with the character of the city. Excessive lighting contributes to light pollution, glare and light trespass, and diminishes views of the night sky. Lights in the central business district should function primarily as tools for pedestrian way finding and business visibility. Business visibility does not require that owners fully illuminate their building and parking areas. Downtown contains sidewalk lighting (antique street lamps) that, together with modest on-site lighting in developments, should enable motorists and pedestrians to recognize businesses and safely walk to them. Lights designed to a “highway scale” or large urban commercial scale (e.g., cobra head standards, or car sales lot-lighting) are not permitted

### Standards:

See LDC Section [11.4](#) for all outdoor lighting standards.

## A. Neighborhood (NX, RX, RM) Design Districts – General Provisions

The east side of the downtown is adjoined by a lower intensity area containing a mix of commercial and residential uses, some in new structures, and others in converted cottages and houses. The NX and RX districts provide a transition between the more intense developments in the downtown and the residential neighborhoods to the east. The area is walkable and easily accessible to the adjoining neighborhoods and Main Street. Many small homes and cottages in the area have been converted to commercial and live-work uses and the area's deep lots afford opportunities for infill development, including backyard cottages and shopfront houses. New mixed-use buildings with small commercial uses (e.g., studios and small retail, commercial services and office uses) on the ground floor and dwellings above or behind storefronts are envisioned. As a transition between the DX and other commercial districts and adjacent residential neighborhoods, building height is limited to 35 feet in the NX and RX districts. Front yards and building envelopes are typical of residential areas. **The following standards apply to all commercial, multifamily, and mixed-use projects in the NX and RX zones, and multifamily developments and townhome (over 4 attached units) projects on properties zoned RM that front onto Little Avenue.** The standards are intended to reflect the following values and objectives:

- Western heritage architecture with a close, intimate human-scale
- The use of contextually appropriate materials, textures and colors
- Building entrances facing the street or opening onto a court (i.e., between two or more buildings)
- Off-street parking placed behind or to the side of buildings
- Streetscapes characteristic of residential areas with landscaping, street trees and pedestrian lighting along sidewalks.
- Building forms reflecting a residential or neighborhood commercial character
- Balancing rhythm and continuity – encouraging creativity in the design of building elevations, rooflines and façade elements
- Encouraging the use of covered front porches, patios, public art and other features to maintain a sense of place and present a welcome gateway into town.

## B. Neighborhood (NX, RX, & RM) Design Districts – Blocks

### Guiding Principles:

In the NX and RX districts, new development and redevelopment projects should reinforce the historic town grid and promote a residential or neighborhood-commercial character. Buildings should be setback from the sidewalk edge behind a lawn or other low-level landscaping with pathway(s) connecting to the sidewalk, and parking should be oriented behind or to the side of buildings. Parking bays should be small. Shared parking is encouraged and should be accessed from alleys or shared access driveways.

### Standards:

1. **Rights-of-Way.** Street right-of-way shall not be vacated. Where new right-of-way is dedicated, it shall be shown to be consistent with Driggs’s historic block pattern and/or be for the purpose of improving the pedestrian environment.

*Exception: Dedicating right-of-way for the creation of internal public parking facilities and/or pedestrian ways are examples of improving the pedestrian environment.*

2. **Street/Alley Alignment.** Maintain the alignment of streets and alleys or driveways from block to block. Alleys may be continuous or non-continuous to facilitate shared parking and privacy for adjacent residential uses. (Recommended: Figure 11)

3. **Building Separation.** An opening of not less than twenty (20) feet shall be provided between primary structures to provide landscaping and/or pedestrian access ways; except that structures less than eighteen (18) feet in height may be separated by less than twenty (20) feet, provided all applicable setbacks and building codes are met. (Recommended: Figure 11)

4. **Building Orientation and Primary Entrances.** Buildings fronting Little Avenue shall receive vehicle (garage or parking lot) access from an alley, shared driveway (for two or more uses/dwellings), or a street other than Little Avenue, except where no other reasonable access can be provided. All primary buildings shall have clearly defined primary entrances. Entrances for building fronting onto Little Avenue or First Street shall be oriented to those streets and not an interior parking area, court, or alley. Accessory buildings and primary buildings fronting on other streets may have primary entrances oriented to a street, court, plaza or alley. All primary entrances shall be recessed or covered (e.g., covered porch, recessed entry, awning or canopy). (Recommended: Figure 11)

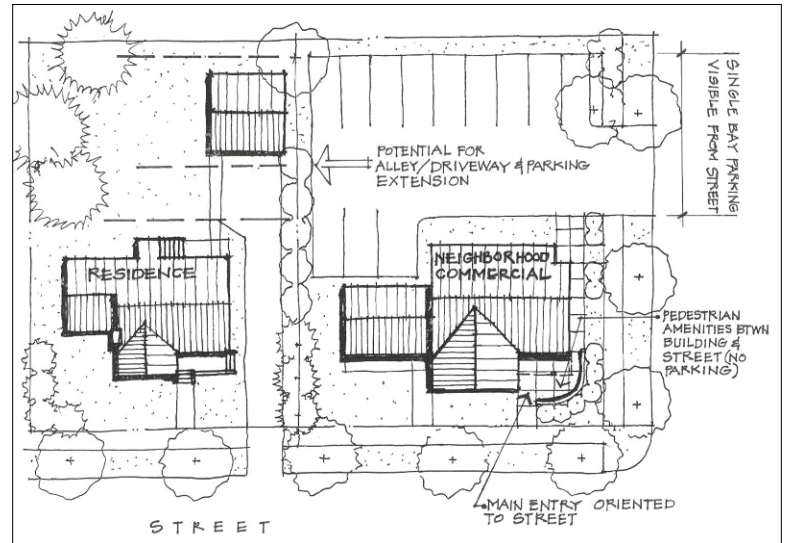


Figure 11: Typical orientation for buildings fronting Little Avenue.

## C. Neighborhood (NX, RX, RM) Design Districts – Buildings and Structures

### Guiding Principles:

New buildings and exterior remodeling projects are expected to honor Driggs' unique Western heritage and contribute to the appearance and livability of the neighborhood commercial area. The existing mix of cottages, bungalows and neighborhood commercial buildings provide the context for design review. The building design standards draw on historic elements of the district while allowing for a contemporary interpretation of Driggs' Western heritage.

It is not the intent of the City of Driggs to create an architectural theme or to freeze time. The design standards are intended to encourage design creativity, while ensuring that new buildings and remodels fit within the context of their historic surroundings, provide an attractive gateway into town from Ski Hill Road, and serve as a transition between downtown and adjacent residential uses. The key elements of building design in these districts are summarized as follows:

- Western heritage architecture with a close, intimate human-scale
- The use of contextually appropriate materials, textures and colors
- Architectural design that addresses all four sides of a building.
- Building entrances facing the street or opening onto a court (i.e., between two or more buildings)
- Building forms reflecting a residential or neighborhood commercial character
- Balancing rhythm and continuity – encouraging creativity building elevations, rooflines and façade elements
- Encouraging covered front porches, patios, public art and other features

### Standards:

#### 1. Height.

The maximum allowable height is thirty-five (35) feet, except as prescribed for specific building types in LDC [Chapter 8](#).



## 2. Building Mass

The maximum floor area ratio (floor area to land area, including garages) in these zones is 0.50:1. To maintain the residential scale and character of this district, buildings exceeding fifty (50) feet in width, including common wall buildings, shall incorporate rhythmic changes and/or divisions in the façade to express the traditional lot pattern and building widths. Changes in façade material, window design, façade height/roofline, entrances, or decorative details are examples of divisions. These variations should be expressed throughout the width of the structure such that the composition appears to be a collection of smaller buildings. See also, Section B.3, Building Separation. (Recommended: Figures 11)



## 3. Building Form

a. Overall Form. Except as allowed under subsection 'b', the predominant building form is a relatively simple footprint comprised of one or more rectangular forms with a sloped (gable, hipped or cross-gabled) roof. Buildings should reflect the predominate form, while expressing individuality. New buildings should not mimic any other building in their elevation or detailing.



Examples of acceptable form, scale, and residential character in the NX & RX zone

b. False Fronts. False fronts or parapets are not permitted, as the predominant roof line should be a sloped roof.

c. Recesses and Projections. Ground-level entries shall conform to the standard in Section A.4. Recessed or projecting balconies, porches, verandas or other usable space above the ground level on existing and new buildings are allowed and encouraged.

## 4. Contextual Design

a. Blank Walls. Blank walls shall not be used on any street-facing elevation. Windows, doors, porches, balconies, entrances and/or similar features should be used to break the building plane. In addition to complying with the Blank Wall provisions for the applicable Building Type ([LDC 8](#)), buildings in the design district shall provide at least twenty percent (20%) transparency on each story for each elevation. Designs should balance the need for residential privacy with providing for natural surveillance (i.e., "eyes on the street").

- b. Architectural Context. The existing mix of cottages, bungalows and neighborhood-commercial buildings in the NX and RX districts provides the context for design review. Building designs shall interpret and appropriately adapt these local forms and styles. Designs should not duplicate existing buildings, but instead express a contemporary interpretation of Driggs' Western heritage. The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns and other features shall be visually compatible with the original architecture. (See examples on preceding page.)

## 5. Accessibility

Accessibility shall be provided in all new buildings and building remodels, consistent with applicable buildings codes. Where a ramp is required, it shall incorporate materials and detailing similar to the base of the building.

## 6. Materials and Color

- a. Primary Materials. Exterior building materials shall predominately consist of those materials traditionally found in the NX and RX districts, including natural-stain wood or painted wood, brick, block stone (e.g., limestone, basalt, granite, etc.) or river stone. The use of rough-hewn wood, timbers and wood paneling are acceptable when compatible with the overall composition of the building. All four sides of a building shall be finished. (See examples on preceding page.)
- b. Secondary Materials. Any of the materials listed above may also be used as secondary materials or accents when compatible with the overall composition of the building. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design, and subject to review and approval through design review.
- c. Substitute Materials. Substitute materials that are equal in appearance and durability to those in subsection 'a', as approved through design review.
- d. Color. Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each twenty-five (25) feet of the front elevation; one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles. Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Muted or warm earth-tone colors are preferred but bright colors may be used when historically appropriate or as accents. Luminescent, sparkling, or "day-glow" colors are not allowed. Metals shall be finished in earth-tones or otherwise burnished to minimize glare. (See examples on page 47.)
- e. Restoration, Rehabilitation or Remodeling. Restoration, rehabilitation or remodeling projects shall incorporate, whenever possible, original materials and design elements that were previously removed, remodeled or covered over.

## 7. Pedestrian Shelters

Coverage Required. Awnings, canopies, covered porches, recessed entry or a similar pedestrian shelter shall be provided over the primary entrance(s) of all buildings; the minimum dimensions of which shall be four (4) feet by four (4) feet. The intent is to provide weather protection over entries and not necessarily to cover the entire width of a building.

## 8. Mechanical Equipment

a. Orientation. Mechanical equipment, such as air compressors, air conditioning units, generators, antennae, satellite dishes, or similar equipment, shall be oriented away from front yards and screened from public view. Where such equipment is installed on a side or rear building elevation and is adjacent to an alley, access way, or civic space, it shall be screened in compliance with [LDC 11.2.4](#). Standpipes, meters and similar equipment should not be located on a building's front elevation; such equipment shall be placed low on a side or rear elevation to the extent practicable.

*Exception: Window air conditioning units are allowed.*

b. Rooftops. Rooftop mechanical shall conform to [LDC 11.2.4](#). Where such equipment cannot practically be screened by use of a parapet or similar building element, any such equipment shall be painted with muted colors that make them visually subordinate to and blend in with their backgrounds.

## D. Neighborhood (NX, RX, RM) Design Districts – Streetscapes

### Guiding Principles:

The relationship between the local street system and adjoining properties is important from both a transportation planning and land use development standpoint. The NX District is located along Little Avenue which is also the main road to Grand Targhee ski resort. Properties fronting onto Little Avenue and First Street enjoy excellent exposure to tourist traffic as well as a built-in customer base in the adjacent neighborhood. The City of Driggs manages access onto this vital road to preserve roadway capacity and to maintain a safe environment for pedestrians, bicyclists and motorists. A safe, inviting and comfortable pedestrian environment benefits businesses, tourists and the community as a whole. The RX District, and portions of the RM district that are subject to design review, are clustered in strategic areas abutting the Commercial Corridor (CC) and Civic and Institutional (CIV) districts.

### Standards:

- 1. Transportation Plan Conformity.** New development shall conform to the policies, standards, specifications and design details (e.g., street sections) contained in the City of Driggs Transportation Plan. When streetscape improvements are required of new development, such improvements shall conform to the Transportation Plan.
- 2. Conformance with Design Standards.** Streetscape improvements, when required, shall conform to other applicable Design Standards. See also, the Block Standards in Section B, the Building Standards in Section C, the Civic Space Standards in Section E, Vehicle Access Standards in Section F, Pedestrian Circulation Standards in Section G, Sign Standards in [LDC 11.3](#) and Lighting Standards in [LDC 11.4](#).

## E. Neighborhood (NX, RX, RM) Design Districts – Vehicle Access and Parking Areas

### Guiding Principles:

Within the NX and RX districts, vehicle access and circulation is subordinate to the pedestrian environment. Parking is provided primarily in on-street parking spaces and in small parking bays oriented behind or to the side of buildings. Shared parking accessed from alleys is encouraged.

### Standards:

- 1. Access and Driveways.** New vehicle accesses onto Little Avenue are not permitted, except when no other reasonable access exists, and then access shall be provided through shared driveways or alleys where practicable. Where the provision of new access is unavoidable, it shall be designed for shared use to the maximum extent practicable. Where driveways are proposed they shall utilize existing curb cuts to the extent practicable and have a width of not less than nine (9) feet per travel lane and not more than twelve (12) feet per lane; wider driveways may be provided only as necessary to conform to the Uniform Fire Code. Alley and driveway surfaces shall be paved with asphalt, concrete or pavers. The use of decorative pavers or stamped/scored concrete and permeable surfaces, such as pavers or engineered-porous concrete, is encouraged. Where an existing alley is available to access a site, any new driveway or parking area must use the alley. (Recommended: Figure 11)
- 2. Off-Street Parking.** Off-street parking shall be provided as required under [LDC 11 Site Development Standards](#), including required landscaping and screening.. (Recommended: Figure 11)
- 3. Parking in Front of Buildings.** Due to the pedestrian-orientation of the neighborhood-commercial area, surface parking is not allowed between any new building and the street to which it is oriented. See also, subsection B.4 (Blocks), above.
- 4. Service and Loading Areas.** The visual, traffic, odor and noise impacts of service and loading areas, relative to streets, pedestrian access ways and adjacent residences, shall be minimized. Service entrances and loading areas, other than residential parking, shall be accessed from a driveway or alley and screened from view from all public streets and adjacent uses.

## F. Neighborhood (NX, RX, RM) Design Districts – Pedestrian Circulation

### Guiding Principles:

The pedestrian circulation system shall provide a direct, convenient and comfortable means of accessing individual uses and connecting to other parts of the City and beyond. The pedestrian system includes sidewalks, pathways, mid-block access ways and trails designated by Driggs’s Pathway Plan.

### Standards:

The Pedestrian Circulation standards for the NX and RX districts are the same as those for the DX district, with the following exceptions, which are intended to provide more of a residential character consistent with residential nature of the district:

1. **Pathway/Walkway Width.** The minimum pedestrian pathway or walkway width is four feet instead of five feet;
2. **Pathway Surfaces.** Soft pathway surfaces, such as decomposed granite may substitute for paved surface, subject to design review and provided that such surfaces are bordered by pavers, weather-treated wood, or other type of anchored edge.

## G. Neighborhood (NX, RX, RM) Design Districts – Signs

### Guiding Principles:

The number, size, configuration, placement, color, materials and illumination of signs all play a part in shaping the built environment. Signs in the NX and RX districts should function primarily as tools for pedestrian way finding and business identification. Business identification does not require that owners maximize the size or number of signs. Downtown has built-in traffic calming features that, together with the building design standards, should enable motorists and pedestrians to notice signs at a relatively small scale. Signs designed to a “highway scale” are not necessary and are discouraged through the following standards.

### Standards:

1. See LDC [Section 11.3](#) for all size, height, placement, and illumination standards for signs in these districts.
2. **Contextual Design.** Signs including sign faces and support structures should complement Driggs’ natural surroundings. For example, signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over those that are predominately made of plastic, Plexiglas, or similar reflective materials, except that A-frame signs, way finding signs, and similar incidental signs made from these materials may be approved administratively or through the design review process. Signs are required to use predominately muted or warm earth-tone colors, except that bright colors may be used over small areas (e.g., less than 2 sq ft) or as accents. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street.
3. **Prohibited Signs.** Signs containing large uninterrupted areas of white or cool grays, florescent (e.g., day-glow), sparkling, reflective, or similar colors or finishes are not permitted. Streamers, moving signs, video or animated signs, flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.

## H. Neighborhood (NX, RX, RM) Design Districts – Exterior Lighting

### Guiding Principles:

The number, size, design and placement of lights all contribute to creating safe and aesthetically pleasing neighborhoods. Unnecessary or excessive lighting reduces neighborhood livability and diminishes views of the night sky. Lights in the neighborhood commercial district should function primarily as tools for pedestrian way finding. Little Avenue has built-in lighting of pedestrian ways and on-street parking that, together with modest on-site lighting, should enable motorists and pedestrians to recognize businesses and safely walk to them.

### Standards:

The standards for exterior lighting are provided in LDC [Section 11.4](#).

## A. Commercial and Industrial Design Districts – General Provisions

### Design District Applicability

The Commercial, Civic, and Industrial Design District standards apply to two sub-areas:

1. The portion of the district between the downtown and Johnson Avenue is a Main Street transition area, where the streetscape will be improved to an urban standard with sidewalks, street trees and pedestrian lighting, and buildings will be oriented to the street. Buildings or pedestrian amenities will be developed within twenty (20) feet of the highway (over at least 50% of a site's frontage), with pedestrian connections and landscaping required within a 10-foot buffer abutting the highway.
2. The properties North of Ross Avenue and the properties South of Johnson Avenue along Main Street serve as gateways into Driggs. Buildings will be setback from the highway by 20 feet or more, and the streetscape will remain semi-rural in character with a multi-use path within a 20-foot landscape buffer. Key priorities for this area include: retaining trees, maintaining roadside swales for drainage and water quality, planting new trees where existing trees must be removed, maintaining appropriate architectural controls, avoiding light pollution, and managing highway access. Developments are to be buffered from the highway and connected to a system of multi-use paths so that employees and customers can easily access them from the Central Business District, residential areas, and future additions to the city.



The above images are typical of the desired transition from rural to urban in the C-2 gateway areas.

### Purpose Statement

The purpose of these design standards is to create attractive, functional and memorable gateways into the community, consistent with the above goals. The gateways are a visitor's first impression of Driggs. It is important that the standards address safety and aesthetics from the perspective of drivers, pedestrians and cyclists. The following values and objectives apply:

- The sense of arrival at each end of Main Street should be dramatic, but in keeping with the beauty of Teton Valley and the surrounding mountains
- Buildings should complement the landscape, which is dominated by the mountains and views of Teton Valley; large buildings must be broken into smaller masses; outdoor loading and service bays must be screened

***Purpose Statement (continued)***

- Large parking areas, too, must be broken into smaller bays and screened, or framed, with landscaping; breaks between trees can act as “portals” and provide views into commercial sites
- Buildings are to draw on or appropriately adapt the Western ranching vernacular. Chain stores cannot simply replicate designs used elsewhere; they must be designed to fit the local character and our agricultural/mountain heritage
- Architectural design must address all four sides of a building
- Highway access points must be coordinated and driveways connected to protect the capacity and operational safety of Highway 33 for all modes of travel
- Mature trees should be protected and incorporated into side or rear yards to the greatest extent possible
- Developments must provide for pathway connections
- A combination of native, evergreen and deciduous trees, shrubs and ground covers should be used in all landscapes; non-plant material such as rock and wood products should be used sparingly and only where it complements the overall landscape design.



## B. Commercial and Industrial Design Districts – Blocks

### Guiding Principles:

New developments shall provide for a connected system of streets and/or driveways, with a minimal number of direct access points onto Highway 33. Such streets and driveways must form blocks that are walkable in scale and design and distribute vehicular traffic safely and efficiently. Service and delivery bays and garbage and snow storage areas should be oriented away from pedestrian areas and screened. (Recommended: Figure 12)

### Standards:

1. **State Highway.** Applicants for projects abutting or receiving access from Highway 33 shall demonstrate that all requirements of the Idaho Department of Transportation and Main Street/SH\_33 Corridor Plan, as applicable, have been met, or can be satisfied through conditions of design review approval.
2. **Intersections and Accesses.** New or modified street intersections and street accesses shall conform to the City of Driggs Transportation Plan.

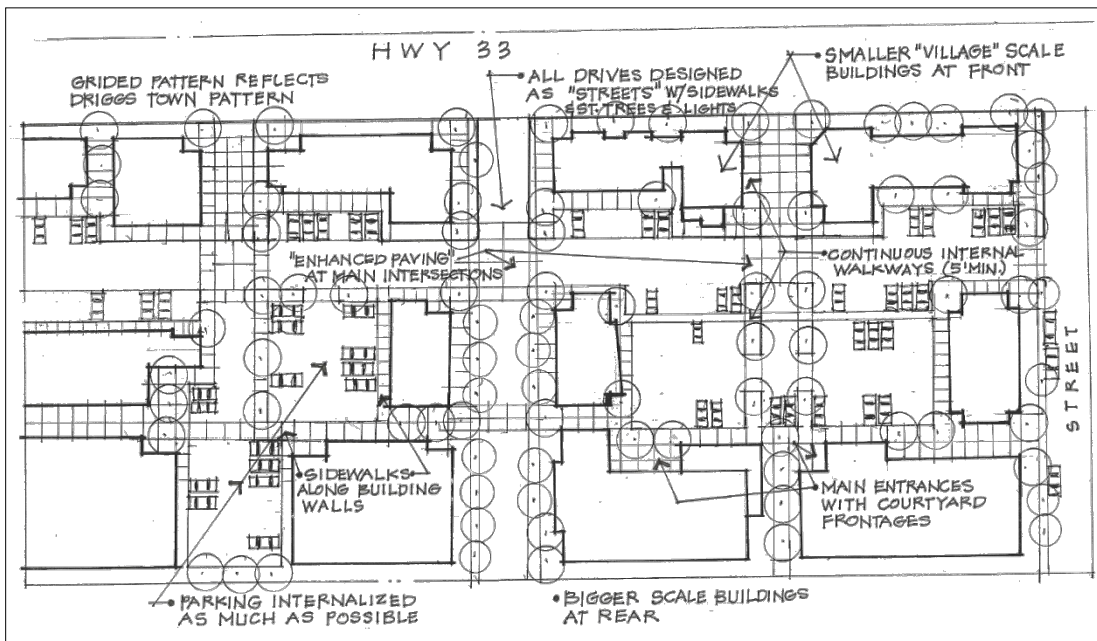


Figure 12: Note - properties fronting onto Highway 33 and within the transition area north of Johnson Street are required to meet the downtown streetscape improvement standards and provide a 10-foot landscape buffer with a sidewalk. Properties outside the transition area provide a multi-use path within a 20-foot roadside buffer.

**3. Block Layout.** Shopping center developers often want to orient building pads around large, uninterrupted fields of parking, with high auto-trip-generating uses - such as restaurants, banks, and gas stations - located at the corners. That type of development pattern creates transportation problems, such as conflicting turning movements and safety hazards for pedestrians, as well as an unsightliness, or “strip commercial” look, along a highway. It also creates pedestrian “dead zones” and discourages linked/crossover trips by pedestrians. Therefore, developments containing more than one building site or pad, including commercial subdivisions containing outlying commercial pads, shall meet the following standards, as generally depicted in Figure 12:



a. Blocks Defined by Street. The site shall be configured into blocks having frontage onto streets or shopping streets. Shopping streets are private driveways designed to mimic local streets with on-street parking bays (parallel or angled parking), sidewalks, street trees, pedestrian lighting, building entrances placed at or near the shopping street or plaza and corner building entrances at block corners. (Recommended: Figures 12 and 13)



b. Maximum Block Length. Blocks shall not exceed 400 feet in length and shall have a perimeter that does not exceed 1,600 feet. Where new street intersection at Highway 33 is not permitted or is impracticable, a pedestrian access way conforming to the standards in Section G may count as a block edge. (See photo at right.) Covered pedestrian walkways (e.g., canopies or porticos) are encouraged; walkways inside buildings are not counted as block edges unless a public access easement is provided connecting the street sidewalk to a civic space or an interior parking facility.

Pedestrian access ways can serve as block “edges” where a new street intersection is not possible.

**4. Rights-of-Way.** Where a street or railroad right-of-way exists, it shall not be vacated, unless such vacation is mitigated by a new right-of-way dedication elsewhere that is shown to improve the pedestrian environment in Driggs. Where a new right-of-way is dedicated, it shall conform to the City of Driggs Transportation Plan.

*Exception: Dedicating right-of-way or providing cross-access easements for the creation of internal, shared public parking facilities and/or pedestrian ways are examples of improving the pedestrian environment.*

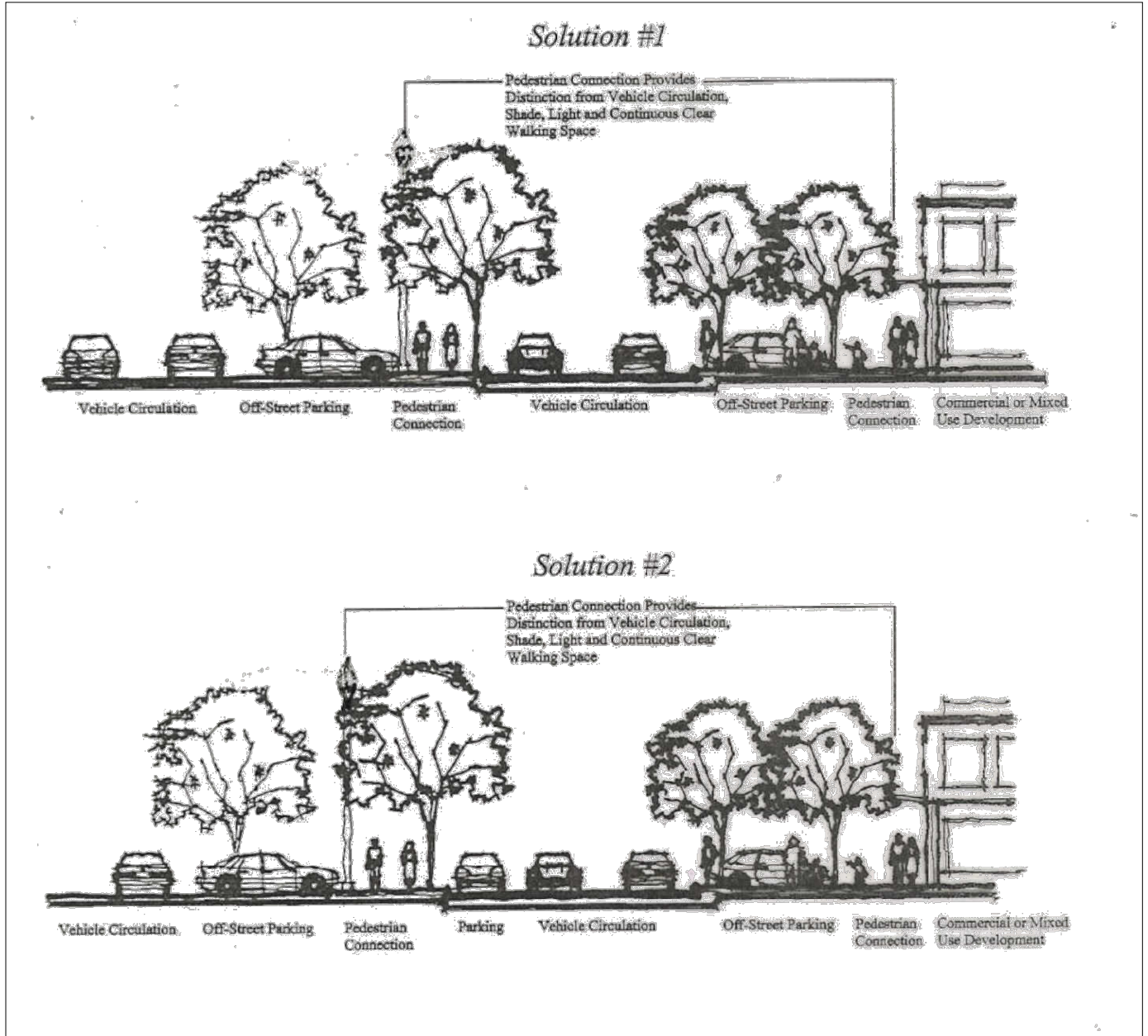


Figure 13: Examples of shopping streets used to meet the block layout standards and the building orientation standards when a full street connection cannot be met. Note: The above driveways do not have to extend through to Highway 33, provided that a pedestrian connection is made to the required sidewalk or multi-use path.

## C. Commercial and Industrial Design Districts – Buildings and Structures

### Guiding Principles:

New buildings and exterior remodeling projects are expected to honor Driggs' unique Western heritage and enhance the appearance and livability of the community. While many communities attempt to "create" or "re-create" an urban downtown of their own, the City of Driggs already has a main street with a mixture of historic buildings and contemporary buildings. This eclectic group of buildings loosely follows the ageless rhythm of Driggs' historic Main Street. While new and remodeled buildings in the central business district are to draw on historic elements of the downtown, buildings in the Commercial and Industrial Design Districts are expected to address the agricultural-ranching history and context of Driggs. (See Figures 15, 16 and 17 and the photographs in this subsection.) The key elements of building design in these districts are:

- Western heritage architecture consistent with Driggs agricultural-ranch and mountain heritage
- Expressions of contextually appropriate, agricultural forms are encouraged
- Contextually appropriate materials, textures and colors
- Break down large masses into smaller ones
- Balance rhythm and continuity with innovative design; building elevations, rooflines and façades should be unique and not simply replicate chain store designs used elsewhere
- Treat corner buildings as focal points with unique architectural treatments, such as rooflines that "step-up" at the corner, corner building entrances, public art, or similar features.
- Providing weather protection over walkways and building entrances and design for the climate

### Standards:

1. **Height.** Except as prescribed for specific building types in LDC [Chapter 8](#), the maximum allowable height is forty-five (45) feet; taller buildings may be approved only with a Variance.

*Exception: Buildings shall not exceed thirty-five (35) feet in height when located less than one hundred (100) feet from any residential zone, except as modified with a Variance. Buildings that are partially within 100 feet of a residential zone shall step-down in roof elevation (i.e., from 45 feet to 35 feet) to be consistent with the 35-foot limit. See also, Section B.3.a, Height Step-Back, for buildings exceeding 35 feet in height.*

2. **Massing and Floor Area Requirements.** The City of Driggs limits the size of the building footprint in order to maintain the small-town scale and character of the community. The footprint of a building occupied by a single business or use shall not exceed 50,000 square feet. A single business or use shall not occupy more than 50,000 square feet of contiguous, ground-floor space in any building. All buildings shall be broken into modules that are no greater than 50 feet wide. Changes in roof elevation and forms, articulated walls, entrances, weather protection shelters and changes in window sequences, materials, detailing, and/or other architectural features should be employed to reduce the apparent size and scale of larger buildings (i.e., those that are larger than a typical barn, silo, or farm house). See Figures 15 -17.

*Exception: Building footprint space devoted to recreational uses, such as skating rinks or plazas; civic uses, such as governmental offices or public services; or underground or structured parking, are exempt and do not count toward the 50,000 square foot limit.*

3. **Pedestrian-Oriented.** The design of all buildings on a site shall support a safe and attractive pedestrian environment. This standard is met when the approval body finds that all of the criteria, below, are met. Alternatively, the approval body may approve a different design upon finding that the proposed design equally or better achieves the purpose of this Section. (See Figures 15-19)

a. Building Orientation. The building orientation standards under Section B shall be met;

b. Primary Entrances. Primary building entrances shall open directly to the outside and, if not abutting a street, shall have walkways connecting them to the street sidewalk; every building shall have at least one (1) primary entrance that does not require passage through a parking lot or garage to gain access. Primary building entrances shall be designed with weather protection, such as awnings, canopies, overhangs, or similar features. Such weather protection shall extend a minimum of five (5) feet over the adjoining sidewalks or other pedestrian space;

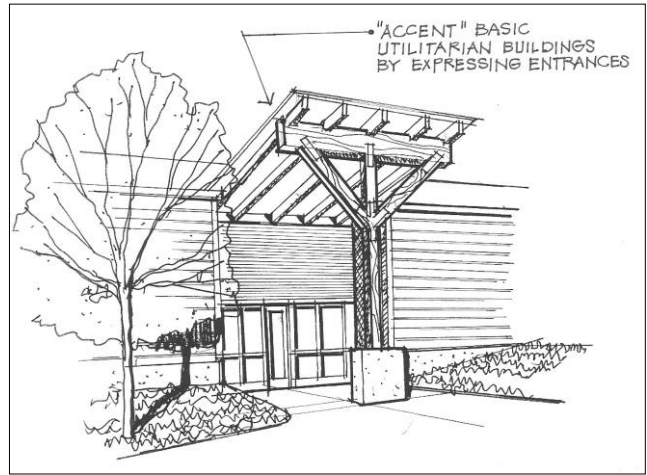
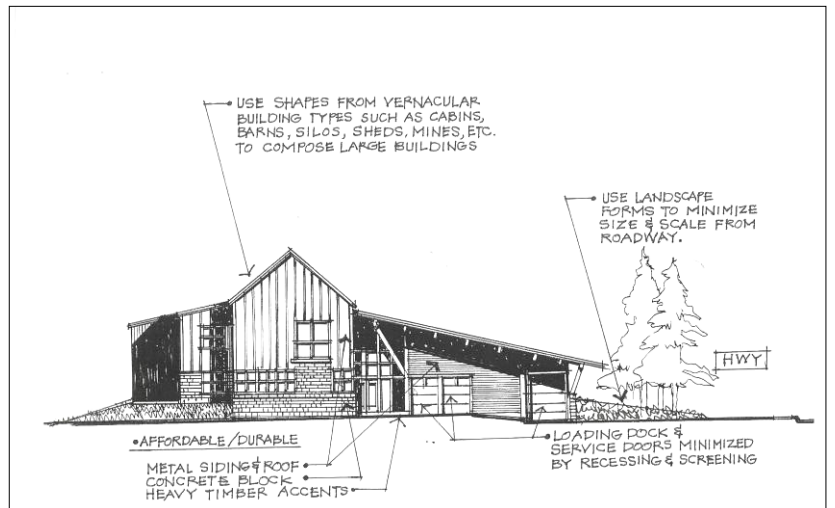
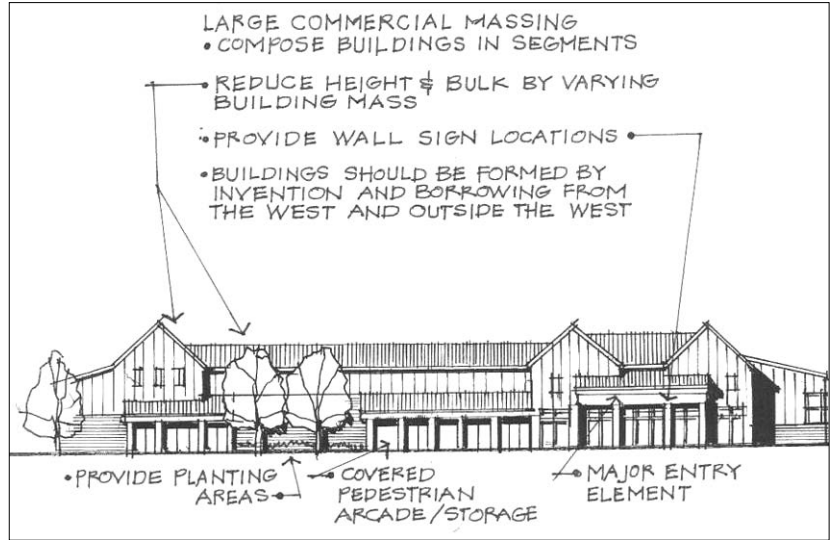


Figure 15: Weather protection over entrance should ensure proper shedding of snow. In the above example, the canopy would slope to the side

c. Corner Buildings. Corner buildings (*i.e.*, buildings within forty (40) feet of a corner as defined by the intersecting curbs) shall have corner entrances, or shall provide a covered walkway (e.g., canopies, awnings, overhangs, arcades, etc.) extending from the corner of the building to its primary entrance, which shall be not more than forty (40) feet from the street corner;

d. Windows. Ground floor windows or window displays shall be provided along at least thirty percent (30%) of the building's ground floor, street-facing elevation(s). Design elements such as large regularly spaced and similarly shaped windows with window trim, transoms and clerestory windows above building entrances are counted; windows and display boxes must be integral to the building design and not mounted to an exterior wall in order to be counted;

- f. **Blank Walls.** Notwithstanding the provisions of LDC [Chapter 8](#) Building types, building elevations in the design district shall not have blank walls. This standard is met when the guidelines contained in Figure 13 (“acceptable” illustration) are satisfied and no wall has more than thirty (35) feet of continuous, uninterrupted horizontal distance. All elevations longer than thirty (35) feet shall have offsets; projections (e.g., recessed or covered entrances or weather protection); alcoves; windows or doors; changes in materials, colors, or patterns; volume landscaping to include evergreen and deciduous trees and shrubs that complement the building elevation; or a combination of such changes, providing visual relief not less than once every thirty (35) feet. (Note: For certain building types, the LDC standard of 25 feet applies.)



**4. Materials and Color**

- a. **Primary Materials.** All sides of a building shall be covered with exterior building materials that predominately consist of those materials indigenous to the intermountain West, including brick, natural or block stone (e.g., limestone, basalt, granite, etc.) and painted or natural wood. Rough-hewn wood, timbers and metals may be used. See also, Substitute materials, below.
- b. **Change in Materials.** Elevations that face a street, pedestrian access way or plaza shall incorporate changes in material between the building’s base, middle and top to create visual interest and relief. (See also, subsection D.3.g, Blank Walls). Elevations that do not

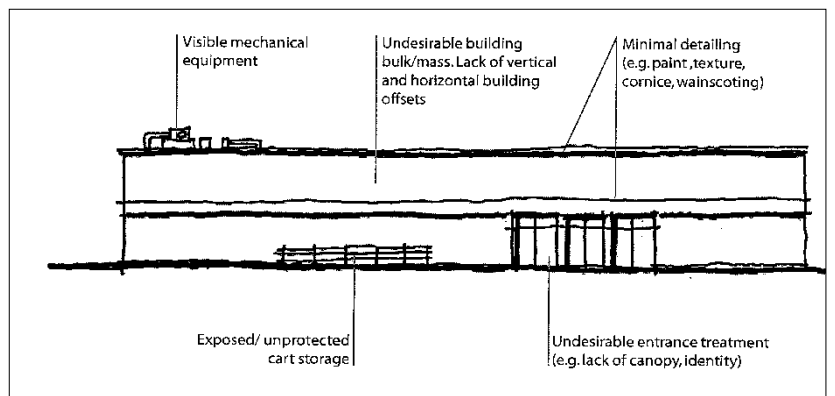


Figure 16-18: Guidelines for massing, vernacular design, and gateway landscapes: Acceptable (top and middle) and unacceptable (bottom).

face a street, pedestrian access way or plaza may utilize simple combinations of materials; simple changes in texture and/or color may be used in less visible areas the interest of affordability. (See Figures 16-19.)

- c. Secondary Materials. Any of the materials listed above may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be approved as trims or accents (e.g., flashing, weather protection features, ornamentation, etc.) when compatible with the overall building design and subject to design review approval.
- d. Substitute Materials. Materials that are equal in appearance and durability to those in subsection 'a' may be approved through design review.

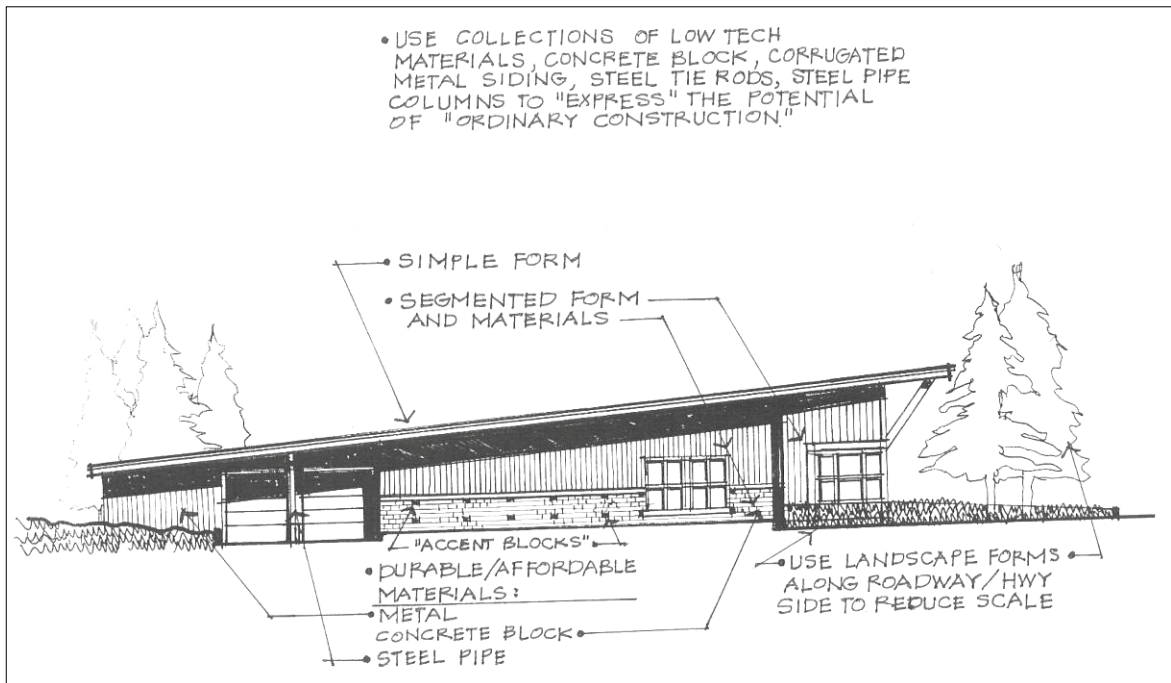


Figure 19: Example of potential building elements and materials that can be used to balance durability with affordability. See also, Figures 16-18 and the photos in this section.

e. Color. Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together buildings, signs, furnishings, awnings, canopies and entrances. There shall be no more than one base color for each thirty (30) feet of the front elevation; one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles. Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Luminescent, sparkling, or “day-glow” colors are not allowed. Metals shall be finished in earth-tones or otherwise be burnished to minimize glare. (See photos.)



f. Chain Stores and Contemporary Designs. Contemporary interpretations of Driggs’ agricultural ranching history and rural-mountain surroundings are required. Designs that detract from Driggs’ sense of place and uniqueness (e.g., large blank walls, chain store designs or elevations that mimic those used in other communities) are not permitted. Storefronts that resemble suburban strip-malls (e.g., picture windows extending to near grade level) and those that use highly reflective glass are not permitted. Metal is allowed as a primary siding material, provided that it is a warm earth-tone color and it fits with the overall composition of the building design. (See photos in this section)



Examples of architecture that respect Driggs agricultural-ranching heritage and mountain surroundings. Acceptable materials include natural wood, stone, brick, and metal. Gabled roofs are allowed. Note the use of warm, earthtone colors.

g. Restoration, Rehabilitation or Remodeling. Restoration, rehabilitation or remodeling projects shall incorporate, whenever



possible, original materials and design elements that were previously removed, remodeled or covered over. (See photos in this section.)

**5. Pedestrian Shelters.** Where pedestrian shelters are provided, they shall extend at least five (5) feet over the pedestrian area, shed snow away from building entrance(s), be proportionate to the building in its dimensions and not obscure the building's architectural details. If mezzanine or transom windows exist, the shelter shall be below such windows where feasible. On large shelters, snow anchors should be used catch and hold the snow, allowing it to slowly melt or break off in smaller pieces. (See Figure 15)

## **6. Mechanical Equipment**

- a. **Building Walls.** When mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, must be installed on a building wall, it shall be oriented away from all streets. Where such equipment is installed on a side or rear building elevation and is adjacent to an alley, access way or civic space, its appearance shall be minimized using materials and/or colors that are similar to those used on the subject building. Standpipes, meters and similar equipment should not be located on a front elevation; such equipment shall be placed low on a side or rear elevation to the extent practicable.
- b. **Rooftops.** Rooftop equipment shall conform to LDC [11.2.4](#). Where such equipment cannot practically be screened by use of a parapet or similar building element, it shall be painted with muted colors that make it visually subordinate to and blend in with its background.
- c. **Ground-Mounted Units.** Ground-mounted units shall be limited to side or rear yards and screened in conformance with LDC [11.2.4](#) with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth.

## **D. Commercial and Industrial Design Districts – Streetscapes and Access**

### **Guiding Principles:**

The relationship between the local street system, Highway 33 and adjoining properties is important from both a transportation and land use/development standpoint. Access management helps with preserving roadway capacity and creating a safer pedestrian environment. Likewise, land use planning and design review for properties abutting the highway helps advance the City's economic development goals while protecting community character and livability. The City of Driggs and Idaho's Department of Transportation cooperate in managing access onto Highway 33; however, the state is the permitting agency for all new or modified accesses onto the highway.

The design standards also reflect the community's vision of a cohesive streetscape, with on-street parking, wide sidewalks, weather protection (pedestrian) shelters, benches, pedestrian-scaled lighting, public art, opportunities for café seating and other street furnishings. A safe, inviting and comfortable pedestrian environment benefits businesses and the community as a whole.

## Standards:

1. **Transportation Plan Conformity.** New development shall conform to the policies, standards, specifications and design details (e.g., street sections) contained in the City of Driggs Transportation Plan and Main Street/SH-33 Corridor Plan. When streetscape improvements are required of new development, such improvements shall conform to these plans.
2. **Non-Conforming Situations.** Existing uses that were lawfully established prior to the effective date of the Design Standards are allowed to continue, provided that the City may require the owner to improve the abutting streetscape by installing sidewalks, landscaping, street trees, lighting, ADA curb ramps and/or other improvements in conformance with City standards as part of an expansion or remodeling project.

## E. Commercial and Industrial Design Districts – Gateway Landscapes

In addition to the general landscape requirements of [LDC 11.2](#), development shall conform to the following standards, which are intended to protect and enhance the visual quality of Driggs' gateways along Highway 33 (See Figures 18, 19):

1. **Highway 33 South of Johnson Avenue and North of Ross Avenue:** A strip of land at least twenty (20) feet in depth between a new development and Highway 33 is required to be landscaped.
2. **Highway 33 North of Johnson Avenue and South of Ross Avenue (CC & CH only):** A strip of land at least ten (10) feet in depth between a new development and Highway 33 is required to be landscaped.
3. **Landscape Standard:** Landscaping shall be a combination of trees, shrubs and ground cover plants that are drought-tolerant, non-invasive, non-noxious and known to thrive in Teton Valley, providing not less than sixty percent (60%) coverage of the required planter strip at the time of installation; and conforming to the general landscape standards of [LDC 11.2](#). Up to ten (10) feet of the required landscape strip may be located on the highway right-of-way, provided written approval is received from the Idaho Department of Transportation for the proposed extent and type of landscaping.

*Exception: The Planning & Zoning Commission may reduce the required planter strip dimension by up to twenty percent (20%) where one or more matures trees (each one 10 inches or larger in diameter) are protected and preserved within twenty (20) feet of the highway right-of-way line.*

## F. Commercial and Industrial Design Districts – Parking, Service and Loading

### Guiding Principles:

The Zoning Ordinance provides minimum off-street parking requirements. Because parking, service and loading areas typically occupy the greatest percentage of site area among retail and commercial service uses, the appearance of parking at the entrance to town and the environmental impacts of those areas on the Teton Valley watershed is a concern. The location and design of such areas is important to creating attractive and functional gateways into Driggs. Parking areas must also be designed to avoid or minimize adverse environmental impacts, such as non-point source pollution from automotive fluids, de-icing chemicals, etc. (See also, [LDC 11](#) Site Development.)

### Standards:

1. **Off-Street Parking.** The number, location and configuration of required off-street parking spaces shall conform to [LDC 11.1](#).
2. **Building/Parking Orientation.** Parking in front of stores that is visible to motorists shall be balanced with the City's interest in maintaining attractive community entryways and walkability. Where parking between buildings and public streets is unavoidable, landscape buffers and/or screening of parking areas shall provide visual relief.

3. **Redevelopment of Surface Parking Lots.** Site plans should allow for redevelopment of oversized surface parking lots to accommodate new uses in the future, as applicable. This standard is met by showing a conceptual layout for future building footprint(s), parking and pedestrian and vehicle circulation.

4. **Service and Loading Areas.** The visual, traffic, odor and noise impacts of service and loading areas, relative to streets, civic spaces, pedestrian access ways and adjacent residences, shall be minimized. Service areas and loading docks/bays shall be accessed from an alley or driveway and screened using elements that are compatible with adjacent uses. Service areas shall be accessed from streets other than Highway 33. (See Figure 20 and photos in this section.)

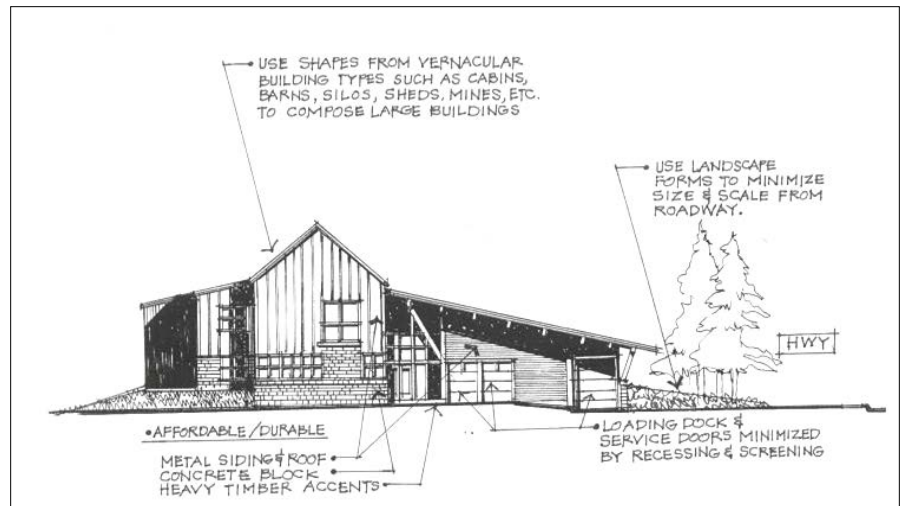


Figure 20: Example of desired building orientation, vernacular design, gateway landscaping, and screening of loading/service areas.

## G. Commercial and Industrial Design Districts – Pedestrian Circulation

### Guiding Principles:

The pedestrian circulation system shall provide a direct, convenient and comfortable means of accessing individual uses and connecting to other parts of the City and beyond. The pedestrian system includes sidewalks, pathways, mid-block access ways and trails designated by Driggs' Pathway Plan.

### Standards:

**1. Site Layout and Design.** To ensure safe, direct and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall conform to the following standards (See photos).

- a. Where a project site consists of more four hundred (400) feet of frontage onto Highway 33, a pedestrian access way shall be provided at or near the middle of the project's highway frontage, connecting it to the pathway system. Where no pathway system exists, the developer shall install one that conforms to the City of Driggs Transportation Plan, or propose an alternate public pedestrian access way through the site connecting to the pathway system, as applicable. (Recommended: Figure 12)
- b. Continuous Walkway System. The pedestrian system shall extend throughout the development site and connect to adjacent sidewalk(s). The system shall also provide stubs to allow for their continuation through future phases of development and to existing or planned off-site adjacent pedestrian ways and civic spaces, to the greatest extent practicable.
- c. Safe, Direct and Convenient. Walkways within developments shall provide safe, reasonably direct and convenient connections between all building entrances and between primary entrances and adjacent sidewalks, based on the following definitions:
  - (1) Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
  - (2) Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations. Walkways shall connect all building entrances to one another to the extent practicable.
  - (3) On- and Off-Site Connections. Walkways shall connect all on-site parking areas and civic spaces and shall connect off-site adjacent walkways to the site to the extent practicable. Obstacles posed by existing structures may be cause for not making walkway connections.



Example of a sidewalk traversing a parking lot



Above: Pedestrian access way connecting a shopping center to a street sidewalk or pathway.

**2. Pedestrian Facility Design and Construction.** Walkways, including mid-block pedestrian access ways, shall conform to all of the following standards (Figure 21):

- a. Vehicle/Walkway Separation. Except for crosswalks, where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street.

Alternatively, the Planning & Zoning Commission may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative bollards designed to withstand a vehicle's impact, with adequate minimum spacing to protect pedestrians.

- b. Crosswalks. Where a walkway crosses a parking area, driveway, or street ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, brick, or stamped/scored concrete inlay), which may be part of a raised/speed-table type of crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks of not more than twenty-four (24) feet in length.

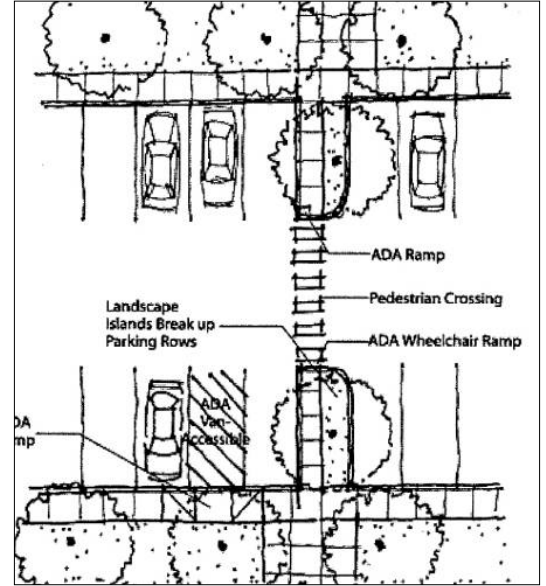


Figure 21: Pedestrian facilities in parking lots.

- c. Walkway Width and Surface. Walkways and pedestrian access ways shall be at least five (5) feet in width and constructed with stamped or scored concrete, brick/masonry pavers, or other durable surface that contrasts with the driveway paving surface. Wider walkways may be required by the Planning & Zoning Commission based on expected pedestrian usage. Public ways are subject to the standards and specifications of the City of Driggs Transportation Plan.
- d. Accessible routes. Walkways shall conform to applicable Americans with Disabilities Act (ADA) guidelines and standards. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA-accessible, and walkways shall provide direct routes to primary building entrances.

## H. Commercial and Industrial Design Districts – Signs

### Guiding Principles:

The number, size, configuration, placement, color, materials and illumination of signs all play a part in shaping the built environment. Signs in the CX, CC, CH, IX, and IL Districts should be the minimum size necessary to assist in way finding and business identification. Business identification does not require that owners maximize the size or number of signs. The speed limit on Highway 33 is reasonably slow (25-35 miles per hour) allowing motorists to see businesses and plan their turning movements accordingly. In addition, the streetscape plan for Highway 33 provides for gateway landscaping which, together with the building design standards, will have the effect of “framing” individual uses and calming traffic; buildings and business signs should be visible at relatively slow speeds. Signs designed to a suburban “highway scale” are not necessary and are discouraged through the following standards.

### Standards:

1. See LDC [Section 11.3](#) for all size, height, placement, and illumination standards for signs in the applicable commercial or Light Industrial zone districts.
2. **Contextual Design.** Signs including sign faces and support structures, should complement Driggs’ natural surroundings. For example, signs engraved or sculpted from metal or wood (natural or painted wood) are preferred over those that are predominately made of plastic, Plexiglas, or similar reflective materials, except that A-frame signs, way finding signs, and similar incidental signs made from these materials may be approved administratively or through the design review process. Signs are required to use predominately muted or warm earth-tone colors, except that bright colors may be used over small areas (e.g., less than 2 sq ft) or as accents. Pictographic symbols are encouraged, as they often communicate more than text and add visual interest to the street.
3. **Prohibited Signs.** Signs containing large uninterrupted areas of white or cool grays, florescent (e.g., day-glow), sparkling, reflective, or similar colors or finishes are not permitted. Streamers, moving signs, video or animated signs, flashing signs, and similar sign types are considered a nuisance and traffic safety hazard and are therefore not permitted.

## I. Commercial and Industrial Design Districts – Exterior Lighting

### Guiding Principles:

The number, size, design and placement of lights all contribute to creating safe and aesthetically pleasing gateways into the community. Excessive lighting contributes to light pollution, glare and light trespass, and diminishes views of the night sky. Exterior lights should be limited to illuminating driveways, pedestrian routes, signage, outdoor storage areas and building entrances. Business visibility does not require that owners fully illuminate their building and parking areas. Modest on-site lighting will enable motorists and pedestrians to recognize businesses and safely drive or walk to them. Lights designed to a highway scale (e.g., cobra head standards, or car sales lot-lighting) are not permitted.

### Standards:

The standards for exterior lighting are provided in LDC [Section 11.4](#).

## Landscape Requirements Applicable to all Zones

### Guiding Principles:

As existing vegetation is removed and views of the Teton Valley are diminished with new development, it is important that projects incorporate landscaping for aesthetic and environmental reasons. Trees and hedges serve as wind breaks and also provide summer shade. Grassy swales can capture and cleanse surface water runoff and snowmelt before it is discharged into streams. Likewise, landscape surfaces that go dormant in the winter can be used for snow storage. Therefore, the City requires that all new developments and redevelopment projects provide landscaping in surface parking areas, as buffers between commercial and residential uses, adjacent to Highway 33, and to accent or soften the appearance of large building elevations.

### Standards:

At a minimum, applicants for design review shall address the following criteria. The Planning Commission may impose additional requirements or conditions of approval to ensure a project's conformance with the above guiding principles.

1. **Mature Landscaping.** Incorporate any existing, mature vegetation into project designs. The large Golden Willows (i.e., 10-inch diameter or larger trees) near the southern gateway to Driggs shall be preserved to the greatest extent practicable. Where mature tree removal is unavoidable (e.g., a tree's location precludes reasonable development consistent with prescribed building envelopes, required building orientation, or public improvement requirements), mitigation shall be required as per subsections 2 and 3.
2. **Volume Landscaping and Screening.** Large trees and/or shrub planting may be required in quantities exceeding the base requirements of this code to mitigate the appearance of large blank walls and/or to mitigate the loss of mature trees as described under subsection 1.
3. **Minimum Landscape Standards.**
  - a. All off-street parking and vehicular use areas (including driveways and loading docks) shall have perimeter landscaping of not less than four (4) feet in depth (6 feet adjacent to streets), and interior landscaping covering at least ten percent (10%) of the entire vehicular use area.  
*Exception: The Planning Commission may reduce the minimum landscape area to not less than five percent (5%) where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in awarding credit, provided that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from Highway 33.*
  - b. Each separate landscape area shall be a minimum of fifty (50) square feet with a minimum dimension of at least five (5) feet and shall contain at least one tree. All remaining land in the landscape area shall be covered by shrubs, ground cover or other approved landscaping materials.
  - c. All required buffer strips and landscape areas shall have at least one (1) tree per 200 square feet and at least one (1) shrub per 50 square feet.
  - d. Trees and shrubs shall be forty to sixty percent (40%-60%) evergreen species.
  - e. All plant material shall be either:
    - Vegetation native to Teton Valley,
    - Species in the City of Driggs Tree Planting Guide & List of Recommended Species, or

- Species recommended by a licensed nurseryman as being suitable for the Driggs climate.
  - f. Trees shall be at least two (2) inch caliper at time of planting, except that trees required to mitigate the loss of mature vegetation shall be a minimum of four (4) inch caliper. The total mass of mitigation trees required shall be equal to or greater than the total caliper/diameter inches of mature tree(s) removed (measured at 4-feet above grade). For instance, if a 40-inch diameter tree is removed, then ten 4-inch trees of a suitable species shall be planted. Irrigation shall be provided for at least two (2) years, or until it is demonstrated that the replacement trees have become naturalized.
  - g. Shrubs shall be at a least 3-gallon size when planted.
  - h. If hedges are planted for screening, plants shall be at least of an initial size so that the required screening will be achieved within 3 years.
  - i. Trees shall be planted so that encroachment below 8 feet into a public right-of-way can be prevented without long-term detriment to encroaching trees.
  - j. Landscaping shall preserve an adequate line of site around vehicle accesses.
  - k. All landscaping materials shall be in vigorous and healthy growing condition and shall be installed according to common planting procedures, with consideration given to soil condition.
- 4. Parking Area Landscaping.** Surface parking areas shall contain landscaping as described under subsection 3.a and be divided into bays of not more than twelve (12) parking spaces per bay, provided that the overall circulation system provides for adequate snow removal and/or storage. *Exception: The Planning Commission may allow for a greater number of consecutive parking spaces where the development preserves and protects one or more existing mature trees. The commission shall use its discretion in adjusting the standard, provided that more credit may be awarded to projects that preserve the largest or most visible trees as viewed from Highway 33.*
- 5. Water Quality.** Large areas of surface parking shall be broken up with landscape areas that incorporate water quality filters/swales. The use of porous paving materials, such as pavers set in sand, turf-blocks (concrete structure allowing grass to grow through), and/or porous concrete, is encouraged, particularly along walkways and in parking areas that are used infrequently. Porous paving may also be used for small areas, such as the first four (4) feet of a parking lot's perimeter, where it would help reduce or slow surface water runoff. (Recommended: Figure L-1.)



VII. General Landscape Requirements  
 City of Driggs Design Standards and Guidelines

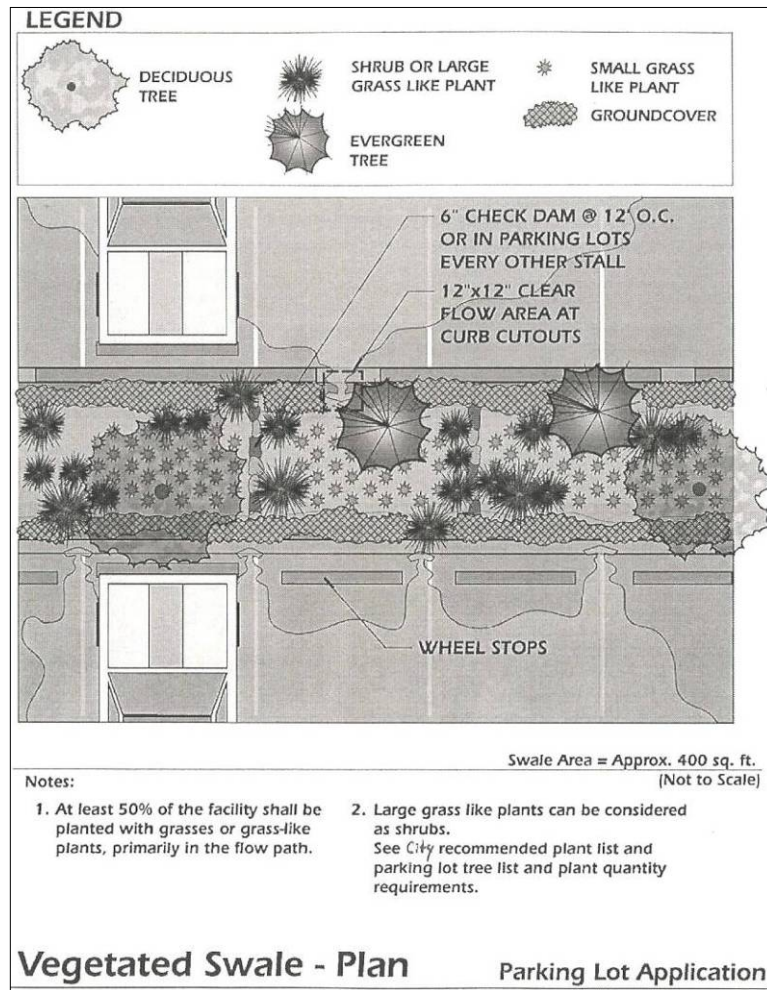
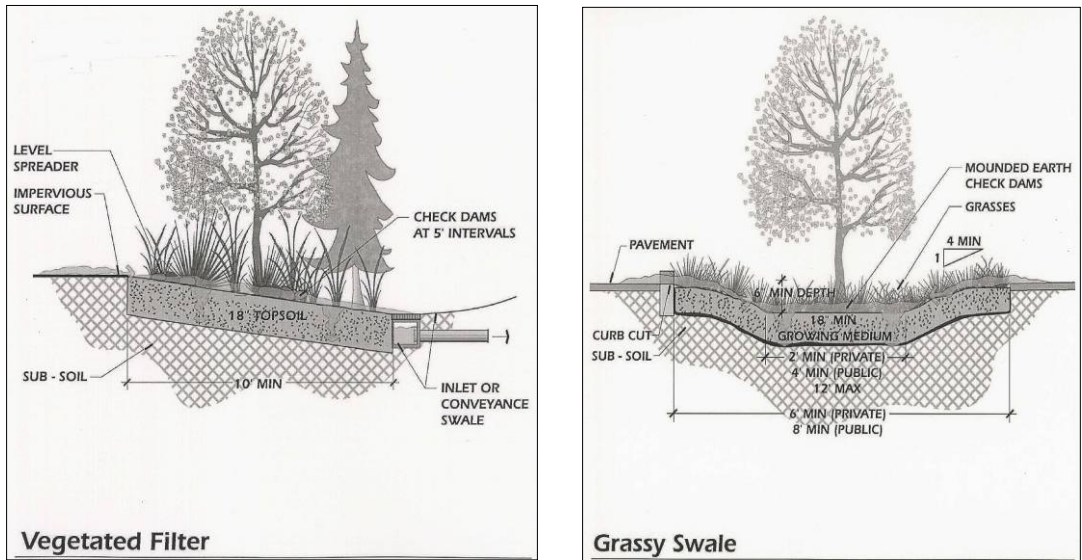


Figure L-1: Typical parking lot landscape concepts, incorporating water quality features.

# VIII. Definitions

## A. Definitions

*Note: The following definitions are informational. Where conflicts occur between the definitions below and an adopted building code, the adopted building code shall apply. For terms that are not defined below and are not defined in the building code, the Planning Commission will use its discretion in selecting from professional source materials that are most relevant to the question at hand.*

1. **Accessibility** means the locational and design characteristics of a use, structure, or facility that permit it to be reached by one with a disability, as prescribed under the American With Disabilities Act and associated building codes and guidelines.
2. **Alcove** means a recessed section of a building's exterior wall; may provide weather protection, outdoor seating or other pedestrian amenities.
3. **Basement** means the lowest story of a building where fifty percent or more of the floor is located below the grade plane.
4. **Belt course** means a horizontal course in a masonry wall that is of a different color, texture, size, or material and which is compatible with the overall form and architectural composition.
5. **Bollard** means a post of metal, wood or masonry, or a combination thereof, that is used to separate or direct traffic (vehicles, pedestrians or both). Bollards may contain sidewalk or pathway lighting.
6. **Civic Space** means a public gathering space, such as a plaza, square, outdoor seating area, alcove, sculpture garden, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.
7. **Clerestory** means a window that extends from the ground floor of a building to near the top of an outside wall.
8. **Corbel** means a projection a building out from a masonry wall, sometimes to support a load and sometimes for decorative effect.
9. **Cornice** means the exterior trim of a structure at the meeting of the roof and wall.
10. **Façade** means the front or principal face of a building, any side of a building that faces a street, way, or civic space.
11. **False-front** means a front wall which extends beyond the sidewalls or rooftop of a building to create a more imposing façade. (See also, "parapet.")
12. **Fenestration** means the arrangement and design of windows and doors in a building.
13. **Grade** means the surface elevation of the ground.
14. **Grade Plane** represents the average of the finished ground level adjoining the building at all exterior walls or, for common wall buildings, the exterior walls and common wall. Where the finished ground level slopes away from the exterior wall(s), the reference plane is established by the lowest points within the area between the building and the property line or, where the property line is more than six (6) feet from the building, between the structure and a point six (6) feet from the building.

## VIII. Definitions

15. **Guideline** means a recommended approach, parameter, example, and/or rationale for interpreting, applying, and/or modifying a standard through the design review process. For the purpose of design review, the photographs, illustrations, and diagrams contained in this document are intended to be used as guidelines, except where an illustration contains a specific dimensional requirement or is accompanied by the words “shall” or “must,” then the illustration is intended as a standard.
16. **Height.** Height is measured from the grade plane to the highest point of a building or structure or portion thereof, including any parapet.
17. **Lintel** means a heavy horizontal beam of wood or stone over an opening of a door or window to support the weight above it.
18. **Medallion** means a small decorative detail used to accent a building’s exterior.
19. **Mezzanine** means an intermediate level between a ground floor and the upper story(ies) occupying a partial area of floor space.
20. **Parapet** means a low protective wall at the edge of a roof.
21. **Pedestrian-scale lighting** means lighting that is designed and located to illuminate a sidewalk, pathway or other area that is used principally by pedestrians. Bollards, wall-mounted lights and step lights are typical of pedestrian-scale lighting.
22. **Pediment** means a low-pitched gable over a portico, door or window; may be used to reduce the scale of a building façade.
23. **Pier** means a portion of a wall between windows, doors or other openings.
24. **Pilaster** means a shallow pier used to buttress a wall; or a rectangular column with a capital and base, projecting only slightly from a wall as an ornamental motif.
25. **Pocket park** means a small plaza or landscaped civic space, typically less than one-quarter acre and not for recreational use.
26. **Portico** means a porch or entrance to a building consisting of a covered and often columned area; may be used to address building orientation standards where redeveloping a building to meet the front property line is not feasible.
27. **Public art** means artwork in the public realm, regardless of whether it is on public or private property, or whether it is acquired through public or private funding. Public art can be a sculpture, mural, manhole cover, paving pattern, lighting, seating, kiosk, gate, fountain, engraving, carving, painting, fresco or similar artwork which is approved through design review. In evaluating public art proposals, the Planning Commission and City Council may refer to guidelines and inventories prepared by the Idaho Arts Commission, the National Trust for Historic Preservation and/or other references it deems appropriate.
28. **Snow / Ice Dam** means an anchor, gutter or other structural component of a sloped roof that is designed to hold snow and ice, or break slabs of snow and ice into smaller pieces, to prevent buildup on adjacent walkways or injury to passersby.
29. **Spandrel** means the blank space between windows and successive stories; or the area between the top of a column or pier and the apex of the arch springing from it.

## VIII. Definitions

30. **Split-barrel roof** means a rounded roof that resembles a barrel split in half and resting rounded side up.
31. **Standard** means a requirement for the purposes of design review approval. Dimensional requirements and provisions containing the words “shall,” “must,” “not permitted,” “prohibited,” “required/requirement,” or similar prescriptive or proscriptive terms indicate the presence of a standard.
32. **Story** means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six (6) feet-eight (8) inches above grade for more than fifty percent (50%) of the perimeter of the building, the basement or cellar shall be considered a story. Unenclosed decks, porches, balconies and similar features without a roof are not considered stories.
33. **Streetscape** means the interface between development and a public street along the development’s street frontage; it typically includes storefronts, building entrances, weather protective canopies or awnings, civic spaces such as plazas and curb extensions at intersections, a building front zone along the sidewalk where outdoor seating may occur, a through zone for pedestrians, a street furnishings zone for lights, trees, and other furnishings, and on-street parking where applicable.
34. **Transom** means a window immediately above a window or door; may or may not be hinged to a transom.
35. **Transparency (windows)** means non-reflective glass with a visible transmittance rating of 0.50 or greater, per the National Fenestration Rating Council.
36. **Turret** means a small tower extending above a building.
37. **Wayfinding sign** means a directional sign that is part of an overall sign program for a district, neighborhood, or other city-recognized area as approved through design review.

**MINUTES OF THE CITY OF DRIGGS  
CITY COUNCIL MEETING  
April 16, 2024**

Pursuant to adjournment of the City Council meeting held April 2, 2024, and the call of the Mayor, the Driggs City Council met **Tuesday, April 16, 2024**, at 6:00 p.m. A roll call was taken and present were: Mayor August Christensen, Council President Miles Knowles, Council Members: Allison Michalski, Jennifer Bragg and Jason Popilsky; City Administrator Amber Pence, Public Works Director Jay Mazalewski, Planning and Zoning Administrator Leanne Bernstein, Community Development Director Doug Self, Airport Manager Meredith Fox, Finance Officer Carol Lenz, and City Clerk Kreslyn Schuehler. Council President Knowles lead in the Pledge of Allegiance.

**AMENDMENT TO AGENDA**

**Council Member Michalski made a motion** to amend the agenda to include Item #6e: Contract for Design Services with Forsgren Associates for the Wastewater Treatment Plan Design. This item is added due to time constraints set by the regulatory agency. Council Member Popilsky seconded the motion. A roll-call vote was taken on the motion: Council Member Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye; and, Council Member Michalski, aye. The motion carried with all in favor.

**COMMUNITY INPUT**

There was no community input at this time.

**CONSENT AGENDA**

City Council Minutes from 4/2/24  
Claims from 4/3/24-4/16/24  
Budget Summary for the 2<sup>nd</sup> Quarter of FY24

**Council President Knowles moved** to approve the consent agenda. Council Member Popilsky seconded the motion. The motion carried unanimously.

**PUBLIC HEARING – AREA OF IMPACT AGREEMENT WITH TETON COUNTY  
IDAHO**

Leanne Bernstein, Planning and Zoning Administrator, explained the process to negotiate the Area of Impact, stating the Council must hold a Public Hearing and consider making a request to Teton County. She further reviewed what the Area of Impact was and stated Teton County would ultimately have jurisdiction. However, the city should determine what areas may reasonably be annexed in the near future.

Ms. Bernstein stated the Planning and Zoning Commission had reviewed and discussed the proposal at a high level of detail. She explained the new legislation that would go into effect July 1, 2024, leaving the jurisdiction and approval process strictly to the county, no longer requiring the City to pass an ordinance. The legislation also laid out the criteria to consider when defining the Area of Impact, which included: anticipated commercial and residential growth, geographic factors, transportation infrastructure and connectivity, areas where municipal water and sewer are expected and public service district boundaries. Area of Impacts should not exceed areas that are

not likely to be annexed within 5 years. Ms. Bernstein explained the County's Comprehensive Plan and Current Zoning Map should also be applied to the area.

Ms. Bernstein further stated the Planning and Zoning Commission held a Public Hearing in March and most comments received were about the transportation plan within the Area of Impact. She reminded the Council those type of comments should be made when the Transportation Plan is updated this summer and not during this process.

The Teton County Planning and Zoning Commission also held a work session and asked the city to consider making a recommendation for zoning on properties that were proposed to be taken out of the Area of Impact.

Council Member Popilsky asked if there was representation of property owners on the Planning and Zoning Commission. Ms. Bernstein stated there was one seat eligible to represent the Area of Impact.

Council Member Bragg questioned why Indian Sunset Subdivision was not included. Ms. Bernstein stated it was currently in the Area of Impact, but was proposed to be taken out because it was already platted and was not on city utility services.

Mayor Christensen opened the meeting for public questions only.

Arne Carter asked if Sweetwater Subdivision would continue to have two access points. Ms. Bernstein stated this question was related to the runway shift and not part of the Area of Impact. She further stated the Transportation Plan would like to see connection from Booshway to Hasting, but did not have that proposed at this time. Mr. Carter also asked if lots smaller than 2.5 acres could have a detached or accessory dwelling units. Ms. Bernstein stated they could have accessory dwelling units depending on the various lot sizes.

David Wilkey asked what it would take to request similar subdivisions such as Indian Sunset to be removed from the Area of Impact. Ms. Bernstein stated a request would need to be made to Teton County during their processes for approval.

Todd Woolstenhulme questioned the proposed density for the north side of Tributary. Ms. Bernstein stated Tributary had a Planned Unit Development and future development would be determined once property was annexed into the city.

Roger Gardner asked what would happen to the maintenance of his road. Mr. Bernstein stated the road would be in the County and depending on if it was a private or public road, it may or may not be maintained by Teton County.

Judd Grossman asked why zoning would need to be changed if land was moved out of the Area of Impact. Mr. Bernstein explained the current zoning in the current Area of Impact was based off the old Code, but reminded all that the zoning was for Teton County to decide on.

Council Member Bragg questioned if annexing property would be the same process as changing the Area of Impact. Ms. Bernstein stated it was two very different steps. The Area of Impact would be an agreement between the county and the city with development regulations applying to

areas that may be annexed in the future. She further stated the city could not start a city-initiated annex if the property was not located in the Area of Impact.

Mayor Christensen opened the Public Hearing at 6:47pm.

Arne Carter, a property owner in Sweetwater Subdivision, spoke in favor. He stated the changes would allow people to rent accessory dwelling units, which would help people with housing and allow extra income to those with mortgages living in the valley.

Evan Howard, also a property owner in Sweetwater Subdivision, spoke in favor. He stated with the high housing prices, accessory dwelling units make it possible to live in the valley. He stated the current code was very confusing and the proposed regulations seemed fair and regulated.

David Wilkey spoke in favor. He was a property owner on Teague Avenue, and area that would be removed from the Area of Impact.

The Public Hearing was closed at 6:57pm.

Council Member Knowles suggested the Council should start by reviewing the deliberation checklist provided by staff.

The Council discussed the appropriateness of the proposed Area of Impact boundary. Council Member Bragg questioned the Driggs Centre Subdivision. Council Member Knowles reminded the Council that subdivision had a Will Serve from the city and felt it should be included as it would eventually be annexed. All agreed with the proposed boundary.

Discussion of the zoning districts in the Area of Impact began and, if zoning for those properties taken out of the Area of Impact should be determined at this time. Jade Kruger, Planning and Zoning Administrator for Teton County, stated the County Planning and Zoning Commissioners would like guidance on zoning these specific parcels. She further stated they would have another work session on May 14<sup>th</sup>. The Council Members agreed on the proposed zoning.

Council Member Michalski questioned if the City Attorney had reviewed the proposed Statutes for Area of Impact. Ms. Bernstein stated he had not, but she felt very comfortable that she understood them as written, explaining it was very clear the County was in control and should determine if the Area of Impact was in compliance. Ms. Kruger also stated the County Attorney would review the agreement to determine that State Statutes were followed. Council Member Michalski requested the proposal be reviewed by the City Attorney before sending it to Teton County.

The Council agreed a request to the County for the Area of Impact to adopt the overlay zones, including the airport overlays located in and out of the Area of Impact boundary.

The Council also agreed to the proposed amendments to the City Code, which would be adopted when the Area of Impact was approved by Teton County.

The Council discussed zoning for those properties taken out of the Area of Impact. Council Member Knowles felt the City should wait for the County to recommend the zoning first. It was

suggested the Planning and Zoning Commission review this and bring a recommendation to the Council. Ms. Bernstein stated she was hesitant to move forward and work on this as it was the County's jurisdiction and the city did not have any authorization for these properties. Mayor Christensen stated most of the properties were not platted and felt it may not be a big issue for the County to assign a zone. It was agreed the County Planning and Zoning should figure it out and the Council could make a public comment once Public Hearings were scheduled, if there was a strong disagreement with the chosen zoning.

**Council Member Michalski made a motion** that having found that the following conforms with Idaho State Statute and will encourage orderly development, and I move to recommend the adoption of the following provisions in the Driggs Area of Impact: the AOI Boundary and Zone Map included as Attachment C which will include Casper Avenue on the north side, the Land Development Code as edited in Attachment E and including Appendix A: Design Review Standards and Guidelines, the Driggs Transportation Plan as adopted in 2019, the Teton County Idaho Comprehensive Plan as adopted in 2012, and the Driggs Airport Overlays as shown in the Airport Master Plan adopted in 2022. Council Member Bragg seconded the motion. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.

The Council took a brief recess from 7:31pm-7:36pm.

#### **JVIATION CONTRACT FOR SELECTIVE REDESIGN, BIDDING AND CONSTRUCTION ADMINISTRATION SERVICES**

Amber Pence, City Administrator, presented information to the Council. She reminded the Council the project had been separated into two different projects due to funding. This contract was for the design elements, bidding and construction administration services for the airport.

Council Member Michalski questioned if the City Attorney reviewed the contract. Jeffery Hogan, with Jviation, stated he was unaware, but the contract was standard and had been used in the past.

Mayor Christensen asked Mr. Hogan to review the scope of the project. Mr. Hogan explained this was the second phase and included the re-design for the shift of the runway. Because the project was separated, this part must now be re-bid for the construction. He concluded by stating the funding would come from discretionary funding and entitlement funds from the FAA as they become available.

**Council Member Knowles made a motion** to approve the Contract with Jviation for the Selective Redesign, Bidding and Construction Administration Services. Council Member Bragg seconded the motion. Council Member Michalski asked for the motion to be amended to include the condition the contract was reviewed by the City Attorney. The motion died without a vote.

**Council Member Knowles made a motion** to approve the Contract with Jviation for the Selective Redesign, Bidding and Construction Administration Services with the condition the contract is reviewed by the City Attorney. Council Member Bragg seconded the motion. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.



**FEDERAL TRANSIT ADMINISTRATION GRANT CERTIFICATIONS AND ASSURANCES**

Doug Self, Community Development Director, presented information to the Council and stated the Federal Transit Administration required the Certifications and Grant Assurances to be signed for project they help fund.

**Council Member Popilsky made a motion** to authorize execution of the FY24 FTA Certifications and Assurances for Grants and Cooperative Agreements. Council Member Knowles seconded the motion. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.

**JULY 4<sup>TH</sup> FIREWORKS SHOW WITH FIREWORKS WEST**

Mr. Self stated this contract was the same as the previous year. He reminded the Council there were no negative feedback regarding the display in the previous years, so it would remain the same.

Council Member Michalski questioned if the City Attorney reviewed the contract. Mr. Self stated he had not, however, it was the same as the previous years. Council Member Michalski also asked if there were agreements with other sponsors. Mr. Self stated there were verbal agreements and if not all funding was received, he would find others willing to contribute.

**Council Member Knowles made a motion** to authorize execution of the contract with Fireworks West Internationale for the 2024 Driggs 4<sup>th</sup> of July Fireworks Display in the amount of \$18,000 to be allocated from the City General Fund. Council Member Popilsky seconded the motion. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.

**COLLECTION SYSTEMS FACILITY PLAN WITH KELLER ASSOCIATES**

Jay Mazalewski, Public Works Director, stated bids were received and Keller Associates was the most qualified. He further stated the project would span over the next two fiscal years, 2024 and 2025, and explained funding was budgeted for fiscal year 2024, but would need to be added to the budget for fiscal year 2025.

**Council Member Michalski made a motion** to approve the Agreement for Professional Services with Keller Associates Inc. for the Wastewater Collection System Facility Planning a Study not to exceed \$114, 700 with the following conditions: the City Attorney must review and approve the contract language. Council Member Bragg seconded the motion. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.

**DESIGN SERVICES WITH FORSGREN ASSOCIATES FOR WASTEWATER TREATMENT PLANT DESIGN**

Mr. Mazalewski stated the next steps in solving the ammonia issues with the wastewater treatment plant was to continue with the development of a design. He stated this was an amendment to the existing contract which would add the design of a new plant. The project budget would be about \$550,000 in this year. Mr. Mazalewski stated the Council would need to budget for other pieces, such as construction costs, in the near future.

Dave Noel, from Forsgren Associates, was present for any questions. He stated the Department of Justice was asking for fast deadlines and therefore the design of the plant needed to start immediately with a projection of the design to be completed in 4 months. He concluded by stating the construction of the plant may begin in June of 2026.

**Council Member Popilsky made a motion** to approve the Amendment to Engineering Agreement 4 for Professional Services with Forsgren Associates Inc, a lump sum not to exceed \$2,760,000. The Time and Materials Fees identified in Section IV are specifically excluded. Council Member Bragg seconded the motion. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.

#### **PROCLAMATION FOR FAIR HOUSING**

Mayor Christensen read the Proclamation for Fair Housing.

#### **DEPARTMENT QUARTERLY REPORTS**

The Council Members reviewed and asked a few questions regarding Department Quarterly Reports.

#### **MAYOR AND COUNCIL UPDATES**

There are no updates at this time.

#### **EXECUTIVE SESSION**


**Council President Michalski moved** to go into Executive Session at 8:29pm pursuant to Idaho State Code 74-206 for personnel. Council Member Bragg seconded. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.


Council came out of Executive Session at 8:46pm.

#### **ADJOURNMENT**

**Council Member Knowles moved** to adjourn. Council Member Bragg seconded. The motion carried unanimously with the meeting adjourned at 8:46pm.

ATTEST:

  
Kreslyn Schuchter, City Clerk

  
August Christensen, Mayor



Mitzi Van Arsdell <mvanarsdell@tetoncountyidaho.gov>

**Fwd: Driggs AOI - Council review**

**Jade Krueger** <jkrueger@tetoncountyidaho.gov>  
To: Mitzi Van Arsdell <mvanarsdell@co.teton.id.us>

Fri, Jun 28, 2024 at 11:11 AM

Can you put this in the Driggs AOI folder? We may need an updated one for 7/22.

Thanks!

----- Forwarded message -----

From: **Leanne Bernstein** <lbernstein@driggsidaho.org>  
Date: Tue, Jun 25, 2024 at 9:54 AM  
Subject: Driggs AOI - Council review  
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Jade,  
City Council reviewed the County P&Z Commission's recommendation regarding the Driggs AOI during their regular meeting on June 18th. The Council expressed great gratitude for the Commission continuing their recommendation regarding the new boundary, zoning, code, plans, etc within the AOI. They also expressed no concerns regarding the proposal for rezoning outside of the new AOI boundary and really appreciated the Commission asking for their review. Please feel free to share this message with the Board as this item continues through the process and please let me know if there are any questions that come up in the meantime that I can assist with. I am planning to attend the the July 22 hearing.  
Thank you!  
- Leanne



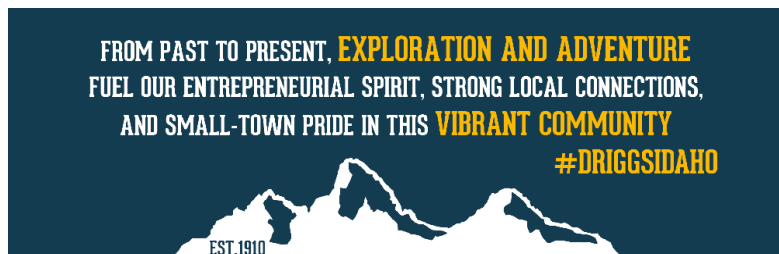
**LEANNE BERNSTEIN, AICP CFM**  
**PLANNING & ZONING ADMINISTRATOR**

208-354-2362 ext. 2106  
lbernstein@driggsidaho.org  
driggsidaho.org  
60 S. Main St. | PO Box 48 | Driggs, ID 83422



All communications are subject to Idaho Open Records Law and City of Driggs Communications Policies.

[Read the latest CityNews](#)



**Jade Krueger, AICP**  
Pronouns: She/her/hers  
Planning Administrator  
Teton County Planning Department  
208-776-8241  
[jkrueger@tetoncountyidaho.gov](mailto:jkrueger@tetoncountyidaho.gov)

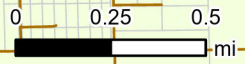
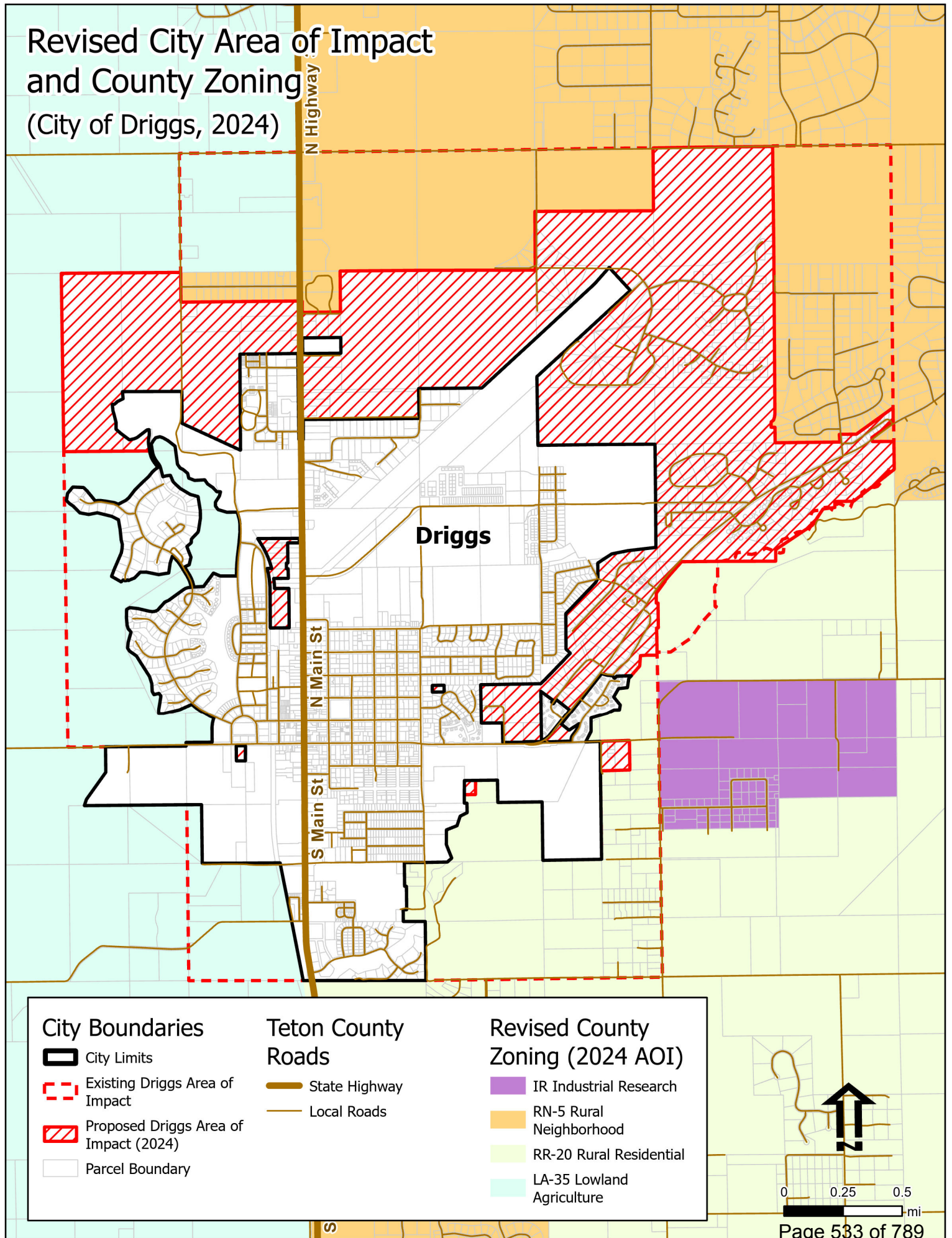
150 Courthouse Drive  
Driggs, Idaho 83422



The Planning Department hours are M-Thurs 9-3:00 p.m.; Fridays 9-12:00 p.m.

# Revised City Area of Impact and County Zoning

(City of Driggs, 2024)





Teton County Board of County Commissioners  
c/o Jade Krueger, Planning & Zoning Administrator  
Teton County Courthouse  
150 Courthouse Drive  
Driggs, Idaho 83422  
Via email to [Jkrueger@tetoncountyidaho.gov](mailto:Jkrueger@tetoncountyidaho.gov)

Re: Driggs Area of Impact; Additional details regarding Airport land

Commissioners,

As requested during the July 22, 2024 public hearing regarding the update to the Driggs Area of Impact (AOI), I am supplying additional information regarding the airport, airport-owned land, and the Airport Master Plan.

First, the entire Airport Master Plan, last adopted in 2022, can be found here - <https://driggsairport.org/about/airport-master-plan/> Chapter 6 of the Airport Master Plan addresses the Airport Layout Plan. The City, as the airport sponsor, is required to maintain an approved Airport Layout Plan (ALP). The ALP creates a blueprint for airport development that ensures airport design standards and safety requirements that are consistent with airport and community land use plans. The ALP also serves as a record of aeronautical requirements both present and future, and enables the airport sponsor and FAA to plan for facilities improvements and budgetary needs. Maintaining an ALP is a requirement for an airport sponsor to receive financial assistance from the FAA, which will only fund projects which are shown on the ALP.

The “Airport Layout Plan Drawing Future” is found on page 149 of the Airport Master Plan document, and is attached to this memo for easy reference. This map image shows current buildings and airport facilities, as well as potential future development if the City were to purchase and own those developments. Notably, this map shows the location of the shifted runway and related facilities and infrastructure, as well as potential future aviation-related buildings which could be developed, based on demand. It is noted that development is not proposed along Hastings Lane / 2500 North.

Second, the Airport Operations Overlay is proposed to be in affect on the city-owned land at the end of the runway. It is important to note that the Airport Operations Overlay actually negates the underlying base zoning, and only allows those uses that are specified in the Overlay. Those uses are as follows:



208-354-2362 ext 2106  
M-TH 8:30am - 5pm  
F 8:30am - 1pm



[ibernstein@driggsidaho.org](mailto:ibernstein@driggsidaho.org)  
[DRIGGSIDAHO.ORG](http://DRIGGSIDAHO.ORG)



60 South Main Street  
PO Box 48  
Driggs, ID 83422

Aircraft runways, taxiways, ramps, parking areas, Aircraft operational facilities including, but not limited to, instrument landing systems, visual navigational aids and related equipment; communication facilities; weather service offices and equipment, Hangars and buildings which may only be used for the storage or maintenance of aircraft; airport snow removal, sweeping and other aviation or airport maintenance equipment, and other aviation related or ancillary activities only, Offices and facilities for airport management, air charter, air taxi, crop spraying, aircraft sales or rentals, and air cargo processing facilities, Flight schools, flying clubs and other schools or training facilities relating to aviation or air related transportation, Offices and facilities for the operation and maintenance of air rescue, emergency and firefighting services, Aircraft or aviation related maintenance, manufacturing, and testing facilities. Offices and facilities of Federal, State and local government entities, and Apartment accessory to a use that is allowed in the Airport Operations Overlay District, provided that the apartment's gross floor area does not exceed 1250 square feet and 20% of the hangar's ground floor area. On city owned property, an Accessory Apartment may only be used as crew quarters for occasional overnight and resting periods for flight crew and not as permanent or temporary residences for flight crews, aircraft owners, guests or any other person

In summary, the land at the end of the runway was purchased by the City with funding from the FAA. As such, it will remain under city ownership and can only be used for aviation-related uses. Additionally, there is no development planned for the further areas of this land, at this time, according to the effective Airport Master Plan.

I am planning to attend the August 12<sup>th</sup> meeting and be available for any additional questions.

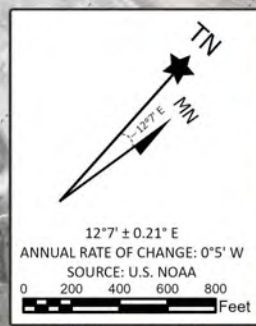
Thank you,

Leanne Bernstein, AICP CFM  
Planning & Zoning Administrator  
City of Driggs Planning and Building Department

Exhibit A – Airport Layout Plan (ALP)

Exhibit B – Proposed overlays





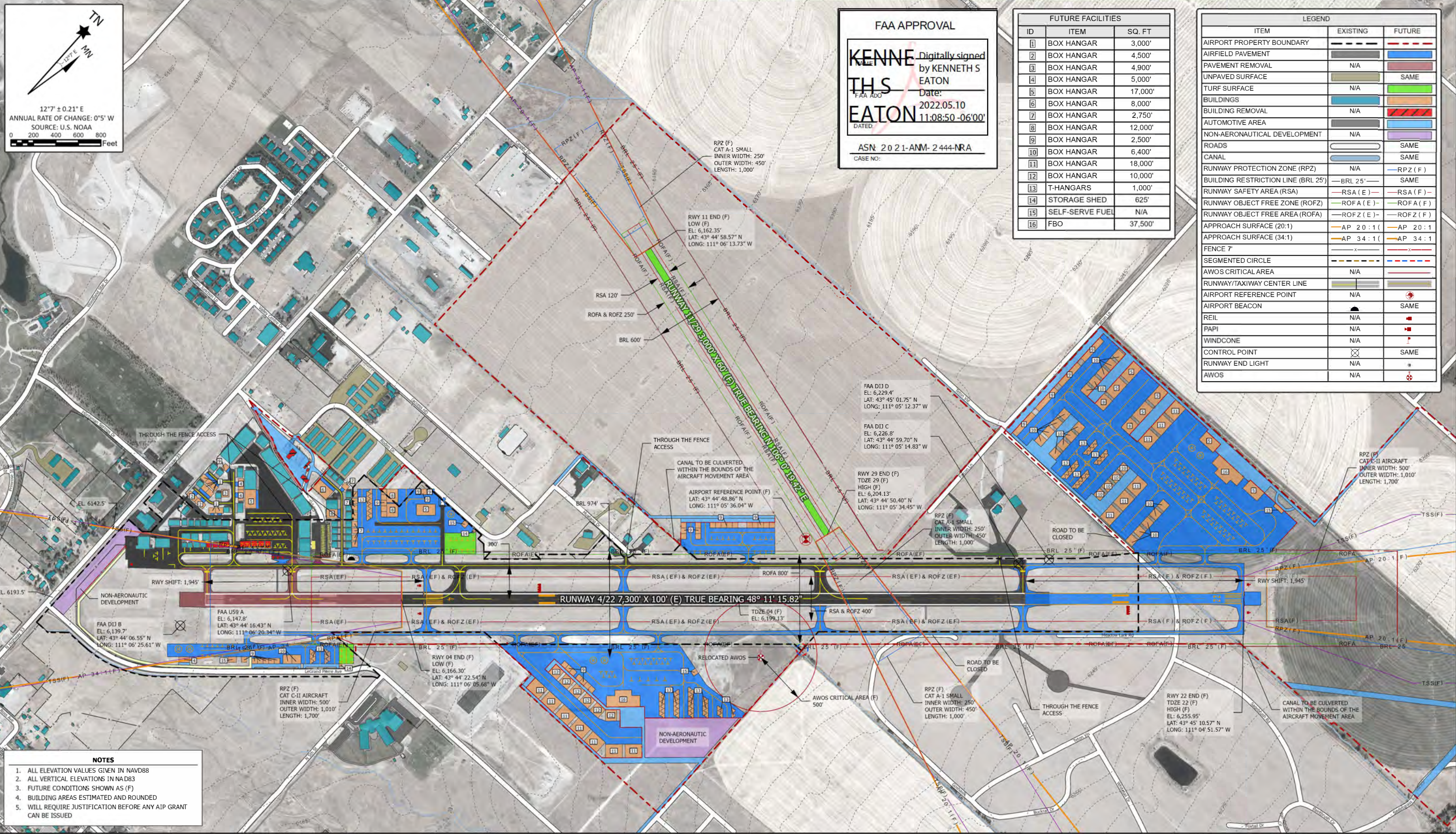
**FAA APPROVAL**

**KENNETH S. EATON**  
 Digitally signed by KENNETH S. EATON  
 Date: 2022.05.10 11:08:50 -06'00'  
 DATED: 11:08:50 -06'00'

ASN 2021-AM-2444-NRA  
 CASE NO:

FUTURE FACILITIES		
ID	ITEM	SQ. FT
1	BOX HANGAR	3,000'
2	BOX HANGAR	4,500'
3	BOX HANGAR	4,900'
4	BOX HANGAR	5,000'
5	BOX HANGAR	17,000'
6	BOX HANGAR	8,000'
7	BOX HANGAR	2,750'
8	BOX HANGAR	12,000'
9	BOX HANGAR	2,500'
10	BOX HANGAR	6,400'
11	BOX HANGAR	18,000'
12	BOX HANGAR	10,000'
13	T-HANGARS	1,000'
14	STORAGE SHED	625'
15	SELF-SERVE FUEL	N/A
16	FBO	37,500'

LEGEND		
ITEM	EXISTING	FUTURE
AIRPORT PROPERTY BOUNDARY	---	---
AIRFIELD PAVEMENT	---	---
PAVEMENT REMOVAL	N/A	---
UNPAVED SURFACE	---	SAME
TURF SURFACE	N/A	---
BUILDINGS	---	---
BUILDING REMOVAL	N/A	---
AUTOMOTIVE AREA	---	---
NON-AERONAUTICAL DEVELOPMENT	N/A	---
ROADS	---	SAME
CANAL	---	SAME
RUNWAY PROTECTION ZONE (RPZ)	N/A	RPZ (F)
BUILDING RESTRICTION LINE (BRL 25')	---	SAME
RUNWAY SAFETY AREA (RSA)	---RSA (E)---	---RSA (F)---
RUNWAY OBJECT FREE ZONE (ROFZ)	---ROFA (E)---	---ROFA (F)---
RUNWAY OBJECT FREE AREA (ROFA)	---ROFZ (E)---	---ROFZ (F)---
APPROACH SURFACE (20:1)	AP 20:1 (E)	AP 20:1 (F)
APPROACH SURFACE (34:1)	AP 34:1 (E)	AP 34:1 (F)
FENCE 7'	---	---
SEGMENTED CIRCLE	---	---
AWOS CRITICAL AREA	N/A	---
RUNWAY/TAXIWAY CENTER LINE	---	---
AIRPORT REFERENCE POINT	N/A	---
AIRPORT BEACON	---	SAME
REIL	N/A	---
PAPI	N/A	---
WINDCONE	N/A	---
CONTROL POINT	---	SAME
RUNWAY END LIGHT	N/A	---
AWOS	N/A	---



- NOTES**
1. ALL ELEVATION VALUES GIVEN IN NAVD88
  2. ALL VERTICAL ELEVATIONS IN NA83
  3. FUTURE CONDITIONS SHOWN AS (F)
  4. BUILDING AREAS ESTIMATED AND ROUNDED
  5. WILL REQUIRE JUSTIFICATION BEFORE ANY AIP GRANT CAN BE ISSUED



**DRIGGS-REED MEMORIAL AIRPORT (DIJ)**  
 DRIGGS, IDAHO

DES: S.J.	ISSUE RECORD			
	NO.	BY	DATE	DESCRIPTION
DR: K.D.				
CH: T.D.				
APP: T.D.				

**AIRPORT LAYOUT PLAN**

**AIRPORT LAYOUT PLAN DRAWING FUTURE**

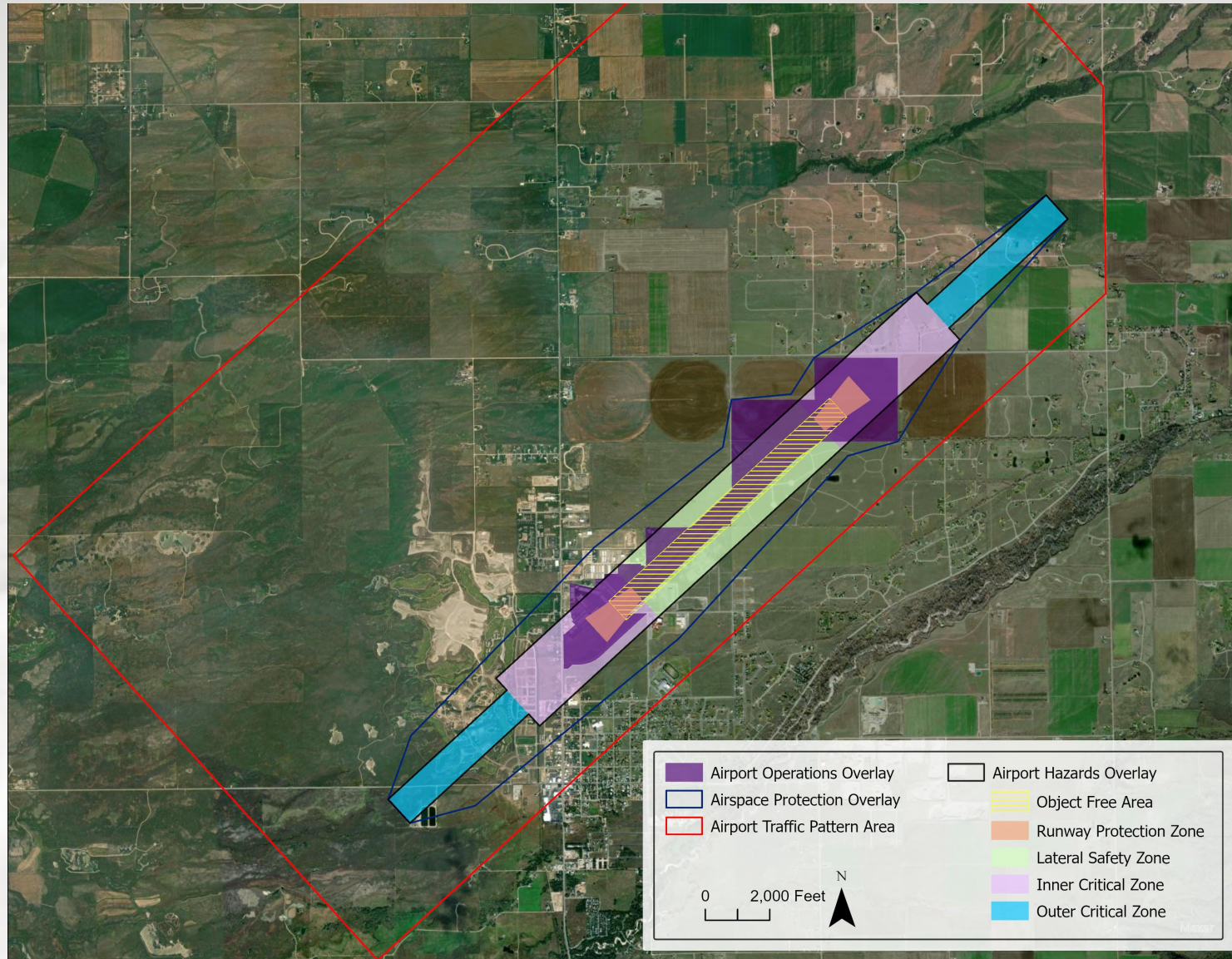
AIP PROJ. NO. 3-16-0012-018-2018  
 JVIATION PROJ. NO. 2018.DIJ.01  
 DATE: DECEMBER 2022

**SHEET NO. 4 OF 18**

Page 536 of 789



# Airport Overlays and Zones Combined (Future)





**A REQUEST FOR A MINOR PLAT AMENDMENT**  
**Daydream Ranch Subdivision Lot 10- Relocate Building Envelope**  
 Prepared for the Board of County Commissioners  
 August 12, 2024

**Owner / Applicant:** Orion Wells

**Background:** Orion Wells has submitted an application for a Minor Plat Amendment to move a 100' x 100' platted building envelope (Instrument #160003) to the southwest of the current location. The parcel is currently undeveloped. The resulting lot would not affect any external property boundaries or adjacent properties. The HOA has approved of this change. There are no changes proposed of access, easements, open space, sanitary services, or uses. The parcel does not lie within any overlays.

The pre-application conference requirement was satisfied. This plat modification has been classified as a **Minor Modification to a plat because it is adjusting a building envelope within a platted subdivision.**

**PARCEL NUMBER:** RP002640000100  
**LEGAL DESCRIPTION:** Lot 10 Daydream Ranch Sub SEC 4 T5N R45E  
**LOCATION:** Daydream Ranch Subdivision, Lot 10  
**ZONING DISTRICT:** LA-35  
**PROPERTY SIZE:** 5.29 acres

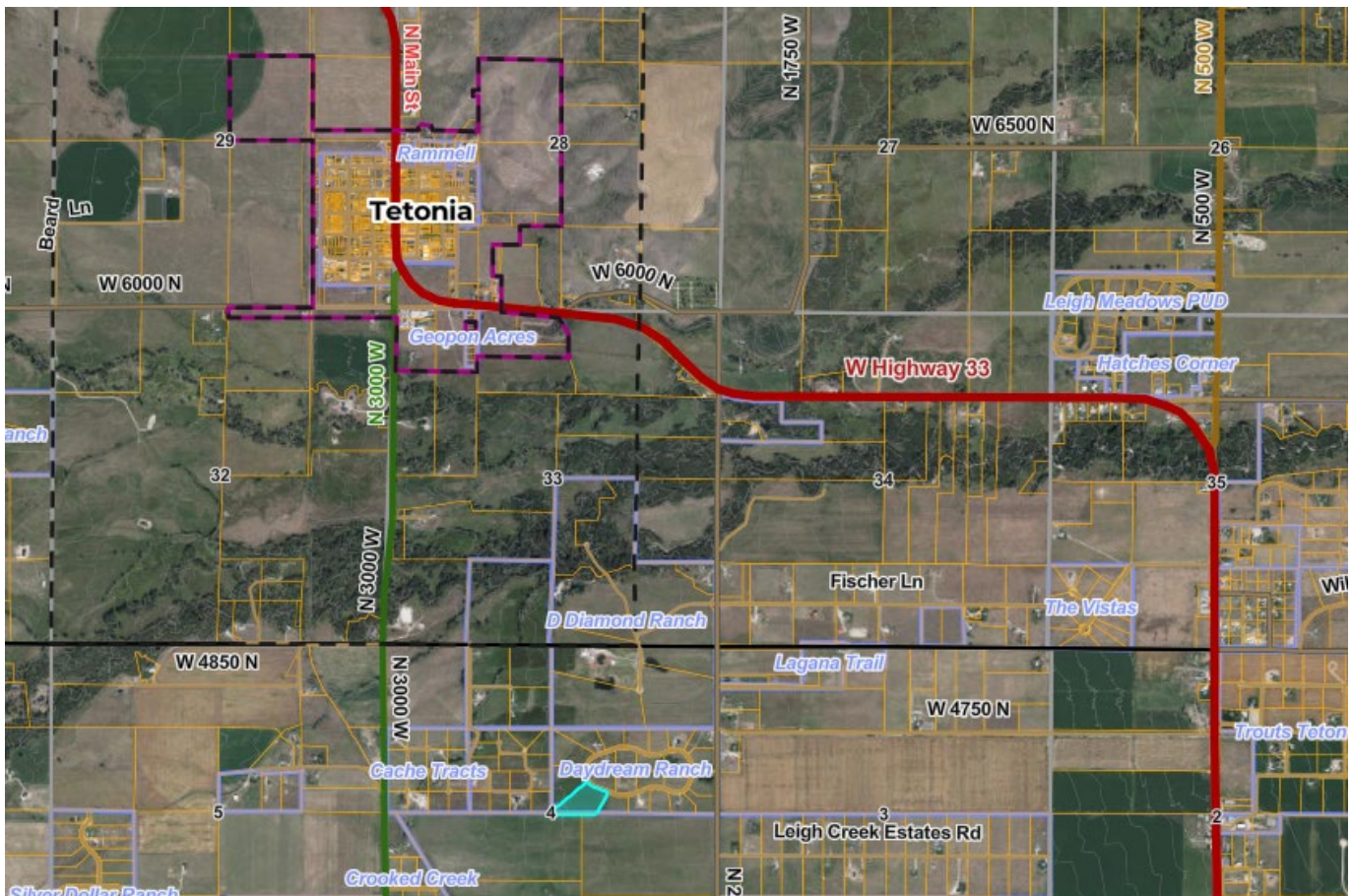


Figure 1. Project Vicinity Map; Subject Parcel Highlighted Blue

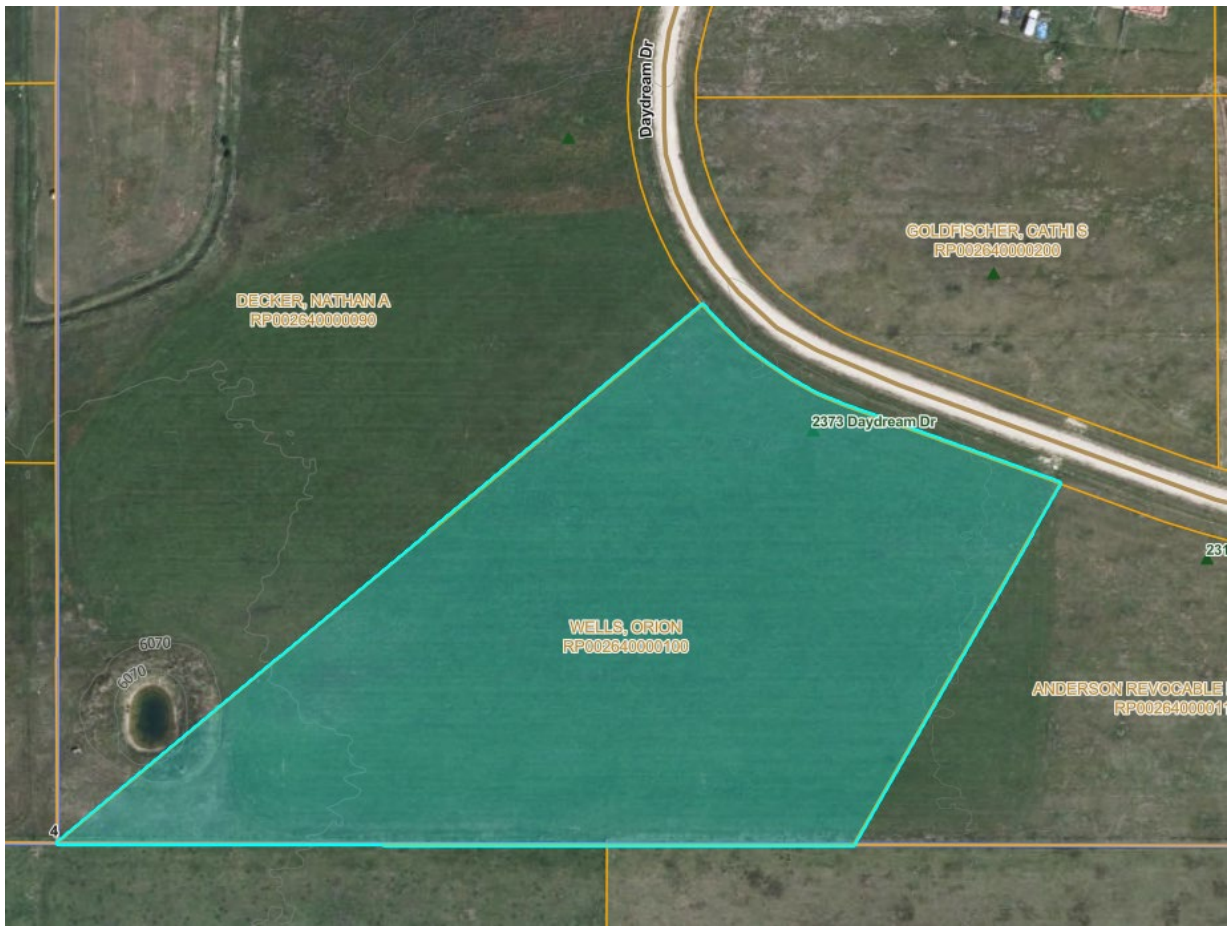


Figure 2. Aerial Image

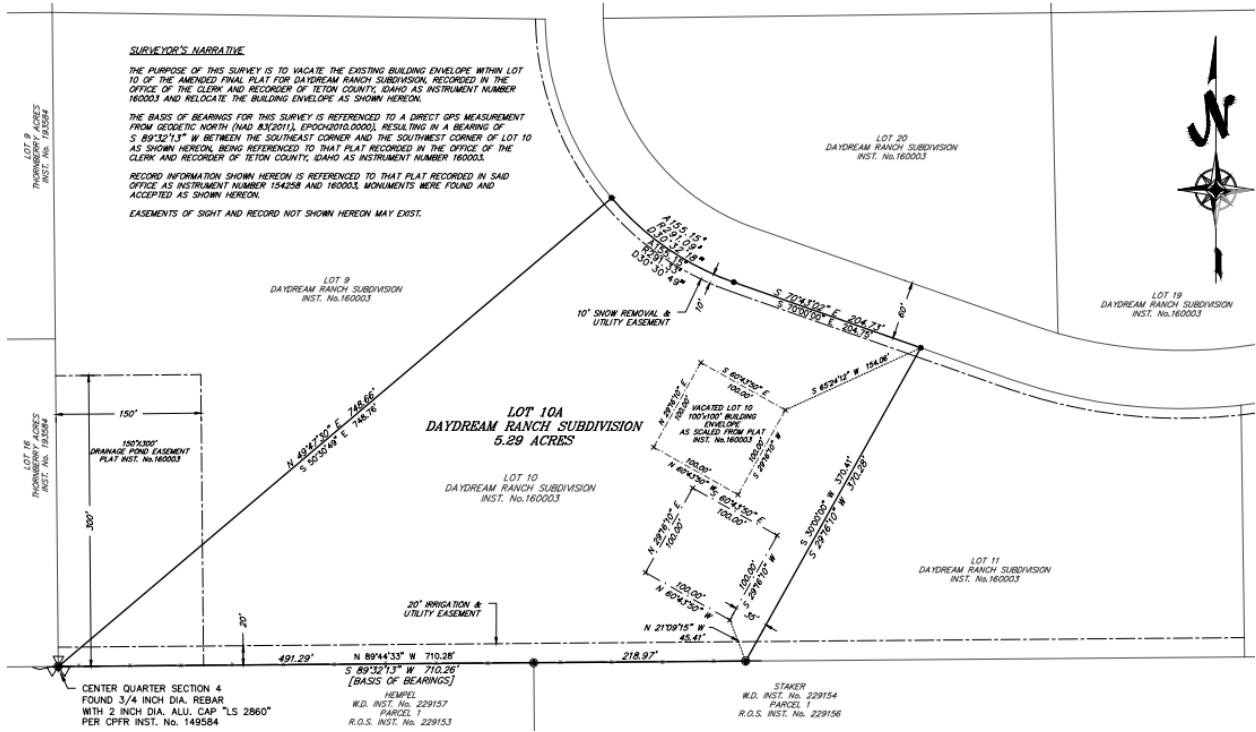


Figure 3. Amended Plat – showing the shifted building envelope

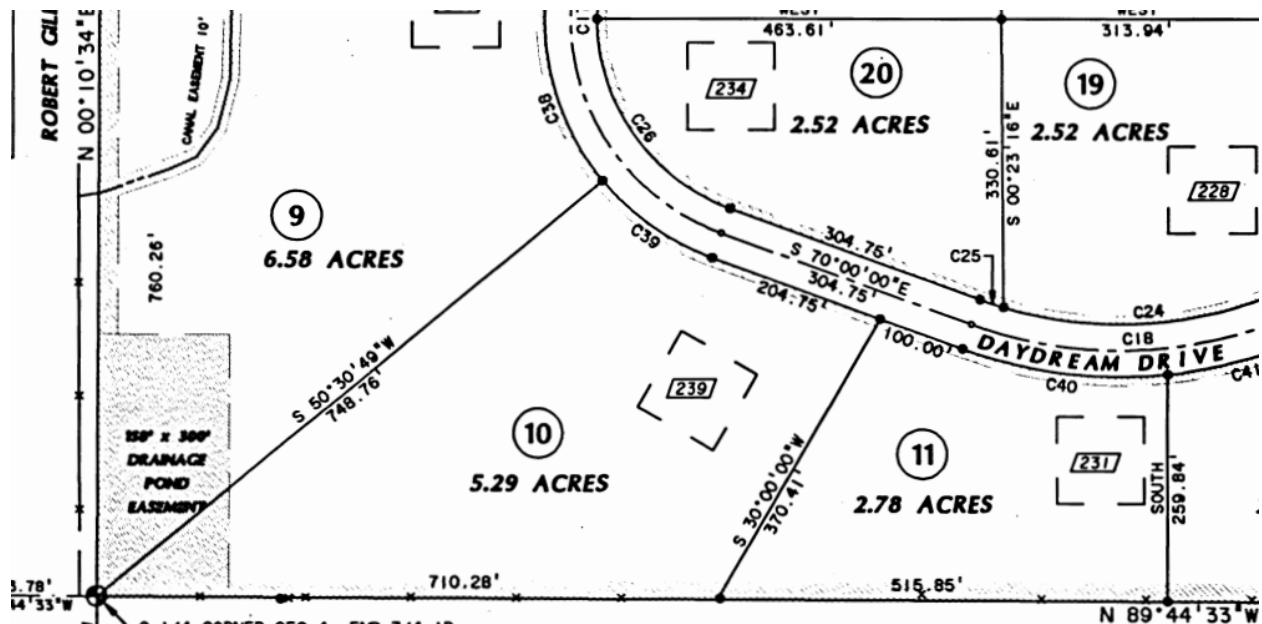


Figure 4. Original Plat

**Applicable Ordinance: Land Development Code §4-14-D Minor Modification of a plat**

**Definition: Minor modification of a plat.** – A proposed modification to an approved plat will be considered a minor change therefore subject to this subsection where the proposed changes result in one or more of the following:

- i. Boundary line adjustments between lots within a subdivision;
- ii. Lot consolidations of two or more platted lots into fewer lots,
- iii. Changes to a master plan if they result in a reduction in density
- iv. **Adjustment of building envelopes that are not in a sensitive area as identified by the Natural Resource Overlay Map**
- v. Other changes of similar magnitude and minimal direct impact as determined by the Administrator.

**Review Criteria §4-14-D (6)**

- a. Any proposed changes shall comply with all applicable criteria and standards of the LDC or other County regulations, and conditions of approval established in the previous approval.

*Staff Comment: The lot being amended in the Subdivision is one residential lot of 5.29 acres. The original plat noted that building envelopes were provided to lots that may have water within 7' of the surface as of 2002. EIPH has provided a letter (attached) stating that water was found at 8' and the test hole data shows compliance with the plat notes of original development of the Daydream Ranch Subdivision.*

- b. Insignificant changes shall not reduce the area of designated open space or increase the number of lots.

*Staff Comment: The relocated building envelope will not affect the amount of open space or number of residential lots in the subdivision. There is no proposed change in size of the building envelope.*

- c. Insignificant changes shall not change the uses approved or the location of where certain uses are approved.

*Staff Comment: There is no proposed change of use in this application. Water levels per the original plat note regarding building envelopes have been verified for the shifted envelope.*

- d. Insignificant changes shall not increase or create new and potentially substantial direct or indirect impacts on the neighborhood, vicinity of the subdivision or overall community.

*Staff Comment: The application will not result in any additional density. There are no overlays present on the parcel. Applicant has submitted a letter of approval from their HOA Board.*

**SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE:**

This type of review does not require any public notice. The application materials were received April 29<sup>th</sup>, 2024.

**Board Action/Decision:**

The Board of County Commissioners shall act on the information presented whether to:

- 1) Continue the application
- 2) Approve the application
- 3) Approve with conditions
- 4) Deny the application

Specific reasons for the decision shall be stated in writing for the record.

**Findings of Fact:**

- The applicant submitted an application on April 29<sup>th</sup>, 2024 to amend the Daydream Ranch Subdivision Plat.
- The Daydream Ranch Subdivision Plat was originally platted in in 2003 by *Instrument #154258*
- The first amendment was made on February 25<sup>th</sup>, 2004 creating *Instrument #160003*
- Minor plat amendments are used to adjust lot lines that does not reduce the area, frontage, width, depth, or building setback lines below the minimums required in the Zoning District.

The Planning Administrator has determined that the application is complete. *As a note to the applicant, property taxes also are required to be paid in full before recording.*

**Conditions of Approval:**

- 1. A final technical survey review be completed before mylars are printed.

**MOTIONS**

**Approval:**

Having found that the proposed plat amendment for Lot 10 of Daydream Ranch Subdivision complies with the requirements of the Teton County Land Development Code 4-14-D (6) based on the findings prepared in the staff report, I move to approve the application submitted on April 29, 2024.

---

**Denial:**

Having found that the proposed plat amendment for Lot 10 of Daydream Ranch Subdivision does not comply with the requirements of the Teton County Land Development Code 4-14-D (6), I move to deny the application submitted on April 29, 2024 based on the following findings ...

Prepared by:

Torin Bjorklund, Associate Planner

Jade Krueger, Planning Administrator

**Attachments:**

---

- |                            |                                     |
|----------------------------|-------------------------------------|
| A) Application (3 pages)   | E) EIPH Review_4.23.2024 (12 Pages) |
| B) Narrative (1 Page)      | F) EIPH Review_6.17.2024 (10 Pages) |
| C) Original Plat (2 Pages) | G) HOA Letter (1 page)              |
| D) Amended Plat (1 page)   | H) Pre App Response Form (4 pages)  |

**End of Staff Report**



MINOR MODIFICATION OF A PLAT

The purpose of Minor Modification of a plat is to review changes to previously recorded plats of subdivisions, or planned unit developments. A pre-application meeting between the applicant and the Planning Administrator or staff is required before submitting an application. All revisions must comply with applicable current regulations. It may be unnecessary to duplicate studies and analyses that may have been required as part of the initial plat application and approval. Revisions must reduce the intrusion of development into sensitive natural areas of the County and reduce governmental costs associated with scattered development by expediting changes to recorded plats that reduce the number of vacant platted lots in the County.

For Office Use Only

Fees Paid

Check # 119  Credit Card  Cash \_\_\_\_\_ Date Received \_\_\_\_\_

Fees are non-refundable.

Requirement for Submittal: Ensure all requirements are included. Incomplete applications will not be put on hold. Incomplete and partial applications will be returned to applicant.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner Info

Owner Name: [Redacted] Address: [Redacted] Zip code: [Redacted]

Project Location

Name of Applicant (if different than owner): [Redacted] Phone: [Redacted] Wells  
Project Address (if different than owner address): [Redacted] Zip code: [Redacted]

Subdivision Name: Daydream Ranch

Email: [Redacted] Zoning District: A-2.5  
com

Primary Contact (if not applicant): as above

Email: as above Phone: [Redacted]

Designated Primary Contact  Owner  Agent/Representative

Project Info

Proposed Modifications: minor modification of plat involving moving of envelope Total Acreage: 5.29  
SP#: lot 10 of Daydream Ranch subdivision

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 [redacted] be considered complete and reviewed by the Planning Administrator and scheduled for public hearing.

Applicant Signature: [redacted]

Date: 4-23-24

M Wells  
4-23-24

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

Owner Signature: [redacted]

Date: 4-23-24

M Wells  
4-23-24

**Checklist**

All items need digital copies as well as paper copies.

- Complete application and fee.
- Pre-app complete. Date: 03-27-2024
- Narrative explaining the changes that are being proposed.
- Plat labeled correctly as "Amended Plat".
- Recorded documents labeled as "Amended"; approval letter from EIPH, approval letter from Teton County Fire Department, acceptance letter from city for sewer hookup from the providing community, if applicable.
- Changes to correct a property boundary, combining of lots, or changes in a single lot only require the property owner of the affected lots to sign the plat and application.

N/A Modification of open space, density, common area, road/Right of Way realignment, change of use, similar changed require signatures from all property owners in the platted subdivision to sign amended plat and application.

**SECTION II: APPLICABILITY**

- A proposed modification to an approved plat will be considered a minor change and therefore subject to this subsection when the proposed changes result in one or more of the following
  - Boundary line adjustments between lots within a subdivision
  - Lot consolidations of two or more platted lots into fewer lots
  - Changes to a master plan if they result in a reduction in density
  - Adjustment of building envelopes that are not in a sensitive area as identified by the Natural Resource Overlay Map.
  - Other changes of similar magnitude and minimal direct impact as determined by the administrator.
- All revisions must comply with all applicable current regulations.
- It may be unnecessary to duplicate studies and analyses that may have been required as part of the initial plat application and approval.
- Revisions must reduce the intrusion of development into sensitive natural areas of the County and reduce governmental costs associated with scattered development by expediting changed to recorded plats that reduce the number of vacant platted lots in the County.

**SECTION III: CONSIDERATION FOR APPROVAL**

Please submit narrative referencing the following:

- Any proposed changes shall comply with all applicable criteria and standards of the LDC or other county regulations, and conditions of approval established in the previous approval.



- Insignificant changes shall not reduce the area of designated open space or increase the number of lots
- Insignificant changes shall not change the uses approved or the location of where certain uses are approved.
- Insignificant changes shall not increase or create new and potentially substantial direct or indirect impacts on the neighborhood, vicinity of the subdivision or overall community.

SECTION III: PLANNING ADMINISTRATOR/DESIGNEE REVIEW/ACTION

Application is submitted on the 23<sup>rd</sup> day of April, 2024.

Application is deemed complete and accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

June 5, 2024

Jade Kreuger  
Planning Administrator  
Teton County, ID  
150 Courthouse Dr  
Driggs, ID 84322



**RE: Daydream Ranch Minor Modification Narrative**

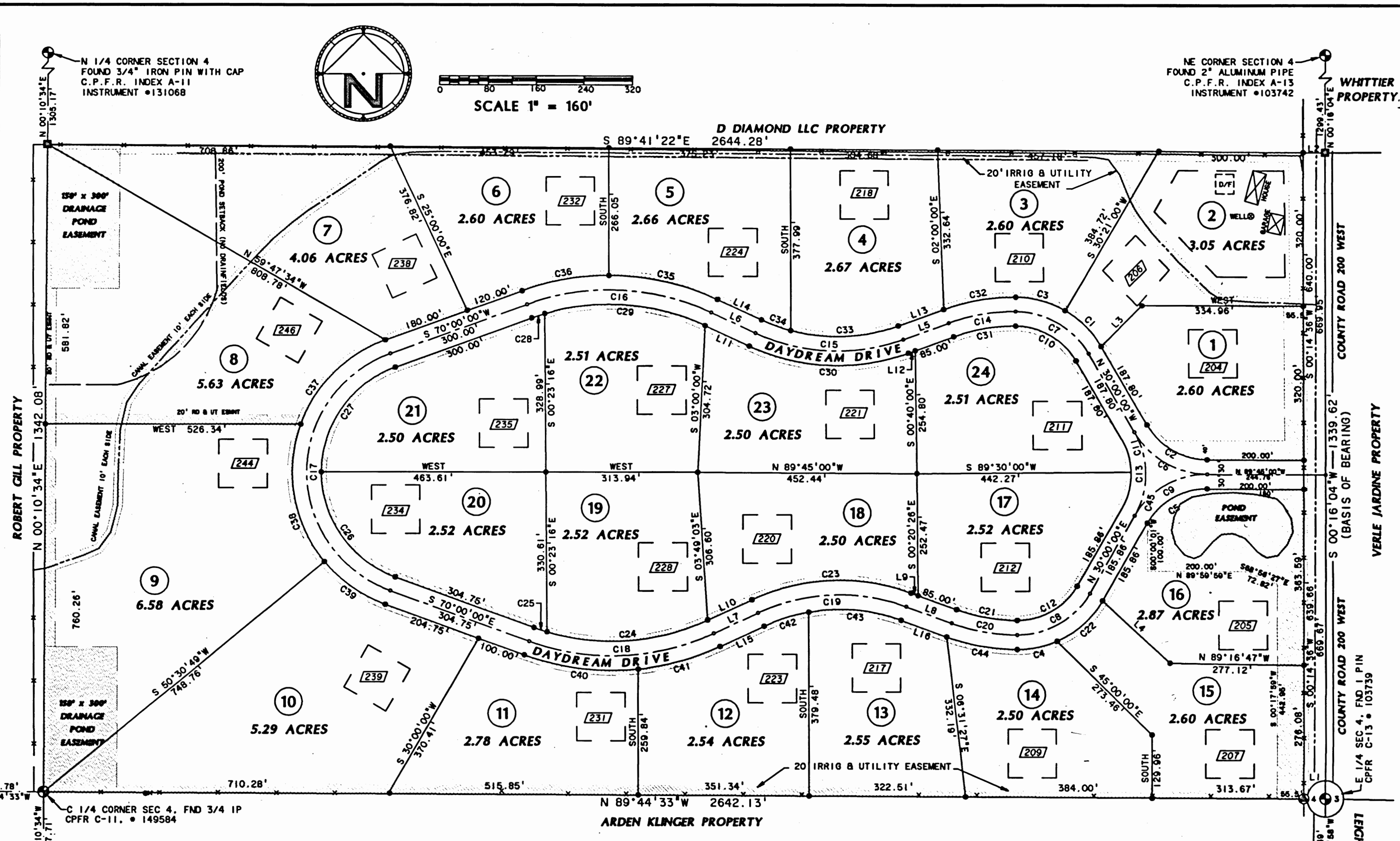
Orion Wells, owner of Lot 10 Daydream Ranch Subdivision is seeking a minor modification of the subdivision plat, recorded on Instrument No 160003, to move the building envelope on his lot. The parcel, RP002640000100 at 2373 Daydream Drive, is zone LA-35 and is not designated under any overlay areas. The parcel is currently undeveloped. The building envelope is proposed to be shifted to the southwest and remain the same size.

A pre-application conference was held on March 27, 2024. The change has been reviewed and approved by Eastern Idaho Public Health, and the subdivision HOA. Documentation included in the application materials.

The relocation of the building envelope does not violate any standards of Teton County code or regulations, or previous approvals. Open space, number of lots, and uses are unchanged, and no change in direct or indirect impacts are anticipated.

**LEGEND**

- SECTION CORNER FOUND AS NOTED
- SET INITIAL POINT OF SUBDIVISION - 2 1/2" ALUMINUM PIPE WITH CAP; AW ENG 2860
- RESET SUBDIVISION CORNER - 5/8" IRON PIN WITH 2" ALUM. CAP INSCRIBED; AW ENG 2860
- SET LOT CORNER - 1/2" IRON PIN WITH CAP INSCRIBED; AW ENG 2860
- ROAD POINT - SET 5/8" IRON PIN WITH CAP INSCRIBED; AW ENG 2860
- STREET ADDRESS OF LOT
- SECTIONAL BREAKDOWN LINE
- ROAD CENTERLINE
- EXISTING CANAL LOCATION
- RELOCATION OF IRRIGATION CANAL - 20' CANAL EASEMENT (MIN 10' EACH SIDE)
- FENCE LINE
- EASEMENT - 10' SNOW REMOVAL AND UTILITY UNLESS OTHERWISE NOTED
- POND EASEMENT
- POND EASEMENT RESERVED TO HOME OWNERS ASSOCIATION FOR POND MAINTENANCE AND RECREATION USES AS ALLOWED IN CCR'S.
- EXISTING BUILDING OR STRUCTURE AS NOTED
- BUILDING ENVELOPE SHOWN FOR LOTS WITH WATER WITHIN 7' OF SURFACE IN 2002
- SET BACK SIDE MIN 30' FRONT / REAR 40' AND SCALE FROM PLAT



**LINE DATA TABLE**

LINE	BEARING	DISTANCE
L 1	N 89°44'33"W	44.48'
L 2	S 89°41'22"E	45.06'
L 3	S 45°00'00"W	119.42'
L 4	N 47°00'08"W	188.93'
L 5	S 70°00'00"W	100.00'
L 6	N 65°00'00"W	100.00'
L 7	N 65°00'00"E	100.00'
L 8	S 70°00'00"E	100.00'
L 9	N 70°00'00"W	15.00'
L 10	N 65°00'00"W	100.00'
L 11	S 65°00'00"E	100.00'
L 12	N 70°00'00"E	15.00'
L 13	S 70°00'00"W	100.00'
L 14	N 65°00'00"W	100.00'
L 15	N 65°00'00"E	100.00'
L 16	S 70°00'00"E	100.00'

**CURVE DATA TABLE**

CURVE	DELTA ANGLE	RADIUS	TANGENT	ARC LENGTH	CHORD	CHORD BEARING
C 1	29°39'00"	204.08'	54.02'	104.44'	104.44'	N 44°49'30"W
C 2	59°45'00"	144.08'	82.77'	150.25'	143.54'	N 59°52'30"W
C 3	30°00'00"	204.08'	54.87'	107.21'	106.98'	N 74°42'00"W
C 4	24°15'00"	202.34'	43.47'	85.64'	85.00'	N 78°07'30"E
C 5	60°15'00"	142.34'	82.59'	149.87'	142.87'	N 60°07'30"E
C 6	59°45'00"	174.08'	100.00'	181.54'	173.42'	N 59°52'30"W
C 7	59°45'00"	174.08'	100.00'	181.54'	173.42'	N 59°52'30"W
C 8	60°15'00"	172.34'	100.00'	181.22'	172.99'	N 60°07'30"E
C 9	60°15'00"	172.34'	100.00'	181.22'	172.99'	N 60°07'30"E
C 10	59°45'00"	144.08'	82.77'	150.25'	143.54'	S 59°52'30"E
C 11	28°24'29"	143.21'	36.25'	71.00'	70.28'	S 15°47'45"E
C 12	60°15'00"	142.34'	82.59'	149.87'	142.87'	S 60°07'30"W
C 13	60°00'00"	173.21'	100.00'	181.38'	173.21'	NORTH
C 14	20°15'00"	400.00'	71.43'	141.33'	140.64'	S 80°07'30"W
C 15	45°00'00"	400.00'	165.69'	314.16'	306.15'	N 87°30'00"W
C 16	45°00'00"	500.00'	207.11'	392.70'	382.68'	N 87°30'00"W
C 17	140°00'00"	261.33'	718.01'	638.56'	491.15'	SOUTH
C 18	45°00'00"	500.00'	207.11'	392.70'	382.68'	N 87°30'00"E
C 19	45°00'00"	400.00'	165.69'	314.16'	306.15'	N 87°30'00"E
C 20	19°45'00"	400.00'	69.63'	137.88'	137.20'	S 79°52'30"E
C 21	19°45'00"	370.00'	64.41'	127.54'	126.91'	N 79°52'30"W
C 22	38°00'00"	202.34'	85.74'	127.13'	125.06'	N 48°00'00"E
C 23	45°00'00"	430.00'	178.11'	337.72'	329.11'	S 87°30'00"W
C 24	41°30'00"	470.00'	178.07'	340.43'	333.03'	S 85°45'00"W
C 25	03°30'00"	470.00'	14.36'	28.71'	28.71'	N 71°45'00"W
C 26	70°00'00"	231.33'	161.98'	282.63'	265.38'	N 35°00'00"W
C 27	70°00'00"	231.33'	161.98'	282.63'	265.38'	N 35°00'00"W
C 28	03°30'00"	470.00'	14.36'	28.71'	28.71'	N 71°45'00"E
C 29	41°30'00"	470.00'	178.07'	340.43'	333.03'	S 85°45'00"E
C 30	45°00'00"	430.00'	178.11'	337.72'	329.11'	S 87°30'00"E
C 31	20°15'00"	370.00'	66.07'	130.77'	130.09'	N 80°07'30"E
C 32	20°15'00"	430.00'	78.70'	151.87'	151.18'	S 80°07'30"W
C 33	35°00'00"	370.00'	116.66'	226.02'	222.52'	S 87°30'00"W
C 34	10°00'00"	370.00'	32.37'	64.58'	64.50'	N 70°00'00"W
C 35	25°00'00"	530.00'	117.50'	231.26'	229.43'	N 77°30'00"W
C 36	20°00'00"	530.00'	93.45'	185.00'	184.07'	S 80°00'00"W
C 37	50°00'42"	291.33'	156.35'	255.08'	246.96'	S 44°56'00"W
C 38	59°19'29"	291.33'	165.92'	301.65'	288.36'	S 09°49'29"E
C 39	30°30'48"	291.33'	79.46'	155.15'	153.33'	S 54°44'35"E
C 40	60°00'00"	530.00'	122.36'	240.51'	238.45'	S 83°00'00"E
C 41	19°00'00"	530.00'	88.89'	175.75'	174.98'	N 74°30'00"E
C 42	15°00'00"	370.00'	48.71'	96.87'	96.50'	N 72°30'00"E
C 43	30°00'00"	370.00'	99.14'	193.73'	191.53'	S 85°00'00"E
C 44	19°45'00"	430.00'	74.85'	148.22'	147.49'	S 79°52'30"E
C 45	31°35'31"	143.21'	40.51'	78.98'	77.96'	S 14°12'15"W

**NOTES**

SANITARY RESTRICTIONS ARE IN FORCE ON THIS SUBDIVISION PROJECT. THEY CAN BE LIFTED ON A LOT BY LOT BASIS. UPON DISTRICT 7 HEALTH APPROVING A SEWER PLAN FOR THAT LOT.

NO SEWER DRAINFIELDS CAN BE BUILT WITHIN 50 FEET OF ANY CANAL NOR WITHIN 200 FEET OF ANY PERMANENT WATER SURFACE.

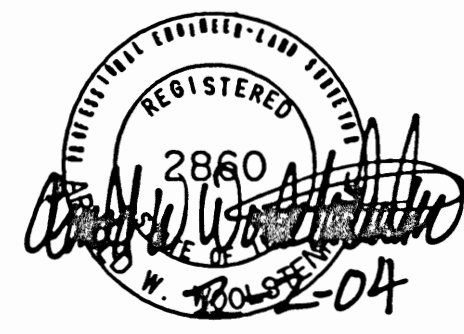
ALL UTILITY AND ROAD EASEMENTS ARE GRANTED UNTO THE HOME OWNERS' ASSOCIATION AND TO ALL UTILITY COMPANIES SERVING THE PROJECT.

COUNTY STANDARD SETBACKS: FRONT 30'  
SIDE 30'  
REAR 40'

SURVEYED CLC SEP-NOV 2001 ARLENGPS.DAT DRAWN MLC 07/18/02 AMENDED1.GCD

Instrument # 160003  
DRIGGS, TETON, IDAHO  
2004-02-25 11:20:47 No. of Pages: 1  
Recorded for: A W ENGINEERING  
NOLAN G. BOYLE Fee: 0.00  
Ex-Officio Recorder Deputy  
Index to: PLAT

**RECEIVED**  
FEB 25 2004  
TETON CO., ID  
CLERK RECORDER



**AMENDED PLAT FOR INSTRUMENT: #154258**  
**DAYDREAM RANCH**  
**SUBDIVISION**

THE S 1/2 NE 1/4 SECTION 4, TWP. 5N., RNG. 45E., B.M., TETON COUNTY, IDAHO

SURVEYED FOR:  
**GARDNER-MORA, LLC**  
57 Dollar Pointe Avenue  
Las Vegas, NV 89148-2763  
(702) 616 - 7150

**AW ENGINEERING**  
4 North Main P.O. Box 139  
Victor, Idaho 83455  
(208) 787-2952 aweng@srv.net

PROJECT NO. 2001 - 164 T-5N R-45E SECTION 4 SHEET 1 OF 2

**COMMISSIONERS' CERTIFICATE**

PRESENTED TO THE TETON COUNTY BOARD OF COMMISSIONERS ON THE FOLLOWING DATE AT WHICH TIME THIS AMENDED SUBDIVISION WAS APPROVED AND ACCEPTED.

[Signature]  
CHAIRMAN, COUNTY COMMISSIONERS

DATE

NOTE: TETON COUNTY WILL NOT BE HELD RESPONSIBLE FOR THE CONSTRUCTION OR MAINTENANCE OF ANY NATURE OF ANY STREET, ALLEY, OR ROAD WITHIN THIS SUBDIVISION.

**PLANNING AND ZONING APPROVAL**

PRESENTED TO THE TETON COUNTY PLANNING AND ZONING COMMISSION ON THE FOLLOWING DATE AT WHICH TIME THIS AMENDED SUBDIVISION PLAT WAS APPROVED AND ACCEPTED.

[Signature]  
CHAIRMAN, PLANNING AND ZONING

DATE  
2-23-04

**TREASURER'S CERTIFICATE**

I HEREBY CERTIFY THAT ALL TAXES DUE HAVE BEEN PAID ON THE TRACT OF LAND AS SHOWN ON THIS PLAT.

[Signature]  
COUNTY TREASURER

DATE  
2-12-04

**ASSESSOR'S CERTIFICATE**

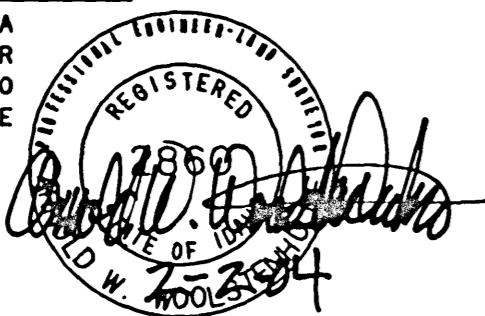
PRESENTED TO THE TETON COUNTY ASSESSOR ON THE FOLLOWING DATE FOR APPROVAL AND ACCEPTANCE.

[Signature]  
COUNTY ASSESSOR

DATE  
2-12-04

**SURVEYOR'S CERTIFICATE**

I, ARNOLD W. WOOLSTENHULME, BEING A REGISTERED LAND SURVEYOR / ENGINEER IN THE STATE OF IDAHO, No. 2860, DO HEREBY CERTIFY THAT I DID CAUSE THE SURVEY OF THE TRACT OF LAND AS HEREIN PLATTED AND DESCRIBED.



**OWNERS' CERTIFICATE**

BE IT KNOWN THAT WE, THE UNDERSIGNED OWNERS OF THE SUBDIVISION OF LAND AS HEREIN PLATTED AND DESCRIBED, CERTIFY THAT IT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS AND PROPRIETORS OF SAID DESCRIBED LANDS:

THAT THE NAME OF THE SUBDIVISION SHALL BE DAYDREAM RANCH;  
THAT ACCESS TO SAID SUBDIVISION SHALL BE FROM COUNTY ROAD 200 WEST;  
THAT THE SUBDIVISION IS SUBJECT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS TO BE RECORDED WITH THIS PLAT;  
THAT THE SUBDIVISION IS SUBJECT TO ANY RIGHTS-OF-WAY OR EASEMENTS OF SIGHT OR RECORD AND AS DEDICATED BY THIS PLAT;  
THAT THE SUBDIVISION IS SUBJECT TO THE RIGHT TO FARM STATED IN IDAHO CODE SECTION 22-4500 AND DOES RECOGNIZE THE NEIGHBORING LAND RIGHTS UNDER THIS LAW;  
THAT DAYDREAM DRIVE IS A DEDICATED PUBLIC RIGHT-OF-WAYS THAT WILL BE CONSIDERED PRIVATE ROADS FOR MAINTENANCE, GRADING, SNOW CLEARING, AND RIGHT OF ACCESS TO THE SUBDIVISION UNTIL TETON COUNTY ASSUMES ALL RESPONSIBILITY FOR THE ROADS;  
THAT THE OWNER/DEVELOPER OF THE PROJECT WILL BE RESPONSIBLE FOR THE MAINTENANCE AND SNOW CLEARING OF DAYDREAM DRIVE UNTIL THE HOMEOWNERS' ASSOCIATION ASSUMES RESPONSIBILITY FOR SAID MAINTENANCE AND SNOW CLEARING;  
THAT THE DEDICATED 10 FOOT UTILITY EASEMENT IS FOR THE USE OF ELECTRIC, TELEPHONE, AND CABLE TV UTILITIES, AND OTHER UTILITIES AS APPROVED BY THE HOMEOWNERS' ASSOCIATION;  
THAT THE OWNER/DEVELOPER WILL MAINTAIN ALL LANDSCAPING ACCORDING TO THE FINAL LANDSCAPING PLAN SUBMITTED TO THE TETON COUNTY PLANNING AND ZONING COMMISSION UNTIL THE HOMEOWNERS' ASSOCIATION ASSUMES RESPONSIBILITY FOR SAID LANDSCAPING MAINTENANCE.

DESCRIPTION OF LANDS BEING DIVIDED:

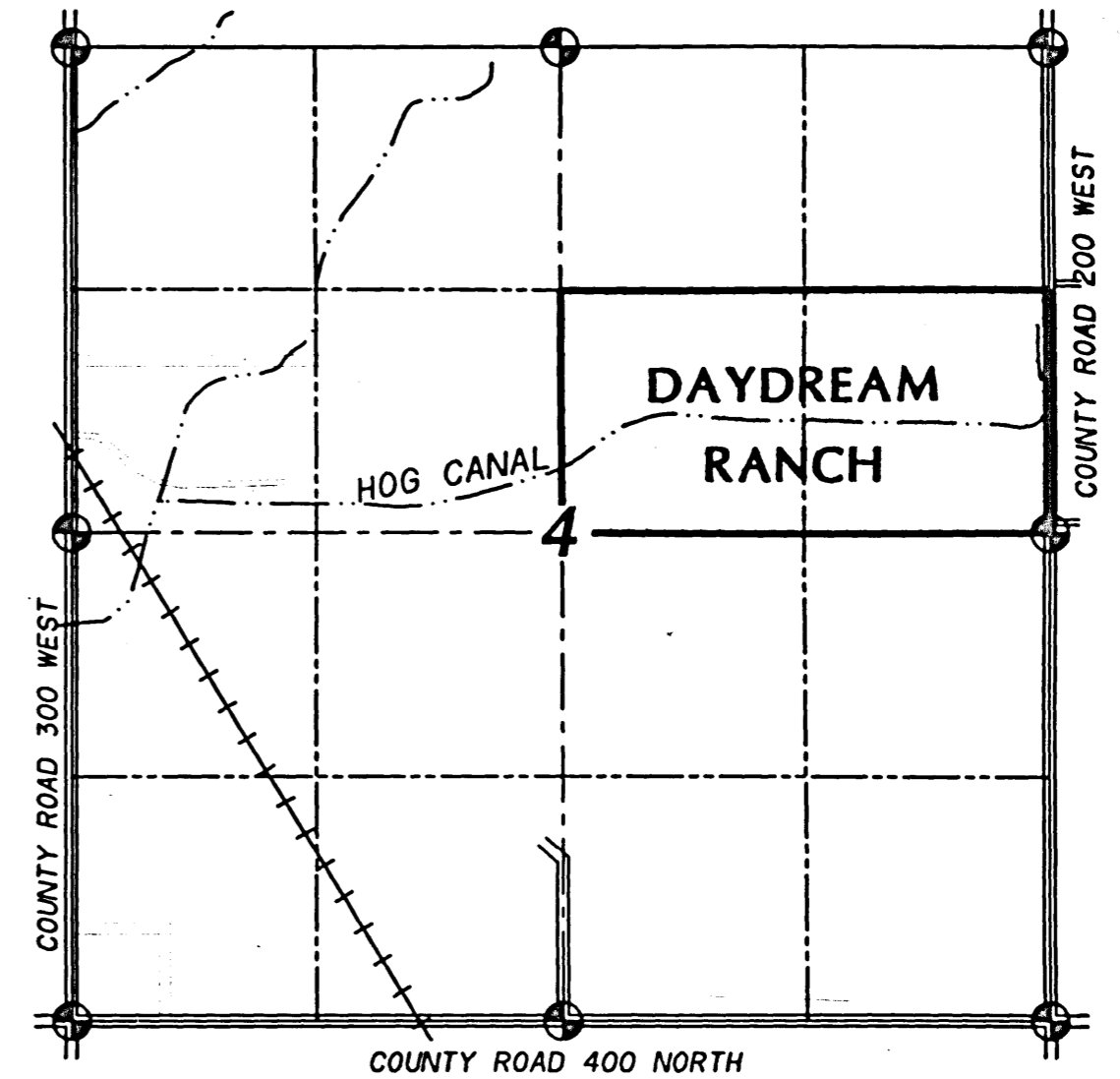
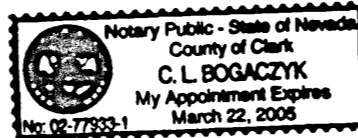
THE S 1/2 NE 1/4 SECTION 4, TWP. 5N., RNG. 45E., B.M., TETON COUNTY, IDAHO. CONTAINS 81.36 ACRES, MORE OR LESS.

[Signature]  
MIKE MORA, GARDNER-MORA LLC  
[Signature]  
JUDY GARDNER, GARDNER-MORA LLC

STATE OF Nevada  
) SS  
COUNTY OF Clark

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 4th DAY OF Feb, 2004 BY Michael Mora & Judy Gardner  
WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC [Signature]  
MY COMMISSION EXPIRES: 3/22/05



**VICINITY MAP**  
SECTION 4, TWP. 5N., RNG. 45E., B.M.,  
TETON COUNTY, IDAHO

AREA	LOT(S)	ACRES	UNITS(R)	DENSITY
COUNTY ROAD	-	1.38	-	-
SUBDIVISION ROAD	-	6.32	-	-
TOTAL ROADS	-	7.70	-	-
SINGLE FAMILY LOTS	1-24	73.66	24	0.33
TOTAL RESIDENTIAL	1-24	73.66	24	0.33
TOTAL PROJECT	-	81.36	24	0.29

- NOTES**
1. REQUESTED ZONING: A-2.5
  2. THE PROPERTY HAS WATER RIGHTS IN LEIGH CREEK IRRIGATION WATER WHICH WILL BE USED FOR FIRE PROTECTION
  3. FIRE POND MIN OF 200,000 GALLON OF WATER WITH DRY HYDRANT SYSTEM ON DAYDREAM DRIVE.
  4. THERE ARE NO WETLANDS AREAS OR FLOOD PLAINS WITHIN THE PROJECT.
  5. THE PLANNED WATER SYSTEM WILL BE INDIVIDUAL WELLS BY LOT OWNER
  6. THE PLANNED SEWER SYSTEM WILL BE INDIVIDUAL SEPTIC TANKS BY LOT OWNER

**RECORDER'S CERTIFICATE**  
STATE OF IDAHO )  
) SS  
COUNTY OF TETON )  
  
I DO HEREBY CERTIFY THAT THIS PLAT WAS FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_\_\_, AT \_\_\_\_\_  
AT THE REQUEST OF \_\_\_\_\_  
INSTRUMENT NUMBER \_\_\_\_\_  
  
\_\_\_\_\_  
COUNTY RECORDER

**RECEIVED**  
FEB 25 2004  
TETON CO., ID  
CLERK RECORDER

SURVEYED CLC SEP-NOV 2001 ARLENGPS.DAT DRAWN NLC 04/19/02 AMENDED2.GCD

AMENDED PLAT FOR INSTRUMENT: #154258

**DAYDREAM RANCH**  
**SUBDIVISION**

THE S 1/2 NE 1/4 SECTION 4, TWP. 5N., RNG. 45E., B.M., TETON COUNTY, IDAHO

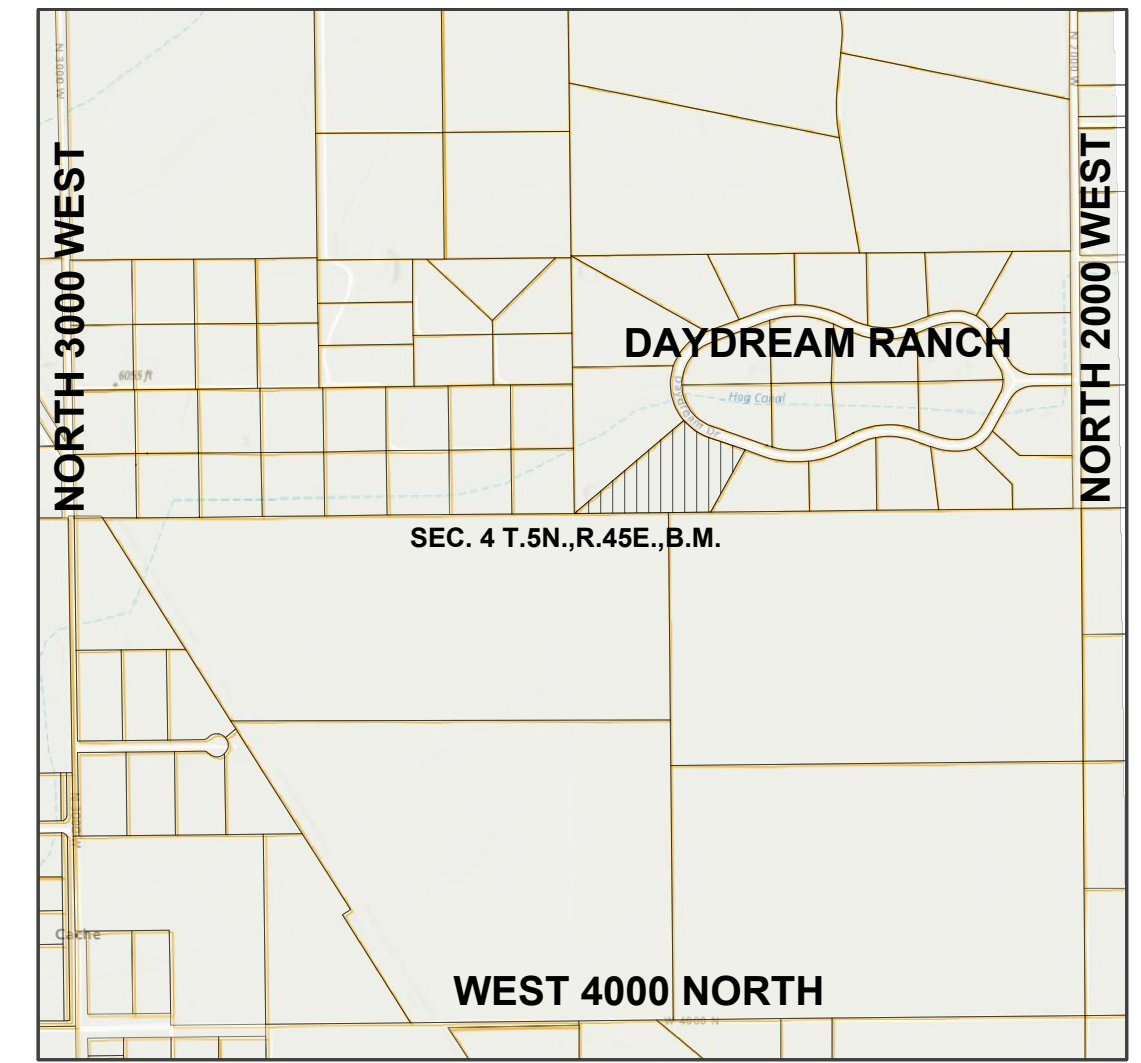
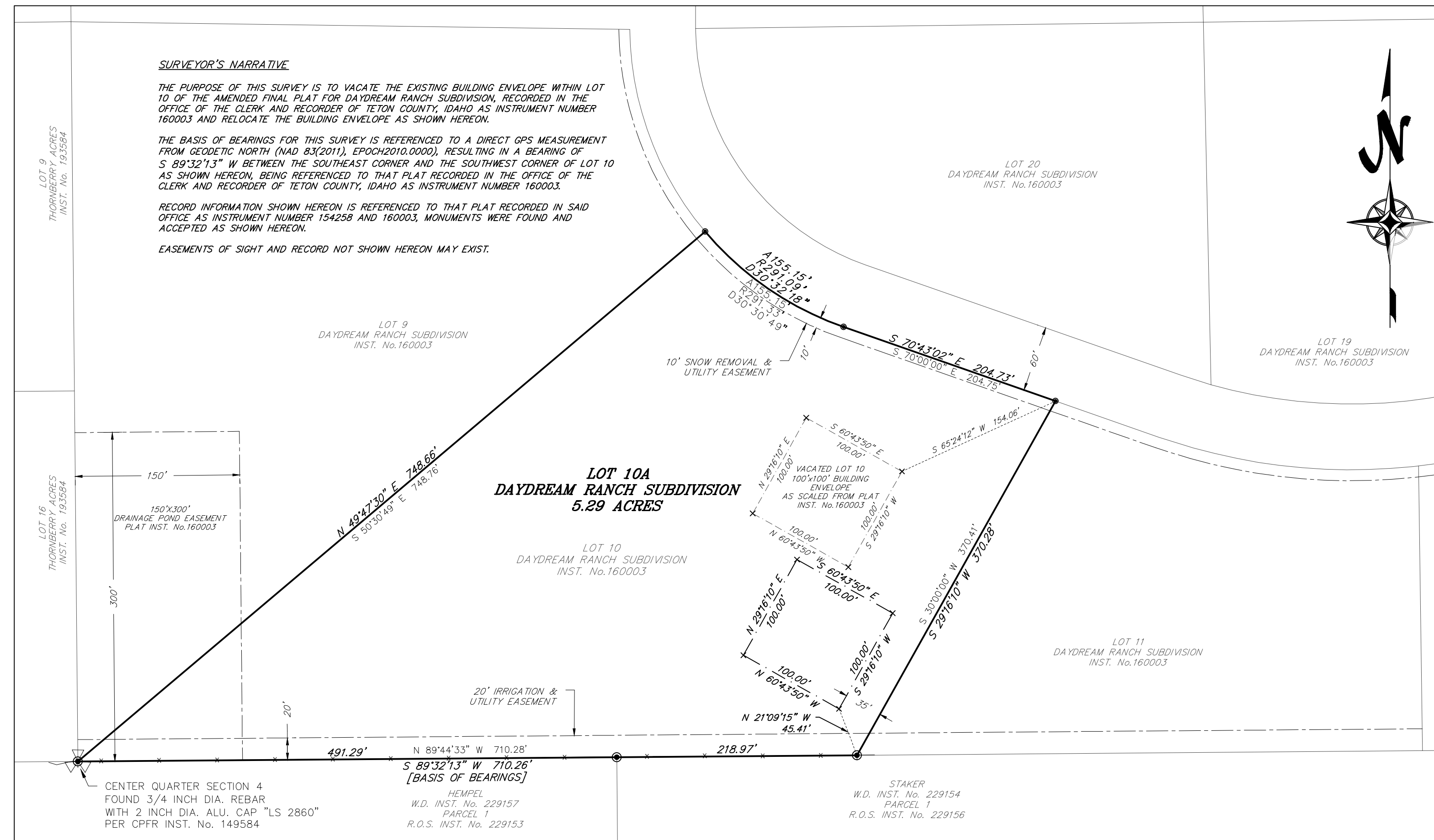
SURVEYED FOR:  
**GARDNER-MORA, LLC**  
57 Dollar Pointe Avenue  
Las Vegas, NV 89148-2763  
(702) 616 - 7150

**AW-ENGINEERING**  
4 North Main P.O. Box 139  
Victor, Idaho 83455  
(208) 787-2952 aweng@srv.net

PROJECT NO. 2001 - 164 T-5N R-45E SECTION 4 SHEET 2 OF 2

Daydream Ranch  
Amended Plat

160003



**SURVEYOR'S CERTIFICATE**

I, PATRICK W. GILROY, HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM NOTES TAKEN DURING AN ACTUAL SURVEY PERFORMED UNDER MY DIRECTION DURING THE MONTHS OF MAY 2024, AND FROM RECORDS ON FILE WITH THE OFFICE OF THE CLERK AND RECORDER, TETON COUNTY, IDAHO; THAT THIS RECORD OF SURVEY CORRECTLY REPRESENTS THE POINTS AND CORNERS FOUND AT THE TIME OF SAID SURVEY AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS;

PATRICK W. GILROY  
IDAHO PROFESSIONAL LAND SURVEYOR,  
LICENSE NUMBER 19140  
DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024



- LEGEND**
- INDICATES A REBAR WITH CAP INSCRIBED "AW ENG 2860" FOUND THIS SURVEY
  - × INDICATES A CALCULATED POINT NOTHING FOUND OR SET THIS SURVEY
  - LOT BOUNDARY
  - ADJOINING PARCEL
  - EASEMENT AS NOTED
  - VACATED BUILDING ENVELOPE
  - BUILDING ENVELOPE
  - BUILDING ENVELOPE TIE LINE
  - S 89°32'13" W 710.26' MEASURED DISTANCES
  - N 89°44'33" W 710.28' RECORD DISTANCES PER PLAT 160003

**CERTIFICATE OF OWNERS**

THAT WE, THE UNDERSIGNED OWNERS AND PROPRIETORS HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED THE FOREGOING TRACT OF LAND AS SHOWN HEREON; THAT SAID SURVEY HAS BEEN PERFORMED WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS OF SAID LANDS; THAT WE CURRENTLY OWN THE FOLLOWING TRACT OF LAND, DESCRIBED AS FOLLOWS: ALL OF LOT 10 OF THE FINAL PLAT FOR DAYDREAM RANCH SUBDIVISION, RECORDED IN THE OFFICE OF THE CLERK AND RECORDER OF TETON COUNTY, IDAHO AS INSTRUMENT NUMBER 160003, CONVEYED BY THAT DEED RECORDED AS INSTRUMENT NUMBER 279815 IN SAID OFFICE; THAT WE HEREBY CERTIFY THAT THE EXISTING BUILDING ENVELOPE FOR LOT 10 IS HEREBY VACATED AND RELOCATED IN ACCORDANCE WITH THIS MAP CREATING LOT 10A OF THE SECOND AMENDED FINAL PLAT FOR DAYDREAM RANCH SUBDIVISION, AS ILLUSTRATED HEREON; THAT SAID SECOND AMENDED FINAL PLAT IS SUBJECT TO THOSE COVENANTS, CODES AND RESTRICTIONS OF SAID FINAL PLAT; THAT LOT 10A IS SUBJECT TO ANY OTHER EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY, AND CONDITIONAL OF SIGHT AND/OR RECORD INCLUDING, BUT NOT LIMITED TO THOSE SHOWN HEREON;

ORION WELLS, OWNER \_\_\_\_\_ DATE \_\_\_\_\_ MONICA WELLS, OWNER \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

**ACKNOWLEDGEMENT**

The foregoing instrument was acknowledged before me by ORION AND MONICA WELLS this \_\_\_\_\_ day of \_\_\_\_\_, 2024.  
Witness my hand and official seal.

Signature of Notary \_\_\_\_\_ Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

Name (printed) \_\_\_\_\_

**TETON COUNTY FIRE MARSHAL**

I HEREBY CERTIFY THAT THE PROVISIONS FOR FIRE PROTECTION FOR THIS PLAT MEET THE TETON COUNTY FIRE CODE AND HAVE BEEN APPROVED BY MY DEPARTMENT.

TETON COUNTY FIRE MARSHAL \_\_\_\_\_ DATE \_\_\_\_\_

**HEALTH DEPARTMENT CERTIFICATE**

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED. SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL.

EASTERN IDAHO PUBLIC HEALTH, EHS \_\_\_\_\_ DATE \_\_\_\_\_

**TETON COUNTY TREASURER CERTIFICATE**

I, THE UNDERSIGNED TETON COUNTY, IDAHO TREASURER HAVE REVIEWED THIS PLAT PER REQUIREMENTS OF IDAHO CODE 50-1308, AND HEREBY CERTIFY THAT ALL TAXES FOR THE PROPERTY SHOWN AND DESCRIBED ON THIS PLAT ARE CURRENT.

TETON COUNTY TREASURER \_\_\_\_\_ DATE \_\_\_\_\_

**ASSESSOR'S CERTIFICATE**

PRESENTED TO THE TETON COUNTY ASSESSOR ON THE DATE SHOWN, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED FOR FILING.

TETON COUNTY ASSESSOR \_\_\_\_\_ DATE \_\_\_\_\_

**RECORDER'S CERTIFICATE**

**PLANNING AND ZONING APPROVAL**

THIS PLAT WAS PRESENTED TO THE TETON COUNTY, IDAHO PLANNING AND ZONING COMMISSION FOR THEIR ACCEPTANCE AND APPROVAL ON THE FOLLOWING DATE.

PLANNING AND ZONING CHAIR \_\_\_\_\_ DATE \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS**

THIS PLAT WAS PRESENTED TO THE TETON COUNTY BOARD OF COUNTY COMMISSIONERS ON THE FOLLOWING DATE FOR APPROVAL AND ACCEPTANCE.

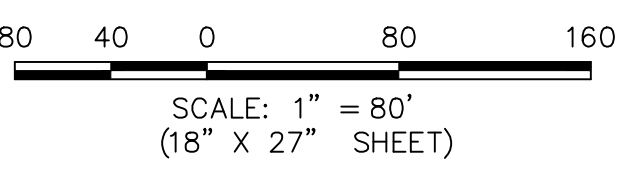
BOARD OF COUNTY COMMISSIONERS, CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_

**CERTIFICATE OF PLAT REVIEW**

I, THE UNDERSIGNED, BEING A LICENSED SURVEYOR IN THE STATE OF IDAHO, DID REVIEW THIS PLAT AND FIND THAT IT COMPLIES WITH IDAHO AND TETON COUNTY CODES AND APPROVE THIS PLAT TO BE RECORDED.

TETON COUNTY REVIEW SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_

**HARMONY**  
DESIGN & ENGINEERING  
18 N MAIN STE 305 DRIGGS ID 83422  
208.354.1331 www.harmonydesigninc.com  
PROJ. #: 24039\_BASE; DATE JUNE 4, 2024



**SECOND AMENDED FINAL PLAT**  
**DAYDREAM RANCH SUBDIVISION**  
SHOWING A BUILDING ENVELOPE REPLAT OF LOT 10  
BEING A PORTION OF  
S1/2NE1/4 SECTION 4, T. 5 N., R. 45 E., BOISE MERIDIAN,  
TETON COUNTY, IDAHO

04/23/2024

**RE: RP002640000100**

To All Concerned.

Moving the building envelope on this site or any other site within the Daydream Ranch Subdivision will not require test holes. Recent test holes dug across the subdivision have shown **NO** evidence of groundwater above 10 feet (120 inches). The location of a residential structure has no bearing on the type or depth of a septic system. There is no need for further soil evaluation on any lot within this subdivision. Minor plat changes such as building envelopes is up to the HOA and the Planning and Zoning Department of Teton County. A change of this sort has no bearing on the State of Idaho subsurface wastewater disposal systems as regulated under IDAPA 58.01.03 legislated rules.

A test hole dug on Lot 12 showed the following:

**Soil Narrative** Please note the following:

0-18 inches of silty loam with minor rock content (Top Soil)

18-114 inches gravely sandy loam. Medium sand. Minor fines. 25% well rounded pebbles up to 3-inch diameter. B1 Soil type.

No bedrock was encountered. There was no evidence of groundwater to depth. No accumulation of water. No mottling of the soil.

**\*Photos attached. Description above is the narrative for the photos.**

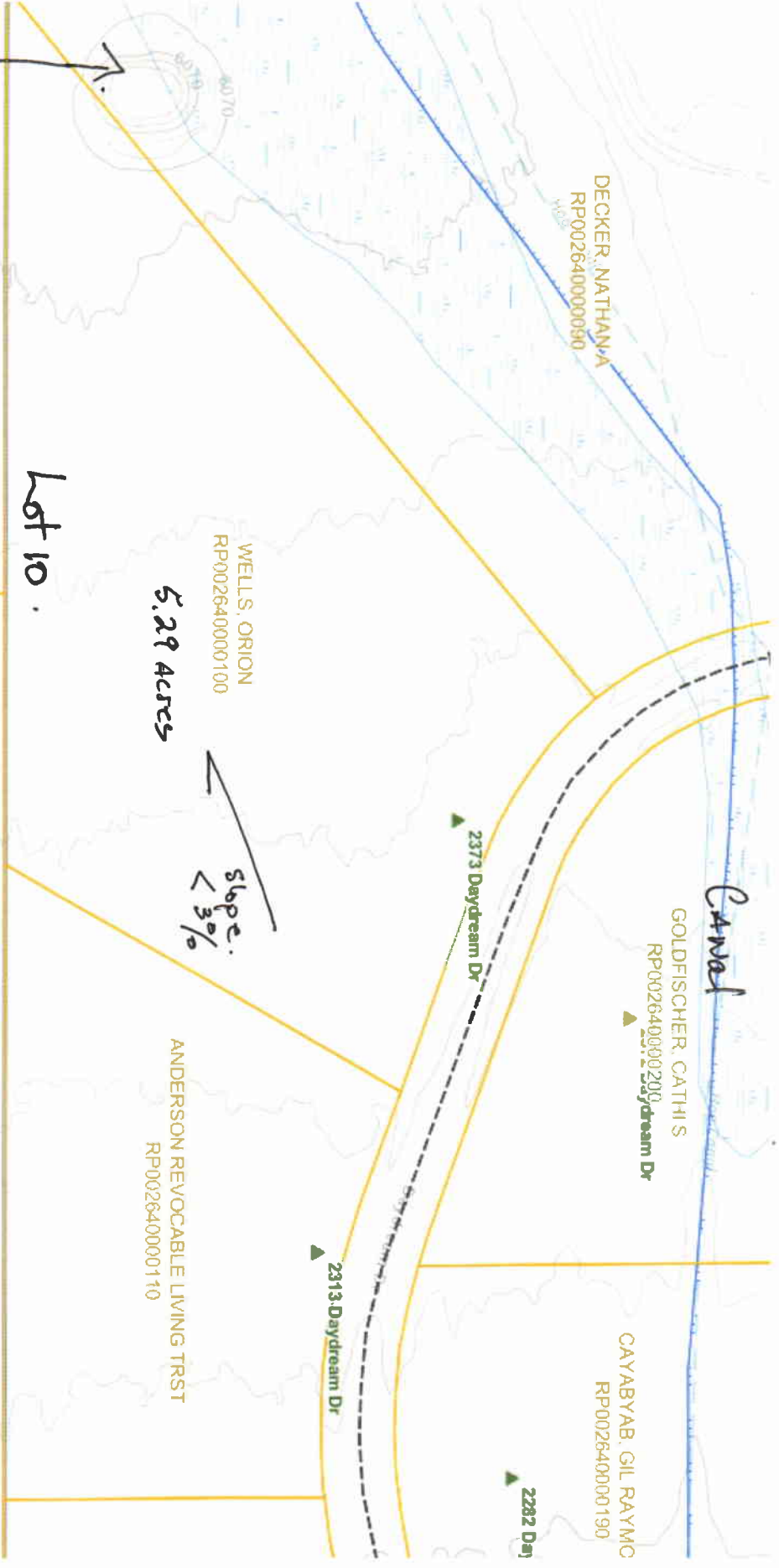
There is no surface water flow on or adjacent to the property currently in question. No ponding surface water exists on the property.

Slope in minor to none across the property.

Attached with this letter are several documents discussing the development of this subdivision.

Kathleen Price

National Registered Environmental Health Specialist II  
Master of Science Geology  
Eastern Idaho Public Health  
Office: 208-354-2220 x 1  
Cell: 208-541-4886  
kprice@eiph.idaho.gov



Ground Pit  
 Ground water levels below 144' during Spring + Fall

Lot 10 - No Surface water

Slope < 3%

No evidence of GUD  
 through out subdivision  
 @ this time.

Recent T.H.  
 on lot 12:  
 4/7/2024

18"

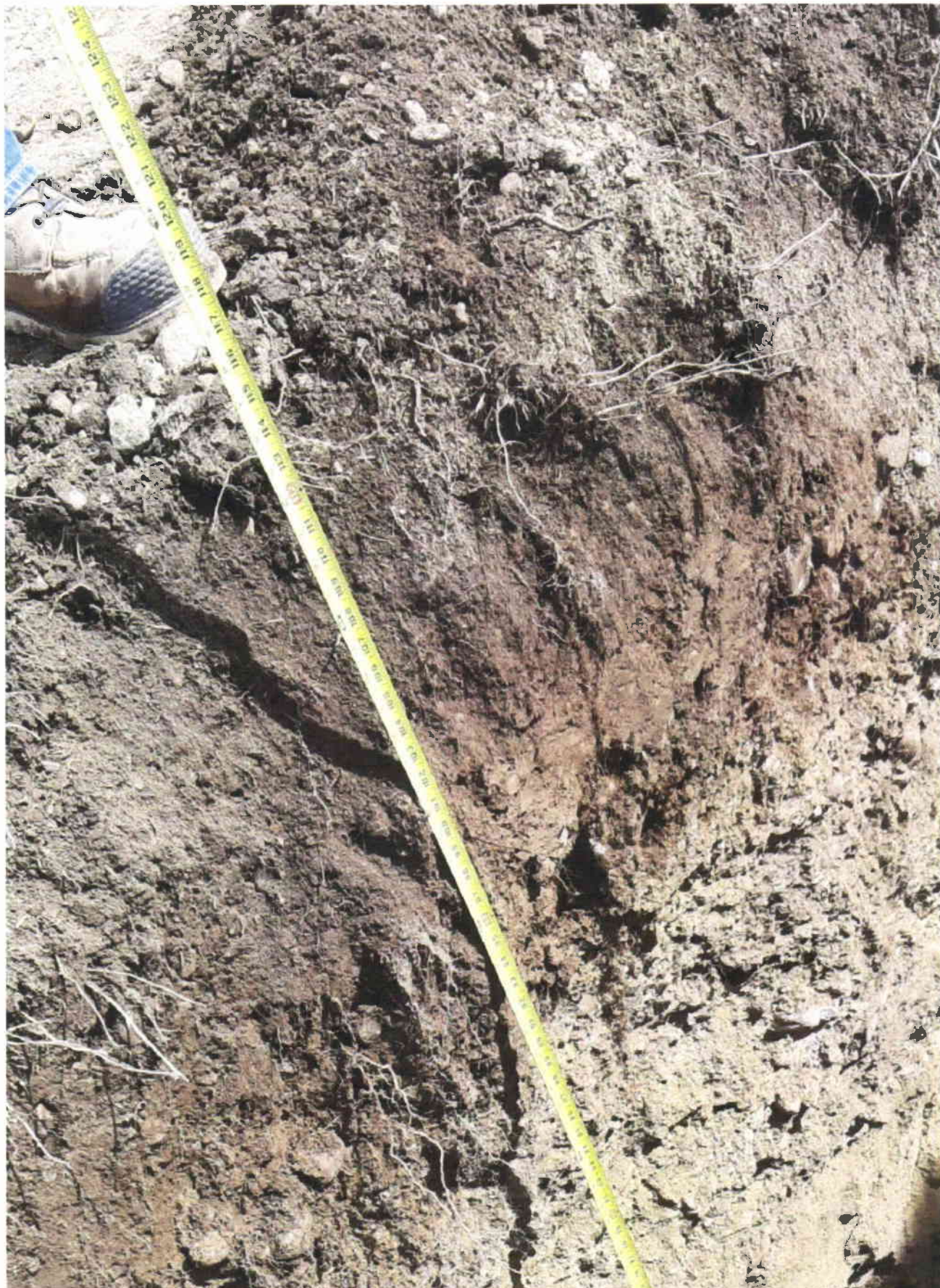
Silty loam / Minor  
 rock content

gravelly sandy loam  
 medium sand  
 minor fines  
 25% rock content

114"

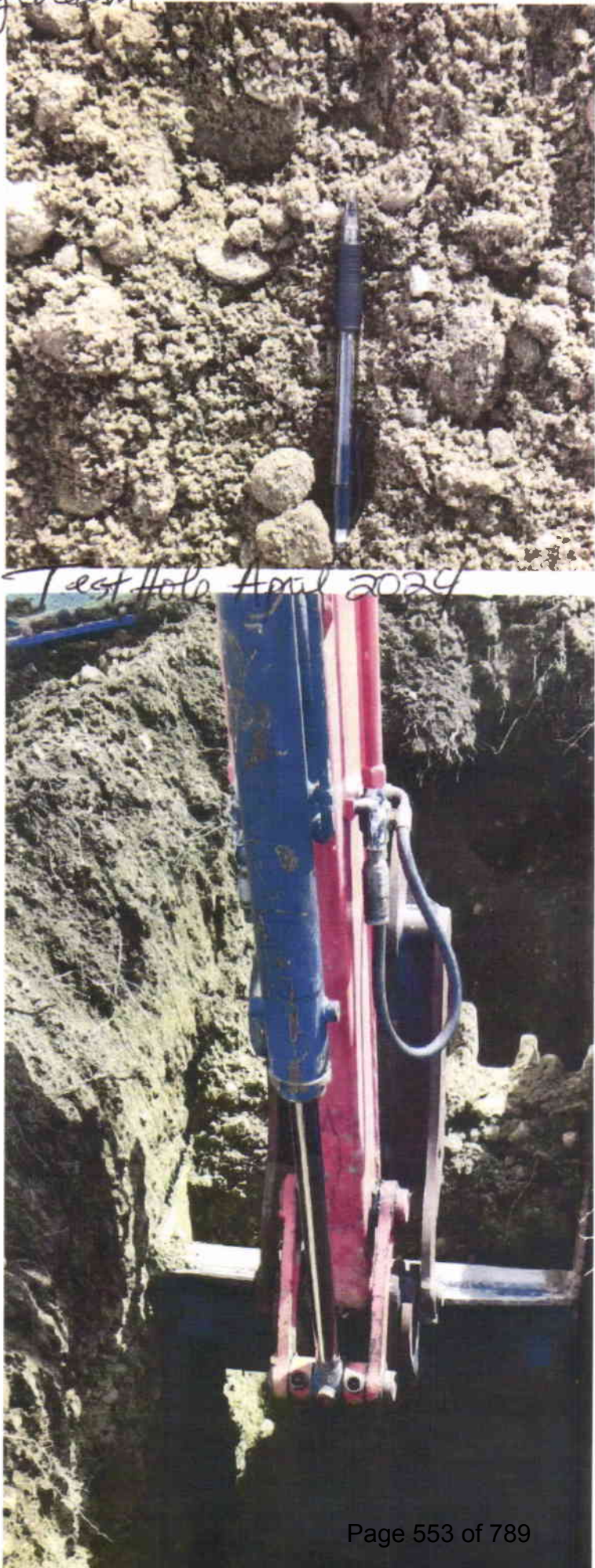
120"

No Groundwater  
 No Bedrock.

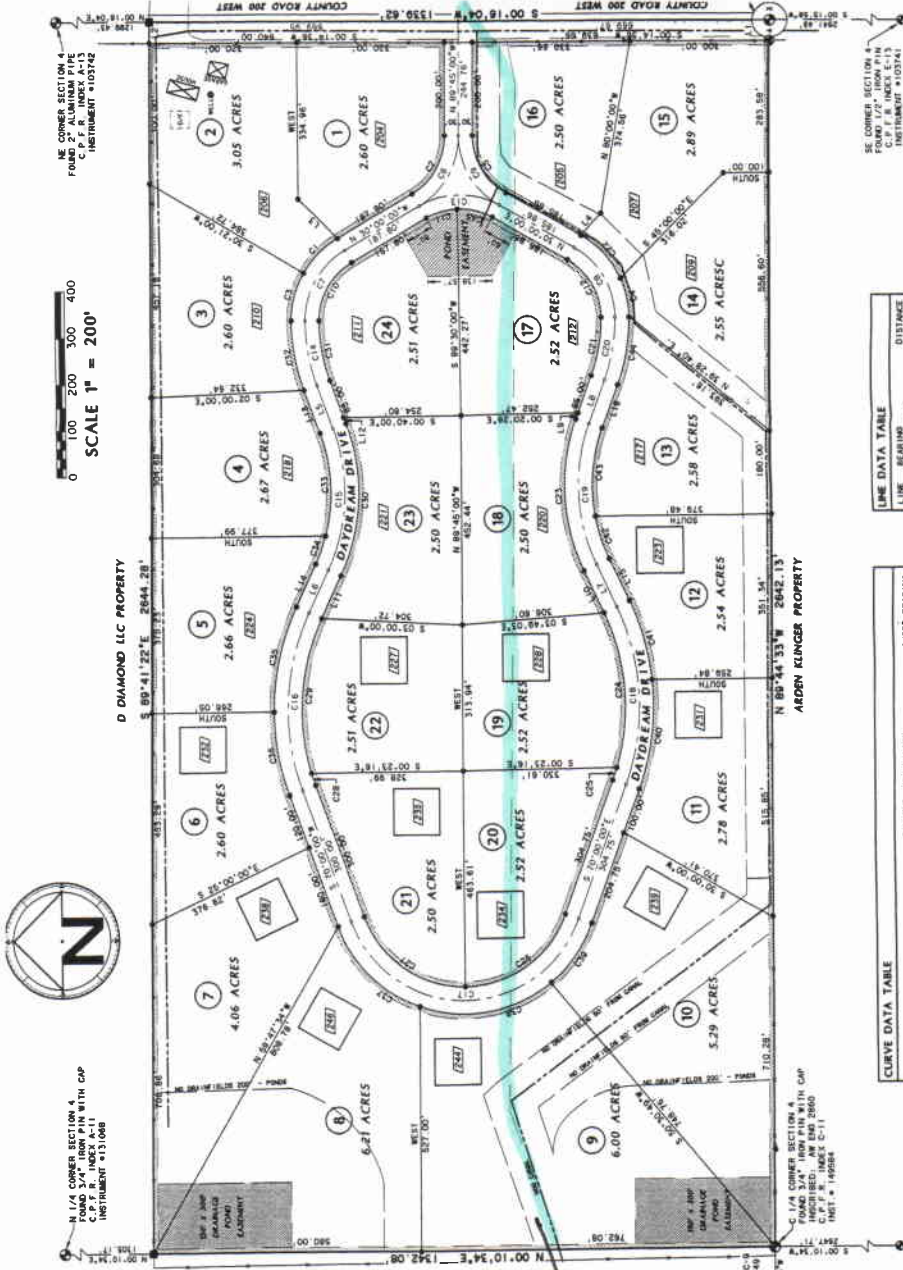




2293 Daydream



Test Hole April 2024



SCALE 1" = 200'



*Canal  
separation  
from D.F. = 50'*

LINE BEARING DISTANCE

1	N 89°44'33"W	44.81'
2	N 44°45'50"W	104.94'
3	N 59°52'30"W	143.54'
4	N 47°00'00"W	100.00'
5	N 45°00'00"W	100.00'
6	N 45°00'00"W	100.00'
7	N 45°00'00"W	100.00'
8	N 45°00'00"W	100.00'
9	N 45°00'00"W	100.00'
10	N 45°00'00"W	100.00'
11	N 45°00'00"W	100.00'
12	N 45°00'00"W	100.00'
13	N 45°00'00"W	100.00'
14	N 45°00'00"W	100.00'
15	N 45°00'00"W	100.00'
16	N 45°00'00"W	100.00'
17	N 45°00'00"W	100.00'
18	N 45°00'00"W	100.00'
19	N 45°00'00"W	100.00'
20	N 45°00'00"W	100.00'
21	N 45°00'00"W	100.00'
22	N 45°00'00"W	100.00'
23	N 45°00'00"W	100.00'
24	N 45°00'00"W	100.00'

CURVE DATA TABLE

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD	CHORD BEARING
C 1	59°52'30"	144.08'	82.77'	150.25'	N 44°45'50"W
C 2	59°52'30"	144.08'	82.77'	150.25'	N 59°52'30"W
C 3	30°06'00"	200.34'	41.81'	85.64'	N 78°07'30"E
C 4	60°15'00"	142.34'	82.59'	148.92'	N 60°02'30"E
C 5	60°15'00"	142.34'	82.59'	148.92'	N 28°52'30"W

TIME DATA TABLE

LINE	BEARING	DISTANCE
1	N 89°44'33"W	44.81'
2	N 44°45'50"W	104.94'
3	N 59°52'30"W	143.54'
4	N 47°00'00"W	100.00'
5	N 45°00'00"W	100.00'
6	N 45°00'00"W	100.00'
7	N 45°00'00"W	100.00'
8	N 45°00'00"W	100.00'
9	N 45°00'00"W	100.00'
10	N 45°00'00"W	100.00'
11	N 45°00'00"W	100.00'
12	N 45°00'00"W	100.00'
13	N 45°00'00"W	100.00'
14	N 45°00'00"W	100.00'
15	N 45°00'00"W	100.00'
16	N 45°00'00"W	100.00'
17	N 45°00'00"W	100.00'
18	N 45°00'00"W	100.00'
19	N 45°00'00"W	100.00'
20	N 45°00'00"W	100.00'
21	N 45°00'00"W	100.00'
22	N 45°00'00"W	100.00'
23	N 45°00'00"W	100.00'
24	N 45°00'00"W	100.00'

## Soil Test Holes

Dug on July 21, 2001

Backhoe AW Engineering

Engineering - Arnold Woolstenhulme AW Engineering

Samples tested A W Engineering July 23, 2001

Test Hole # 1	Location SE Corner at Toe of Ridge	0-15 ft Black Topsoil
	Depth of Hole 9 feet	1.0 - 9 ft - Dark Brown Loam
	Depth to Water Table + 9 feet	No Gravel
	Pipe left in hole	Perc Rate at 36" = 1 in 10 min
Test Hole # 2	Location Middle project to Ridge	0-0.5 ft Black Topsoil
	Depth of Hole 9 feet	0.5 - 1.5 - Loam
	Depth to Water Table + 9 feet	1.5 - 9 ft Loamy Gravel
Test Hole # 3	Location Center of project on Ridge	0-1.5 ft Black Topsoil
	Depth of Hole 9 feet	1.5 - 3 ft Dark Loam
	Depth to Water Table + 9 feet	3 - 9 ft Light Loam
		No Gravel
Test Hole # 4	Location North Toe of Ridge in Center	0-2.0 ft Black Topsoil
	Depth of Hole 9 feet	2 - 5 ft Dark Loam soil
	Depth to Water Table + 9 feet	5- 9 ft Loam

?

(Purshia tridentata--NI) and sagebrush (Artemesia tridentata--NI), all species common to uplands.

#### IV. SOILS

According to the Soil Survey Teton Area, ID-WY, the major portion of the site is underlain with Driggs gravelly loam (DrA). There are also small areas of Driggs silt loam (DsA), Foxcreek gravelly loam (Fr), and Foxcreek loam (Fs) around the perimeter of the site, primarily at the lower western end. A long finger of Feltonia loam (FnB) penetrates the midsection of the site (see Figure 2--Soils).

Of the four named soil series underlying the site, just the two Foxcreek variants are identified as being hydric on the Teton County hydric soils list. This classification is made, however, only when the Foxcreek soils are found in the floodplain. Since the site is four miles from the Teton River or sufficiently distant from the river to be out of the floodplain, the Foxcreek soils would not be considered typically hydric for the purposes of this delineation; however, the Foxcreek component was noted as being hydric on the data sheets. The Driggs and Feltonia soils are associated with dryer locations in the Teton Valley bottom and would not be considered hydric soils.

Site observations revealed soils with uniform characteristics. At most boring locations the soil matrix was a gray-brown color (10 YR 4/2), and at the lower end of the site, mottles were evident in the upper soil profile. While some of the mapped soil series are not considered skeletal, difficult to penetrate gravelly soils were found at all boring locations.

The Corps delineation manual states that soils having a chroma of 2 with distinct mottles are considered hydric, but in Teton County, Idaho, the presence of hydric soils is not a uniformly reliable indicator of regulated wetlands. For a hundred years or more the farmers and ranchers of the Teton Valley have been intensively irrigating upland pastures and fields. This massive transfer of water has caused the evolution of artificial irrigated wetlands on lands that should be uplands. Soils that continuously receive copious amounts of water from irrigation over a period of years evince the same physical properties as naturally occurring hydric soils. The presence of natural hydrology in the soil profile is the ultimate determinant of whether soils have hydric properties due to natural factors or due solely to irrigation practices. This is discussed in the next section of the report.

## V. HYDROLOGY

In the Teton Valley, site hydrology is derived from basic three sources. Those are:

1. Water from surface hydrologic features such as creeks, streams, and ponds,
2. Soil saturation as a result of capillarity from the water table,
3. Water delivered from irrigation diversions, irrigation wells, handlines, wheellines, and other irrigation appurtenances.

There were no natural surface hydrologic features on the site itself or in the immediate vicinity of the site. There was also no evidence of soil saturation arising from the water table into the top 12" of the soil profile. Some residual soil moisture from irrigation was still evident on June 8, 2001 at Boring 102, but the site was obviously drying out quickly after having the irrigation shut down. In early June, which is typically the peak of the hydrologic cycle in Teton County, some evidence of soil saturation should have been found in the soil profile if the site contained natural wetlands, but no saturation was observed. Boring 101 was bone dry. Boring 102 was somewhat moist, but it was clearly not saturated. By August 20 and 21, 2001, all eleven bore holes were powder dry to a depth of 30 to 32 inches.

The only hydrologic features observed on the site were a series of irrigation canals that transversed the length of the site from east to west. While the irrigation was turned off early this year (2001) due to drought conditions, there was evidence that the site has been highly saturated from irrigation in the past. There were depressions containing matted leaves and water-borne debris at the termini of the canals. Portions of the lower, western end of the site were obviously ponded at times. Steve Johnson, the rancher who has leased the property in recent years, confirmed that prior to this drought season, he had heavily irrigated the site. Mr. Johnson also stated that without irrigation, the 80 acre parcel could not support the growth of alfalfa, only sagebrush and weeds.

## VI. CONCLUSION

Wetlands delineators who have worked for an extensive period in the Teton Valley cannot escape the impression that the current landscape in the valley is a result of one of the greatest and most expansive experiments in wetlands creation. For over a hundred years farmers and ranchers have been moving water from its natural place in the landscape to uplands for the purpose of irrigating their fields and pastures. This has resulted in the creation of irrigation-sustained wetlands on naturally dry upland sites. Such artificial wetlands often appear to be natural wetlands. They contain hydrophytic plant communities, and over the past century, the soils have developed hydric indicators as a result of prolonged flooding from irrigation. The critical difference between artificially irrigated wetlands and natural wetlands, which are

regulated by the Corps, is that the water to the former can be turned off at a headgate or some other point of diversion, whereby the site would revert to an upland.

Experienced delineators working on Teton County sites tell their clients that irrigation to these sites must be turned off so that reasonable and realistic determinations of natural site conditions can be done. This year, due to a pronounced drought, it has not been necessary to take that step. Agricultural irrigation has been shut off throughout Teton County, and consequently, natural conditions in the valley have been revealed. There are still extensive areas in the valley bottom that are highly saturated from the water table despite the drought. These are natural wetlands. Other sites, such as the Gardner property, have reverted to their natural state: dry uplands.

Once irrigation on the Gardner site was shut down, soils on the property quickly dried out. Within a week of losing irrigation water, there was little evidence of soil moisture on the site and no evidence of soil saturation. Over the summer conditions became progressively drier. It is clear that the sole source of hydrology sustaining the site's existing hydrophytic plant community is agricultural irrigation. If the drought conditions persist, an upland plant community, such as that described in the soil survey, would occupy the site. Sedges and rushes would die out to be replaced with upland plant species such as bluebunch wheatgrass and sagebrush.

Since wetlands on the Gardner site are solely supported by irrigation and not derived from natural sources, it is requested that the Corps of Engineers issue a determination that this property is not subject to federal regulation under Section 404 of the Clean Water Act.

Judy Gardner

Tested by Arnold Woolstenhulme

Backhoe Matkins - Brandon Lerwell 11:00- 3:00 pm 4 Hrs

Test Hole # 1 Lot 2 NE corner

0-18" Loam Topsoil

2' - 9' Gravel Loam

- No evidence of sub water -

Test Hole # 2 Lot 14 n c/l corner

0-20" Loam Topsoil

2' -4' Gravel loam

4'-4.5' Sand lens in Gravel

4.5' - 9 Gravelly Sand Loam

Very few fines in soil Sample taken

- No evidence of sub water -

Test Hole # 3 Lot 12 n-center

0-18" Loam Topsoil

2' - 9' Gravelly Sandy Loam

- No evidence of sub water -

Test Hole # 4 Lot 6 se corner

16" Loam Topsoil

2' -9' Gravel Sandy loam

-No evidence of sub water

# Daydream Ranch Subdivision

## Water Test Holes Test holes monitored through summer 2002

Test Hole	6/12/02	6/19/02	6/27/02	7/2/02	7/8/02	7/23/02	8/15/02
1	Dry	Dry	Dry	126"	119"	Dry	Dry
2	Dry	Dry	138"	103"	100"	124"	136"
3	Dry	Dry	115"	86"	76"	96"	108"
4	Dry	Dry	97"	71"	64"	85"	98"
5	Dry	Dry	79"	53"	45"	66"	76"
6	Dry	Dry	92"	70"	59"	80"	89"
7	Dry	Dry	112"	87"	71"	74"	81"
8	Dry	Dry	140"	114"	95"	93"	95"
9	Dry	Dry	Dry	129"	110"	108"	104"
10	Dry	Dry	Dry	Dry	127"	122"	110"
11	Dry	Dry	Dry	Dry	Dry	Dry	Dry
12	106"	103"	65"	49"	47"	69"	79"
NW Pond	Dry	108"	51"	38"	30"	40"	57"
SW Pond	Dry	Dry	84"	59"	55"	60"	88"
Location 1*	Dry	Flooded	Flooded	Dry	Flooded	Dry	Dry
Location 2**	Dry	Dry	Flooded	Flooded	Dry	Dry	Dry

**Notes:**

*Water measurements are from ground level to the water level.*

*"Dry" means that the water level was beneath the bottom of the test hole.*



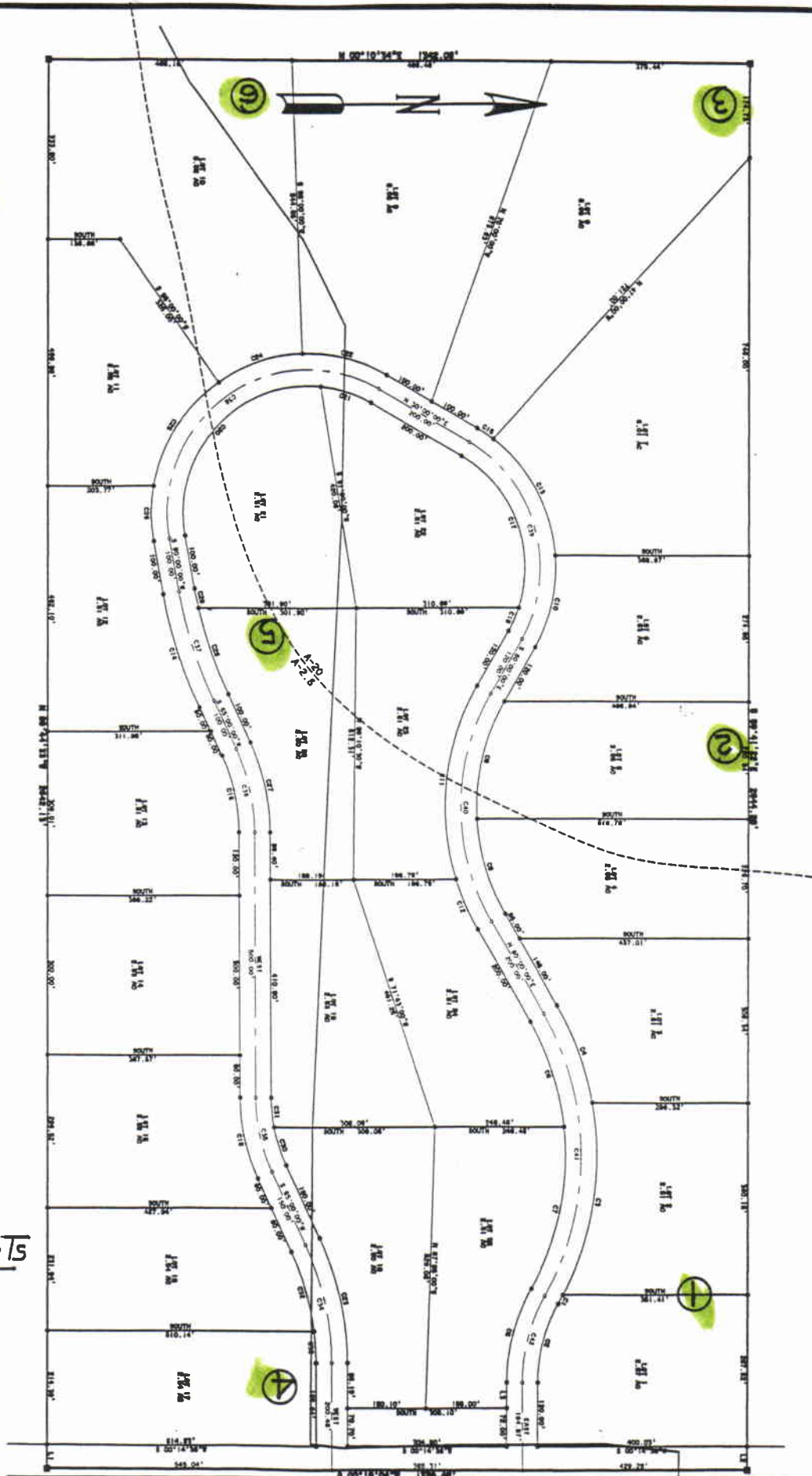
*\*Location 1 flooding was caused by water running from ditch along the other side of the west fence.*



*\*\*Location 2 flooding was not caused by ground water running over the ground from ditch. However, each time Location 2 was flooded, the larger ditch running north/south through the property was full of water.*

*Highest elevation of water below grade -*





⑤ Soil Test Pits

H: 7

06/17/2024

**RE: Daydream Ranch Subdivision 10 RP002640000100**

A speculative evaluation was conducted on Lot 10 of the Daydream Ranch Subdivision on June 12, 2024, to determine groundwater elevation and site suitability for a septic system. Teton County Planning and Zoning has required that lots wanting to shift building envelopes have this evaluation. Moving the building envelope for Lot 10 of the Daydream Ranch Subdivision or on any other lot within the subdivision will not impact or change the type of or size of a septic system to serve residential dwellings.

Two test holes were excavated during the assessment of the property. Following are the observations of the soils and water. *See enclosed map for approximate locations of the test holes.*

**Test Hole 1**

0-24 inches Topsoil. Silty sandy loam with no rock content B1 Soil type.

24-36 inches sandy loam with 20% pebbles and small cobbles B1 Soil type.

36-120 inches sandy loam with minor fines and ~30% rock content, pebbles and small cobbles 0.5-4-inch diameter A2b Soil type.

Seasonal groundwater was observed at 96 inches (8 feet). There is no mottling or mineral change in the soil at this level or below to 120 inches. Normal groundwater is below the 120-inch depth from natural grade.

**Test Hole 2**

0-36 inches Silty sandy loam with minor rock content (<15%) B1 Soil type.

36-96 inches sandy loam with 30% rock content pebbles and small cobbles 0.5-4-inch diameter A2b Soil type.

Seasonal groundwater was observed at 96 inches (8 feet). There is no mottling or mineral change in the soil at this level or below to 120 inches. Normal groundwater is below the 120-inch depth from natural grade.

***\*Photos attached. Description above is the narrative for the photos.***

No natural surface water flows on or through this lot. No natural ponding surface water exists on the property. An irrigation canal crosses a portion of the subdivision but does not flow on Lot 10. There is ample vertical and horizontal separation from the canal and other items of interest to meet the State of Idaho horizontal separation requirements for a sub-surface wastewater disposal system (septic system), (IDAPA 58.01.03).

Slope in minor to none across the lot and all properties in this subdivision.

Previous documents sent discuss the groundwater and surface waters of the Daydream Ranch Subdivision. Please refer to them for further insight into the past surface and groundwater situation on the properties.

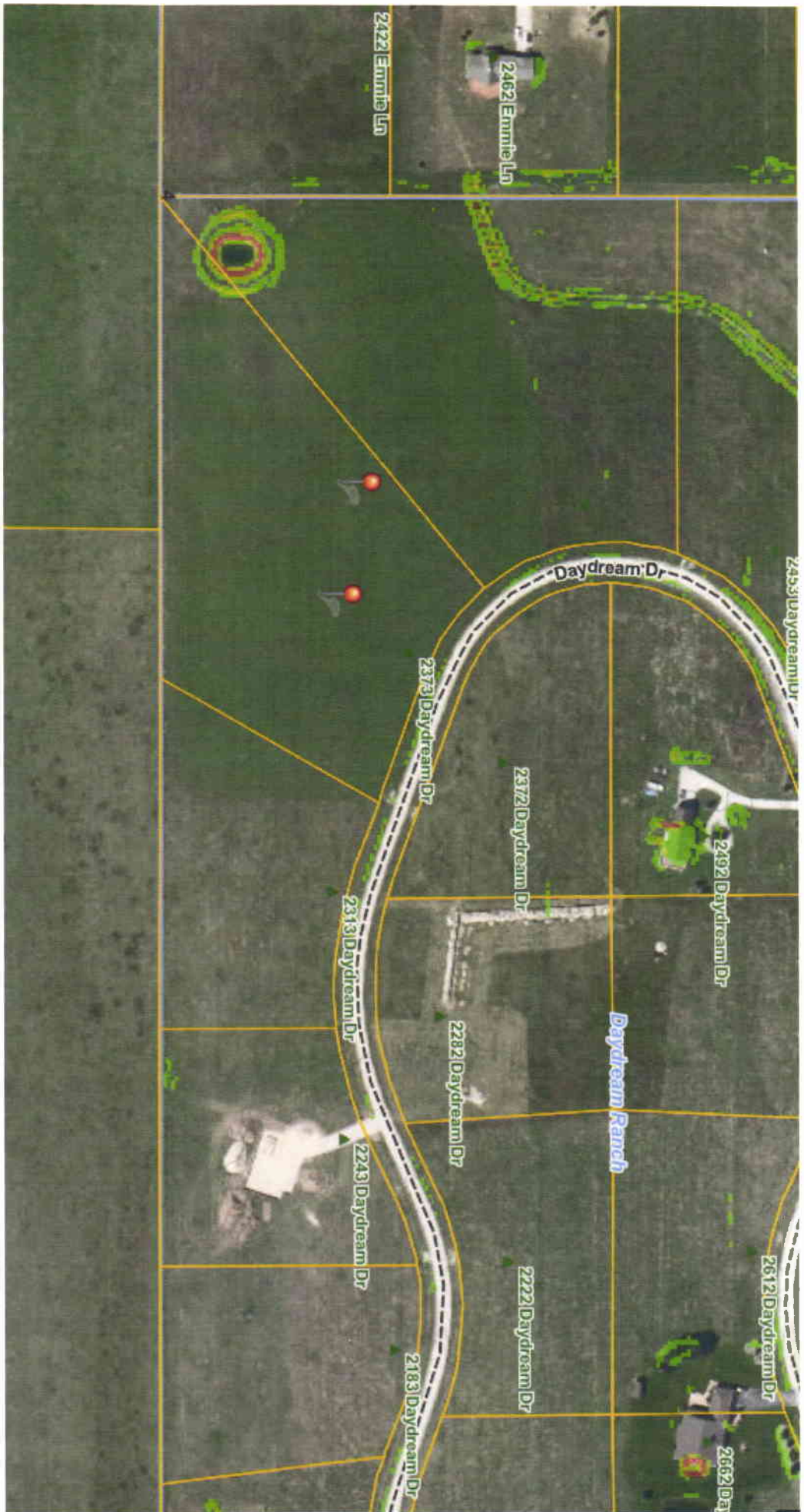
Parcel **RP002640000100** is suitable for a basic gravity flow sub surface wastewater disposal system. Individual subsurface sewage disposal systems may be allowed in accordance with IDAPA 58.01.03 and the Technical Guidance Manual for Individual Subsurface Waste Disposal. All current Idaho Rules must be met at time of installation. Test hole data shows compliance with the plat notes of original development of the Daydream Ranch Subdivision.

Thank you,

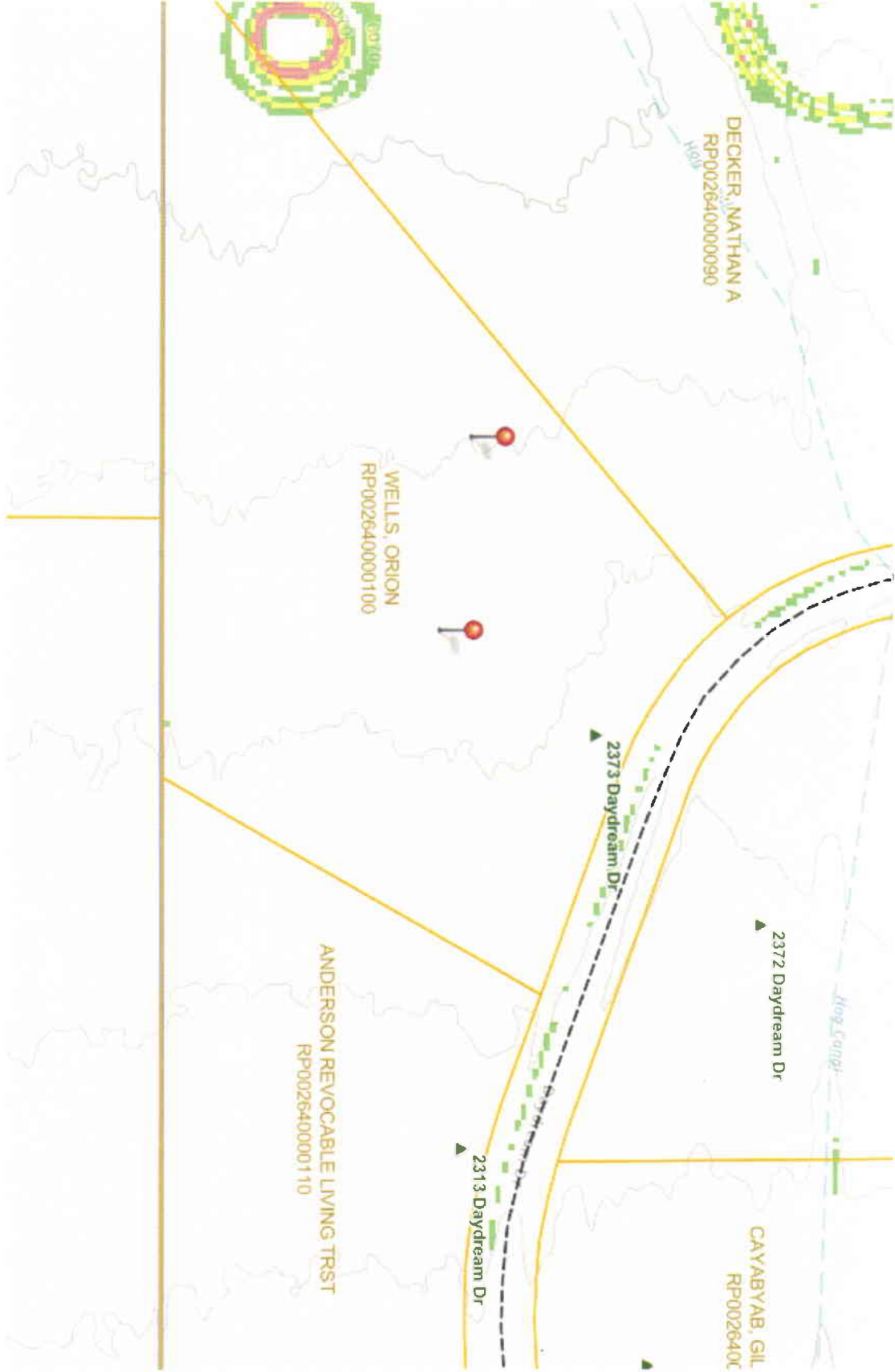
A handwritten signature in cursive script that reads "Kathleen Price". The signature is written in black ink and is positioned below the text "Thank you,".

Kathleen Price

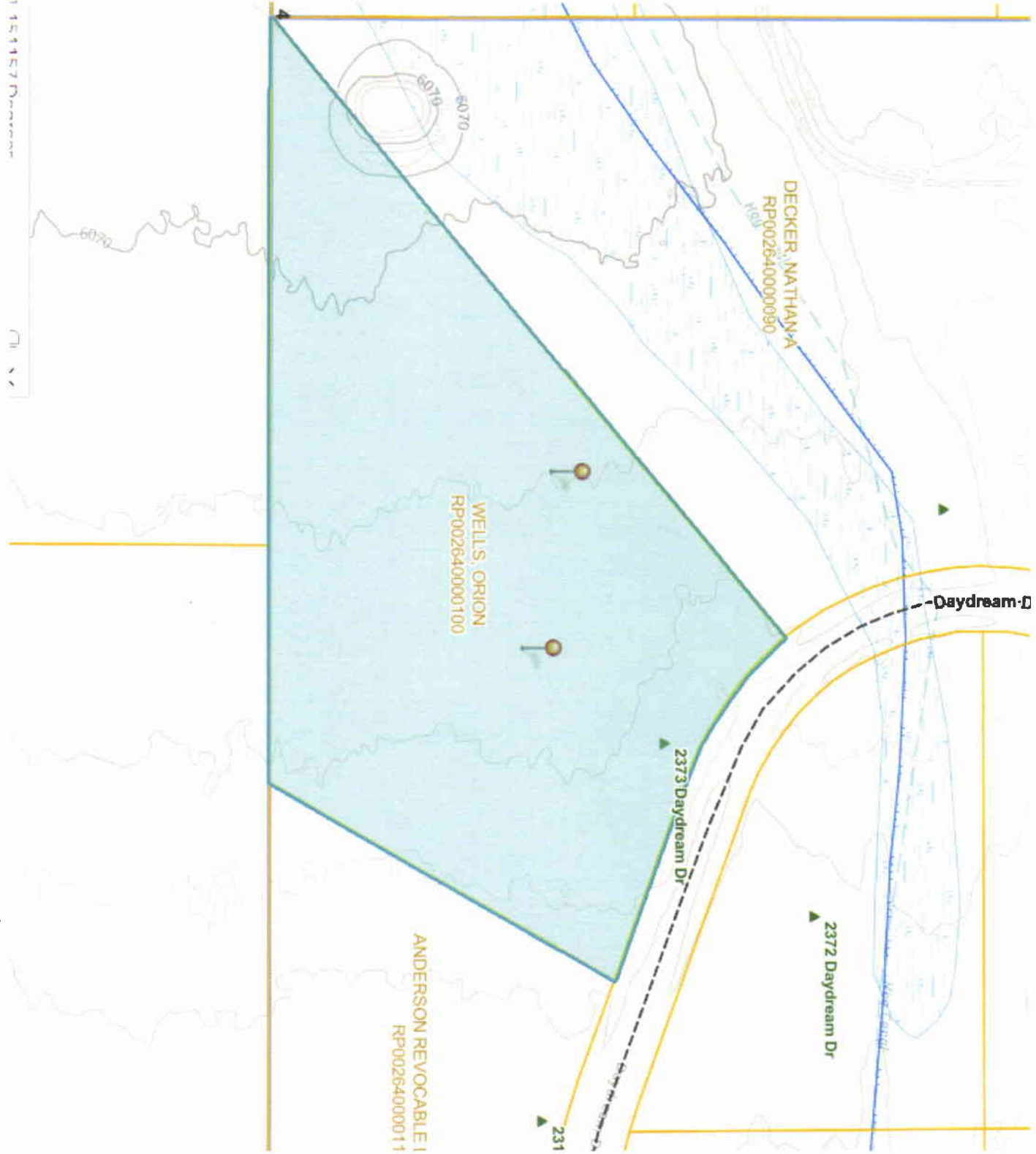
National Registered Environmental Health Specialist II  
Master of Science Geology  
Eastern Idaho Public Health  
Office: 208-354-2220 x 1  
Cell: 208-541-4886  
kprice@eiph.idaho.gov



T.H. locations



*Slope Miner*



No surface water





Wells RP 002167000100







leg hole 1



+

Eastern Idaho  
**Public Health**

Field Notes -

6/12/2024

Date Paid: 6-10-2024  
Rcpt: 142817 Amt: 400<sup>00</sup>

**SPECULATIVE EVALUATION FORM**

Requester: Orion and Monika Wells Phone #: 206-637-8060

Mailing Address: 8215 East Mercer Way Merzer Island WA 98040  
Address City State Zip

Email Address: orion.wells@gmail.com, m314wells@gmail.com

Location:

Legal Description: Township: 5 North Range: 45 East Section: 04 % Section: \_\_\_\_\_  
Subdivision Name (if applicable): Daydream Ranch Division: \_\_\_\_\_ Lot: 10 Block: \_\_\_\_\_  
Parcel #: RP002640000100

Directions to Property: From Tetonla: 0.2 miles R on S Main; 1.2 miles R onto N 2000W; 1.1 miles R onto Daydream Drive; in 250 ft destination is on the left lot 10

Lot Size: 5.29 acres Water Supply:  Private Well  Shared Well  Public System

This review in no way guarantees issuance of a septic permit. It is valid for one (1) year only. Fee may be applied toward permit within one (1) year. If more than two (2) visits needed, an additional \$400 fee is required. I hereby authorize access to this property for the purpose of conducting a speculative on-site evaluation.

Signed by: M Wells Date: 6/10/2024

**EIPH Use Only**

CURRENT LAND USE: Approved subdivision lot

SITE SUITABILITY: Suitable for basic gravity flow system

Soil Types: No engineering required  
Based on SCS Maps A B C Unacceptable  
Based on Engineering Report A B C Unacceptable  
Based on Test Hole Water A B C Unacceptable

Test Hole Information:  
Depth of Test Hole: 96" TH1 / 120" epist Predominant soil type observed: B1-A2b  
Bedrock encountered: \_\_\_\_\_ Any ground water encountered: 96" Seasonal  
Other concerns: No

Effective Soil Depth: Is there sufficient soil depth below bottom of proposed system to meet rules? Yes No Unk\*

Depth to nearest Groundwater: 96" Seasonal Depth to nearest impermeable layer: 5120"

Separation Distances: Does property appear to have sufficient area for system and replacement to meet all separation requirements for:  
Well location (owner's property):  Yes  No  Unk\* Nearest neighbor's well:  Yes  No  Unk\*  
Water distribution lines:  Yes  No  Unk\* Downslope cut or scarp:  Yes  No  Unk\*  
Temporary surface waters:  Yes  No  Unk\* Property lines:  Yes  No  Unk\*  
Permanent or intermittent surface water:  Yes  No  Unk\*

\*Comments: No concerns / Seasonal gw below 96" - This is a very wet year. Most years would not have gw at this elevation.

Date(s) On-Site Evaluation Conducted: June 12, 2024

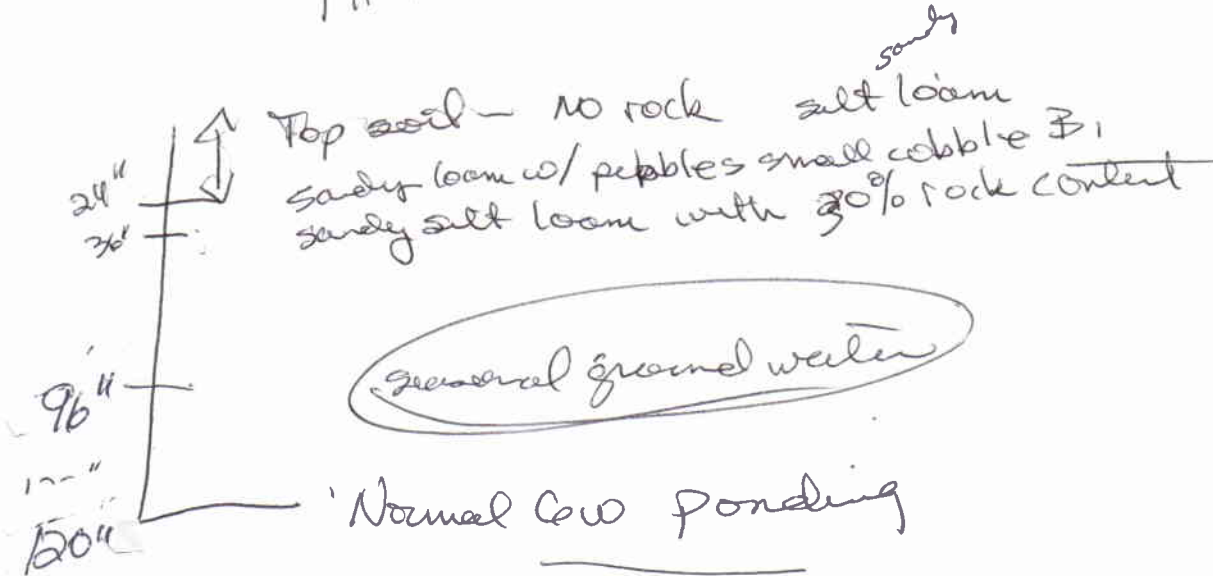
Travel time associated with evaluation: \_\_\_\_\_

Inspection time associated with evaluation: \_\_\_\_\_

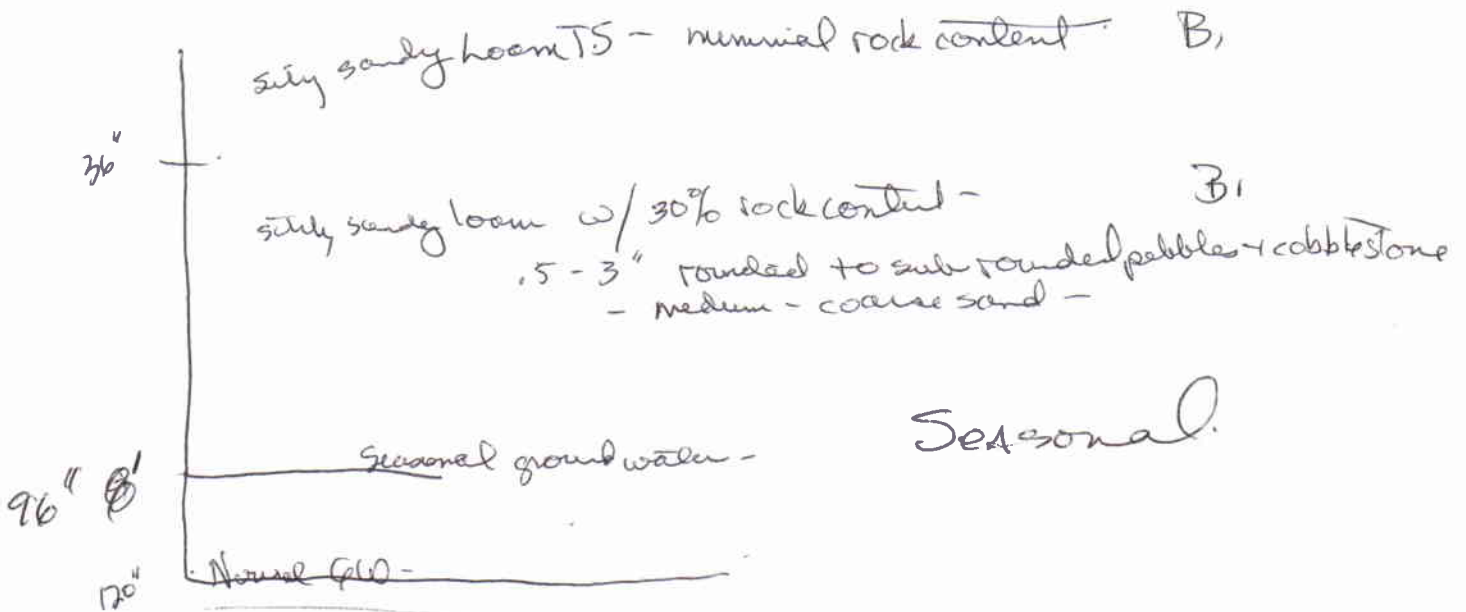
EHS: [Signature]

# Field Notes

T#1



T#2



~~\_\_\_\_\_~~

June 6, 2024

Orion & Monika Wells  
8215 East Mercer Way  
Mercer Island, WA 98040

Subject: Permission Granted for Adjustment of Plat Amendment - Daydream Ranch Lot 10

Orion & Monika Wells,

We hope this letter finds you well. The Daydream Ranch Homeowners Association (HOA) would like to formally grant permission to Orion & Monika Wells, residents of Lot 10, to adjust the building envelope of their property within the confines of the guidelines set forth by the HOA.

After thorough consideration and review, the HOA has approved the request for the adjustment of the building envelope for Lot 10. This decision was made in light of the thoroughness of the proposed adjustments, which align with the architectural integrity and overall aesthetics of the Daydream Ranch community.

You have demonstrated a clear understanding of the regulations and have provided detailed plans that adhere to the community's standards. The proposed adjustments maintain the harmony of the neighborhood while also accommodating the needs of the residents.

The HOA emphasizes the importance of adherence to the approved plans and regulations throughout the adjustment process. Any deviations from the approved plans must be communicated promptly to the HOA for further review and approval.

We trust that you will execute the adjustments responsibly and in accordance with the guidelines outlined by the HOA. Your cooperation in this matter is greatly appreciated.

Should you have any questions or require further clarification regarding this matter, please do not hesitate to contact the Daydream Ranch HOA.

\*Formal plat adjustment request was submitted by email on January 18, 2024 by the Wells' and approved by the Daydream Ranch HOA Board on January 22, 2024.

Thank you for your attention to this important matter.

Sincerely,

Daydream Ranch HOA Board

Matt Robertson	President
Linda Herrera	Treasurer
Travis Foster	Secretary

## Pre-Application Conference – Checklist

**Type of Application:** Minor & Major Plat Amendment; governed by Teton County Land Development Code - Chapter 4

<b>Property:</b>	Lot 10 - Daydream Ranch
<b>Parcel identification number:</b>	RP001420000440
<b>Property Owner:</b>	Owner: same Applicant: Orion & Monika Wells
<b>Legal Description</b>	LOT 10 DAYDREAM RANCH SUB SEC 4 T5N R45E
<b>Zoning District:</b>	FH- 20 acre average density
<b>Parcel(s) Size</b>	5.29 Acres
<b>Overlays:</b>	None
<b>Wetland:</b>	N/A
<b>Floodplain:</b>	N/A

### Overview of Subdivision or PUD Plat Amendment Process:

- (1) Pre-Application meeting/review (this form will satisfy this requirement)
- (2) The Administrator may request additional information, including revised drawings, studies, agency reviews, reports, or other submittal items that are necessary to review the proposed changes.
- (3) The Administrator shall commence review only after the applicant has submitted the required items as a complete and accurate application package.
- (4) The Administrator shall determine if the changes are minor or major. This determination may involve the Commission and/or the Board at the Administrator's discretion.
- (5) For a detailed description of the types of Modifications; minor or major, please see Land Development Code 4-14-D & E.
- (6) Each category of Plat Amendment has it's own Criteria for Approval list in 4-14-D.6 and 4-14-E.6

### Minor Modification- Review Criteria:

- a) Any proposed changes shall comply with all applicable criteria and standards of the LDC or other County regulations, and conditions of approval established in the previous approval.
- b) Insignificant changes shall not reduce the area of designated open space or increase the number of lots.
- c) Insignificant changes shall not change the uses approved or the location of where certain uses are approved.
- d) Insignificant changes shall not increase or create new and potentially substantial direct or indirect impacts on the neighborhood, vicinity of the subdivision or overall community.

Minor Modifications go directly before the BoCC for review. Please see section 4-14 D for required signatures, etc.

**Major Modification - Review Criteria:**

- a) Any proposed changes to an easement, public right of way or planned unit development, shall comply with all applicable criteria and standards of the County regulations, and conditions of approval established in the previous approval.
- b) The subdivision master plan and plat for a subdivision or planned unit development, including the proposed changes, shall reduce governmental costs for operations and capital expenses.
- c) The revised plat or plan shall reduce the impact to neighboring properties.
- d) The revised plat or plan shall reduce the intrusion of development into areas identified on the County's Natural Resource Overlay Map and updated identification of areas where indicator habitats and/or habitats for indicator species are found as documented by input that is accepted by the County from IDFG or other qualified wildlife professionals
- e) Review criteria applicable to a Major Modification or a preliminary or final plat include those applicable to the original approval process for the preliminary or final plat, respectively.
- f) Any proposed changes to a plat, shall comply with all applicable criteria and standards of the current County regulations, and conditions of approval established in the previous approval.
- g) Any proposed changes to a recorded plat or subdivision master plan that increase direct or indirect impacts may require additional mitigation pursuant to the current criteria and standards of County regulations.

Major modifications follow the review process for Preliminary and Final Plats.

**Application and Approval Process:**

Upon determining the application complete, and that the proposal is a **Minor Modification to a Plat**, the Planning Administrator shall recommend to the Board of County Commissioners approval, approval with conditions, or denial the application pursuant to the criteria and standards in the county regulations. The Board may review insignificant changes at a regularly scheduled public meeting.

**Key Points to Consider for this Application:**

- Zoning:** The zoning on this parcel is LA-35 acre average density
- Overlays:** None.
- Process & Review:** The proposed plat amendment is considered a Minor Modification of a plat because it is shifting a building envelope in a platted subdivision and NOT increasing the size of the building envelope.
- Additional Studies:** None at this time.

**Next Steps:** Please submit a complete Minor Plat Modification Form which includes all the necessary information, as listed on the application form. COMPLETE THE CHECKLIST or it will be returned to you as insufficient.



*Figure 1. Lot 10 of Daydream Ranch subdivision*

**Additional Comments:**

- Daydream ranch was originally platted by instrument 154253
- This is a request to shift the building envelope on Lot 10 and not increase the 100x100 size. Please provide confirmation that the shift of the building envelope WILL not result in building closer to the groundwater per the original plat note (7'). EIPH may be the best contact. You may need to dig additional test pits in your proposed building envelope location. These building envelopes were platted for lots with water within 7' of the surface as of 2002.
- Please submit a signed letter from the HOA approving the building envelope adjustment.

- *I have asked for the HOA to submit one plat amendment to address all of the envelope shifts in one. I am simply documenting this request again. One application would be more time efficient and cost effective for the HOA as well as the County.*

Date of Pre-Application Conference letter: April 15, 2024

**Applicant Signature:**

*The information above is a summary of the Land Development Code - Chapter 4. All applicants are advised to review the applicable section of Code, as mentioned, prior to submission of an application. Please note that signing this Pre-Application form indicates that you have read and understand the information presented, and understand the requirements stated in the applicable section(s) of the Code. Completion of this form satisfies the requirement for the Pre-Application meeting. This letter does not indicate final approval of the application.*

*If you have any questions or need any clarifications, please contact the Planning Department.*



Applicant

M Wells

04-15-2024

Date

\_\_\_\_\_  
Planning Administrator

\_\_\_\_\_  
Date





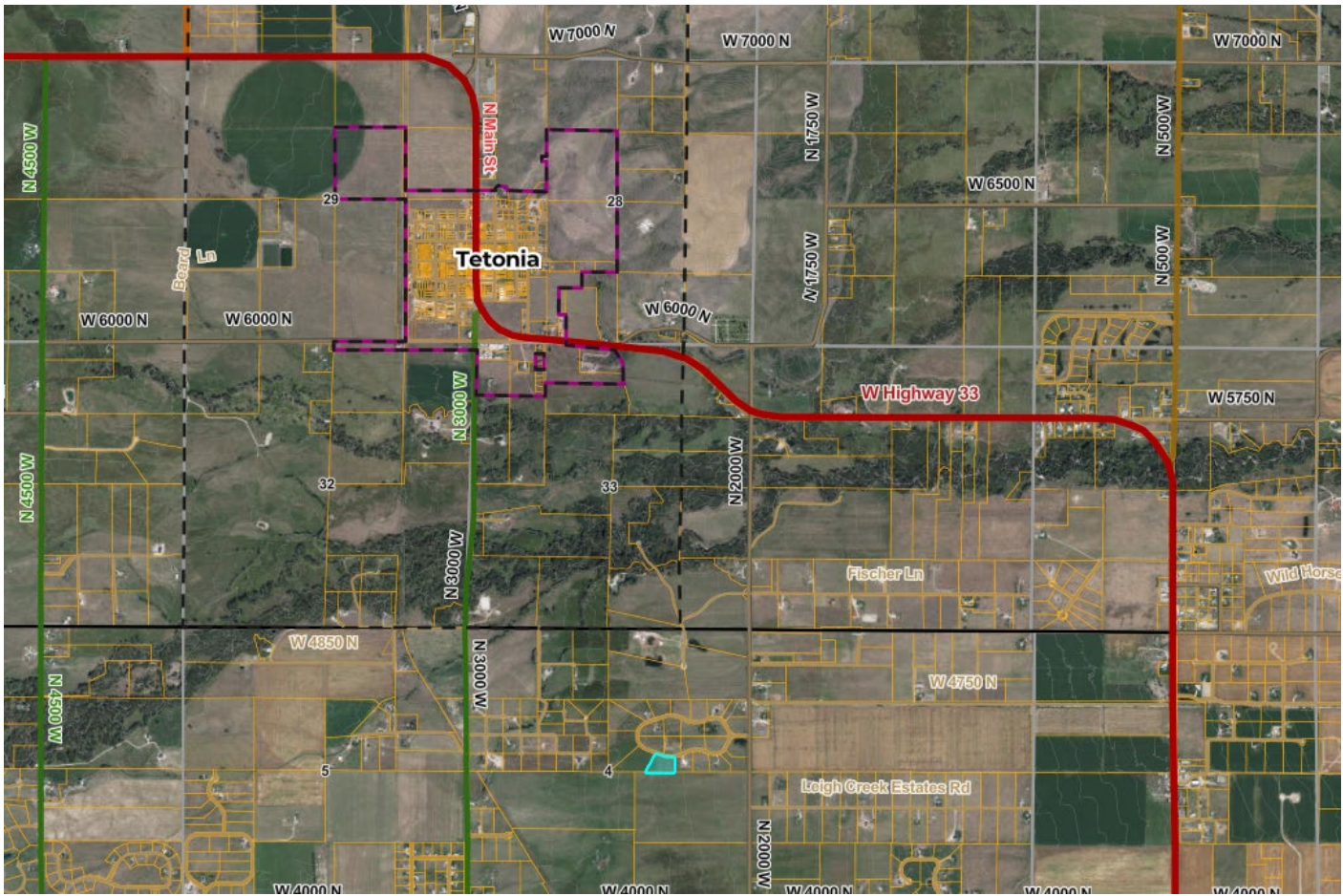
**A REQUEST FOR A MINOR PLAT AMENDMENT**  
**Daydream Ranch Subdivision Lot 11- Relocate Building Envelope**  
 Prepared for the Board of County Commissioners  
 August 12, 2024

**Owner / Applicant:** Orion Wells

**Background:** Joe Anderson has submitted an application for a Minor Plat Amendment to move a 100’ x 100’ platted building envelope (Instrument #160003) to the southwest of the current location. The parcel is currently undeveloped. The resulting lot would not affect any external property boundaries or adjacent properties. The HOA has approved of this change. There are no changes proposed of access, easements, open space, sanitary services, or uses. The parcel does not lie within any overlays.

*The pre-application conference requirement was satisfied. This plat modification has been classified as a **Minor Modification to a plat because it is adjusting a building envelope within a platted subdivision.***

**PARCEL NUMBER:** RP002640000110  
**LEGAL DESCRIPTION:** Lot 11 Daydream Ranch Sub SEC 4 T5N R45E  
**LOCATION:** Daydream Ranch Subdivision, Lot 11  
**ZONING DISTRICT:** LA-35  
**PROPERTY SIZE:** 2.78 acres



*Figure 1. Project Vicinity Map; Subject Parcel Highlighted Blue. SE of Teton.*



Figure 2. Aerial Image

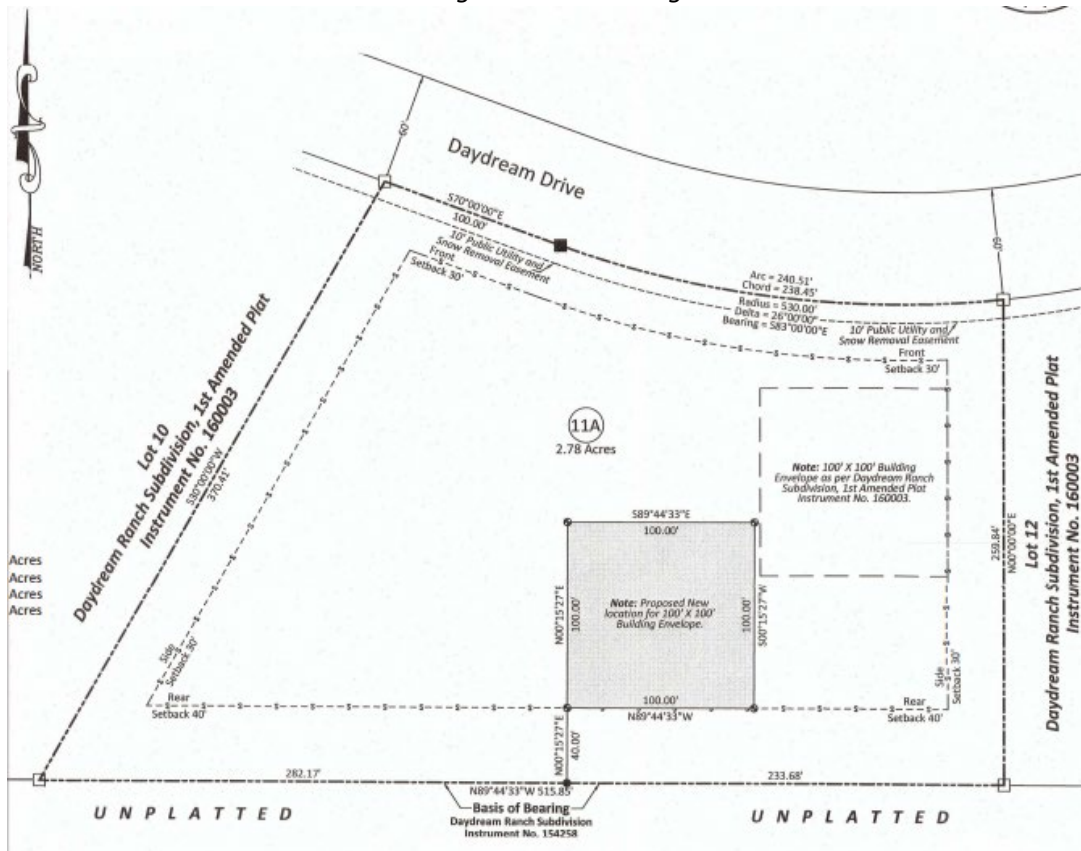


Figure 3. Amended Plat – showing the shifted building envelope

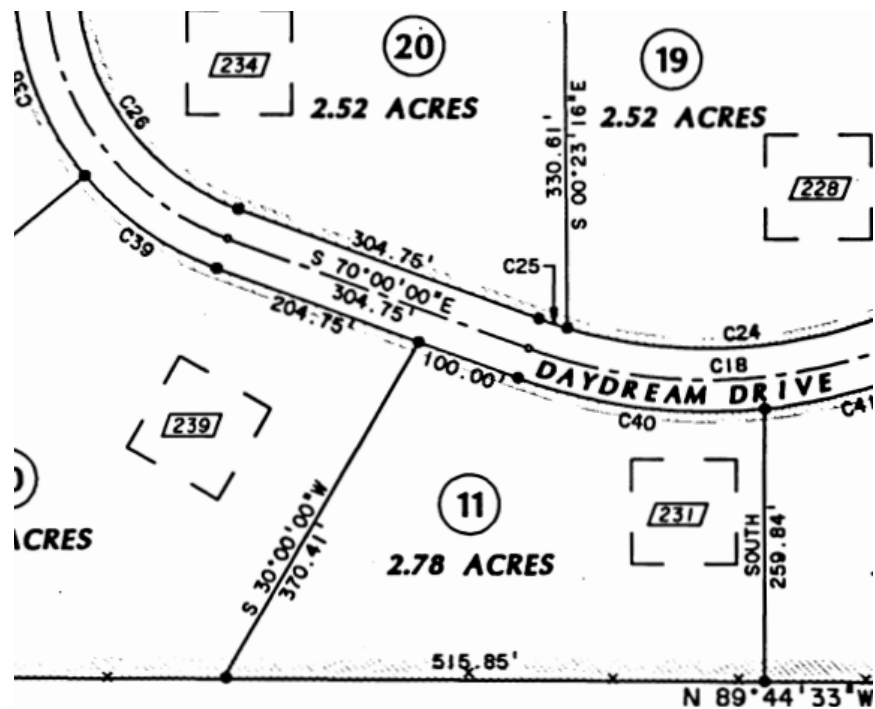


Figure 4. Original Plat

**Applicable Ordinance: Land Development Code §4-14-D Minor Modification of a plat**

**Definition: Minor modification of a plat.** – A proposed modification to an approved plat will be considered a minor change therefore subject to this subsection where the proposed changes result in one or more of the following:

- i. Boundary line adjustments between lots within a subdivision;
- ii. Lot consolidations of two or more platted lots into fewer lots,
- iii. Changes to a master plan if they result in a reduction in density
- iv. **Adjustment of building envelopes that are not in a sensitive area as identified by the Natural Resource Overlay Map**
- v. Other changes of similar magnitude and minimal direct impact as determined by the Administrator.

**Review Criteria §4-14-D (6)**

- a. Any proposed changes shall comply with all applicable criteria and standards of the LDC or other County regulations, and conditions of approval established in the previous approval.

*Staff Comment: The lot being amended in the Subdivision is one residential lot of 2.78 acres. The original plat noted that building envelopes were provided to lots that may have water within 7' of the surface as of 2002. EIPH has provided a letter (attached) stating that no groundwater was found above 10' and the test hole data shows compliance with the plat notes of original development of the Daydream Ranch Subdivision.*

- b. Insignificant changes shall not reduce the area of designated open space or increase the number of lots.

*Staff Comment: The relocated building envelope will not affect the amount of open space or number of residential lots in the subdivision. There is no proposed change in size of the building envelope.*

- c. Insignificant changes shall not change the uses approved or the location of where certain uses are approved.

*Staff Comment: There is no proposed change of use in this application. Water levels per the original plat note regarding building envelopes have been verified for the shifted envelope.*

- d. Insignificant changes shall not increase or create new and potentially substantial direct or indirect impacts on the neighborhood, vicinity of the subdivision or overall community.

*Staff Comment: The application will not result in any additional density. There are no overlays present on the parcel. Applicant has submitted a letter of approval from their HOA Board.*

**SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE:**

This type of review does not require any public notice. The application materials were received June 10<sup>th</sup>, 2024.

**Board Action/Decision:**

The Board of County Commissioners shall act on the information presented whether to:

- 1) Continue the application
- 2) Approve the application
- 3) Approve with conditions
- 4) Deny the application

Specific reasons for the decision shall be stated in writing for the record.

**Findings of Fact:**

- The applicant submitted an application on June 10<sup>th</sup>, 2024 to amend the Daydream Ranch Subdivision Plat.
- The Daydream Ranch Subdivision Plat was originally platted in in 2003 by *Instrument #154258*
- The first amendment was made on February 25<sup>th</sup>, 2004 creating *Instrument #160003*
- Minor plat amendments are used to adjust lot lines that does not reduce the area, frontage, width, depth, or building setback lines below the minimums required in the Zoning District.

The Planning Administrator has determined that the application is complete. *As a note to the applicant, property taxes also are required to be paid in full before recording.*

**Conditions of Approval:**

1. A final technical survey review be completed before mylars are printed.

**MOTIONS**

**Approval:**

Having found that the proposed plat amendment for Lot 11 of Daydream Ranch Subdivision complies with the requirements of the Teton County Land Development Code 4-14-D (6) based on the findings prepared in the staff report, I move to approve the application submitted on June 10, 2024.

---

**Denial:**

Having found that the proposed plat amendment for Lot 11 of Daydream Ranch Subdivision does not comply with the requirements of the Teton County Land Development Code 4-14-D (6), I move to deny the application submitted on June 10, 2024 based on the following findings ...

Prepared by:

Torin Bjorklund, Associate Planner

---

**Attachments:**

- |                                      |                                   |
|--------------------------------------|-----------------------------------|
| A) Application (3 pages)             | G) Pre App Approval (4 pages)     |
| B) Narrative (1 Page)                | H) Site Plan (1 page)             |
| C) Original Plat (2 Pages)           | I) Trust Documentation (19 Pages) |
| D) Amended Plat (1 page)             | J) Grant Deed (2 Pages)           |
| E) EIPH Review_04.23.2024 (11 Pages) | K) HOA Letter (1 page)            |
| F) EIPH Review_06.04.2024 (8 Pages)  |                                   |

**End of Staff Report**

Planning & Zoning Department



MINOR MODIFICATION OF A PLAT

The purpose of Minor Modification of a plat is to review changes to previously recorded plats of subdivisions, or planned unit developments. A pre-application meeting between the applicant and the Planning Administrator or staff is required before submitting an application. All revisions must comply with applicable current regulations. It may be unnecessary to duplicate studies and analyses that may have been required as part of the initial plat application and approval. Revisions must reduce the intrusion of development into sensitive natural areas of the County and reduce governmental costs associated with scattered development by expediting changes to recorded plats that reduce the number of vacant platted lots in the County.

For Office Use Only

Fees Paid

Check # Credit Card Cash Date Received

Fees are non-refundable.

Requirement for Submittal: Ensure all requirements are included. Incomplete applications will not be put on hold. Incomplete and partial applications will be returned to applicant.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner Info

Owner Name: ANDERSON REVOCABLE LIVING TRST Address: 621 Sorita Circle Heath, TX Zip code: 75032

Project Location

Name of Applicant (if different than owner): Joe Anderson Phone: (31:) 446-0107

Project Address (if different than owner address): 2313 Daydream Drive, Tetonia, Idaho Zip code: 83452

Subdivision Name: Daydream Ranch

Email: Joeand37@yahoo.com Zoning District: Mixed Ag/Wetland

Primary Contact (if not applicant):

Email: Phone: ( )

Designated Primary Contact

Owner Agent/Representative

Project Info

Proposed Modifications: Relocation of the building envelope Total Acreage: 2.78

RP#: RP002640000110



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 reviewed by the Planning Administrator and scheduled for public hearing.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

Owner Signature:  \_\_\_\_\_ Date: 4/9/2024

All items need digital copies as well as paper copies.

Checklist

- Complete application and fee.
- Pre-app complete. Date: 4/15/24
- Narrative explaining the changes that are being proposed.
- Plat labeled correctly as "Amended Plat".
- Recorded documents labeled as "Amended"; approval letter from EIPH, approval letter from Teton County Fire Department, acceptance letter from city for sewer hookup from the providing community, if applicable.
- Changes to correct a property boundary, combining of lots, or changes in a single lot only require the property owner of the affected lots to sign the plat and application.
- Modification of open space, density, common area, road/Right of Way realignment, change of use, similar changed require signatures from all property owners in the platted subdivision to sign amended plat and application.

SECTION II: APPLICABILITY

- A proposed modification to an approved plat will be considered a minor change and therefore subject to this subsection when the proposed changes result in one or more of the following
  - Boundary line adjustments between lots within a subdivision
  - Lot consolidations of two or more platted lots into fewer lots
  - Changes to a master plan if they result in a reduction in density
  - Adjustment of building envelopes that are not in a sensitive area as identified by the Natural Resource Overlay Map.
  - Other changes of similar magnitude and minimal direct impact as determined by the administrator.
- All revisions must comply with all applicable current regulations.
- It may be unnecessary to duplicate studies and analyses that may have been required as part of the initial plat application and approval.
- Revisions must reduce the intrusion of development into sensitive natural areas of the County and reduce governmental costs associated with scattered development by expediting changed to recorded plats that reduce the number of vacant platted lots in the County.

SECTION III: CONSIDERATION FOR APPROVAL

Please submit narrative referencing the following:

- Any proposed changes shall comply with all applicable criteria and standards of the LDC or other county regulations, and conditions of approval established in the previous approval.

- Insignificant changes shall not reduce the area of designated open space or increase the number of lots
- Insignificant changes shall not change the uses approved or the location of where certain uses are approved.
- Insignificant changes shall not increase or create new and potentially substantial direct or indirect impacts on the neighborhood, vicinity of the subdivision or overall community.

SECTION III: PLANNING ADMINISTRATOR/DESIGNEE REVIEW/ACTION

Application is submitted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Application is deemed complete and accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



This submission aims to detail the proposed modification to the building envelope on Lot 11, as part of a minor modification application. This proposal seeks to adjust the building envelope from its current location in the northeast corner of Lot 11, moving it westward toward the center of the lot and southward to align with the minimum setback requirements set forth by Teton County, Idaho. This adjustment is proposed to enhance the utilization of the lot, avoid drainage issues at the current location, improve functional aspects of the development, and ensure more efficient use of space while adhering to all applicable zoning and development regulations.

The proposed modification is categorized as a minor change under the applicable subsections for the following reasons:

- **Boundary Line Adjustments:** The adjustment does not alter the boundary lines with neighboring lots but optimizes the use of space within the existing boundaries of Lot 11.
- **Compliance with Current Regulations:** The proposed envelope adjustment complies with all current regulations, including setback, density, and use requirements, ensuring no increase in density or change in use.
- **Impact:** The modification is of a magnitude and nature that its direct impact is minimal. It does not intrude into sensitive natural areas, nor does it increase governmental costs associated with development. Based on discussion with EIPH they have no concerns with ground water being above the 7' mark and the majority of the land is 10+' from any ground water source.

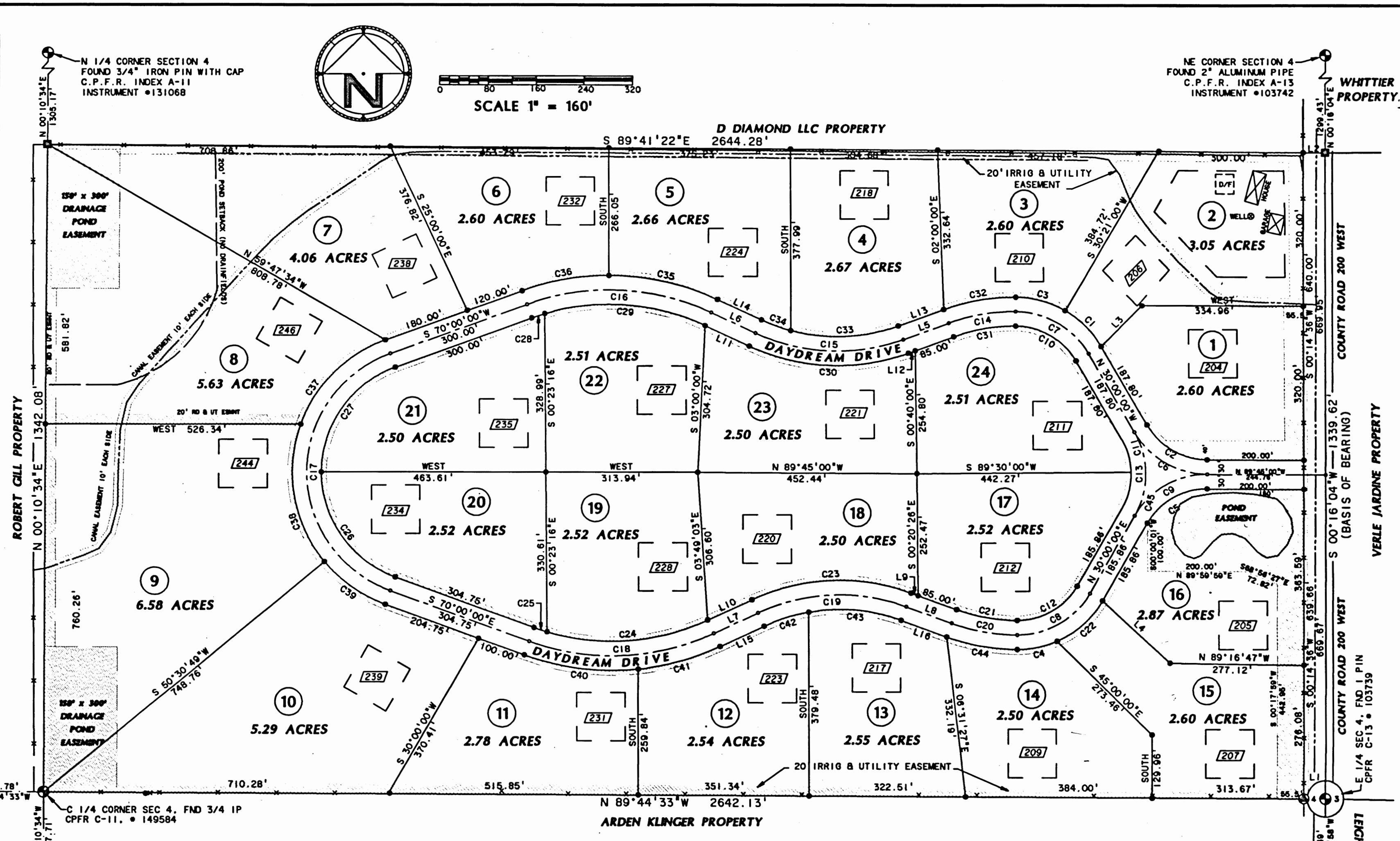
Attached to this narrative are the following documents, as required:

- A complete application for Pre-Conference.
- A complete application for the minor modification.
- Amended Final Plat, correctly labeled, reflecting the proposed new building envelope. Including visual representations of the proposed modification, providing clear before-and-after comparisons.
- Approval from the Daydream Ranch HOA.

This proposal aligns with the intent to expedite changes that enhance lot utilization without adversely impacting the surrounding environment or community. We believe that this adjustment will benefit the potential development of Lot 11 and align with the county's goals for efficient and responsible land use.

**LEGEND**

- SECTION CORNER FOUND AS NOTED
- SET INITIAL POINT OF SUBDIVISION - 2 1/2" ALUMINUM PIPE WITH CAP; AW ENG 2860
- RESET SUBDIVISION CORNER - 5/8" IRON PIN WITH 2" ALUM. CAP INSCRIBED; AW ENG 2860
- SET LOT CORNER - 1/2" IRON PIN WITH CAP INSCRIBED; AW ENG 2860
- ROAD POINT - SET 5/8" IRON PIN WITH CAP INSCRIBED; AW ENG 2860
- STREET ADDRESS OF LOT
- SECTIONAL BREAKDOWN LINE
- ROAD CENTERLINE
- EXISTING CANAL LOCATION
- RELOCATION OF IRRIGATION CANAL - 20' CANAL EASEMENT (MIN 10' EACH SIDE)
- FENCE LINE
- EASEMENT - 10' SNOW REMOVAL AND UTILITY UNLESS OTHERWISE NOTED
- POND EASEMENT
- POND EASEMENT RESERVED TO HOME OWNERS ASSOCIATION FOR POND MAINTENANCE AND RECREATION USES AS ALLOWED IN CC&R'S.
- EXISTING BUILDING OR STRUCTURE AS NOTED
- BUILDING ENVELOPE SHOWN FOR LOTS WITH WATER WITHIN 7' OF SURFACE IN 2002
- SET BACK SIDE MIN 30' FRONT / REAR 40' AND SCALE FROM PLAT



**LINE DATA TABLE**

LINE	BEARING	DISTANCE
L 1	N 89°44'33"W	44.48'
L 2	S 89°41'22"E	45.06'
L 3	S 45°00'00"W	119.42'
L 4	N 47°00'08"W	188.93'
L 5	S 70°00'00"W	100.00'
L 6	N 65°00'00"W	100.00'
L 7	N 65°00'00"E	100.00'
L 8	S 70°00'00"E	100.00'
L 9	N 70°00'00"W	15.00'
L 10	N 65°00'00"W	100.00'
L 11	S 65°00'00"E	100.00'
L 12	N 70°00'00"E	15.00'
L 13	S 70°00'00"W	100.00'
L 14	N 65°00'00"W	100.00'
L 15	N 65°00'00"E	100.00'
L 16	S 70°00'00"E	100.00'

**CURVE DATA TABLE**

CURVE	DELTA ANGLE	RADIUS	TANGENT	ARC LENGTH	CHORD	CHORD BEARING
C 1	29°39'00"	204.08'	54.02'	104.44'	104.44'	N 44°49'30"W
C 2	59°45'00"	144.08'	82.77'	150.25'	143.54'	N 59°52'30"W
C 3	30°08'00"	204.08'	54.87'	107.21'	106.98'	N 74°42'00"W
C 4	24°15'00"	202.34'	43.47'	85.64'	85.00'	N 78°07'30"E
C 5	60°15'00"	142.34'	82.59'	149.87'	142.87'	N 60°07'30"E
C 6	59°45'00"	174.08'	100.00'	181.54'	173.42'	N 59°52'30"W
C 7	59°45'00"	174.08'	100.00'	181.54'	173.42'	N 59°52'30"W
C 8	60°15'00"	172.34'	100.00'	181.22'	172.99'	N 60°07'30"E
C 9	60°15'00"	172.34'	100.00'	181.22'	172.99'	N 60°07'30"E
C 10	59°45'00"	144.08'	82.77'	150.25'	143.54'	S 59°52'30"E
C 11	28°24'29"	143.21'	36.25'	71.00'	70.28'	S 15°47'45"E
C 12	60°15'00"	142.34'	82.59'	149.87'	142.87'	S 60°07'30"W
C 13	60°00'00"	173.21'	100.00'	181.38'	173.21'	NORTH
C 14	20°15'00"	400.00'	71.43'	141.33'	140.64'	S 80°07'30"W
C 15	45°00'00"	400.00'	165.69'	314.16'	306.15'	N 87°30'00"W
C 16	45°00'00"	500.00'	207.11'	392.70'	382.68'	N 87°30'00"W
C 17	140°00'00"	261.33'	718.01'	638.56'	491.15'	SOUTH
C 18	45°00'00"	500.00'	207.11'	392.70'	382.68'	N 87°30'00"E
C 19	45°00'00"	400.00'	165.69'	314.16'	306.15'	S 87°30'00"E
C 20	19°45'00"	400.00'	69.63'	137.88'	137.20'	S 79°52'30"E
C 21	19°45'00"	370.00'	64.41'	127.54'	126.91'	N 79°52'30"W
C 22	38°00'00"	202.34'	85.74'	127.13'	125.06'	N 48°00'00"E
C 23	45°00'00"	430.00'	178.11'	337.72'	329.11'	S 87°30'00"W
C 24	41°30'00"	470.00'	178.07'	340.43'	333.03'	S 85°45'00"W
C 25	03°30'00"	470.00'	14.36'	28.71'	28.71'	N 71°45'00"W
C 26	70°00'00"	231.33'	161.98'	282.63'	265.38'	N 35°00'00"W
C 27	70°00'00"	231.33'	161.98'	282.63'	265.38'	N 35°00'00"E
C 28	03°30'00"	470.00'	14.36'	28.71'	28.71'	N 71°45'00"E
C 29	41°30'00"	470.00'	178.07'	340.43'	333.03'	S 85°45'00"E
C 30	45°00'00"	430.00'	178.11'	337.72'	329.11'	S 87°30'00"E
C 31	20°15'00"	370.00'	66.07'	130.77'	130.09'	N 80°07'30"E
C 32	20°15'00"	430.00'	78.70'	151.87'	151.18'	S 80°07'30"W
C 33	35°00'00"	370.00'	116.66'	226.02'	222.52'	S 87°30'00"W
C 34	10°00'00"	370.00'	32.37'	64.58'	64.50'	N 70°00'00"W
C 35	25°00'00"	530.00'	117.50'	231.26'	229.43'	N 77°30'00"W
C 36	20°00'00"	530.00'	93.45'	185.00'	184.07'	S 80°00'00"W
C 37	50°00'42"	291.33'	156.35'	255.08'	246.96'	S 44°56'00"W
C 38	59°19'29"	291.33'	165.92'	301.65'	288.36'	S 09°40'29"E
C 39	30°30'48"	291.33'	79.46'	155.15'	153.33'	S 54°44'35"E
C 40	60°00'00"	530.00'	122.36'	240.51'	238.45'	S 83°00'00"E
C 41	19°00'00"	530.00'	88.89'	175.75'	174.98'	N 74°30'00"E
C 42	15°00'00"	370.00'	48.71'	96.87'	96.50'	N 72°30'00"E
C 43	30°00'00"	370.00'	99.14'	193.73'	191.53'	S 85°00'00"E
C 44	19°45'00"	430.00'	74.85'	148.22'	147.49'	S 79°52'30"E
C 45	31°35'31"	143.21'	40.51'	78.98'	77.96'	S 14°12'15"W

**NOTES**

SANITARY RESTRICTIONS ARE IN FORCE ON THIS SUBDIVISION PROJECT. THEY CAN BE LIFTED ON A LOT BY LOT BASIS. UPON DISTRICT 7 HEALTH APPROVING A SEWER PLAN FOR THAT LOT.

NO SEWER DRAINFIELDS CAN BE BUILT WITHIN 50 FEET OF ANY CANAL NOR WITHIN 200 FEET OF ANY PERMANENT WATER SURFACE.

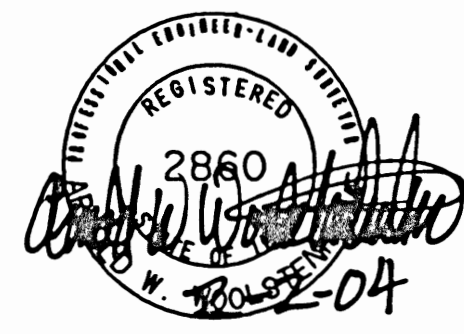
ALL UTILITY AND ROAD EASEMENTS ARE GRANTED UNTO THE HOME OWNERS' ASSOCIATION AND TO ALL UTILITY COMPANIES SERVICING THE PROJECT.

COUNTY STANDARD SETBACKS: FRONT 30', SIDE 30', REAR 40'

SURVEYED CLC SEP-NOV 2001 ARLENGPS.DAT DRAWN MLC 07/18/02 AMENDED1.GCD

Instrument # 160003  
DRIGGS, TETON, IDAHO  
2004-02-25 11:20:47 No. of Pages: 1  
Recorded for: A W ENGINEERING  
NOLAN G. BOYLE Fee: 0.00  
Ex-Officio Recorder Deputy  
Index to: PLAT

**RECEIVED**  
FEB 25 2004  
TETON CO., ID  
CLERK RECORDER



**AMENDED PLAT FOR INSTRUMENT: #154258**  
**DAYDREAM RANCH**  
**SUBDIVISION**

THE S 1/2 NE 1/4 SECTION 4, TWP. 5N., RNG. 45E., B.M., TETON COUNTY, IDAHO

SURVEYED FOR:  
**GARDNER-MORA, LLC**  
57 Dollar Pointe Avenue  
Las Vegas, NV 89148-2763  
(702) 616 - 7150

**AW ENGINEERING**  
4 North Main P.O. Box 139  
Victor, Idaho 83455  
(208) 787-2952 aweng@srv.net

PROJECT NO. 2001 - 164 T-5N R-45E SECTION 4 SHEET 1 OF 2

**COMMISSIONERS' CERTIFICATE**

PRESENTED TO THE TETON COUNTY BOARD OF COMMISSIONERS ON THE FOLLOWING DATE AT WHICH TIME THIS AMENDED SUBDIVISION WAS APPROVED AND ACCEPTED.

*[Signature]*  
 CHAIRMAN, COUNTY COMMISSIONERS

DATE

NOTE: TETON COUNTY WILL NOT BE HELD RESPONSIBLE FOR THE CONSTRUCTION OR MAINTENANCE OF ANY NATURE OF ANY STREET, ALLEY, OR ROAD WITHIN THIS SUBDIVISION.

**PLANNING AND ZONING APPROVAL**

PRESENTED TO THE TETON COUNTY PLANNING AND ZONING COMMISSION ON THE FOLLOWING DATE AT WHICH TIME THIS AMENDED SUBDIVISION PLAT WAS APPROVED AND ACCEPTED.

*[Signature]*  
 CHAIRMAN, PLANNING AND ZONING

2-23-04  
 DATE

**TREASURER'S CERTIFICATE**

I HEREBY CERTIFY THAT ALL TAXES DUE HAVE BEEN PAID ON THE TRACT OF LAND AS SHOWN ON THIS PLAT.

*[Signature]*  
 COUNTY TREASURER

2-12-04  
 DATE

**ASSESSOR'S CERTIFICATE**

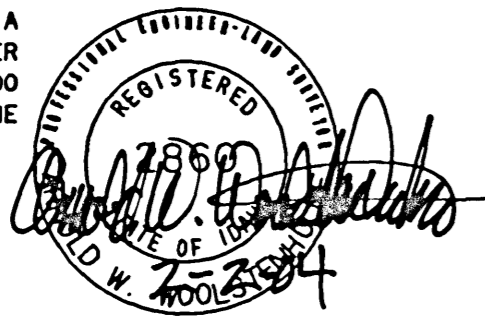
PRESENTED TO THE TETON COUNTY ASSESSOR ON THE FOLLOWING DATE FOR APPROVAL AND ACCEPTANCE.

*[Signature]*  
 COUNTY ASSESSOR

2-12-04  
 DATE

**SURVEYOR'S CERTIFICATE**

I, ARNOLD W. WOOLSTENHULME, BEING A REGISTERED LAND SURVEYOR / ENGINEER IN THE STATE OF IDAHO, No. 2860, DO HEREBY CERTIFY THAT I DID CAUSE THE SURVEY OF THE TRACT OF LAND AS HEREIN PLATTED AND DESCRIBED.



**OWNERS' CERTIFICATE**

BE IT KNOWN THAT WE, THE UNDERSIGNED OWNERS OF THE SUBDIVISION OF LAND AS HEREIN PLATTED AND DESCRIBED, CERTIFY THAT IT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS AND PROPRIETORS OF SAID DESCRIBED LANDS:

THAT THE NAME OF THE SUBDIVISION SHALL BE DAYDREAM RANCH;  
 THAT ACCESS TO SAID SUBDIVISION SHALL BE FROM COUNTY ROAD 200 WEST;  
 THAT THE SUBDIVISION IS SUBJECT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS TO BE RECORDED WITH THIS PLAT;  
 THAT THE SUBDIVISION IS SUBJECT TO ANY RIGHTS-OF-WAY OR EASEMENTS OF SIGHT OR RECORD AND AS DEDICATED BY THIS PLAT;  
 THAT THE SUBDIVISION IS SUBJECT TO THE RIGHT TO FARM STATED IN IDAHO CODE SECTION 22-4500 AND DOES RECOGNIZE THE NEIGHBORING LAND RIGHTS UNDER THIS LAW;  
 THAT DAYDREAM DRIVE IS A DEDICATED PUBLIC RIGHT-OF-WAYS THAT WILL BE CONSIDERED PRIVATE ROADS FOR MAINTENANCE, GRADING, SNOW CLEARING, AND RIGHT OF ACCESS TO THE SUBDIVISION UNTIL TETON COUNTY ASSUMES ALL RESPONSIBILITY FOR THE ROADS;  
 THAT THE OWNER/DEVELOPER OF THE PROJECT WILL BE RESPONSIBLE FOR THE MAINTENANCE AND SNOW CLEARING OF DAYDREAM DRIVE UNTIL THE HOMEOWNERS' ASSOCIATION ASSUMES RESPONSIBILITY FOR SAID MAINTENANCE AND SNOW CLEARING;  
 THAT THE DEDICATED 10 FOOT UTILITY EASEMENT IS FOR THE USE OF ELECTRIC, TELEPHONE, AND CABLE TV UTILITIES, AND OTHER UTILITIES AS APPROVED BY THE HOMEOWNERS' ASSOCIATION;  
 THAT THE OWNER/DEVELOPER WILL MAINTAIN ALL LANDSCAPING ACCORDING TO THE FINAL LANDSCAPING PLAN SUBMITTED TO THE TETON COUNTY PLANNING AND ZONING COMMISSION UNTIL THE HOMEOWNERS' ASSOCIATION ASSUMES RESPONSIBILITY FOR SAID LANDSCAPING MAINTENANCE.

DESCRIPTION OF LANDS BEING DIVIDED:

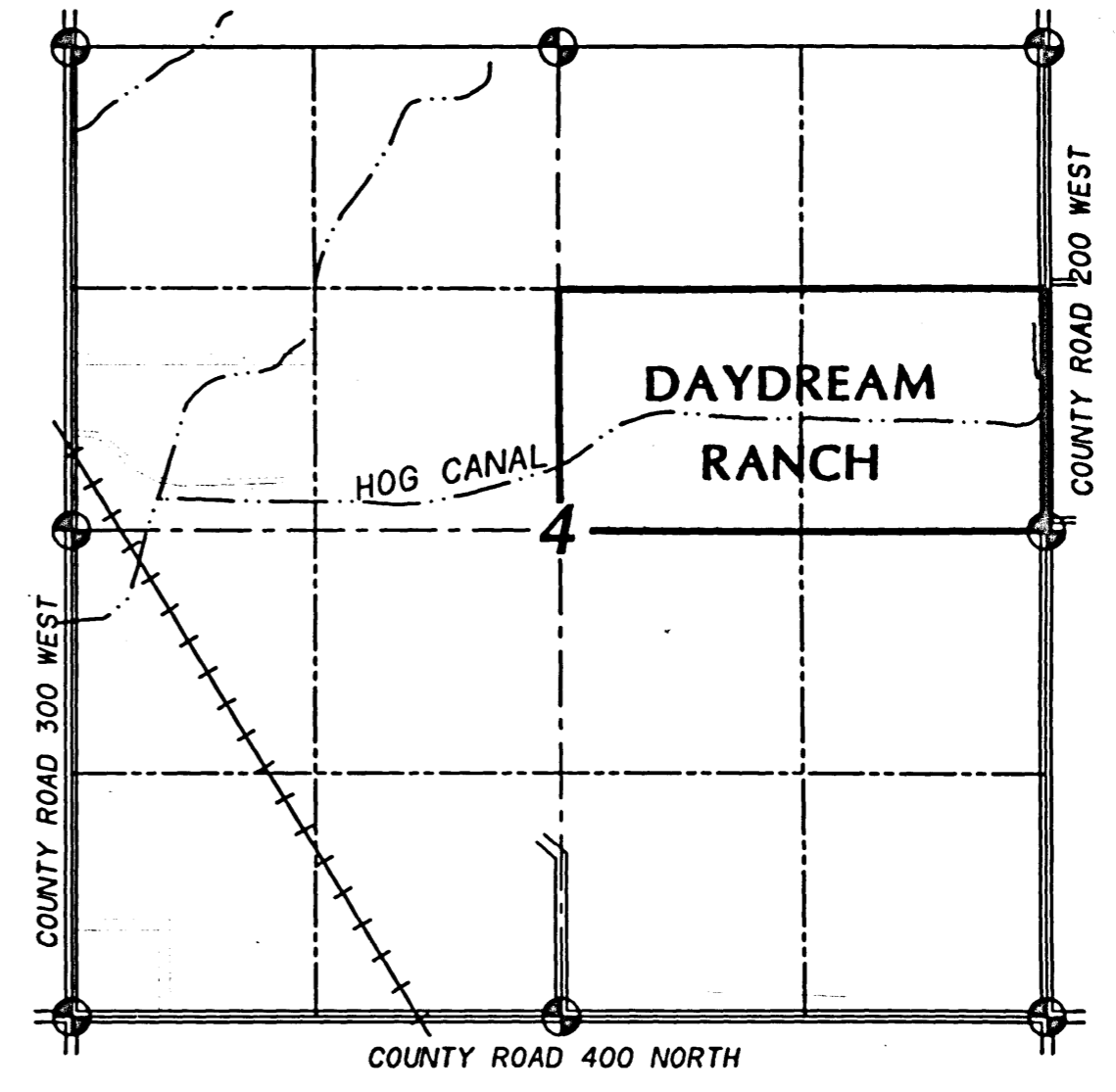
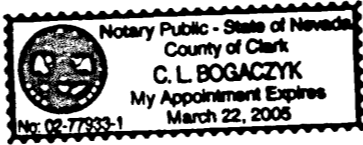
THE S 1/2 NE 1/4 SECTION 4, TWP. 5N., RNG. 45E., B.M., TETON COUNTY, IDAHO. CONTAINS 81.36 ACRES, MORE OR LESS.

*[Signature]*  
 MIKE MORA, GARDNER-MORA LLC  
*[Signature]*  
 JUDY GARDNER, GARDNER-MORA LLC

STATE OF Nevada  
 ) SS  
 COUNTY OF Clark

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 4th DAY OF Feb, 2004 BY Michael Mora & Judy Gardner  
 WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC *[Signature]*  
 MY COMMISSION EXPIRES: 3/22/05



**VICINITY MAP**  
 SECTION 4, TWP. 5N., RNG. 45E., B.M.,  
 TETON COUNTY, IDAHO

AREA	LOT(S)	ACRES	UNITS(R)	DENSITY
COUNTY ROAD SUBDIVISION ROAD TOTAL ROADS	-	1.38 6.32 7.70	-	-
SINGLE FAMILY LOTS	1-24	73.66	24	0.33
TOTAL RESIDENTIAL	1-24	73.66	24	0.33
TOTAL PROJECT	-	81.36	24	0.29

- NOTES**
1. REQUESTED ZONING: A-2.5
  2. THE PROPERTY HAS WATER RIGHTS IN LEIGH CREEK IRRIGATION WATER WHICH WILL BE USED FOR FIRE PROTECTION
  3. FIRE POND MIN OF 200,000 GALLON OF WATER WITH DRY HYDRANT SYSTEM ON DAYDREAM DRIVE.
  4. THERE ARE NO WETLANDS AREAS OR FLOOD PLAINS WITHIN THE PROJECT.
  5. THE PLANNED WATER SYSTEM WILL BE INDIVIDUAL WELLS BY LOT OWNER
  6. THE PLANNED SEWER SYSTEM WILL BE INDIVIDUAL SEPTIC TANKS BY LOT OWNER

**RECORDER'S CERTIFICATE**

STATE OF IDAHO )  
 ) SS  
 COUNTY OF TETON )  
 I DO HEREBY CERTIFY THAT THIS PLAT WAS FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_\_\_, AT \_\_\_\_\_  
 AT THE REQUEST OF \_\_\_\_\_  
 INSTRUMENT NUMBER \_\_\_\_\_  
 \_\_\_\_\_  
 COUNTY RECORDER

**RECEIVED**  
 FEB 25 2004  
 TETON CO., ID  
 CLERK RECORDER

SURVEYED CLC SEP-NOV 2001 ARLENGPS.DAT DRAWN NLC 04/19/02 AMENDED2.GCD

AMENDED PLAT FOR INSTRUMENT: #154258

**DAYDREAM RANCH SUBDIVISION**

THE S 1/2 NE 1/4 SECTION 4, TWP. 5N., RNG. 45E., B.M., TETON COUNTY, IDAHO

SURVEYED FOR:  
**GARDNER-MORA, LLC**  
 57 Dollar Pointe Avenue  
 Las Vegas, NV 89148-2763  
 (702) 616 - 7150

**AW-ENGINEERING**  
 4 North Main P.O. Box 139  
 Victor, Idaho 83455  
 (208) 787-2952 aweng@srv.net

PROJECT NO. 2001 - 164 T-5N R-45E SECTION 4 SHEET 2 OF 2

Daydream Ranch Amended Plat

160003



04/23/2024

**RE: Daydream Ranch Subdivision**

To All Concerned.

Minor plat adjustments, including changes in building envelopes, within the Daydream Ranch Subdivision will not require test holes. Recent test holes dug across the subdivision have shown **NO** evidence of groundwater above 10 feet (120 inches). The location of a residential structure has no bearing on the type or depth of a septic system. Minor plat changes such as building envelopes fall under the jurisdiction of the current HOA and the Planning and Zoning Department of Teton County. A change of this sort has no bearing on the State of Idaho subsurface wastewater disposal systems as regulated under IDAPA 58.01.03 legislated rules. No other lot owners should be sent to EIPH for comment on minor plat adjustments.

Six septic permits have been issued within the past 9 years in this subdivision. Most recently a test pit was dug and evaluated in April 2024. Test holes excavated for several of these projects and at the time of original development of the subdivision show the following soil horizon:

**Soil Narrative** Please note the following:

0-18 inches of silty loam with minor rock content (Topsoil)

18-114 inches gravely sandy loam. Medium sand. Minor fines. 25% well rounded pebbles up to 3-inch diameter. B1 Soil type.

No bedrock was encountered. There was no evidence of groundwater to depth. No accumulation of water. No mottling of the soil. No weeping of groundwater at any depth to 114 inches (9.5 feet).

**\*Photos attached. Description above is the narrative for the photos.**

No natural surface water flows on the or through the various lots of this subdivision. No natural ponding surface water exists on the property. An irrigation canal crosses a portion of the property. There is more than enough space to meet the State of Idaho horizontal separation from this canal.

Slope in minor to none across all properties.

Attached with this letter are several documents discussing the development of this subdivision. Please read them for further insight into the past surface and groundwater situation on the properties.

Kathleen Price



National Registered Environmental Health Specialist II

Master of Science Geology

Eastern Idaho Public Health

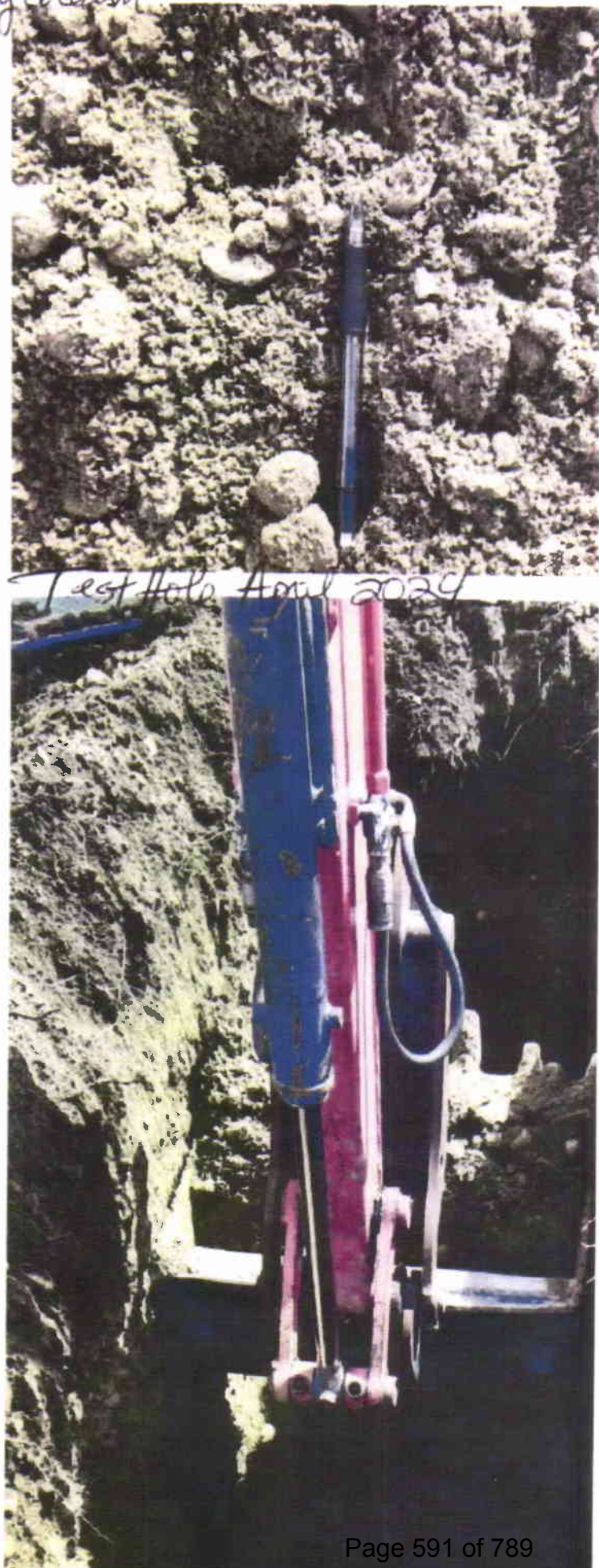
Office: 208-354-2220 x 1

Cell: 208-541-4886

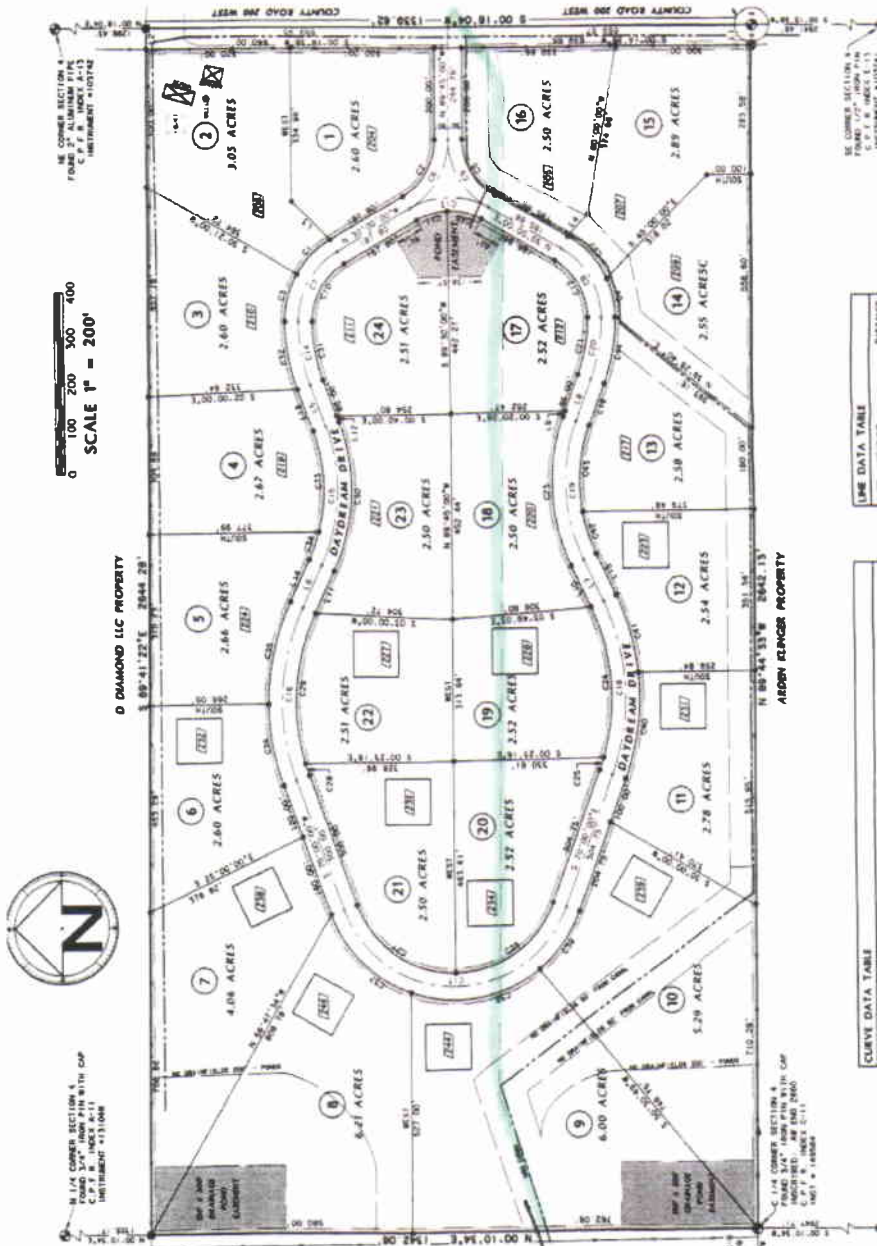
kprice@eiph.idaho.gov



2243 Daydream



Test Hole April 2024



0 100 200 300 400  
SCALE 1" = 200'



Canal  
separation  
from D.F. = 50'

LINE DATA TABLE

LINE	BEARING	DISTANCE
1	S 89° 41' 22" E	284.44
2	S 89° 41' 22" E	284.44
3	S 89° 41' 22" E	284.44
4	S 89° 41' 22" E	284.44
5	S 89° 41' 22" E	284.44
6	S 89° 41' 22" E	284.44
7	S 89° 41' 22" E	284.44
8	S 89° 41' 22" E	284.44
9	S 89° 41' 22" E	284.44
10	S 89° 41' 22" E	284.44
11	S 89° 41' 22" E	284.44
12	S 89° 41' 22" E	284.44
13	S 89° 41' 22" E	284.44
14	S 89° 41' 22" E	284.44
15	S 89° 41' 22" E	284.44
16	S 89° 41' 22" E	284.44
17	S 89° 41' 22" E	284.44
18	S 89° 41' 22" E	284.44
19	S 89° 41' 22" E	284.44
20	S 89° 41' 22" E	284.44
21	S 89° 41' 22" E	284.44

CURVE DATA TABLE

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD	CHORD BEARING
C 1	29° 38' 00"	200.00'	64.01'	104.91'	N 58° 52' 30" W
C 2	30° 08' 00"	200.00'	64.91'	105.90'	N 58° 52' 30" W
C 3	28° 15' 00"	200.00'	63.34'	103.90'	N 58° 52' 30" W
C 4	28° 15' 00"	200.00'	63.34'	103.90'	N 58° 52' 30" W
C 5	28° 15' 00"	200.00'	63.34'	103.90'	N 58° 52' 30" W

CORNER SECTION 4  
FRAME 3/4" INCH WITH CAP  
P.F. IN INDEX C-11

LINE	BEARING	DISTANCE
1	S 89° 41' 22" E	284.44
2	S 89° 41' 22" E	284.44
3	S 89° 41' 22" E	284.44
4	S 89° 41' 22" E	284.44
5	S 89° 41' 22" E	284.44
6	S 89° 41' 22" E	284.44
7	S 89° 41' 22" E	284.44
8	S 89° 41' 22" E	284.44
9	S 89° 41' 22" E	284.44
10	S 89° 41' 22" E	284.44
11	S 89° 41' 22" E	284.44
12	S 89° 41' 22" E	284.44
13	S 89° 41' 22" E	284.44
14	S 89° 41' 22" E	284.44
15	S 89° 41' 22" E	284.44
16	S 89° 41' 22" E	284.44
17	S 89° 41' 22" E	284.44
18	S 89° 41' 22" E	284.44
19	S 89° 41' 22" E	284.44
20	S 89° 41' 22" E	284.44
21	S 89° 41' 22" E	284.44



## Soil Test Holes

Dug on July 21, 2001

Backhoe AW Engineering

Engineering - Arnold Woolstenhulme AW Engineering

Samples tested A W Engineering July 23, 2001

Test Hole # 1	Location SE Corner at Toe of Ridge	0-15 ft Black Topsoil
	Depth of Hole 9 feet	1.0 - 9 ft - Dark Brown Loam
	Depth to Water Table + 9 feet	No Gravel
	Pipe left in hole	Perc Rate at 36" = 1 in 10 min
Test Hole # 2	Location Middle project to Ridge	0-0.5 ft Black Topsoil
	Depth of Hole 9 feet	0.5 - 1.5 - Loam
	Depth to Water Table + 9 feet	1.5- 9 ft Loamy Gravel
Test Hole # 3	Location Center of project on Ridge	0-1.5 ft Black Topsoil
	Depth of Hole 9 feet	1.5 - 3 ft Dark Loam
	Depth to Water Table + 9 feet	3 - 9 ft Light Loam
		No Gravel
Test Hole # 4	Location North Toe of Ridge in Center	0-2.0 ft Black Topsoil
	Depth of Hole 9 feet	2 - 5 ft Dark Loam soil
	Depth to Water Table + 9 feet	5- 9 ft Loam

?

(Purshia tridentata--NI) and sagebrush (Artemesia tridentata--NI), all species common to uplands.

#### IV. SOILS

According to the Soil Survey Teton Area, ID-WY, the major portion of the site is underlain with Driggs gravelly loam (DrA). There are also small areas of Driggs silt loam (DsA), Foxcreek gravelly loam (Fr), and Foxcreek loam (Fs) around the perimeter of the site, primarily at the lower western end. A long finger of Feltonia loam (FnB) penetrates the midsection of the site (see Figure 2--Soils).

Of the four named soil series underlying the site, just the two Foxcreek variants are identified as being hydric on the Teton County hydric soils list. This classification is made, however, only when the Foxcreek soils are found in the floodplain. Since the site is four miles from the Teton River or sufficiently distant from the river to be out of the floodplain, the Foxcreek soils would not be considered typically hydric for the purposes of this delineation; however, the Foxcreek component was noted as being hydric on the data sheets. The Driggs and Feltonia soils are associated with dryer locations in the Teton Valley bottom and would not be considered hydric soils.

Site observations revealed soils with uniform characteristics. At most boring locations the soil matrix was a gray-brown color (10 YR 4/2), and at the lower end of the site, mottles were evident in the upper soil profile. While some of the mapped soil series are not considered skeletal, difficult to penetrate gravelly soils were found at all boring locations.

The Corps delineation manual states that soils having a chroma of 2 with distinct mottles are considered hydric, but in Teton County, Idaho, the presence of hydric soils is not a uniformly reliable indicator of regulated wetlands. For a hundred years or more the farmers and ranchers of the Teton Valley have been intensively irrigating upland pastures and fields. This massive transfer of water has caused the evolution of artificial irrigated wetlands on lands that should be uplands. Soils that continuously receive copious amounts of water from irrigation over a period of years evince the same physical properties as naturally occurring hydric soils. The presence of natural hydrology in the soil profile is the ultimate determinant of whether soils have hydric properties due to natural factors or due solely to irrigation practices. This is discussed in the next section of the report.

## V. HYDROLOGY

In the Teton Valley, site hydrology is derived from basic three sources. Those are:

1. Water from surface hydrologic features such as creeks, streams, and ponds,
2. Soil saturation as a result of capillarity from the water table,
3. Water delivered from irrigation diversions, irrigation wells, handlines, wheelines, and other irrigation appurtenances.

There were no natural surface hydrologic features on the site itself or in the immediate vicinity of the site. There was also no evidence of soil saturation arising from the water table into the top 12" of the soil profile. Some residual soil moisture from irrigation was still evident on June 8, 2001 at Boring 102, but the site was obviously drying out quickly after having the irrigation shut down. In early June, which is typically the peak of the hydrologic cycle in Teton County, some evidence of soil saturation should have been found in the soil profile if the site contained natural wetlands, but no saturation was observed. Boring 101 was bone dry. Boring 102 was somewhat moist, but it was clearly not saturated. By August 20 and 21, 2001, all eleven bore holes were powder dry to a depth of 30 to 32 inches.

The only hydrologic features observed on the site were a series of irrigation canals that transversed the length of the site from east to west. While the irrigation was turned off early this year (2001) due to drought conditions, there was evidence that the site has been highly saturated from irrigation in the past. There were depressions containing matted leaves and water-borne debris at the termini of the canals. Portions of the lower, western end of the site were obviously ponded at times. Steve Johnson, the rancher who has leased the property in recent years, confirmed that prior to this drought season, he had heavily irrigated the site. Mr. Johnson also stated that without irrigation, the 80 acre parcel could not support the growth of alfalfa, only sagebrush and weeds.

## VI. CONCLUSION

Wetlands delineators who have worked for an extensive period in the Teton Valley cannot escape the impression that the current landscape in the valley is a result of one of the greatest and most expansive experiments in wetlands creation. For over a hundred years farmers and ranchers have been moving water from its natural place in the landscape to uplands for the purpose of irrigating their fields and pastures. This has resulted in the creation of irrigation-sustained wetlands on naturally dry upland sites. Such artificial wetlands often appear to be natural wetlands. They contain hydrophytic plant communities, and over the past century, the soils have developed hydric indicators as a result of prolonged flooding from irrigation. The critical difference between artificially irrigated wetlands and natural wetlands, which are

regulated by the Corps, is that the water to the former can be turned off at a headgate or some other point of diversion, whereby the site would revert to an upland.

Experienced delineators working on Teton County sites tell their clients that irrigation to these sites must be turned off so that reasonable and realistic determinations of natural site conditions can be done. This year, due to a pronounced drought, it has not been necessary to take that step. Agricultural irrigation has been shut off throughout Teton County, and consequently, natural conditions in the valley have been revealed. There are still extensive areas in the valley bottom that are highly saturated from the water table despite the drought. These are natural wetlands. Other sites, such as the Gardner property, have reverted to their natural state: dry uplands.

Once irrigation on the Gardner site was shut down, soils on the property quickly dried out. Within a week of losing irrigation water, there was little evidence of soil moisture on the site and no evidence of soil saturation. Over the summer conditions became progressively drier. It is clear that the sole source of hydrology sustaining the site's existing hydrophytic plant community is agricultural irrigation. If the drought conditions persist, an upland plant community, such as that described in the soil survey, would occupy the site. Sedges and rushes would die out to be replaced with upland plant species such as bluebunch wheatgrass and sagebrush.

Since wetlands on the Gardner site are solely supported by irrigation and not derived from natural sources, it is requested that the Corps of Engineers issue a determination that this property is not subject to federal regulation under Section 404 of the Clean Water Act.

**Judy Gardner**

**Tested by Arnold Woolstenhulme**

**Backhoe Matkins - Brandon Lerwell 11:00- 3:00 pm 4 Hrs**

**Test Hole # 1 Lot 2 NE corner**

**0-18" Loam Topsoil**

**2' - 9' Gravel Loam**

**- No evidence of sub water -**

**Test Hole # 2 Lot 14 n c/l corner**

**0-20" Loam Topsoil**

**2' -4' Gravel loam**

**4'-4.5' Sand lens in Gravel**

**4.5' - 9 Gravelly Sand Loam**

**Very few fines in soil Sample taken**

**- No evidence of sub water-**

**Test Hole # 3 Lot 12 n-center**

**0-18" Loam Topsoil**

**2' - 9' Gravelly Sandy Loam**

**- No evidence of sub water -**

**Test Hole # 4 Lot 6 se corner**

**16" Loam Topsoil**

**2' -9' Gravel Sandy loam**

**-No evidence of sub water**

## Daydream Ranch Subdivision

**Water Test Holes** Test holes monitored through summer 2002


Test Hole	6/12/02	6/19/02	6/27/02	7/2/02	7/8/02	7/23/02	8/15/02
1	Dry	Dry	Dry	126"	119"	Dry	Dry
2	Dry	Dry	138"	103"	100"	124"	136"
3	Dry	Dry	115"	86"	76"	96"	108"
4	Dry	Dry	97"	71"	64"	85"	98"
5	Dry	Dry	79"	53"	45"	66"	76"
6	Dry	Dry	92"	70"	59"	80"	89"
7	Dry	Dry	112"	87"	71"	74"	81"
8	Dry	Dry	140"	114"	95"	93"	95"
9	Dry	Dry	Dry	129"	110"	108"	104"
10	Dry	Dry	Dry	Dry	127"	122"	110"
11	Dry	Dry	Dry	Dry	Dry	Dry	Dry
12	106"	103"	65"	49"	47"	69"	79"
NW Pond	Dry	108"	51"	38"	30"	40"	57"
SW Pond	Dry	Dry	84"	59"	55"	60"	88"
Location 1*	Dry	Flooded	Flooded	Dry	Flooded	Dry	Dry
Location 2**	Dry	Dry	Flooded	Flooded	Dry	Dry	Dry


**Notes:**

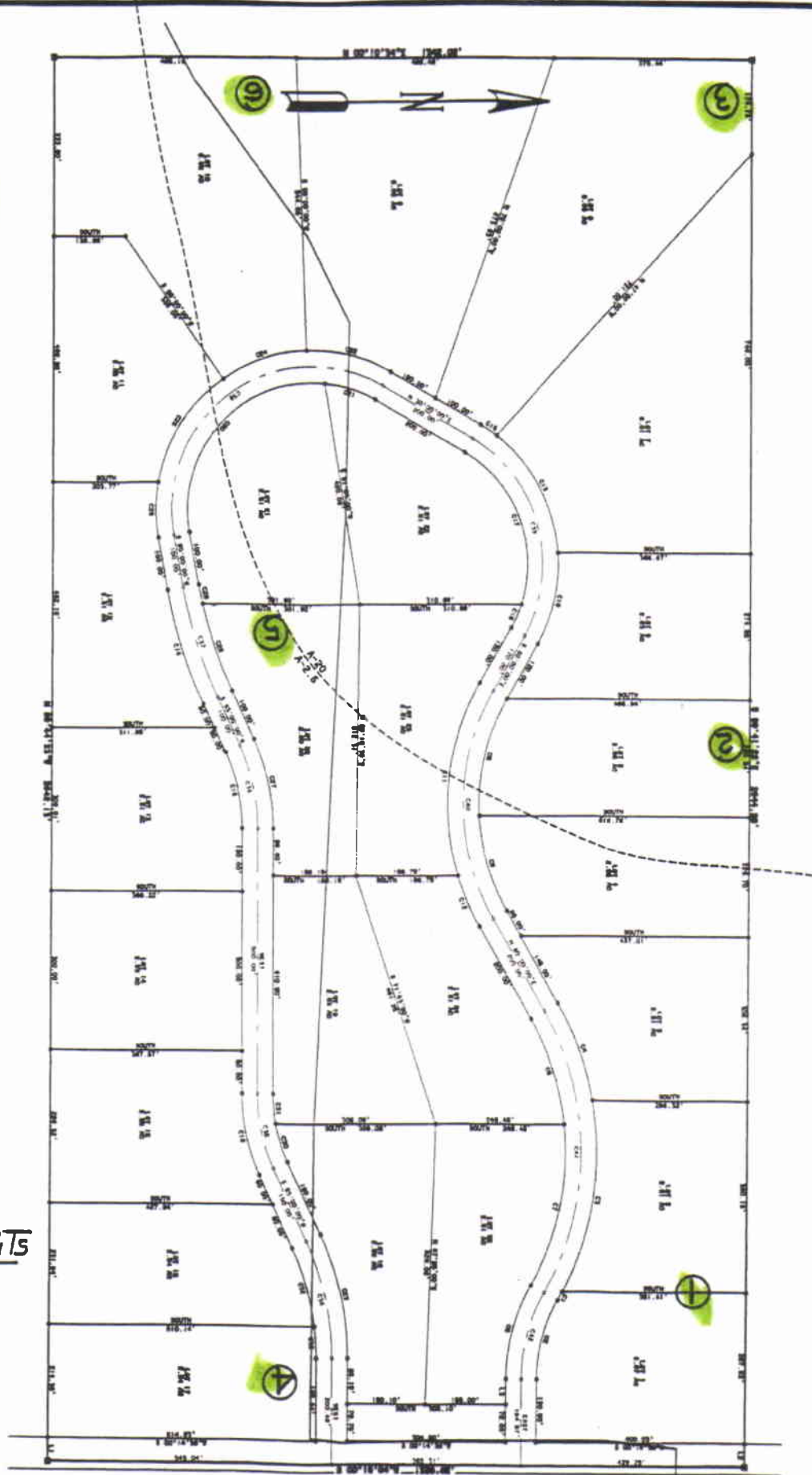
*Water measurements are from ground level to the water level.*

*"Dry" means that the water level was beneath the bottom of the test hole.*

 *\*Location 1 flooding was caused by water running from ditch along the other side of the west fence.*

 *\*\*Location 2 flooding was not caused by ground water running over the ground from ditch. However, each time Location 2 was flooded, the larger ditch running north/south through the property was full of water.*

 *Highest elevation of water below grade -*



⑤ Soil Test Pits

7

06/04/2024

**RE: Daydream Ranch Subdivision Lot 11**

To All Concerned.

Minor plat adjustments, including changes in building envelopes, within the Daydream Ranch Subdivision will not require test holes. Recent test holes dug across the subdivision have shown **NO** evidence of groundwater above 10 feet (120 inches). The location of a residential structure has no bearing on the type or depth of a septic system. Minor plat changes such as building envelopes fall under the jurisdiction of the current HOA and the Planning and Zoning Department of Teton County. A change of this sort has no bearing on the State of Idaho subsurface wastewater disposal systems as regulated under IDAPA 58.01.03 legislated rules. No other lot owners should be sent to EIPH for comment on minor plat adjustments.

Six septic permits have been issued within the past 9 years in this subdivision. Most recently a test pit was dug and evaluated on May 30, 2024, on RP002640000110, Lot 11. This test hole showed the same soil horizon that all other test holes have shown on lots throughout the subdivision. Test holes excavated for specific lots and at the time of original development of the subdivision show the following soil horizon:

**Soil Narrative** Please note the following:

0-18 inches of silty loam with minor rock content (Topsoil)

18-114 inches gravely sandy loam. Medium sand. Minor fines. 25% well rounded pebbles up to 3-inch diameter. B1 Soil type.

No bedrock was encountered. There was no evidence of groundwater to depth. No accumulation of water. No mottling of the soil. No weeping of groundwater at any depth to 114 inches (9.5 feet).

**\*Photos attached. Description above is the narrative for the photos. See attached map for location of test hole on Lot 11.**

No natural surface water flows on the or through the various lots of this subdivision. No natural ponding surface water exists on the property. An irrigation canal crosses a portion of the subdivision but does not flow on Lot 11. There is ample vertical and horizontal separation from the canal and other items of interest to meet the State of Idaho horizontal separation requirements for a sub-surface wastewater disposal system (septic system)

Slope in minor to none across the lot and all properties in this subdivision.

Attached with this letter are several documents discussing the development of this subdivision. Please read them for further insight into the past surface and groundwater situation on the properties.



**Moving the building envelope for Lot 11 of the Daydream Ranch Subdivision or on any other lot within the subdivision will not impact or change the type of or size of a septic system to serve residential dwellings.**

Thank you,



Kathleen Price

**National Registered Environmental Health Specialist II**

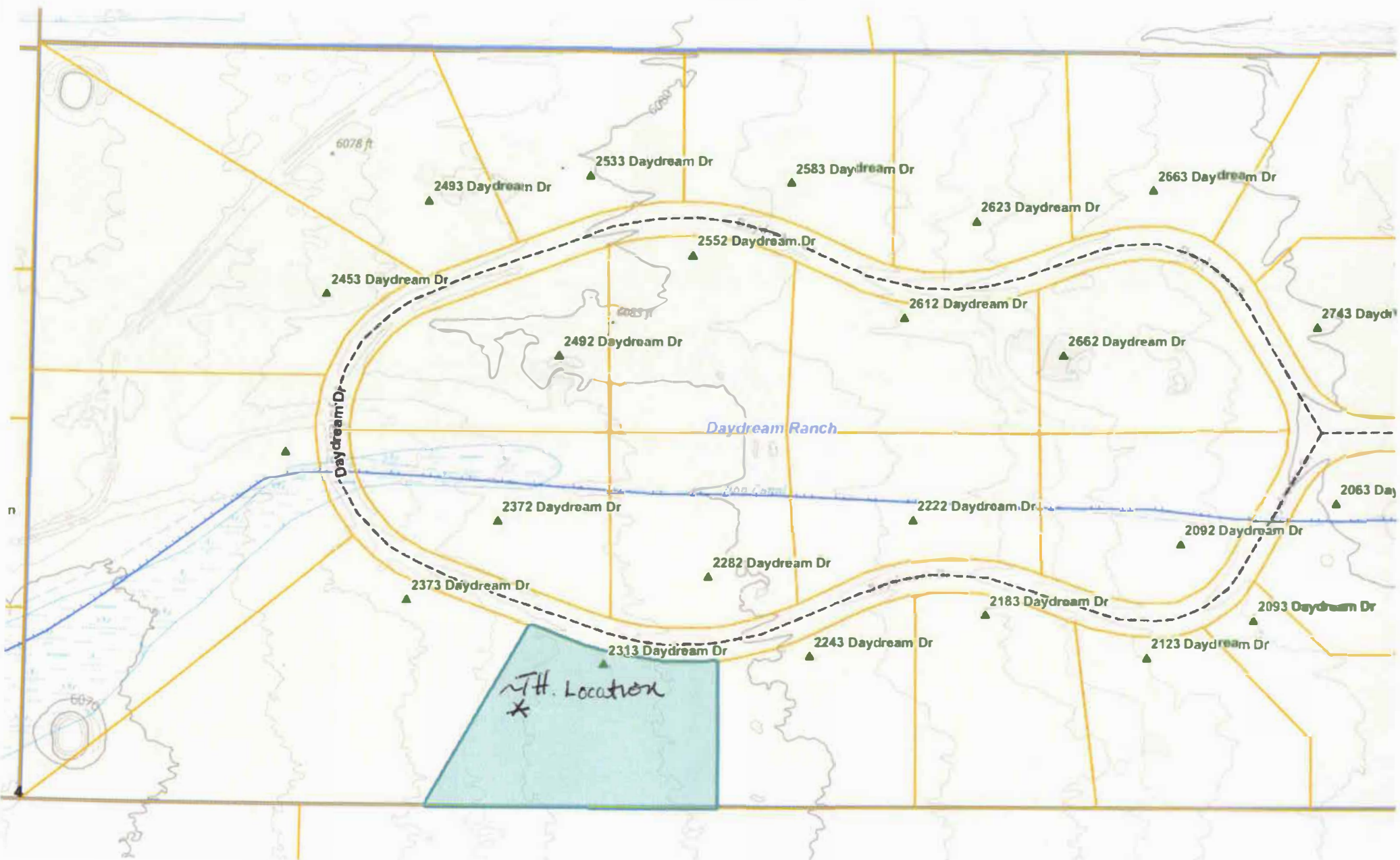
**Master of Science Geology**

**Eastern Idaho Public Health**

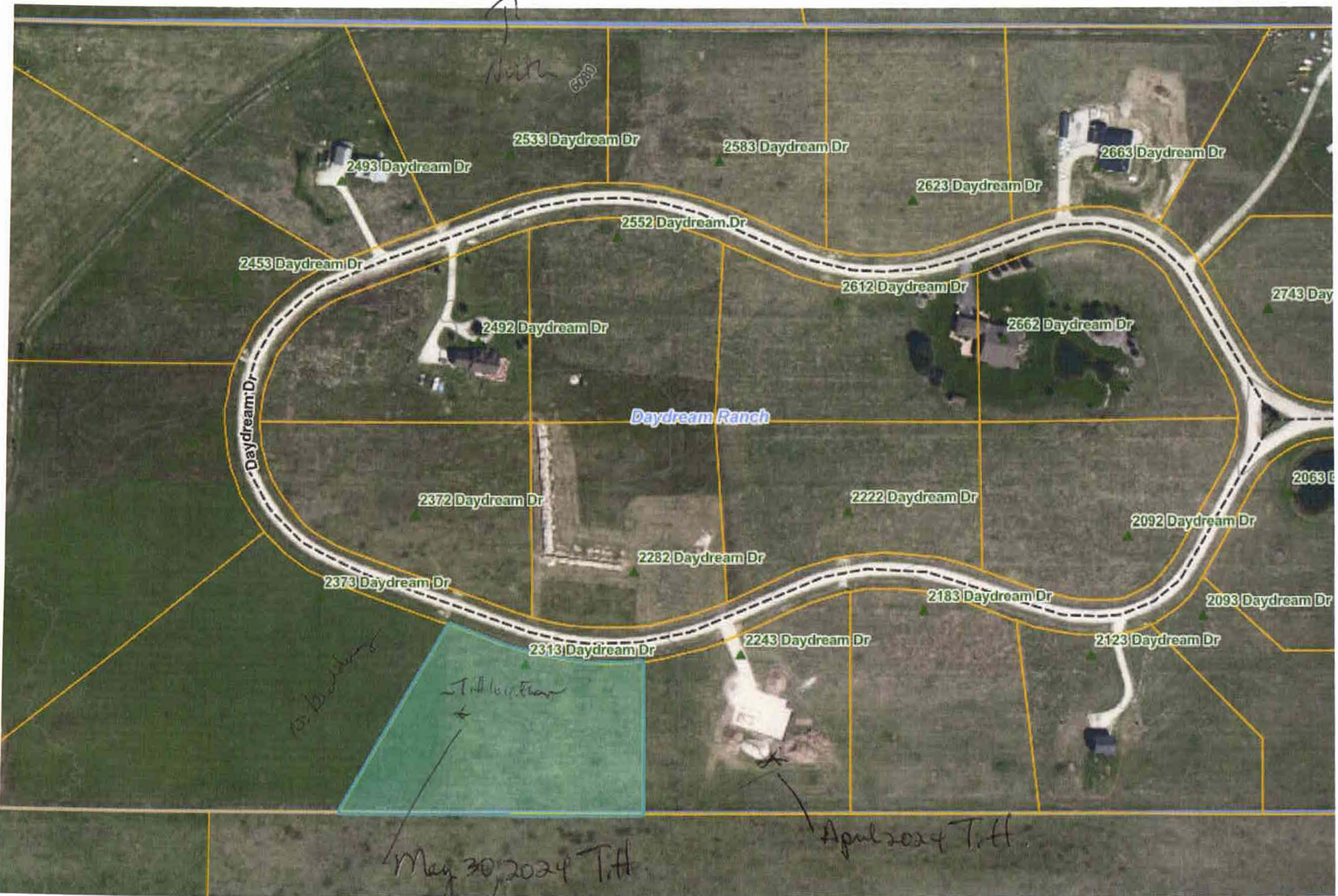
**Office: 208-354-2220 x 1**

**Cell: 208-541-4886**

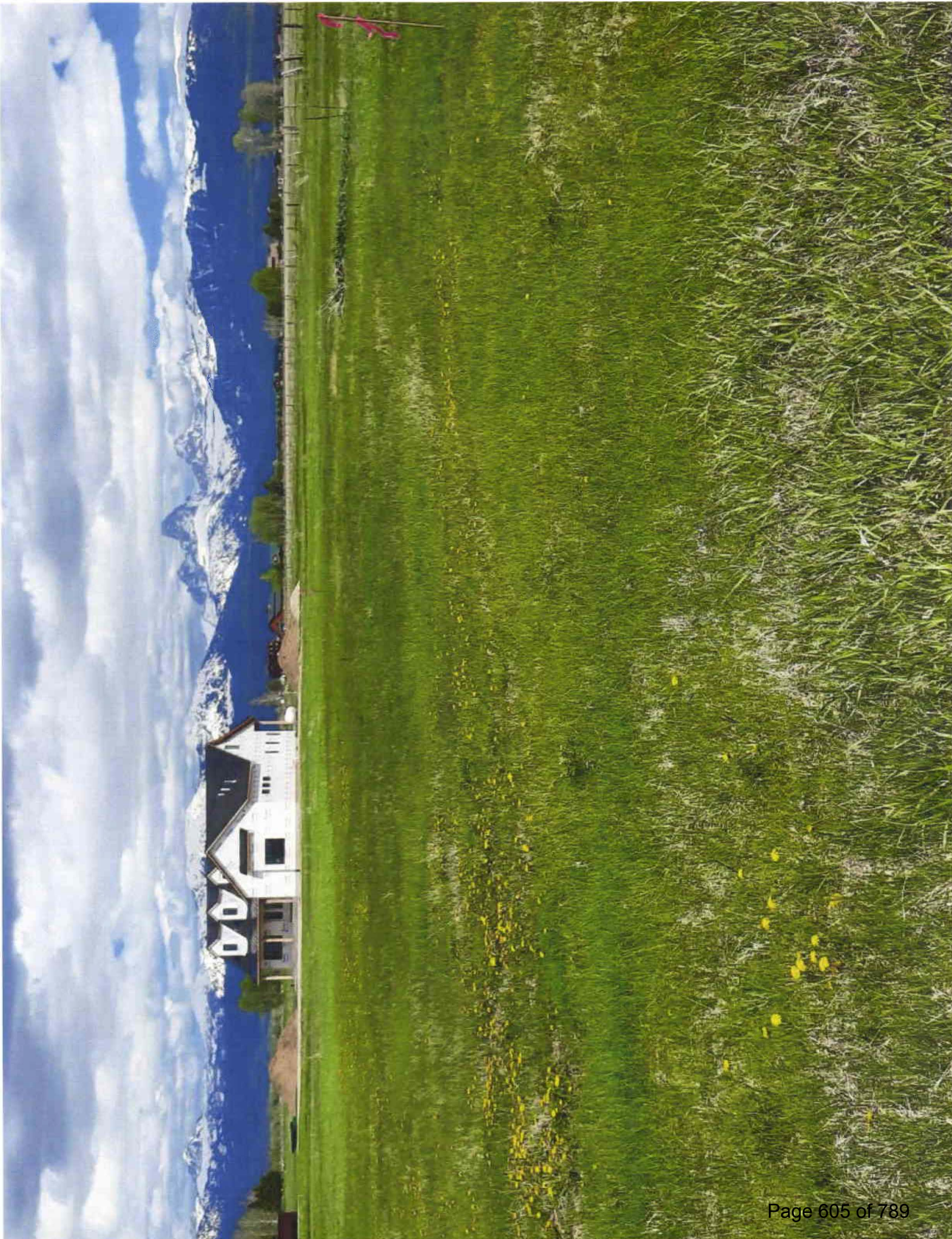
**kprice@eiph.idaho.gov**



NO surface water located on or adjacent to  
Lot 11 Daydream Ranch Subdivision









Lot 11, Dryden Ranch, Anderson



**SPECULATIVE EVALUATION FORM**

Requester: Joe Anderson Phone #: 312-446-0107  
Mailing Address: 621 Sorita Circle Heath TX 75032  
Address City State Zip  
Email Address: joeand37@yahoo.com

Location:  
Legal Description: Township: Tetonia Range: \_\_\_\_\_ Section: 4 ¼ Section: T5N R45E  
Subdivision Name (if applicable): Daydream Ranch Division: \_\_\_\_\_ Lot: 11 Block: \_\_\_\_\_  
Parcel #: RP002640000110 2313 Daydream Dr. Tetonia

Directions to Property: W 4300 N to N 2200 W to daydream drive Anderson Revocable Living Trust

Lot Size: 2.78 acres Water Supply:  Private Well  Shared Well  Public System

This review in no way guarantees issuance of a septic permit. It is valid for one (1) year only. Fee may be applied toward permit within one (1) year. If more than two (2) visits needed, an additional \$400 fee is required.  
I hereby authorize access to this property for the purpose of conducting a speculative on-site evaluation.

Signed by: [Signature] Date: 5/20/2024

**EIPH Use Only**

CURRENT LAND USE: Existing Subdivision lot

SITE SUITABILITY: Suitable

Soil Types:  
Based on SCS Maps: well rounded gravel: small cobbles stone 1-4" (A) B1  
Based on Engineering Report: medium to coarse sand Aab  
Based on Test Hole: well sorted

Test Hole Information:  
Depth of Test Hole: 10' (20") Predominant soil type observed: \* B1 Dominant  
Bedrock encountered: No Any ground water encountered: No

Other concerns: No concerns. Soils, topography surface & G.Water Do not change one day to the next.

Effective Soil Depth: Is there sufficient soil depth below bottom of proposed system to meet rules? Yes No Unk\*  
Depth to nearest Groundwater: >120" Depth to nearest impermeable layer: >120"

Separation Distances: Does property appear to have sufficient area for system and replacement to meet all separation requirements for:  
Well location (owner's property): Yes No Unk\* Nearest neighbor's well: Yes No Unk\*  
Water distribution lines: Yes No Unk\* Downslope cut or scarp: Yes No Unk\*  
Temporary surface waters: Yes No Unk\* Property lines: Yes No Unk\*  
Permanent or intermittent surface water: Yes No Unk\*

\*Comments: No concerns - No groundwater indications. No surface water.

Date(s) On-Site Evaluation Conducted: May 30, 2024  
Travel time associated with evaluation: \_\_\_\_\_  
Inspection time associated with evaluation: \_\_\_\_\_  
EHS: [Signature]

## Pre-Application Conference – Checklist

**Type of Application:** Minor & Major Plat Amendment; governed by Teton County Land Development Code - Chapter 4

<b>Property:</b>	Lot 11 - Daydream Ranch
<b>Parcel identification number:</b>	RP002640000110
<b>Property Owner:</b>	Owner: Anderson Revocable Living Trust Applicant: Joe Anderson
<b>Legal Description</b>	LOT 11 DAYDREAM RANCH SUB SEC 4 T5N R45E
<b>Zoning District:</b>	LA 35 acre average density
<b>Parcel(s) Size</b>	2.78 Acres
<b>Overlays:</b>	None
<b>Wetland:</b>	N/A
<b>Floodplain:</b>	N/A

### Overview of Subdivision or PUD Plat Amendment Process:

- (1) Pre-Application meeting/review (this form will satisfy this requirement)
- (2) The Administrator may request additional information, including revised drawings, studies, agency reviews, reports, or other submittal items that are necessary to review the proposed changes.
- (3) The Administrator shall commence review only after the applicant has submitted the required items as a complete and accurate application package.
- (4) The Administrator shall determine if the changes are minor or major. This determination may involve the Commission and/or the Board at the Administrator's discretion.
- (5) For a detailed description of the types of Modifications; minor or major, please see Land Development Code 4-14-D & E.
- (6) Each category of Plat Amendment has it's own Criteria for Approval list in 4-14-D.6 and 4-14-E.6



**Minor Modification- Review Criteria:**

- a) Any proposed changes shall comply with all applicable criteria and standards of the LDC or other County regulations, and conditions of approval established in the previous approval.
- b) Insignificant changes shall not reduce the area of designated open space or increase the number of lots.
- c) Insignificant changes shall not change the uses approved or the location of where certain uses are approved.
- d) Insignificant changes shall not increase or create new and potentially substantial direct or indirect impacts on the neighborhood, vicinity of the subdivision or overall community.

Minor Modifications go directly before the BoCC for review. Please see section 4-14 D for required signatures, etc.

**Major Modification - Review Criteria:**

- a) Any proposed changes to an easement, public right of way or planned unit development, shall comply with all applicable criteria and standards of the County regulations, and conditions of approval established in the previous approval.
- b) The subdivision master plan and plat for a subdivision or planned unit development, including the proposed changes, shall reduce governmental costs for operations and capital expenses.
- c) The revised plat or plan shall reduce the impact to neighboring properties.
- d) The revised plat or plan shall reduce the intrusion of development into areas identified on the County's Natural Resource Overlay Map and updated identification of areas where indicator habitats and/or habitats for indicator species are found as documented by input that is accepted by the County from IDFG or other qualified wildlife professionals
- e) Review criteria applicable to a Major Modification or a preliminary or final plat include those applicable to the original approval process for the preliminary or final plat, respectively.
- f) Any proposed changes to a plat, shall comply with all applicable criteria and standards of the current County regulations, and conditions of approval established in the previous approval.
- g) Any proposed changes to a recorded plat or subdivision master plan that increase direct or indirect impacts may require additional mitigation pursuant to the current criteria and standards of County regulations.

Major modifications follow the review process for Preliminary and Final Plats.

**Application and Approval Process:**

Upon determining the application complete, and that the proposal is a **Minor Modification to a Plat**, the Planning Administrator shall recommend to the Board of County Commissioners approval, approval with conditions, or denial the application pursuant to the criteria and standards in the county regulations. The Board may review insignificant changes at a regularly scheduled public meeting.

**Key Points to Consider for this Application:**

- Zoning:** The zoning on this parcel is LA-35 acre average density
- Overlays:** None.
- Process & Review:** **The proposed plat amendment is considered a Minor Modification of a plat because it is shifting a building envelope in a platted subdivision and NOT increasing the size of the building envelope.**
- Additional Studies:** None at this time.

**Next Steps:** Please submit a complete Minor Plat Modification Form which includes all the necessary information, as listed on the application form. COMPLETE THE CHECKLIST or it will be returned to you as insufficient.



*Figure 1. Lot 11 of Daydream Ranch subdivision*

**Additional Comments:**

- Daydream ranch was originally platted by instrument 154253
- This is a request to shift the building envelope on Lot 11 and not increase the 100x100 size. Please provide confirmation that the shift of the building envelope WILL not result in building closer to the groundwater per the original plat note (7'). EIPH may be the best contact. You may need to dig additional test pits in your proposed building envelope

location. These building envelopes were platted for lots with water within 7' of the surface as of 2002.


- **Please submit a signed letter from the HOA** approving the building envelope adjustment. HOA titles should be included.
- Please submit Anderson Trust documentation and letter of authorization for whomever is able to sign on behalf of the trust.
- *I have asked for the HOA to submit one plat amendment to address all of the envelope shifts in one. I am simply documenting this request again. One application would be more time efficient and cost effective for the HOA as well as the County.*

Date of Pre-Application Conference letter: April 15, 2024

Applicant Signature:

*The information above is a summary of the Land Development Code - Chapter 4. All applicants are advised to review the applicable section of Code, as mentioned, prior to submission of an application. Please note that signing this Pre-Application form indicates that you have read and understand the information presented, and understand the requirements stated in the applicable section(s) of the Code. Completion of this form satisfies the requirement for the Pre-Application meeting. This letter does not indicate final approval of the application.*

*If you have any questions or need any clarifications, please contact the Planning Department.*

  
\_\_\_\_\_  
Applicant

5/2/2024  
Date

\_\_\_\_\_  
Planning Administrator

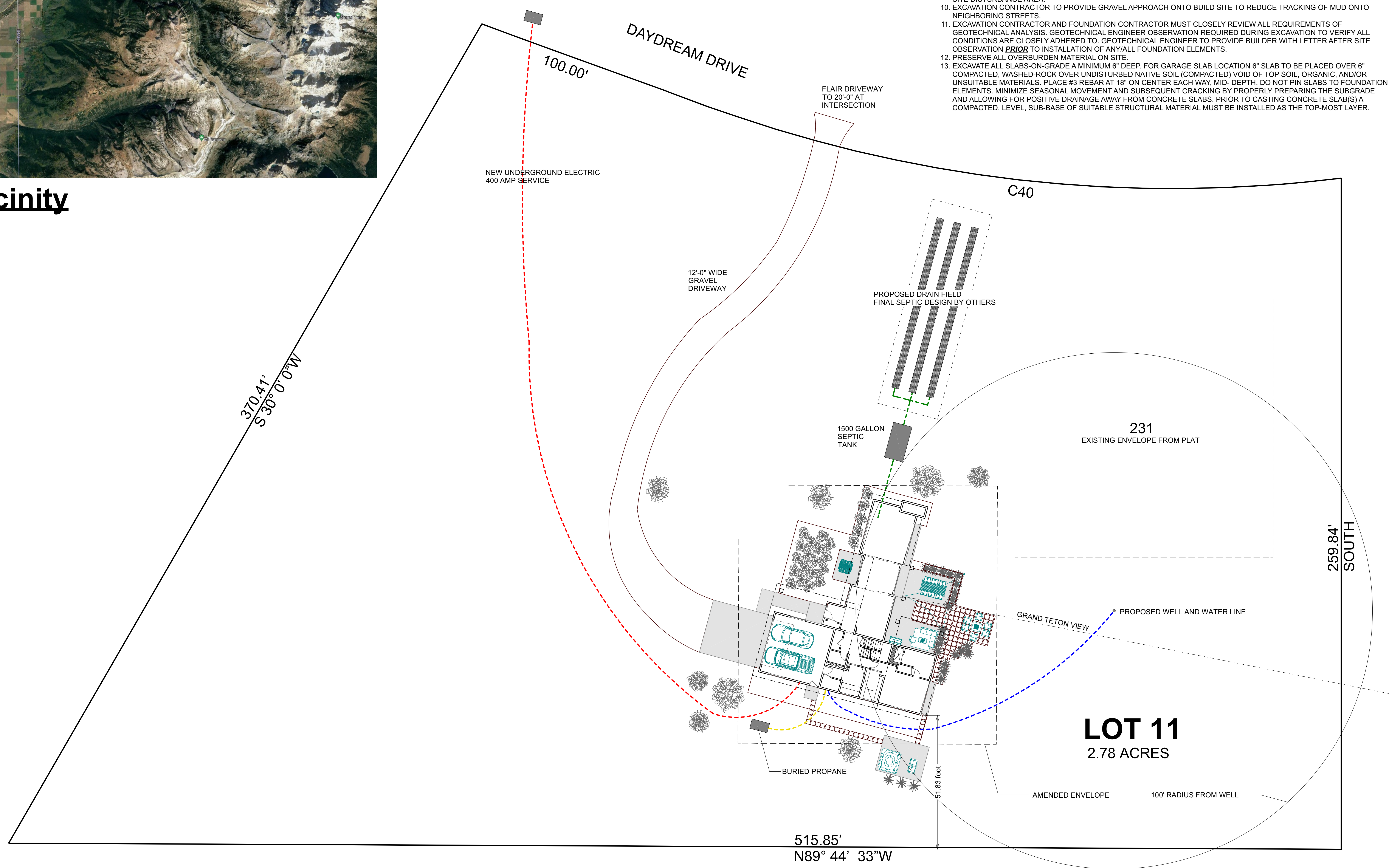
\_\_\_\_\_  
Date



**Project Vicinity**

**EXCAVATION, ELEVATION, AND GRADING NOTES**

1. SEE GEOTECHNICAL ENGINEERING REPORT IF APPLICABLE.
2. CONTRACTOR TO VERIFY LOCATION OF ALL EXISTING UTILITIES.
3. PRIOR TO FINALIZING ELEVATION OF FOOTINGS, INVESTIGATE EXISTING ROAD ELEVATION, AND ADJACENT LOT/OPEN SPACE ELEVATIONS. SET HOME ELEVATION ACCORDING TO EXISTING CONDITIONS. PRIOR TO MAKING FINAL ELEVATION DECISION, REVIEW WITH OWNER AND OWNER'S CONTRACTOR.
4. PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING. MINIMUM 6" OF FALL IN THE FIRST 10'0" AWAY FROM FOUNDATION.
5. ROUGH GRADE TO WITHIN 12" OF TOP OF STEM WALL.
6. FINISH GRADE TO WITHIN 8" OF TOP OF STEM WALL.
7. PROPOSED TOP OF TYP. STEM WALL TO BE \_\_\_\_\_ ABOVE SEA LEVEL (OWNER TO VERIFY AND APPROVE FINAL BUILDING ELEVATION PRIOR TO EXCAVATION).
8. PREPARE GRAVEL DRIVEWAY ACCORDING TO REQUIREMENTS SET FORTH BY PAVING CONTRACTOR.
9. EXCAVATION CONTRACTOR TO UTILIZE STRAW WATTLE AT LOT PERIMETER TO MANAGE STORM WATER RUN OFF FROM SITE DISTURBANCE AREA.
10. EXCAVATION CONTRACTOR TO PROVIDE GRAVEL APPROACH ONTO BUILD SITE TO REDUCE TRACKING OF MUD ONTO NEIGHBORING STREETS.
11. EXCAVATION CONTRACTOR AND FOUNDATION CONTRACTOR MUST CLOSELY REVIEW ALL REQUIREMENTS OF GEOTECHNICAL ANALYSIS. GEOTECHNICAL ENGINEER OBSERVATION REQUIRED DURING EXCAVATION TO VERIFY ALL CONDITIONS ARE CLOSELY ADHERED TO. GEOTECHNICAL ENGINEER TO PROVIDE BUILDER WITH LETTER AFTER SITE OBSERVATION **PRIOR** TO INSTALLATION OF ANY/ALL FOUNDATION ELEMENTS.
12. PRESERVE ALL OVERBURDEN MATERIAL ON SITE.
13. EXCAVATE ALL SLABS-ON-GRADE A MINIMUM 6" DEEP. FOR GARAGE SLAB LOCATION 6" SLAB TO BE PLACED OVER 6" COMPACTED, WASHED-ROCK OVER UNDISTURBED NATIVE SOIL (COMPACTED) VOID OF TOP SOIL, ORGANIC, AND/OR UNSUITABLE MATERIALS. PLACE #3 REBAR AT 18" ON CENTER EACH WAY, MID-DEPTH. DO NOT PIN SLABS TO FOUNDATION ELEMENTS. MINIMIZE SEASONAL MOVEMENT AND SUBSEQUENT CRACKING BY PROPERLY PREPARING THE SUBGRADE AND ALLOWING FOR POSITIVE DRAINAGE AWAY FROM CONCRETE SLABS. PRIOR TO CASTING CONCRETE SLAB(S) A COMPACTED, LEVEL, SUB-BASE OF SUITABLE STRUCTURAL MATERIAL MUST BE INSTALLED AS THE TOP-MOST LAYER.



**Plot Plan View**  
SCALE 1/16"=1'

ARDEN KLINGER PROPERTY

**LOT 11**  
2.78 ACRES

ANDERSON RESIDENCE  
2313 DAYDREAM DRIVE  
TETONIA, ID 83452

Trimbach Design Build  
PO Box 1151  
Bozeman MT 59771  
406.600.0928  
info@tribachdesignbuild.com

DATE:	3/22/2024
TITLE:	SITE PLAN
SHEET:	A0.1

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## DECLARATION OF TRUST

### OF

## THE ANDERSON REVOCABLE LIVING TRUST

We, Joseph Arthur Anderson and Celia Diane Anderson ("Settlers"), residents of Rockwall County, Texas, enter into this trust agreement, which creates a trust to be known as The Anderson Revocable Living Trust ("this trust"), for the purposes and subject to the provisions described below.

### *1. Purpose of Trust*

1.1 Our purpose in entering into this trust agreement is to establish a trust to receive assets that are to be managed and used for our benefit during our lifetimes and, upon our deaths, these assets are to be managed and distributed as required by the provisions of this trust agreement.

### *2. Assets*

2.1 We may deliver property to our trustee at any time during our lives, by any legally valid and effective means of transfer and, after our deaths, property may be delivered to our trustee by operation of our Wills, any other legally valid and effective instrument executed by either of us during our lives, any third party under an obligation to transfer property or other assets to our trustee for our benefit, or any other person's or entity's legally valid direction.

### *3. Distributions*

3.1 During Our Lives. During our lives, our trustee will distribute to us, either individually or jointly, or for our individual or joint benefit, all or any portion of the principal or income of this trust as we, acting alone or jointly, direct, or any duly appointed guardian or agent of either of us directs. Our trustee may distribute to us, either individually or jointly, or for our individual or joint benefit, so much of the trust's income and principal as is necessary to provide for our health, support, maintenance and education.

3.2 After One of Our Deaths. After one of us dies, the trust continues for the benefit of the survivor.

3.3 After Our Deaths. After our deaths, our trustee will distribute all remaining trust property:

- A. To our descendants, per stirpes.
- B. If none of our descendants survives us, to our contingent beneficiaries.

4. *Contingent Trust(s)*

4.1 If all or any portion of any trust created under this trust agreement is to be distributed upon termination of that trust, or any share of payments or proceeds payable to our trustee is otherwise provided to be distributed, to a beneficiary who has not attained age 30 or who, in the absolute judgment of our trustee, is incapacitated, with respect to that share, we direct our trustee either:

To hold that share in custody as custodian under the Uniform Transfers to Minors Act of Texas, for a beneficiary under age 21 or other age of majority specified by applicable law; or

To distribute that share to, or hold that share as, our trustee, in trust, in a separate trust for the benefit and use, and in the name of that beneficiary.

A. In creating any trust for a beneficiary under this Contingent Trust(s) subsection, our intention is to provide a gift of only the future distributions from that trust, and not of the undistributed trust corpus.

B. Any income or corpus not so distributed or used shall be separately accumulated for each beneficiary. Upon attaining the age of twenty-two (22) years, each beneficiary shall have the option of withdrawing one-fourth (1/4) of the property then constituting his or her separate Trust Estate. Upon attaining the age of twenty-five (25) years or any time thereafter, each beneficiary shall have the option of withdrawing one-fourth (1/4) of the remaining property then constituting his or her separate Trust Estate. Upon attaining the age of twenty-eight (28) years or any time thereafter, each beneficiary shall have the option of withdrawing one-fourth (1/4) of the remaining property then constituting his or her separate Trust Estate. Upon attaining the age of thirty (30) years or any time thereafter, each beneficiary shall have the option of withdrawing the remaining balance of the property then constituting his or her separate Trust Estate. Each beneficiary shall be advised of his or her options ninety (90) days prior to his or her respective birthdays when such options shall arise. Furthermore, any beneficiary intending to exercise any of his or her options to withdraw, shall give the Trustee at least sixty (60) days written notice of such intent. The Trustee may, in my Trustee's absolute discretion, waive all or any portion of such sixty (60) days notice. In the meantime, during the pendency of each trust, the Trustee shall have the same powers, discretions, duties and responsibilities it has with respect to this Trust generally as to administration and distributions.

C. Any separate trust created under this subsection will terminate on the occurrence of the earlier of the two following conditions, when the beneficiary: (1) has attained age 30 or, in the case of a beneficiary who is incapacitated, even if he or she has attained age 30, when the incapacity is removed; or (2) dies.

D. Upon termination, all remaining trust property must be distributed:

- i. To the beneficiary.
- ii. If the beneficiary is no longer living, to his or her descendants.
- iii. If none of the beneficiary's descendants is still living, to the descendants of the beneficiary's parent who is also our descendant.
- iv. If none of the above beneficiaries is then living, to our descendants.
- v. If none of our descendants is then living, to our contingent beneficiaries.

## 5. *Fiduciary Provisions*

5.1 Appointment of Trustee. We appoint the following individuals, in the order shown, to serve in succession as our trustee of any trusts created under this trust agreement: first, ourselves as co-trustees; second, Michael E. Goodman; and third, Glen Wayne Anderson. While serving as co-trustees, either of us is authorized, acting alone, to exercise any power and perform any duty of the trustee under this trust agreement. If, for any reason, neither of us is serving as our trustee, or if any other person appointed as our trustee does not, or ceases to, serve as our trustee, the person next named in the above list will become our trustee.

5.2 Children as Trustees. Cole Boewe Anderson and Kai Brody Anderson are eligible to be appointed Co-Trustees, if necessary, upon reaching the age of 25, and eligible to be appointed Sole Trustee, if necessary, upon reaching the age of 30.

5.3 General Powers. Except as expressly limited by the terms of this trust agreement, our trustee may exercise all of the powers granted to trustees by the Texas Trust Code, and by any future amendments to that code or given under any other statute with respect to the powers of trustees, and any other powers granted by applicable law.

5.4 Fiduciary Duties. Our trustee's exercise of any power under this trust agreement is subject to full compliance with all fiduciary duties.

5.5 References. Reference to "the", "this", "any", or "our" trustee in this trust agreement also means and includes any ancillary fiduciaries, co-fiduciaries, alternates or successors while serving in that fiduciary capacity under this trust.

5.6 Resignation of Trustee. Any trustee may resign with respect to any trust created under this trust agreement by giving at least 30 days' written notice (unless waived) to each beneficiary (including an incapacitated beneficiary's natural or legal guardian or legal representative) of the trust.

5.7 Removal of Trustee. We may from time to time remove our trustee, with or without cause, by giving written notice (unless waived) to that trustee and may appoint any person as successor trustee.

5.8 Change in Trustee.

A. Our trustee, while serving in that capacity, may appoint a successor trustee to serve in his or her place if, in our trustee's sole discretion, any successor trustee that we designate in this trust agreement, either is unwilling or unable to serve.

B. If a trusteeship becomes vacant for any reason and no successor trustee provided for under this trust agreement is willing and able to serve, the power to appoint a successor trustee may be exercised by the following persons in this order: (1) ourselves; (2) any individual trustee of the trust, for a period of 30 days, or if the individual trustee is incapacitated or otherwise fails to appoint a successor within that time period; (3) the beneficiary (or an incapacitated beneficiary's natural or legal guardian or legal representative) of the trust; or (4), in the event of multiple beneficiaries, by agreement of a majority of the beneficiaries (including an incapacitated beneficiary's natural or legal guardian or legal representative) of the trust.

C. Our trustee or, in the event that any trust created under this trust agreement has multiple trustees, those trustees acting jointly, may appoint a co-trustee.

D. Any beneficiary of his or her own trust created under this trust agreement may elect at any time to be appointed as co-trustee of that trust after attaining age 21 and sole trustee of that trust after attaining age 25.

E. After attaining age 21, any beneficiary of his or her own trust created under this trust agreement may from time to time elect to appoint any corporate fiduciary meeting the requirements specified below to become trustee and replace any other trustee of that trust.

F. Except as otherwise provided in this Change in Trustee subsection, a successor trustee may be an individual or it may be any corporate fiduciary meeting the following requirements: a state or national bank with trust powers, or a trust



company, domiciled anywhere in the United States of America, with at least \$100,000,000 of assets under management.

G. Any appointment of a successor trustee made as provided under this Change in Trustee subsection must be made by delivery of an acknowledged instrument to our trustee then serving (except with respect to any election or appointment actually made by our trustee serving in that capacity, or where the office of trustee is, in fact, vacant) and be filed with the trust records.

5.9 After a Change in Trustee. Any trustee is relieved of any duty to examine the acts of any prior fiduciary, without the necessity of any court accounting, and any successor trustee will be responsible for only those assets which are actually delivered to that trustee. Any successor trustee, on executing an acknowledged acceptance of the trusteeship filed with the trust records, and upon actual receipt of those assets delivered by the prior trustee, is vested without further act on the part of anyone with all of the estates, titles, rights, powers, duties, immunities and discretions in and relating to those assets actually delivered by the prior trustee.

5.10 Waiver of Bond; Release, Indemnity and Hold Harmless. No bond may be required of any trustee. Any trustee may rely in good faith upon the written opinion of an attorney or any facts stated in any instrument in writing and believed to be true. Any trustee is released, indemnified and held harmless from any liability, except to the extent of any profit received by the trustee (or any other person or entity) from that trustee's breach of fiduciary duty, for any action that trustee may take, or for the failure of that trustee to take any action, if done in good faith and without gross negligence, including, without limitation, indemnity for the ordinary negligence of that trustee.

5.11 Trustee's Fee. Our trustee, except to the extent that trustee is also a beneficiary of a trust created under this trust agreement, may receive a reasonable fee for time and work expended, but only to the extent that the fee is consistent with (1) the value and nature of the trust estate, and (2) fees received by independent trustees of trusts of comparable value and nature. Our trustee is entitled to reimbursement for any reasonable expenses incurred in that capacity.

5.12 Transfer of Property to Trust. Subject to acceptance by our trustee, any person, from time to time while living or by will, has the right to transfer to our trustee any property that the person desires to become a part of any trust created under this trust agreement.

5.13 All assets, books or account and records of each trust will be available for inspection at all times during business hours by any beneficiary, or by any person or persons designated by any one of them.

## 6. *Administrative Provisions*

6.1 Revocability of Trust. During our lives, we may amend, modify, or revoke, in whole or in part, this trust agreement, by providing written notice to our trustee. The amendment, modification or revocation will be effective immediately upon delivery to our trustee, except that changes with respect to our then serving, and only our then serving, trustee's duties, liabilities, or compensation (the "changed terms"), will not be effective until the occurrence of the earlier of either receipt of our trustee's written acceptance of the changed terms, or the passage of 30 days. Upon the death of the last of us to survive, this trust and the provisions of this trust agreement are no longer revocable or otherwise subject to change.

6.2 Survival. If we die within 90 days of each other, each person, with respect to all of that person's separate property and one-half of that person's community property, is to be considered to have survived the other. No person will be considered to have survived the last of us to die if that person dies within 90 days of that settlor's death or, subject to the Maximum Duration of Trust(s) subsection, if that person dies within 30 days after termination of a trust in which they are a beneficiary.

6.3 Reliance on Trustee's Authority. Any person entering into a transaction with our trustee may do so without any obligation to first verify (1) our trustee's authority to act on behalf of the trust in that transaction, or (2) the propriety of that transaction with respect to the terms of the trust. Any person or entity, including without limitation, any insurance company or retirement plan, making payment or adding property to any trust created under this trust agreement is entitled to rely on the receipt received from our trustee as full release and discharge as to all matter(s) shown on that receipt.

6.4 Taxes. In the event that any taxes are payable by reason of our deaths, including any interest arising and penalties due from any failure or delinquency of either of our estates to pay those taxes (the "tax liability"), and the residue of either estate, as defined under our respective Wills, is insufficient to pay the tax liability, we direct our trustee to pay the tax liability, from

available principal or income of this trust as our trustee determines in his or her sole discretion. The provisions of Texas Estates Code section 124.005 or any other statute purporting to apportion payment of taxes arising from our deaths will not apply to any payment of the tax liability made or directed by our trustee, except that any taxes due by application of sections 2036, 2041, or 2044 of the Internal Revenue Code will be apportioned pursuant to sections 2207, 2207A, or 2207B of the Internal Revenue Code. In no event is it our intention, nor is our trustee authorized, to waive any claim or right to reimbursement or recovery for payment of the tax liability by this trust.

6.5 Debts and Expenses of Either Estate. In the event that the residue of either of our estates, as defined under our respective Wills, is insufficient to pay any unsecured debt or cost of administration of that estate, or any burial, funeral, or last illness cost or expense payable by reason of our deaths, we direct our trustee to pay any of the above described debts, cost, and expenses from available principal or income of this trust as our trustee determines in his or her sole discretion.

6.6 Spendthrift Protection. Prior to the actual receipt of property by any beneficiary, no property (income or principal) distributable under any trust created under this trust agreement is subject to anticipation or assignment by any beneficiary, or to attachment by, or to the interference or control of, any creditor or assignee of any beneficiary, or to be taken or reached by any legal or equitable process in satisfaction of any debt or liability of any beneficiary. Any attempted transfer or encumbrance of any interest in that property by any beneficiary under this trust agreement prior to distribution will be absolutely void.

6.7 Maximum Duration of Trust(s). Despite anything to the contrary contained in this trust agreement, any trusts created under this trust agreement terminate, unless earlier terminated, one day less than twenty-one years after the date of death of the last to survive of our parents' descendants who are living at the time of the last of us to die. With respect to the termination of any trust caused by application of this subsection, despite anything to the contrary contained in this trust agreement, all remaining trust property will be distributed to the beneficiary or ward of the trust.

6.8 Merger of Trusts. Our trustee, in our trustee's absolute discretion, may distribute all or any part of the income and principal of this trust to, or may merge any trust created under this

## DECLARATION OF TRUST

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## THE ANDERSON REVOCABLE LIVING TRUST

We, Joseph Arthur Anderson and Celia Diane Anderson ("Settlers"), residents of Rockwall County, Texas, enter into this trust agreement, which creates a trust to be known as The Anderson Revocable Living Trust ("this trust"), for the purposes and subject to the provisions described below.

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1.1 Our purpose in entering into this trust agreement is to establish a trust to receive assets that are to be managed and used for our benefit during our lifetimes and, upon our deaths, these assets are to be managed and distributed as required by the provisions of this trust agreement.

### *2. Assets*

2.1 We may deliver property to our trustee at any time during our lives, by any legally valid and effective means of transfer and, after our deaths, property may be delivered to our trustee by operation of our Wills, any other legally valid and effective instrument executed by either of us during our lives, any third party under an obligation to transfer property or other assets to our trustee for our benefit, or any other person's or entity's legally valid direction.

### *3. Distributions*

3.1 During Our Lives. During our lives, our trustee will distribute to us, either individually or jointly, or for our individual or joint benefit, all or any portion of the principal or income of this trust as we, acting alone or jointly, direct, or any duly appointed guardian or agent of either of us directs. Our trustee may distribute to us, either individually or jointly, or for our individual or joint benefit, so much of the trust's income and principal as is necessary to provide for our health, support, maintenance and education.

3.2 After One of Our Deaths. After one of us dies, the trust continues for the benefit of the survivor.

3.3 After Our Deaths. After our deaths, our trustee will distribute all remaining trust property:

- A. To our descendants, per stirpes.
- B. If none of our descendants survives us, to our contingent beneficiaries.

4. *Contingent Trust(s)*

4.1 If all or any portion of any trust created under this trust agreement is to be distributed upon termination of that trust, or any share of payments or proceeds payable to our trustee is otherwise provided to be distributed, to a beneficiary who has not attained age 30 or who, in the absolute judgment of our trustee, is incapacitated, with respect to that share, we direct our trustee either:

To hold that share in custody as custodian under the Uniform Transfers to Minors Act of Texas, for a beneficiary under age 21 or other age of majority specified by applicable law; or

To distribute that share to, or hold that share as, our trustee, in trust, in a separate trust for the benefit and use, and in the name of that beneficiary.

A. In creating any trust for a beneficiary under this Contingent Trust(s) subsection, our intention is to provide a gift of only the future distributions from that trust, and not of the undistributed trust corpus.

B. Any income or corpus not so distributed or used shall be separately accumulated for each beneficiary. Upon attaining the age of twenty-two (22) years, each beneficiary shall have the option of withdrawing one-fourth (1/4) of the property then constituting his or her separate Trust Estate. Upon attaining the age of twenty-five (25) years or any time thereafter, each beneficiary shall have the option of withdrawing one-fourth (1/4) of the remaining property then constituting his or her separate Trust Estate. Upon attaining the age of twenty-eight (28) years or any time thereafter, each beneficiary shall have the option of withdrawing one-fourth (1/4) of the remaining property then constituting his or her separate Trust Estate. Upon attaining the age of thirty (30) years or any time thereafter, each beneficiary shall have the option of withdrawing the remaining balance of the property then constituting his or her separate Trust Estate. Each beneficiary shall be advised of his or her options ninety (90) days prior to his or her respective birthdays when such options shall arise. Furthermore, any beneficiary intending to exercise any of his or her options to withdraw, shall give the Trustee at least sixty (60) days written notice of such intent. The Trustee may, in my Trustee's absolute discretion, waive all or any portion of such sixty (60) days notice. In the meantime, during the pendency of each trust, the Trustee shall have the same powers, discretions, duties and responsibilities it has with respect to this Trust generally as to administration and distributions.

C. Any separate trust created under this subsection will terminate on the occurrence of the earlier of the two following conditions, when the beneficiary: (1) has attained age 30 or, in the case of a beneficiary who is incapacitated, even if he or she has attained age 30, when the incapacity is removed; or (2) dies.

D. Upon termination, all remaining trust property must be distributed:

- i. To the beneficiary.
- ii. If the beneficiary is no longer living, to his or her descendants.
- iii. If none of the beneficiary's descendants is still living, to the descendants of the beneficiary's parent who is also our descendant.
- iv. If none of the above beneficiaries is then living, to our descendants.
- v. If none of our descendants is then living, to our contingent beneficiaries.

## 5. *Fiduciary Provisions*

5.1 Appointment of Trustee. We appoint the following individuals, in the order shown, to serve in succession as our trustee of any trusts created under this trust agreement: first, ourselves as co-trustees; second, Michael E. Goodman; and third, Glen Wayne Anderson. While serving as co-trustees, either of us is authorized, acting alone, to exercise any power and perform any duty of the trustee under this trust agreement. If, for any reason, neither of us is serving as our trustee, or if any other person appointed as our trustee does not, or ceases to, serve as our trustee, the person next named in the above list will become our trustee.

5.2 Children as Trustees. Cole Boewe Anderson and Kai Brody Anderson are eligible to be appointed Co-Trustees, if necessary, upon reaching the age of 25, and eligible to be appointed Sole Trustee, if necessary, upon reaching the age of 30.

5.3 General Powers. Except as expressly limited by the terms of this trust agreement, our trustee may exercise all of the powers granted to trustees by the Texas Trust Code, and by any future amendments to that code or given under any other statute with respect to the powers of trustees, and any other powers granted by applicable law.

5.4 Fiduciary Duties. Our trustee's exercise of any power under this trust agreement is subject to full compliance with all fiduciary duties.

5.5 References. Reference to "the", "this", "any", or "our" trustee in this trust agreement also means and includes any ancillary fiduciaries, co-fiduciaries, alternates or successors while serving in that fiduciary capacity under this trust.

5.6 Resignation of Trustee. Any trustee may resign with respect to any trust created under this trust agreement by giving at least 30 days' written notice (unless waived) to each beneficiary (including an incapacitated beneficiary's natural or legal guardian or legal representative) of the trust.

5.7 Removal of Trustee. We may from time to time remove our trustee, with or without cause, by giving written notice (unless waived) to that trustee and may appoint any person as successor trustee.

5.8 Change in Trustee.

A. Our trustee, while serving in that capacity, may appoint a successor trustee to serve in his or her place if, in our trustee's sole discretion, any successor trustee that we designate in this trust agreement, either is unwilling or unable to serve.

B. If a trusteeship becomes vacant for any reason and no successor trustee provided for under this trust agreement is willing and able to serve, the power to appoint a successor trustee may be exercised by the following persons in this order: (1) ourselves; (2) any individual trustee of the trust, for a period of 30 days, or if the individual trustee is incapacitated or otherwise fails to appoint a successor within that time period; (3) the beneficiary (or an incapacitated beneficiary's natural or legal guardian or legal representative) of the trust; or (4), in the event of multiple beneficiaries, by agreement of a majority of the beneficiaries (including an incapacitated beneficiary's natural or legal guardian or legal representative) of the trust.

C. Our trustee or, in the event that any trust created under this trust agreement has multiple trustees, those trustees acting jointly, may appoint a co-trustee.

D. Any beneficiary of his or her own trust created under this trust agreement may elect at any time to be appointed as co-trustee of that trust after attaining age 21 and sole trustee of that trust after attaining age 25.

E. After attaining age 21, any beneficiary of his or her own trust created under this trust agreement may from time to time elect to appoint any corporate fiduciary meeting the requirements specified below to become trustee and replace any other trustee of that trust.

F. Except as otherwise provided in this Change in Trustee subsection, a successor trustee may be an individual or it may be any corporate fiduciary meeting the following requirements: a state or national bank with trust powers, or a trust

company, domiciled anywhere in the United States of America, with at least \$100,000,000 of assets under management.

G. Any appointment of a successor trustee made as provided under this Change in Trustee subsection must be made by delivery of an acknowledged instrument to our trustee then serving (except with respect to any election or appointment actually made by our trustee serving in that capacity, or where the office of trustee is, in fact, vacant) and be filed with the trust records.

5.9 After a Change in Trustee. Any trustee is relieved of any duty to examine the acts of any prior fiduciary, without the necessity of any court accounting, and any successor trustee will be responsible for only those assets which are actually delivered to that trustee. Any successor trustee, on executing an acknowledged acceptance of the trusteeship filed with the trust records, and upon actual receipt of those assets delivered by the prior trustee, is vested without further act on the part of anyone with all of the estates, titles, rights, powers, duties, immunities and discretions in and relating to those assets actually delivered by the prior trustee.

5.10 Waiver of Bond; Release, Indemnity and Hold Harmless. No bond may be required of any trustee. Any trustee may rely in good faith upon the written opinion of an attorney or any facts stated in any instrument in writing and believed to be true. Any trustee is released, indemnified and held harmless from any liability, except to the extent of any profit received by the trustee (or any other person or entity) from that trustee's breach of fiduciary duty, for any action that trustee may take, or for the failure of that trustee to take any action, if done in good faith and without gross negligence, including, without limitation, indemnity for the ordinary negligence of that trustee.

5.11 Trustee's Fee. Our trustee, except to the extent that trustee is also a beneficiary of a trust created under this trust agreement, may receive a reasonable fee for time and work expended, but only to the extent that the fee is consistent with (1) the value and nature of the trust estate, and (2) fees received by independent trustees of trusts of comparable value and nature. Our trustee is entitled to reimbursement for any reasonable expenses incurred in that capacity.

5.12 Transfer of Property to Trust. Subject to acceptance by our trustee, any person, from time to time while living or by will, has the right to transfer to our trustee any property that the person desires to become a part of any trust created under this trust agreement.



5.13 All assets, books or account and records of each trust will be available for inspection at all times during business hours by any beneficiary, or by any person or persons designated by any one of them.

## 6. *Administrative Provisions*

6.1 Revocability of Trust. During our lives, we may amend, modify, or revoke, in whole or in part, this trust agreement, by providing written notice to our trustee. The amendment, modification or revocation will be effective immediately upon delivery to our trustee, except that changes with respect to our then serving, and only our then serving, trustee's duties, liabilities, or compensation (the "changed terms"), will not be effective until the occurrence of the earlier of either receipt of our trustee's written acceptance of the changed terms, or the passage of 30 days. Upon the death of the last of us to survive, this trust and the provisions of this trust agreement are no longer revocable or otherwise subject to change.

6.2 Survival. If we die within 90 days of each other, each person, with respect to all of that person's separate property and one-half of that person's community property, is to be considered to have survived the other. No person will be considered to have survived the last of us to die if that person dies within 90 days of that settlor's death or, subject to the Maximum Duration of Trust(s) subsection, if that person dies within 30 days after termination of a trust in which they are a beneficiary.

6.3 Reliance on Trustee's Authority. Any person entering into a transaction with our trustee may do so without any obligation to first verify (1) our trustee's authority to act on behalf of the trust in that transaction, or (2) the propriety of that transaction with respect to the terms of the trust. Any person or entity, including without limitation, any insurance company or retirement plan, making payment or adding property to any trust created under this trust agreement is entitled to rely on the receipt received from our trustee as full release and discharge as to all matter(s) shown on that receipt.

6.4 Taxes. In the event that any taxes are payable by reason of our deaths, including any interest arising and penalties due from any failure or delinquency of either of our estates to pay those taxes (the "tax liability"), and the residue of either estate, as defined under our respective Wills, is insufficient to pay the tax liability, we direct our trustee to pay the tax liability, from

available principal or income of this trust as our trustee determines in his or her sole discretion. The provisions of Texas Estates Code section 124.005 or any other statute purporting to apportion payment of taxes arising from our deaths will not apply to any payment of the tax liability made or directed by our trustee, except that any taxes due by application of sections 2036, 2041, or 2044 of the Internal Revenue Code will be apportioned pursuant to sections 2207, 2207A, or 2207B of the Internal Revenue Code. In no event is it our intention, nor is our trustee authorized, to waive any claim or right to reimbursement or recovery for payment of the tax liability by this trust.

6.5 Debts and Expenses of Either Estate. In the event that the residue of either of our estates, as defined under our respective Wills, is insufficient to pay any unsecured debt or cost of administration of that estate, or any burial, funeral, or last illness cost or expense payable by reason of our deaths, we direct our trustee to pay any of the above described debts, cost, and expenses from available principal or income of this trust as our trustee determines in his or her sole discretion.

6.6 Spendthrift Protection. Prior to the actual receipt of property by any beneficiary, no property (income or principal) distributable under any trust created under this trust agreement is subject to anticipation or assignment by any beneficiary, or to attachment by, or to the interference or control of, any creditor or assignee of any beneficiary, or to be taken or reached by any legal or equitable process in satisfaction of any debt or liability of any beneficiary. Any attempted transfer or encumbrance of any interest in that property by any beneficiary under this trust agreement prior to distribution will be absolutely void.

6.7 Maximum Duration of Trust(s). Despite anything to the contrary contained in this trust agreement, any trusts created under this trust agreement terminate, unless earlier terminated, one day less than twenty-one years after the date of death of the last to survive of our parents' descendants who are living at the time of the last of us to die. With respect to the termination of any trust caused by application of this subsection, despite anything to the contrary contained in this trust agreement, all remaining trust property will be distributed to the beneficiary or ward of the trust.

6.8 Merger of Trusts. Our trustee, in our trustee's absolute discretion, may distribute all or any part of the income and principal of this trust to, or may merge any trust created under this

trust agreement with, any other trust(s) created by any other individual or either of us if the terms of those trusts are substantially similar, if those trusts are held for the primary benefit of the same person(s), have the same spendthrift protection, and have the same inclusion ratio for purposes of the generation-skipping tax. In the event that any trusts with different contingent beneficiaries are merged under this Merger of Trusts subsection and any part of that merged trust is to be distributed to contingent beneficiaries, then the property remaining in the merged trust at the time of the distribution will be divided pro rata among the contingent beneficiaries of each original trust in proportion to the value of each original trust at the time the trusts were merged. Further, if the original trusts are to terminate at different times, our trustee will terminate the respective merged portions at the appropriate times on a pro rata basis in proportion to the value of each original trust at the time the trusts were merged.

6.9 Use of Property as Homestead. Settlor retain the right to occupy and use any property owned by this trust as a principal residence free of any rent or other charge until such time as this trust is revoked or terminated. Likewise, any beneficiary of any other trust created under this agreement shall have the right to occupy and use any property owned by such beneficiary's trust free of any rent or other charge. It is Settlor's intent that any trust created under this agreement shall be a "qualifying" trust as defined in Section 11.13(j), Texas Tax Code and Section 41.0021, Texas Property Code, and that all property owned by any trust created under this agreement shall be eligible for a homestead exemption under such codes.

6.10 Character of Property. Neither the inclusion of any property in, nor the distribution of property from, the trust estate is intended to effect a partition or conversion of community property into separate property, or separate property into community property. Except as otherwise agreed by us in a separate, written instrument, any asset or property held as part of the trust estate, any subsequent accretion to that property, and any distribution of that property is considered to retain the community or separate property character that property had prior to its inclusion in the trust estate. To the extent permitted by law, any beneficial interest created in any trust beneficiary, other than settlor's, under this trust agreement is the separate property and estate of the beneficiary, and any income or principal distributed to that beneficiary or retained in that trust is that beneficiary's separate property and estate

6.11 Headings. The headings in this trust agreement are for convenient reference only. They are not part of the trust agreement and do not affect its meaning.

6.12 Number and Gender. Where appropriate to the context of this trust agreement, the singular may be construed as plural, the plural may be construed as singular, and one gender may be construed as another gender.

6.13 No Contest to Our Estate Plans. We intend for our estate plans to be executed fully and expeditiously without any dissipation of the trust estate, or of our probate or non-probate assets, due to obstruction, interference, litigation, or the threat of litigation, from any person or entity (1) contesting, directly or indirectly, the validity of this trust, any provision of our respective Wills or this trust agreement, any executor or trustee appointment made by either of us on any ground, or (2) asserting any claim against our probate or non-probate assets or against the trust estate, including any claim for reimbursement. In the event that our trustee, in his or her sole discretion, is given cause to consider using any part of these assets or the trust estate to counter any contest or claim as described above, then, by written notice delivered by our trustee to that person or entity described above, he, she or it, in the case of an entity, and his or her descendants, if any, are considered to have not survived either of us and forfeit any beneficial right, gift or interest under this trust agreement.

## *7. Definitions*

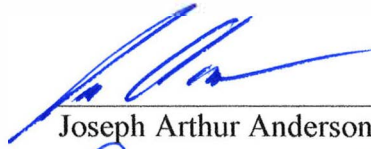
The definitions in this section apply to terms used in this trust agreement. In case of any conflict between these definitions and any other provision contained in this trust agreement, these definitions govern.

7.1 Children. "Children" includes any biological child, as well as any adopted child of a designated person, but only if the adopted child is adopted by a legal proceeding begun before that child reaches age 18. A child in gestation who is born alive will be considered a child throughout the period of gestation.

7.2 Contingent Beneficiaries. If any property under this trust agreement is directed to be distributed to "our contingent beneficiaries", that property will be distributed to our heirs-at-law, then living, determined as if we had died unmarried and domiciled in the State of Texas.

7.3 Descendants. "Descendants" means:

Executed by us on this 3 day of January, 2024, as Settlor and Initial Trustees.



Joseph Arthur Anderson, Settlor and Trustee



Celia Diane Anderson, Settlor and Trustee

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS**

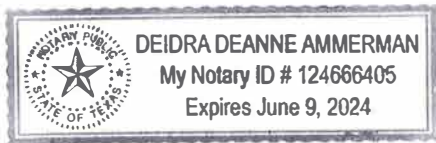
§

**COUNTY OF ROCKWALL**

§

§

This document was acknowledged before me on this 3 day of January, 2024 by Joseph Arthur Anderson and Celia Diane Anderson.

  
Notary Public, State of Texas

**Instrument # 284579**

TETON COUNTY, IDAHO  
4-1-2024 10:40:00 AM No. of Pages: 2  
Recorded for : ANDERSON, CELIA  
KIM KEELEY Fee: 15.00  
Ex-Officio Recorder Deputy *[Signature]*  
Index to: DEED, GRANT

**Mail Property Tax Notice To:**  
The Anderson Revocable Living Trust  
621 Sorita Circle  
Heath, TX 75032

**GRANT DEED**  
(funding living trust)

**Joseph A Anderson and Celia D Anderson**, wife and husband, Grantors, hereby grant and convey to **Joseph Arthur Anderson and Celia Diane Anderson, or their successors, as trustees of The Anderson Revocable Living Trust under agreement dated November 22, 2023**, Grantee, whose mailing address is 621 Sorita Circle, Heath, Texas 75032, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real property located in Teton County, Idaho:

Lot 11 of Daydream Ranch Subdivision, Amended Plat, Teton County, Idaho, as per the official plat recorded February 25, 2004, as Instrument No. 160003.

Commonly known as 2313 Daydream Drive, Tetonia, Idaho 83452

SUBJECT TO taxes and assessments for the year 2023 and all subsequent years, to any and all existing easements, rights-of-way, reservations, restrictions and encumbrances which are apparent or of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

Together with any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, water rights however evidenced, and rights-of-way in anywise appertaining to the property herein described.

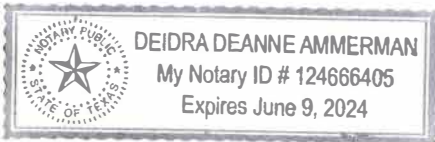
IN WITNESS WHEREOF, the Grantor has executed this instrument on this 19<sup>th</sup> day of March, 2024.

*[Signature]*  
\_\_\_\_\_  
Joseph A Anderson, Grantor  
*[Signature]*  
\_\_\_\_\_  
Celia D Anderson, Grantor

STATE OF Texas )  
 )ss.  
County of Rockwall )

On this 19 day of March, 2024, before me the undersigned, a Notary Public for Idaho, personally appeared **Joseph A Anderson and Celia D Anderson**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Deidra Ammerman  
Notary Public for Texas  
Residing at: \_\_\_\_\_  
My Commission Expires: 6/9/24

**Instrument # 284579**

TETON COUNTY, IDAHO

4-1-2024 10:40:00 AM No. of Pages: 2

Recorded for : ANDERSON, CELIA

KIM KEELEY

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: DEED, GRANT

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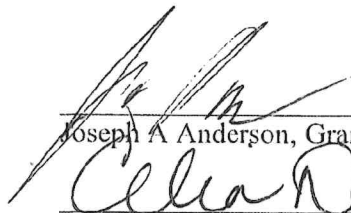

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IN WITNESS WHEREOF, the Grantor has executed this instrument on this 19<sup>th</sup> day of March, 2024.

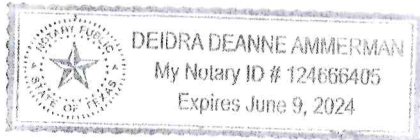
  
\_\_\_\_\_  
Joseph A Anderson, Grantor  
  
\_\_\_\_\_  
Celia D Anderson, Grantor



STATE OF Texas )  
 )ss.  
County of Rockwall )

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Deidra Ammerman  
Notary Public for Texas  
Residing at: \_\_\_\_\_  
My Commission Expires: 6/9/24

April 16, 2024

Joseph & Celia Anderson  
21 Sorita Circle  
Health, TX 75032

Subject: Permission Granted for Adjustment of Plat Amendment - Daydream Ranch Lot 11

Joseph & Celia Anderson,

We hope this letter finds you well. The Daydream Ranch Homeowners Association (HOA) would like to formally grant permission to Joseph and Celia Anderson, residents of Lot 11, to adjust the building envelope of their property within the confines of the guidelines set forth by the HOA.

After thorough consideration and review, the HOA has approved the request for the adjustment of the building envelope for Lot 11. This decision was made in light of the thoroughness of the proposed adjustments, which align with the architectural integrity and overall aesthetics of the Daydream Ranch community.

You have demonstrated a clear understanding of the regulations and have provided detailed plans that adhere to the community's standards. The proposed adjustments maintain the harmony of the neighborhood while also accommodating the needs of the residents.

The HOA emphasizes the importance of adherence to the approved plans and regulations throughout the adjustment process. Any deviations from the approved plans must be communicated promptly to the HOA for further review and approval.

We trust that you will execute the adjustments responsibly and in accordance with the guidelines outlined by the HOA. Your cooperation in this matter is greatly appreciated.

Should you have any questions or require further clarification regarding this matter, please do not hesitate to contact the Daydream Ranch HOA.

Thank you for your attention to this important matter.

Sincerely,

Daydream Ranch HOA Board

Matt Robertson	President
Linda Herrera	Treasurer
Travis Foster	Secretary



# CITY OF VICTOR

## Planning & Building Department

---

**Date:** August 8, 2024  
**From:** Kimberly Kolner, AICP, Planning and Zoning Director  
**To:** Planning and Zoning Commission  
**Subject:** **Formal Recommendation to County on Victor Area of Impact – New Boundary, Zoning, Draft Ordinance, and County Zoning for those areas being removed from AOI**

### PURPOSE

The purpose of this work session is to have City Council vote on a formal recommendation to Teton County on the Victor Area of Impact, new boundary, proposed zoning, draft land development ordinance, and county zoning on those areas being removed from the AOI.

### BACKGROUND

The Area of Impact (AOI), is an identified area of unincorporated County land, outside of city limits. This area is defined and agreed upon by both the City and the County. This area is under the County's jurisdiction, however, specific plans and ordinance are agreed upon by both the City and the County that dictate annexations, and other planning and zoning procedures. The AOI is formally adopted by both the City and County by ordinance. The County enforces the applicable codes in the AOI, although for some applications a joint city-county process is followed. Idaho Code §67-6526 dictates the negotiation and adoption procedures for creating and update an AOI.

### DISCUSSION

SB1403 amending the state statute to revise provisions regarding Comprehensive Plans and Areas of Impact was approved and signed into law to be effective July 1, 2024. Some of the key points have been taken into consideration while drafting the proposed AOI.

- Everything needs final approval by BoCC.
- Recommendations to BoCC are not required.
- Review of the local AOI is required every 5 years.
- Approval standards are new and include anticipated growth areas, geological factors, infrastructure connectivity, water sewer expansion in 5 years, and other public service boundaries.
- Boundaries shall be no more than one mile outside the City limits.
- Boundaries cannot split any parcels.
- Default is to use County Comp Plan, Zoning and Subdivision Code unless one is adopted specifically for the AOI.

**PROCESS:**

1. ✓ Sent letter to the Board of County Commissioners April 2021 requesting to amend the AOI.
2. ✓ Met with County Staff to begin this process, Council subcommittee reviewed the current agreement and boundary, and provided staff with direction.
3. ✓ Updated documents and maps drafted and reviewed.
4. **IN PROCESS** – *Work Sessions:*
  - a. ✓ May 9, 2024, Victor P&Z
  - b. ✓ May 14, 2024, County P&Z
  - c. ✓ May 22, 2024, Victor City Council
  - d. ✓ June 10, 2024, BoCC
  - e. ✓ July 9, 2024, County P&Z
  - f. ✓ August 12, 2024, BoCC
  - g. ✓ August 14, 2024, Victor City Council
5. *Public Hearings:*
  - a. September 10, 2024, County P&Z
  - b. October 28, 2024, BoCC for formal adoption
  - c. November or December, 2024 Victor City Council for adoption (Victor will need to update or remove Title 8 of the municipal code)
6. The Area of Impact Agreement is adopted by Ordinance and becomes effective upon publication in the newspaper.

**ADOPTION OF THE COUNTY’S COMPREHENSIVE PLAN IN THE AOI**

The County’s Comprehensive Plan has a broader scope regarding the Victor AOI. Adopting the County’s Comp Plan in the AOI will encourage lower density development OR will encourage properties to annex in order to receive city services and be able to develop according to the City’s Comprehensive Plan. The key here is that annexation occurs before the City’s Comp Plan is in place which can then be used to justify and guide more intense development.

**AOI ZONING DISTRICT AND BOUNDARY MAP**

Idaho Code §67-6526(b) states that any contiguous property may request to annex (not being in the AOI does not exclude these properties from requesting a Category-A annexation) Overall, decreasing the AOI and utilizing county zoning should encourage development at low densities/intensities OR encourage annexation prior to development.

The County’s Land Development Code currently includes two zones which are intended to be applied in the AOIs – AOI-2.5, Area of Impact Zone 1 and AOI-20, Area of Impact Zone 2. Staff recommend creating new names for the Zones within the Victor AOI in order to avoid further confusion between codes and jurisdictions. Utilizing these unique AOI-specific zones will clear up confusion regarding which code applies and how.

- AOI-VR: Area of Impact – Victor Rural Residential

- AOI-VT: Area of Impact – Victor Transitional
- AOI-VN: Area of Impact – Victor Natural Resources Residential Cluster

The new GIS Map has been updated and includes a key for better understanding of the proposal.

### **DRAFT VICTOR AREA OF IMPACT LAND DEVELOPMENT CODE**

The new County Land Development Code has been used as the base documents for the Victor AOI Land Development Code. This is for a number of reasons but most importantly, as these lands are under County jurisdiction it should resemble the County LDC and be formatted so that County staff can better administer the code. Through the review and drafting process chapters are being modified in the following ways to best suit the Victor AOI, and the goals of both the County and Victor Comp Plans. The draft includes the recent text amendments adopted by the County.

#### **Chapter 1 Administration**

- Adopt County Code Chapter 1 with modifications appropriate for the Victor AOI.

#### **Chapter 2 Zone Districts**

- Adopt Zoning Districts Unique to the Victor AOI that will avoid confusion over jurisdictions for residence and staff.

#### **Chapter 3 Use Provisions**

- Amend the County Code to only include uses appropriate for the area and encourage development within municipalities or after annexation.

#### **Chapter 4 Application Procedures**

- Adopt County Code with modifications that address BoCC as the lead decision-making body and recommendations when needed are from a Joint P&Z which would include members from both County and City P&Z.

#### **Chapter 5 Development Standards**

- Adopt County Code with minor modifications to address Victor AOI needs.

#### **Chapter 6 Subdivision Design Standards**

- Adopt County Code with minor modifications to address Victor AOI needs. These modifications take into consideration for future annexation of subdivisions within the AOI; such as requiring stub roads to vacant adjacent properties, requiring neighboring development to connect to existing adjacent stud roads, and paved streets within new subdivisions.

#### **Chapter 7 Definitions**

- Adopt County Code with minor modification to address Victor AOI needs.

#### **Appendix: A - City of Victor Area of Impact - Supplemental Specifications**

- Amendment to Teton County Resolution 2013-0411b "Adopting Highway & Street Guidelines for Design & Construction in Teton County"

Staff expects that the final adopted version of the AOI LDC will look different from its language today. BoCC is the final decision maker on these documents, as such adjustments will be made to make sure that they are comfortable with it's the language and that County Staff has a full understanding of the code. Therefore, additional clarification and changes may be made between the Council's recommendation and the public hearing before the BoCC in October.

#### **ZONING FOR AREAS BEING REMOVED FROM AOI**

Since the City is proposing to reduce the size of the AOI boundaries, there are many properties that will be assigned to a new County Zoning district rather than and AOI specific zoning district. The map includes recommendations for County Zoning of those properties based on zoning of adjacent areas, topography, and FEMA floodplain. Any property located within an existing PUD or platted subdivision will be able to continue to develop on vacant lots as normal. The new County Zoning may prevent new small lot subdivisions from being created, which is consistent with the County's Comprehensive Plan.

#### **ATTACHMENTS**

Draft Victor Area of Impact Zoning and Boundary Map

Draft Victor Area of Impact Land Development Code

#### **SUGGESTED MOTIONS**

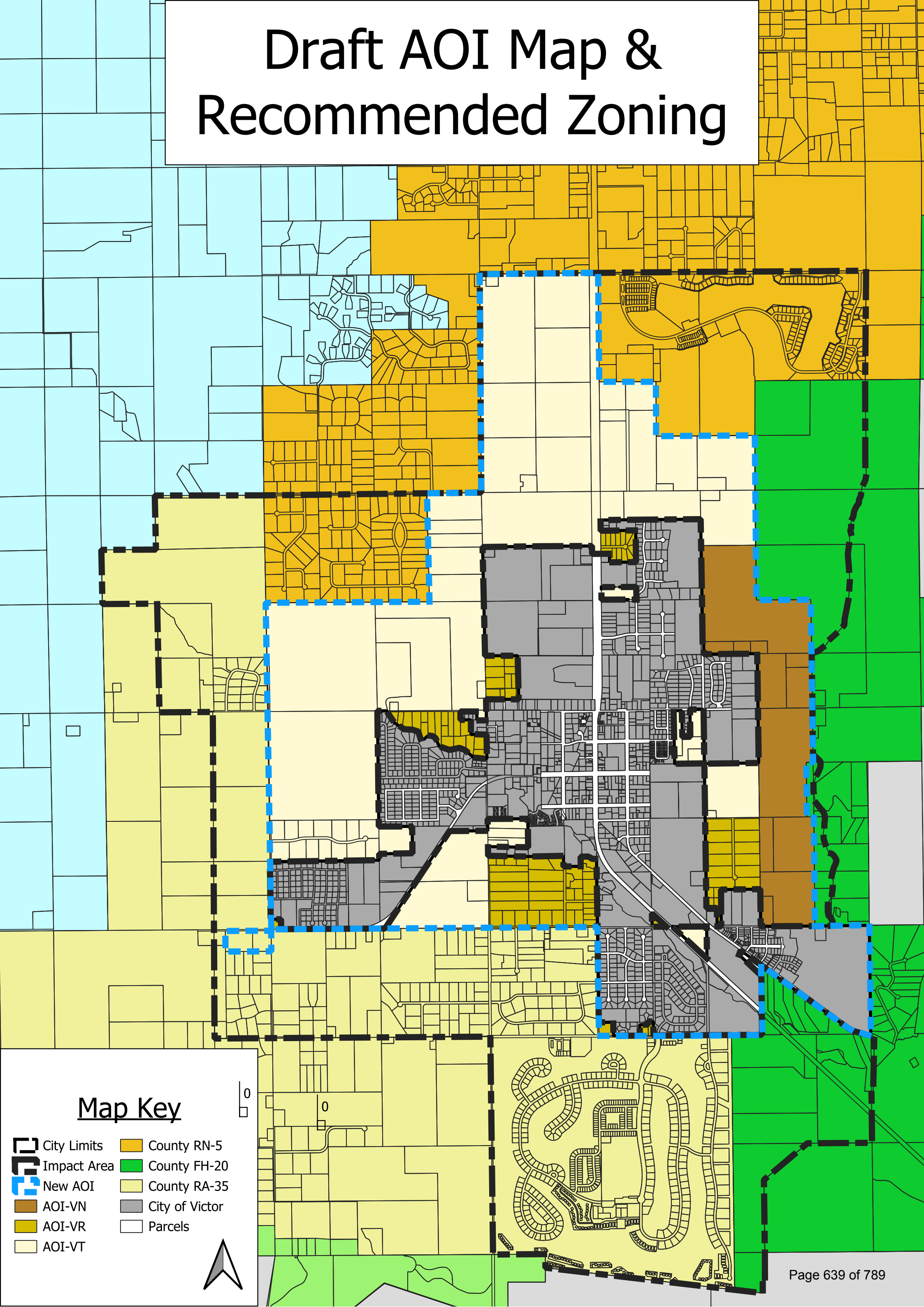
*Motion on AOI Zoning District, Boundary Map, Draft Land Development Ordinance:*

I move to recommend approval of 1.) new boundary locations of the Victor Area of Impact, 2.) proposed Victor Area of Impact specific zoning district designations, and 3.) Victor Area of Impact - Land Development Code as presented in the staff report for the meeting date August 14, 2024, and further direct staff to include any pending comments from Public Works and Engineering into the presentation to the BoCC.

*Motion on Zoning Outside New AOI Boundary:*

I move to recommend approval of the proposed County Zoning District designations for those areas proposed to be removed from the Victor Area of Impact as presented in the staff report for the meeting date August 14, 2024.

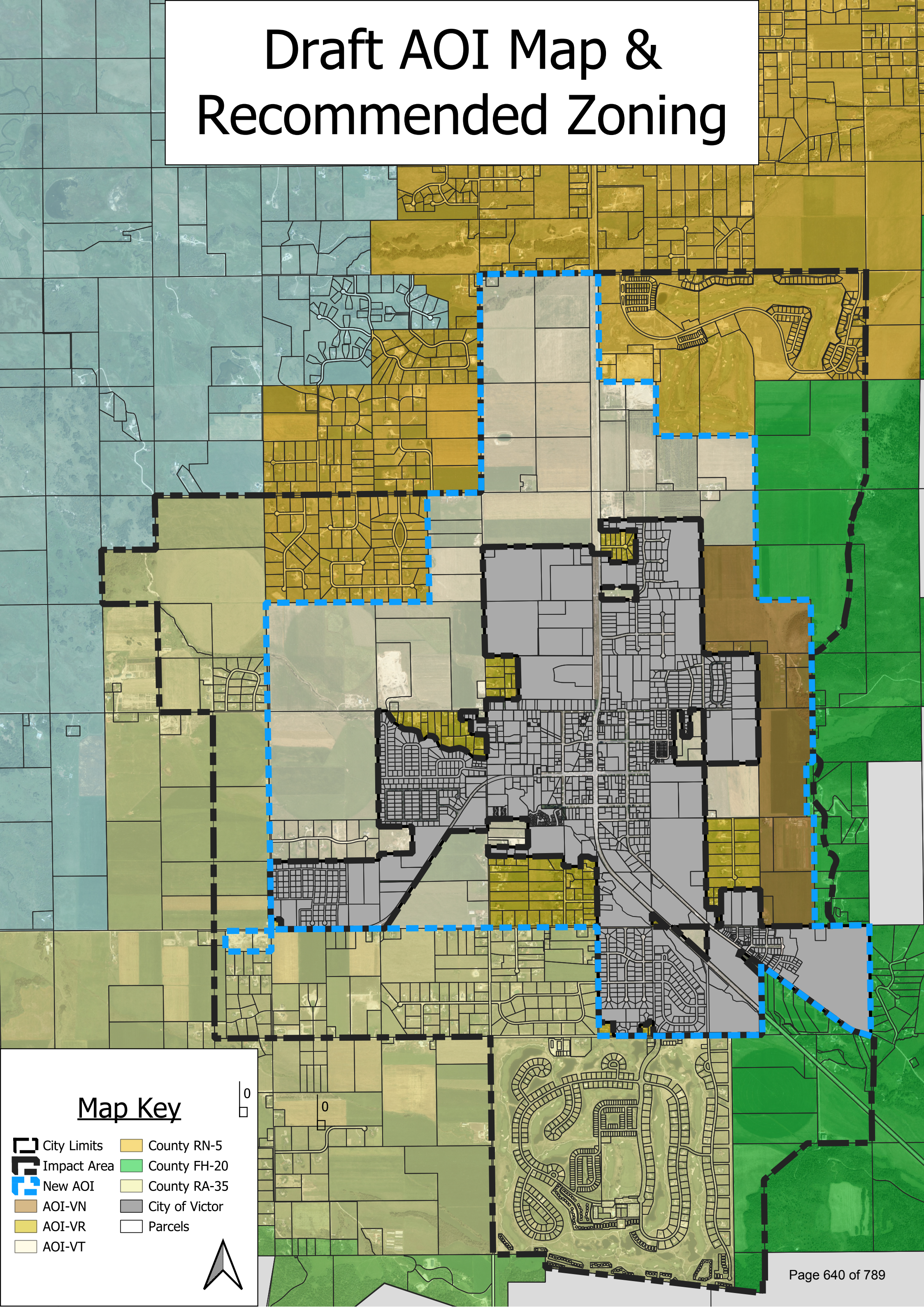
# Draft AOI Map & Recommended Zoning



## Map Key

- City Limits
- New AOI
- AOI-VN
- AOI-VR
- AOI-VT
- County RN-5
- County FH-20
- County RA-35
- City of Victor
- Parcels

# Draft AOI Map & Recommended Zoning

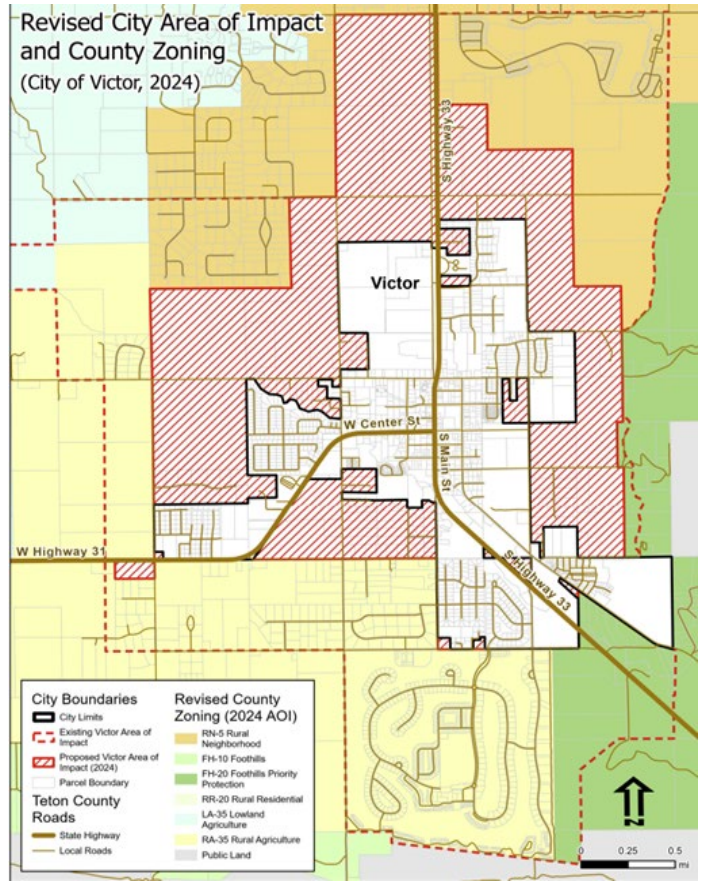


## Map Key

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- Parcels







## THE LAND DEVELOPMENT CODE FOR THE CITY OF VICTOR, IDAHO'S AREA OF IMPACT



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# CHAPTER 1 ADMINISTRATION

## 1-1 Legal Provisions

### A. Title

This document is the “Land Development Code for the City of Victor, Idaho’s Area of Impact” and is referred to in this document as “this Code” or “Victor AOI code” or “Land Development Code” or “LDC”.

### B. Purpose and Intent

This Land Development Code for the City of Victor, Idaho’s Area of Impact is adopted for the purpose of regulating *development* in unincorporated Teton County within the Area of Impact of the City of Victor, in accordance with the Teton County’s Land Development Code and *comprehensive plan* and its existing and future needs, in order to protect, promote, and improve public health, safety, and general welfare. This chapter of the Land Development Code is enacted to exercise the full range of authority available under Idaho law, including the purposes stated in the Local Land Use Planning Act (Title 67, Chapter 65) of the Idaho Code.

The Areas of Impact around Victor constitute unique zoning districts. Although located within the jurisdiction of Teton County, the unique zoning, subdivision, and land use regulations for these districts must be negotiated with the cities in accordance with Idaho Code Section 67-6526. These are areas of potential annexation into the cities or areas where the cities have specific concerns about the impacts of nearby *development* on the *city*.

Establishment of the Boundaries and Areas of Impact in Unincorporated Teton County requires negotiation of an Area of Impact Agreement with each city and adoption of separate ordinances determining both the boundaries of the Area of Impact as well as the specific zoning, subdivision, and land use regulations as outlined in Idaho Code Section 67-6526. The Areas of Impact for each *city* are hereby incorporated as shown on the *official zoning map*. Establishment of the zoning, subdivision, and land use regulations applicable within Areas of City Impact Lands are governed by the terms of the County-*City* agreements. These agreements are codified by County ordinance in Teton County Code, Title 7, Chapter 3.

### C. Applicability

#### 1. Territorial Applicability

This chapter of the Land Development Code applies to all land, uses, *buildings*, and *structures* within unincorporated Teton County, Idaho, only within the Area of Impact of the City of Victor. When land is added within the jurisdiction of the County, through de-annexation or sale of public lands, the County will follow LDC procedures to apply a zoning designation to those lands.

#### 2. General Applicability

LDC requirements are the minimum necessary to meet the purpose and intent of the Land Development Code and Local Land Use Planning Act (Title 67, Chapter 65) per Idaho Code Section 67-65.

3. Required Conformance

- a. All *buildings, structures*, or land, in whole or in part, must be used, occupied, or constructed in conformance with the LDC. No *building* or *structure* shall be built, altered, or used unless it is located on a *lot of record* or otherwise complies with nonconformity provisions in Section 1-8 of this chapter.
- b. Unless otherwise provided by law, the State of Idaho, and its agencies, boards, departments, institutions, and local special purpose districts, must comply with the LDC.
- c. The LDC does not apply to transportation systems of statewide importance, as determined by the state transportation board, though the transportation board must consult with the County on *site plans* and design or transportation systems within the unincorporated areas.
- d. *Development* by public *utilities* shall be subject to Idaho Code Section 67-6528.
- e. This Land Development Code does not nullify any private agreement or *covenant*. However, where this Land Development Code is more restrictive than a private agreement or *covenant*, the Land Development Code controls. Neither Teton County nor the City of Victor will enforce any private agreement or *covenant*.

4. Control Over Less Restrictive Laws and Regulations

If any condition or requirement imposed by the LDC is more restrictive than a condition or requirement imposed by any other law, rule, or regulation, the more restrictive condition or requirement governs, unless preempted or otherwise prohibited by law.

5. Conflict

If any condition or requirement imposed by the LDC contains an actual, implied, or apparent conflict, the more restrictive condition or requirement controls.

6. References to Other Laws

Whenever a provision of the LDC refers to any other part of the Teton County Code or City of Victor Code or to any other law, the reference applies to any subsequent amendment of that law, if applicable.

7. Text and Graphics

Illustrations, photographs, and graphics are included in the LDC to illustrate the intent and requirement of the text. In the case of a conflict between the text and any illustration or graphic, the text controls.

8. Maps and Overlays

Maps referenced throughout the LDC and described in Section 1-4 shall be used as reference to define areas that may require additional standards or studies to ensure impacts to the area are mitigated proportionately.

D. Severability

If any section, paragraph, clause, sentence, or provision of the LDC is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of the LDC. The effect of the judgment is confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which a judgment was rendered.

E. Effective Date

This Chapter of the Land Development Code became effective on \_\_\_\_\_ by Teton County Ordinance # \_\_\_\_\_

## 1-2 Zoning Districts Established

### A. Generally

In order to implement this chapter of the Land Development Code, the unincorporated area of Teton County within City of Victor's Area of Impact is divided into the following *zoning districts* as established in Chapter 2 and as shown on the *official zoning map*.

### B. Zone Districts

1. AOI-VR: Area of Impact – Victor Rural Residential
2. AOI-VT: Area of Impact – Victor Transitional
3. AOI-VN: Area of Impact – Victor Natural Resources Residential Cluster

## 1-3 Official Zoning Map

### A. Zoning Maps Established

1. The Teton County *Official Zoning Map* includes the boundaries of all Zoning Districts within Areas of City Impact of the City of Victor, as required by Idaho Code Section 67-6525.
2. The *Official Zoning Map* originals are kept on file with the *Teton County Planning Department*, which indicates the effective date of the most recent amendments to district boundaries.
3. Zoning Districts of the Areas of City Impact Area of the City of Victor are also kept electronically in the County's geographic information system (GIS). Copies published on the web or otherwise portrayed electronically do not constitute originals.
4. Teton County and the City of Victor may make paper copies available to the public for a reasonable fee.
5. Zoning Map amendments are made pursuant to the procedures in Chapter 4.

### B. Interpretation of Map Boundaries

1. Where uncertainty exists with respect to the boundaries of any district on the *official zoning map*, the Planning Administrator is authorized to interpret the boundaries using the following methods.
  - a. Where a district boundary line is shown as approximately following the centerline of a *road, highway, railroad right-of-way, or waterway*, the district boundary is the centerline of that *road, highway, railroad right-of-way, or waterway*.
  - b. Where a district boundary line is shown as running approximately parallel at a distance from the centerline of a *road, highway, railroad right-of-way, or waterway*, the distance from the centerline is determined by the map scale.
  - c. Where a district boundary line is shown as approximately following a *lot line* or municipal boundary line, the district boundary is the *lot line* or municipal boundary line.
  - d. Where a boundary line is shown and its location is not fixed by any of the rules of this sub-section, its precise location is determined by the map scale.

### C. Properties Subject to more than One Zoning District

1. Interpretations not associated with a *subdivision application*:

When a single property has more than one Zoning District designation, control and use of each portion of the property shall follow the district requirements applicable within each Zoning District to each portion.

2. Interpretations associated with a *subdivision application*:  
When a *subdivision* is proposed on a single property, which has more than one Zoning District designation, the number of *lots* per acre for the entire property shall be calculated according to the *density* permitted within each district and the percent of the property within each district, rounded down to the nearest whole number.
- D. Consistency with *comprehensive plan*  
The classification of land within Zoning Districts shall be done in accordance with the Teton County's *comprehensive plan*. The Teton County's *comprehensive plan* should be adhered to in the implementation of the LDC, in accordance with Idaho Code Section 67-6500 et seq., and other applicable law.

## 1-4: Overlay Maps

- A. The following overlay maps shall be used in conjunction with the regulations herein as follows:
1. Natural Resource Overlay (NRO) Map
    - a. This map is referenced throughout the Land Development Code as a baseline to identify priority areas for natural resource protection.
    - b. If any portion of a *parcel* or *lot* for a proposed *development* or special use falls wholly or partially within or immediately adjacent to the NRO, the Administrator, Joint P&Z, or BoCC may request additional reports or studies to ensure impacts to the natural resources are avoided or mitigated per the standards herein.
    - c. *Development* in areas with key riparian, wetland, or fish/wildlife resources, as identified by the NRO, shall be *clustered* to provide meaningful open space and limit impacts on these natural resources
    - d. Idaho Department of Fish and Game (IDFG), the U.S. Fish and Wildlife Service (USFWS), or a professional ecologist/wildlife biologist may be consulted by the County to help determine if the site plan and mitigation measures effectively avoid or limit impacts on key natural resources.
  2. Bear Conflict Map
    - a. The Bear Conflict Map illustrates potential human/bear conflict areas in the County and is tied to outdoor food and trash storage regulations.
    - b. Human/bear conflict mitigation and prevention regulations can be found in Title 4, Chapter 7, of the Teton County Municipal Code.
  3. Floodplain Map
    - a. The *floodplain map* illustrates *FEMA* designated areas of potential flood hazard which shall meet all requirements of Title 12 of the Teton County Municipal Code: Flood Damage Prevention.
    - b. If any portion of a *parcel* or *lot* for a proposed *development* or special use falls wholly or partially within or immediately adjacent to the *FEMA floodplain* there shall to a 50-foot building setback from the edge of the floodplain designation to prevent property damage or loss due to flooding.
    - c. Development in areas with floodplains, shall meet the requirements for Section 5-4-3.

## 1-5: RESERVED

## **1-6: General Authority Provisions**

### **A. State Statutes**

This chapter of the LDC is intended to comply with the provisions of:

1. Idaho Constitution Article 12, Section 2;
2. Idaho Statutes Title 67, Chapter 65, Local Land Use Planning Act (Planning Act);
3. Idaho Statutes Title 50, Municipal Corporations, Chapter 13 Plats and Vacations; and
4. Other requirements of applicable law.

### **B. Planning, Review and Approval Authority**

#### **1. Board of County Commissioners (BoCC)**

- a. The BoCC has the powers and duties conferred by the Planning Act, as expressly provided for in the LDC, including certain powers delegated to the Planning Commission and Planning Administrator.
- b. The BoCC will adopt and maintain the LDC pursuant to the notice and procedural requirements set forth in the Planning Act regarding adoption of a zoning ordinance and districts.
- c. The BoCC is the decision maker on all land use applications within the unincorporated area of impact, other than as expressly set forth in this AOI Code.

#### **2. Joint Planning and Zoning Commission (Joint P&Z or JPZC)**

- a. The Joint Planning and Zoning Commission convened to hear applications within the City of Victor Area of Impact that consists of two (2) members of the County Planning and Zoning Commission and three (3) members of the Victor Planning and Zoning Commission.
- b. The Joint Planning and Zoning Commission has the powers and duties identified in the Planning Act, including the review and recommendation of applications as expressly set forth in this AOI Code.
- c. All records and meetings are open to the public and shall be maintained and conducted as provided by the Planning Act.

#### **3. Planning Administrator (Administrator)**

- a. The Administrator or their designee has the powers and duties identified in the Planning Act, including, but not limited to review, recommendation, and final actions as expressly set forth in this AOI Code.

## **1-7 Violation and Penalty**

- A. Violating any provisions of the LDC shall constitute an infraction punishable by a penalty of one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for the second violation, and three hundred dollars (\$300.00) for the third violation. Each subsequent violation shall be punishable by either (1) continued infractions punishable by a penalty of three hundred dollars (\$300.00) or (2) a misdemeanor punishable by up to six (6) months in jail and a three hundred dollar (\$300.00) fine. These punishments shall not enjoin Teton County from seeking further civil remedies for each violation. Every day or portion thereof during which a violation is committed, continued, or permitted is a separate offense and is punishable as such.



## 1-8: Nonconformities

- A. Generally  
*Nonconforming structures* and uses may continue until abandoned or re-developed to a conforming use, only in accordance with this Section. The burden of proving nonconforming status rests solely on a property owner claiming nonconforming status.
- B. *Nonconforming Uses and Structures* not to be expanded  
*Nonconforming uses or structures* shall not be modified, changed, expanded, or replaced except in conformance with the present requirements of the LDC.
- C. Repairs; Maintenance  
*Nonconforming structures* may be maintained and repaired, in accordance with applicable County building code requirements. However, repairs and maintenance may not increase the capacity or degree of nonconformity, other than to meet the provisions of law to accommodate handicap access as required by American Disabilities Act and other federal and state law.
- D. Changes in use  
*Nonconforming uses* may not convert to a new use category that does not comply with the Zoning District requirements of the LDC. Transfer of ownership and changes in occupancy do not change nonconforming status.
- E. Expansion of *nonconforming uses and structures*
  - 1. *Nonconforming uses* may not be expanded, enlarged, extended, or increased, except in accordance with present LDC requirements.
  - 2. *Nonconforming structures* may be relocated to another location on the premises only if the Administrator agrees in writing that such relocation eliminates or reduces the extent of nonconformity. Otherwise, *nonconforming structures* may not be relocated to another location on the premises except pursuant to a valid *building* permit issued by the County in compliance with this section.
- F. Replacement  
*Nonconforming use or structures*, verified under subsection B, which have not been abandoned, may be replaced, but only where the effect of the replacement lessens or maintains the same land use impacts, including those related to traffic, occupancy, intensity, noise generation, and parking requirements, that existed prior to replacement.
- G. Abandonment
  - 1. Abandonment of a *nonconforming use* shall be governed by Idaho Code Section 67-6538.
- H. *Lots of Record, Nonconforming Lots*
  - 1. *Development on lots of record* is allowed pursuant to the provisions of the LDC. A *parcel* of land that is not a *lot of record* is a *nonconforming lot* and is subject to the provisions of this section.
  - 2. Where other requirements of the LDC make construction of one *dwelling unit* infeasible on a *nonconforming lot*, the BoCC may deem *lot size* an *undue hardship* and a basis for the minimum *variances* needed to permit construction of one *dwelling unit*, unless the BoCC makes an express finding that *variances* sufficient to permit construction of a single *dwelling unit* on a *nonconforming lot* conflicts with the public interest, under Idaho Code Section 67-6516 and Section 4-9 of the LDC, *Variances*.

3. For *parcels* of property that are not *lots of record*, a *building* or other *development* permit may be issued in accordance with this paragraph.
  - a. An *application* for *development* of a *parcel* that is not a *lot of record* must include:
    - i. A copy of the recorded deed or recorded *survey* creating the *parcel*. The *parcel* must meet minimum *lot* size requirements in the applicable *zone district*.
    - ii. A map or *survey* showing the *parent parcel* from which the subject *parcel* was created.
    - iii. A *site plan*.
  - b. The Administrator may approve the issuance of a *building* or other *development* permit if the *parcel* has lawful access and can meet all other relevant provisions of the LDC.

## 1-9 Planned Unit Developments

- A. New planned unit developments are not permitted.
- B. Planned unit developments with final approval on the effective date of the LDC may continue under the provisions of the final *plat*.
- C. Requests for modifications to an approved planned unit *developments* will be processed pursuant to Chapter 4 provisions related to modifications to a *plat*.
- D. Plat Amendment that expands the scope of allowed uses or adds additional units, lots, or lands to the pre-existing planned unit development are not allowed.

## 1-10 Measurements and Exceptions

- A. Defined Terms

Terms included in Chapter 7, Definitions, are shown in “*italics*” throughout the LDC.
- B. *Lot* Dimensions
  1. *Lot Area*

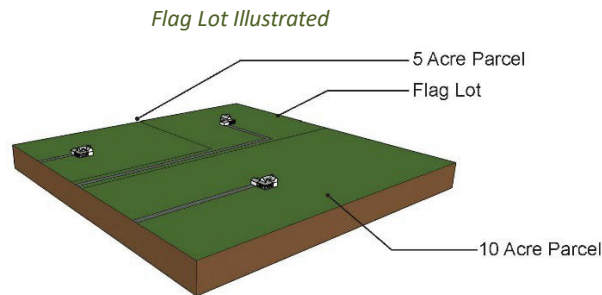
*Lot area* is the area included within the rear, side, and *front lot lines*. *Lot area* does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.
  2. *Lot Width*

*Lot width* is the distance between the two side *lot lines* measured at the *primary road* property line along a straight line or along the chord of the property line on a curvilinear *lot*.
  3. *Lot Depth*

*Lot depth* is the distance between the front and rear property lines measured from the primary property line.
  4. *Lot Frontage*

Every new *lot* must abut a public or *private road*. An access *easement* may be granted in situations where *abutting* a public or *private road* is not feasible, such as lack of *frontage* on a public or *private road* or to preserve agricultural or sensitive lands.
  5. *Lot, Flag*

A *lot* with less length of property on a *public road* than is normally required, with no less than thirty (30) feet *abutting* a public or *private road* generally intended to make deeper property accessible.



### C. Type of *Setbacks*

*Building setbacks* apply to both *principal* and *accessory buildings or structures*, except where it explicitly states otherwise. There are four (4) types of standard *lot setbacks* and five (5) types of sensitive land *setbacks*:

1. *Standard Setbacks*
  - a. *Primary Road*
  - b. *Side Road*
  - c. *Side Interior*
  - d. *Rear*
2. *Sensitive Land Setbacks*
  - a. *Trail Creek*
  - b. *Stream/Creek/Canal*
  - c. *Wetlands*
  - d. *Lake, Pond*
  - e. *Floodplain*

### D. Measurement of Standard *Setbacks*

1. The *primary road setback* is measured at a right angle from the *primary road* right-of-way line.
2. On *corner lots*, the *side road setback* is measured at a right angle from the *side road* right-of-way line.
3. The *rear setback* is measured at a right angle from the rear property line. The rear property line is the property line opposite to the *primary road* property line. Where there is more than one *primary road*, the Administrator will determine the rear property line.
4. All *lot lines* that are not *primary roads*, *side roads*, or rear *lot lines* are considered *side interior lot lines* for the purpose of measuring *setbacks*. *Side interior setbacks* are measured at a right angle from the side property line.

### E. Measurement of *Setbacks* from Sensitive Lands

1. *Trail Creek setbacks* are measured from the ordinary high-water mark.
2. *Stream/creek/canal setbacks* are measured from the ordinary high-water mark.
3. *Wetlands setbacks* are measured from the edge of the boundary line established by the National Wetland Inventory Map, or the line established by a detailed site-specific delineation approved by the U.S. Army Corps of Engineers.
4. *Lake/pond setbacks* are measured from the ordinary high-water mark.
5. *Floodplain setbacks* are measured from the outer edge of the designated floodplain according to the FEMA Flood Insurance Risk Maps (FIRM).

F. Irregular Shaped Lots

The Administrator will determine *setbacks* for irregularly shaped *lots*.

G. Primary/Side Road Designation

1. Where only one *road* abuts a *lot*, that *road* is considered a *primary road*.
2. A multiple *road frontage lot* must designate at least one *primary road*. A *lot* may have more than one *primary road*. The Administrator will determine which *roads* are *primary roads* based on the following:
  - a. The *road* or *roads* with the highest classification (Chapter 6); and
  - b. The *road* that the *lot* takes its address from.

H. Setback Encroachments

1. In General

All *buildings* and *structures* must be located at or behind the required *setbacks*, except as listed below. Unless specifically stated, no *building* or *structure* may extend into a required *easement* or *public right-of-way*.

2. Building Features Allowed to Encroach into Setbacks

- a. Uncovered and/or enclosed porches or decks, stoops, balconies, galleries, and awnings/ canopies may extend into a required front or side *setback* up to two (2) feet or up to six (6) feet into a rear *setback*.
- b. *Building* eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than ten (10) feet wide, cornices, belt courses, sills, buttresses, or other similar architectural features may encroach up to three (3) feet into a required *setback*.
- c. Chimneys or flues may encroach up to four (4) feet.
- d. Handicap ramps may encroach to the extent necessary to perform their proper function.
- e. *Structures* below and covered by the ground may encroach into a required *setback*.
- f. Exterior stairs of an open design are allowed, provided that no such stairs shall project into a required front or *side yard setback* more than three (3) feet and into any *rear yard setback* more than six (6) feet.

3. Site Features

- a. Fences and landscaping walls up to six (6) feet in height may encroach into a required *setback*.
- b. On a *corner lot*, nothing shall be erected, placed, planted, or allowed to grow in any such manner as to materially impede vision between a height of two (2) feet and eight (8) feet above the centerline grades of intersecting *roads* bounded by the property lines of the *corner lots* on a line joining points along said property lines for thirty (30) feet.
- c. Sidewalks and driveways may encroach into a required *setback*.
- d. Required *buffers* may encroach into a required *setback*.
- e. Stormwater detention areas may encroach into a required *setback*.
- f. *Signs* may encroach into a required *setback* as stated in Section 5-9.

4. Mechanical Equipment and Utility Lines

- a. Mechanical equipment associated with residential uses, such as HVAC units, generators, and security lighting, may encroach into a side or rear *setback* up to ten (10) feet, provided that such extension is at least three (3) feet from the vertical plane of any *lot*

*line.*

- b. Minor *structures* accessory to *utilities* (such as hydrants, manholes, transformers and other cabinet *structures*, and related fences) may encroach into a required rear or side *setback*.
- c. Minor *utilities* below and covered by the ground may encroach into a required *setback*.

I. *Building* Height

- 1. Building height shall be measured from the vertical distance of the average between the highest and lowest natural/existing or proposed lot grades around the perimeter of the structure to the highest point of the roof.

J. Rounding

Unless a particular provision specifies otherwise, the following rules shall apply with respect to the precision of numbers used in the LDC for measurement and calculation:

1. General

Calculations shall not be rounded. Fractional results of calculations shall be interpreted as set forth in this Section.

2. Maximums

Unless stated otherwise for a specific provision of this LDC, maximum limits shall only allow the whole number result of a calculation. For example, a calculation of maximum *density* yielding 3.8 *lots* shall permit a maximum of 3 *lots*.

3. Minimums

Unless stated otherwise for a specific provision of this LDC, minimum requirements shall require the next whole number. For example, a parking requirement of 7.4 spaces shall require 8 spaces.

K. Time Measurement

- 1. Terms used to measure time shall be applied as calendar-based time units. The term “day” shall refer to a calendar day, the term “week” shall refer to 7 days, the term “month” shall refer to a calendar month, and the term “year” shall refer to a calendar year.
- 2. When referencing a filing deadline, the time within which an act is to be done shall be computed by excluding the first and including the last day and shall end at 5:00 p.m. local time or the close of business hours for the *Department*, whichever is earlier, on the final day of the term. Should a filing deadline end on a day when the *Department* is closed for business, the next business day that follows that day will be considered the final day to meet the filing deadline.

## CHAPTER 2 ZONE DISTRICTS

The Teton County *Comprehensive Plan* established a framework for future growth and *development* and a Future Land Use Map that shows the geographic distribution of desired future land uses. The *comprehensive plan* anticipates new commercial *development* and residential subdivisions will take place subsequent to annexation into the City of Victor. The following zoning districts support the implementation of residential and rural *zone districts* that are based on the *comprehensive plan*.

### 2-1 Zone District Table

Table 1. Zone District Table

Zone District	Average Density	Min Lot Size	Min Lot Width	Min Front and Side Setbacks	Min rear Setback	Maximum Building Height
AOI-VR, Area of Impact Victor Rural Residential	--	2.5 acres	--	30'	40'	30'
AOI-VT, Area of Impact Victor Transitional	--	20 acres	--	30'	40'	35' 60' for agricultural buildings
AOI-VN, Area of Impact Victor Natural Resources Residential Cluster	1 lot per 5 ac. with min. of 50% open space, OR 1 lot per 10 ac with min. of 25% open space.	1 acre	100'	20'	30'	35' 60' for agricultural buildings
The City of Victor shall be exempt from minimum lot size, setback, and use regulations for parcels upon which the City desires to construct public improvements and / or infrastructure.						

## 2-2 AOI-VR, Area of Impact – Victor Rural Residential District

### A. Intent

The intent of the AOI-VR Rural Residential District is to accommodate single-family residences on a minimum of two and a half (2.5) acres. The AOI-VR District is intended to be located where existing platted subdivisions are located or where lots have been subdivided into similarly sized parcels. Owners, residents, and other users of property adjoining Agriculture zoned land should expect inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations. Small scale agriculture is allowed in the AOI-VR District such as keeping of livestock and crop production.

### B. Dimensional Standards

1. Minimum Lot Size – 2.5 acres
2. Minimum Lot Width – NA
3. Minimum Setbacks – 30 feet front and sides, 40 feet rear
4. Maximum *Building* Height – 35 feet, 60 feet for *agricultural buildings*
5. The City of Victor shall be exempt from minimum lot size, setback, and use regulations for parcels upon which the City desires to construct public improvements and / or infrastructure.

### C. Uses

As specified in Chapter 3, Use Provisions.

## 2-3 AOI-VT, Area of Impact – Victor Transitional District

### A. Intent

The intent of the AOI-VT Victor Transitional District is to permit agricultural purposes and activities. Residences are allowed on large agricultural parcels within the County. The standards of the AOI-VT District promote the continuation of farming and protect agricultural land uses from the encroachment of incompatible uses. Properties in the AOI-VT zoning district are located in areas where land is used for commercial agricultural production. Owners, residents, and other users of property in or adjoining these districts may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Therefore, owners, occupants, and users of property within and adjacent to these areas should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that the Idaho “Right to Farm Law” (Idaho Statute Section 22-4502) may bar them from obtaining a legal judgement against such normal agricultural operations.

One of the purposes of keeping these properties in agricultural use is that the land will be available and open for development as greenfield sites when it is appropriate to annex and development at City densities. Annexation would be most successful when City development is adjacent to the property. Leap-frog development is discouraged.

### B. Dimensional Standards

1. Minimum Lot Size – 20 acres
2. Minimum Lot Width – NA
3. Maximum *Building Envelope* – 2 acres

4. Minimum Setbacks – 30 feet front and sides, 40 feet rear
5. Maximum *Building* Height – 35 feet, 60 feet for *agricultural buildings*
6. The City of Victor shall be exempt from minimum lot size, setback, and use regulations for parcels upon which the City desires to construct public improvements and / or infrastructure.

C. Uses

As specified in Chapter 3, Use Provisions.

## 2-4 AOI-VN, Area of Impact – Victor Natural Resources Residential Cluster District

A. Intent

The Victor Natural Resources Residential Cluster District is intended to ensure development is in harmony with mountain settings. AOI-VN District serves to provide limited residential development paired with requested open space designations. The intent for development in the AOI-VN District is to maintain public access to state and federal lands; discourage scattered development that requires remote roads and infrastructure; follow best practices to help prevent wildfires and minimize the loss of structures when wildfires do occur in the fire prone wildfire interface; protect steep slopes; and preserve critical wildlife habitats such as wildlife migration linkage areas at the forest edge, and to protect native vegetation, and scenic view of the foothills from the valley floor.

B. Density and Open Space

1. The following minimum standards for the allocation of density and the creation of open space applies to subdivisions created after the effective date of this Land Development Code.
2. Existing lots that were platted legally prior to the effective date of the Land Development Code are considered buildable.
3. Open Space must meet the standards found in in Section. 2.4.F.

C. Dimensional Standards

1. Minimum *Lot* Size – 1 acre
2. Average Density – 1 lot per 5 acres with a minimum of 50% dedicated open space, or 1 lot per 10 acres with a minimum of 25% dedicated open space.
3. Maximum *Building Envelope* – 0.5 acres
4. Minimum *Lot* Width – 100 feet
5. Minimum *Setbacks* – 20 feet front and sides, 30 feet rear
6. Maximum *Building* Height – 35 feet for primary and accessory *structures*, 60 feet for *agricultural buildings*.

The City of Victor shall be exempt from minimum lot size, setback, and use regulations for parcels upon which the City desires to construct public improvements and / or infrastructure.

D. AOI-VN Subdivision

Building Envelope Location; All Subdivision and Lot Spit Options. Each buildable lot shall include a building envelope that meets the natural resource protection standards of Section 5-4. The Natural Resource Protection Plan shall be provided with the Concept Plan for a Full Plat.

E. Uses

See Chapter 3, Use Provisions



F. AOI-VN Dedicated Open Space

1. Amount of Open Space

The amount of required open space is set by the zoning district, and is calculated as a percentage of the gross site area.

2. Permanent Preservation

Required open space set aside must be permanently preserved through a conservation easement or zoned as Conservation with a plat restriction.

3. Ownership and Management of Open Space

a. Ownership

Required open space must be owned and maintained by one of the following entities:

i. Land Conservancy or Land Trust

A 'qualified organization' within the meaning of Internal Revenue Code section 170(h)(3) may own a conservation easement over the open space. The responsibility for maintaining the open space and any facilities may be borne by the 'qualified organization'.

ii. Single Landowner

A single landowner, including a Homeowner's Association, City, or County, may retain the open space. The responsibility for maintaining the open space and any facilities shall be borne by the entity.

b. Conveyance

The conveyance of open space must be in accordance with the following:

i. The conservation easement or fee simple ownership must be conveyed to the land conservancy, land trust, or single landowner without any encumbrances except utility and conservation easements.

ii. The conservation easement or Conservation zoning shall be recorded no later than the time of the conveyance of the first lot within the applicable phase of the development.

iii. Open space must be preserved and it must be restricted against private or public ownership for any other purpose except acquisition by condemnation or in lieu of condemnation, and the granting of conservation easements.

iv. Open space may be conveyed as separate lot that does not count against the allowed density.

c. Dissolution

If the owning entity is dissolved, the open space may be offered to another entity who will be responsible for the maintenance and upkeep of the open space. If no other offer is accepted, the open space must be offered to the City or County and if accepted, deeded to the City or County.

If the subdivision is vacated, dedicated open space, which is zoned Conservation or is in a conservation easement, shall remain dedicated open space.

4. Configuration of Open Space

a. The minimum width for any required open space is 100 feet.

b. Where the Teton County Natural Resources Overlay designates an animal migration corridor, or there is a FEMA Floodplain on the property, they must be consulted as to the appropriate width of the corridor.

- c. For every 200 acres of development, one grouping (residential lots connected/ touching) of development is allowed and the remaining open space must be contiguous. Where multiple roads serve a property, additional groupings of development may be approved where they improve the protection of the key site resources by reducing the intrusion of development into the site.
  - d. Required open space must adjoin any neighboring areas of dedicated open space or other protected natural areas, such as area designated on the Teton County Natural Resources Overlay or FEMA floodplains.
5. Open Space Priorities
- a. BoCC Authority  
The final determination as to which land must be protected as required open space will be made by the BoCC.
  - b. Primary Open Space  
The following are considered primary open space areas and must be the first areas reserved as required open space:
    - i. Land whose elevation is lower than 2 feet above the elevation of the 100-year flood as defined by FEMA;
    - ii. Land within 100 feet of any wetland (as defined by United States Code of Federal Regulations 40 CFR, Parts 230-233 and Part 22), and isolated wetlands or areas of special concern identified by state or local rule;
    - iii. Slopes above 20% of at least 5,000 square feet contiguous area;
    - iv. Any designated big game migration corridors and seasonal range on the Teton County Natural Resources Overlay;
    - v. Any area designated on the Victor Recreation & Pathways map of the Teton County Recreation and Public Access Master Plan;
    - vi. Any area designated a Scenic Bike Route in the Comprehensive Plan; and
    - vii. In AOI-VN, Traditional public trail access to adjacent public (federal or state) lands.
6. Secondary Open Space
- The following are considered secondary open space areas and must be included as required open space once the primary open space areas are exhausted:
- a. Significant natural features and scenic views such as ridgelines, open vistas across meadows or fields, river or stream views;
  - b. Prime Agricultural land;
  - c. Specific wildlife or habitat protection areas listed in the Teton County Natural Resources Overlay, including, but not limited to:
    - i. Sharp-tailed grouse breeding habitat;
    - ii. Songbird/raptor breeding and wintering habitat;
    - iii. Waterbird breeding, migration and wintering habitat.
  - d. Habitat for any species on Federal or State threatened, endangered, or species of concern lists;
  - e. Traditional public trail access to adjacent public (federal or state) lands;
  - f. Natural woodlands that help block the view of the development;
  - g. Historic, archeological and cultural sites, cemeteries and burial grounds; and
  - h. Soils with severe development limitations.

7. Allowed Uses of Open Space

- a. To the extent not otherwise prohibited by the use table for the applicable district, required open space may be used for the following:
  - i. Agricultural purposes (including row and field crops, pasturage, floriculture, horticulture, viticulture, sod farm, silviculture and grazing, except that feed lots or other concentrated animal feeding operations are not allowed in required open space);
  - ii. Conservation areas for natural, archeological or historical resources;
  - iii. Meadows, forests, wetlands, wildlife corridors, game preserves or similar conservation-oriented areas;
  - iv. Pedestrian or multipurpose trails in accordance with adopted plans for pathways or access;
  - v. Water bodies such as lakes, ponds, rivers, streams and creeks and their associated floodplains and floodways; and
  - vi. Easements for drainage, access and underground utility lines.
- b. Total number of uses should be to a minimum. Not all uses listed above should be on a single open space area.

8. Prohibited Uses of Open Space

Required open space cannot be used for the following:

- a. Non-agricultural buildings;
- b. Residential building envelopes;
- c. Individual wastewater disposal systems;
- d. Streets;
- e. Parking areas.

9. Access

Access to required open space may be restricted where necessary for public safety reasons or to prevent interference with agricultural operations, sensitive natural resources or critical wildlife habitat.

# CHAPTER 3 USE PROVISIONS

## 3-1 Classification of Uses

### 3-1-1 Definition of Use

Use means the purpose for which a site or *structure* is occupied or maintained. In order to regulate a variety of similar uses, use categories have been established. Use categories provide a systematic basis for assigning uses to appropriate categories with other similar uses. Use categories classify uses and activities based on common functional, product, or physical characteristics. There are three categories of uses: *principal*, *accessory*, and *temporary*.

Commercial uses and high-density developments are encouraged to take place after annexation into the City of Victor. Many uses are not included in the use table for this reason. This is an intentional action to ensure that the comprehensive plan is being followed.

#### A. *Principal* Uses

A *principal* use is considered the primary use and may exist as the sole use of the property. More than one *principal* use may exist on a property. *Principal* uses may be permitted, limited, or special per the descriptions in Sections 3-2-1 and 3-2-2. A *principal* use not specifically listed is prohibited. If a proposed use is not listed in a use category, but is similar to a listed use, it may be considered as part of that use category. The following criteria must be used to determine whether a proposed use is similar to a listed use:

1. The actual or projected characteristics of the proposed use;
2. The relative amount of site area or floor area and equipment devoted to the proposed use;
3. The sales type;
4. The customer type;
5. The relative number of employees;
6. Hours of operation;
7. *Building* and site arrangement;
8. Types of vehicles used and their parking requirements;
9. The number of vehicle trips generated;
10. How the proposed use is advertised;
11. The likely impact on surrounding properties;
12. Whether the activity is likely to be found independent of the other activities on the site; and
13. Where a use not listed is found not to be similar to any other permitted use, the use is only permitted following an LDC Amendment per Section 4-1-4.

#### B. *Accessory* Uses

An *accessory* use is any use that is subordinate in both purpose and size, incidental to and customarily associated with an allowed *principal* use located on the same *lot*. The Use Table establishes allowed *accessory* uses by district. An *accessory* use not specifically listed is prohibited unless it is determined that the *accessory* use:

1. Is clearly incidental to and customarily found in connection with an allowed *principal* use;
2. Is subordinate to and serving an allowed *principal* use;
3. Is subordinate in area, extent, and purpose to the *principal* use served;

4. Contributes to the comfort, convenience, or needs of occupants, business, or industry in the principal use served;
5. Is located on the same *lot* as the *principal* use served; and
6. Where a use not listed is found not to be similar to any other permitted use, the use is only permitted following an LDC Amendment per Section 4-1-4.

C. Temporary Uses

A *temporary use* is a use that is in place for a limited period of time only.

### 3-2 Use Table

The use table establishes allowed uses by *zone district*. No *building* or *lot* may be used except for a purpose allowed in the district in which it is located.

#### 3-2-1 Use Table Key

A. Permitted Use (P)

Indicates a use that is allowed or permitted by right in the respective district. The use is also subject to all other applicable requirements of the LDC.

B. Limited Use (L)

Indicates a use that is allowed in the respective district, by Planning Administrator approval per Section 4-3 herein, subject to specific use and dimensional standards. The locations of the relevant use standards are found in the definitions in Sections 3-3 to 3-10. The use is also subject to all other applicable requirements of the LDC.

C. Special Use (S)

Indicates a use that may be allowed in the respective district only after recommendation by the Victor PZC and approval by the BoCC as set forth in Chapter 4. Special uses are subject to all other applicable requirements of the LDC, including any applicable use standards, except where the use standards are expressly modified as part of the approval process.

D. Uses Not Permitted (--)

Indicates that a use that is not allowed in the respective district.

#### 3-2-2 Use Table (Table 2)

Use Category/Specific Use	AOI-VN Victor Natural Resources	AOI-VT Victor Transitional	AOI-VR Victor Rural Residential	Definition/ Standards
<b>Key: P = Permitted L = Limited Use S = Special Use -- = Use Not Permitted</b>				
Principal Residential Uses				Section 3-3
Dwelling Unit, Primary	P	P	P	Section 3-3-1
Group Residence	P	P	P	Section 3-3-2
Short Term Rentals	L	L	L	Section 3-3-3

Use Category/Specific Use	AOI-VN Victor Natural Resources	AOI-VT Victor Transitional	AOI-VR Victor Rural Residential	Definition/ Standards
<b>Key: P = Permitted L = Limited Use S = Special Use -- = Use Not Permitted</b>				
<b>Principal Agricultural Uses</b>				Section 3-4
Agricultural Auction Facility	--	L	--	Section 3-4-1
Agricultural Building	P	P	P	Section 3-4-2
Agricultural Operations	P	P	P	Section 3-4-3
Aquaculture	--	L	--	Section 3-4-4
Beekeeping, Commercial	--	L	--	Section 3-4-5
Beekeeping, Backyard	P	P	P	Section 3-4-6
<b>Principal Public/Infrastructure Uses</b>				Section 3-5
Cemetery, Public	S	S	S	Section 3-5-1
Cemetery, Private	L	L	L	Section 3-5-2
Club or Lodge	--	S	--	Section 3-5-3
Conservation Area	P	P	P	Section 3-5-4
Hospital	--	S	--	Section 3-5-5
Park-n-Ride Facility	--	L	L	Section 3-5-6
Places of Worship	S	S	S	Section 3-5-7
School, Secondary (College or University)	--	S	--	Section 3-5-8
School, Secondary (Trade or Vocational)	--	P	P	Section 3-5-9
Utilities, Major	S	S	S	Section 3-5-10
Utilities, Minor	P	P	P	Section 3-5-11
<b>Principal Commercial Uses</b>				Section 3-6
Animal Care, Domestic	S	S	S	Section 3-6-1
Bed and Breakfast	L	L	L	Section 3-6-2
Daycare	S	S	S	Section 3-6-3
Garden Center	--	L	--	Section 3-6-4
Golf course	--	S	--	Section 3-6-5
Horse Stable, Riding Academy, Equestrian Center	S	S	--	Section 3-6-6
Nursery	P	P	S	Section 3-6-7
Shooting Range, Indoor	--	L	--	Section 3-6-8
Special Event Facility	S	S	--	Section 3-6-9

Use Category/Specific Use	AOI-VN Victor Natural Resources	AOI-VT Victor Transitional	AOI-VR Victor Rural Residential	Definition/ Standards
<b>Key: P = Permitted L = Limited Use S = Special Use -- = Use Not Permitted</b>				
<b>Principal Industrial Uses</b>				
Agriculturally Related Food and Beverage Processing Facility	--	L	S	Section 3-7-1
Solar Energy System, Small Scale	--	L	--	Section 3-7-2
Wind Energy System, Small-Scale	--	L	--	Section 3-7-3
Wireless Communications, Amateur Radio Operator Tower	--	L	L	Section 3-7-4
Wireless Communications, Building-Mounted	--	P	--	Section 3-7-5
Wireless Communication Tower	--	L	--	Section 3-7-6
<b>Principal Recreational Uses</b>				
Park, Recreation Field	P	P	P	Section 3-8-1
<b>Accessory Uses</b>				
Accessory Building/Structure	P	P	P	Section 3-9-1
Accessory Dwelling Unit, Attached	L	L	L	Section 3-9-2
Accessory Dwelling Unit, Detached	L	L	L	Section 3-9-3
Agritourism	--	S	--	Section 3-9-4
Employee Housing	--	S	--	Section 3-9-5
Home Business	P	P	P	Section 3-9-6
Home Daycare	L	L	L	Section 3-9-7
Home Industry	L	L	L	Section 3-9-8
Food Service, Accessory	--	L	--	Section 3-9-9
<b>Temporary Uses</b>				
Exempt Temporary Uses	P	P	P	Section 3-10-1
Temporary Uses/Events	L	L	L	Section 3-10-2
Temporary Portable Storage Containers	L	L	L	Section 3-10-3
Temporary Structures as Living Quarters	--	L	--	Section 3-10-4
Food Vending, Outdoor	L	L	L	Section 3-10-5

### **3-3 Principal Residential Uses**

#### **3-3-1 Dwelling Unit, Primary**

A. Defined

A residential *structure* designed and constructed for occupancy by one (1) household and located on a *lot* or separate *building tract*, having no physical connection to a *building* on any other *lot* or *tract*. Primary *dwelling units* contain at a minimum: a permanent kitchen, bathroom facility, and sleeping area. A primary *dwelling unit* may be a *manufactured home*.

B. General Use Standards

All *dwelling units* shall adhere to dimensional standards required by the *zone district* in which it is located.

#### **3-3-2 Group Residence**

A. Defined

A primary *dwelling unit* that includes a group residence in which eight (8) or fewer unrelated *persons* with developmental disabilities or elderly *persons* reside and who are supervised at the group residence in connection with their disability or age-related infirmity. Disabilities include mental or physical impairment and are protected under the Fair Housing Act.

Resident staff, if employed, need not be related to each other or to any of the *persons* with disabilities or elderly *persons* residing in the group residence. No more than two (2) of such staff shall reside in the *dwelling* at any one time.

B. General Use Standards

1. Parking shall be provided for residents, employees, and visitors per Section 5-6.

#### **3-3-3 Short-Term Rentals**

A. Defined

The use of a primary or secondary *dwelling unit*, or some part thereof, for rental or occupancy for sleeping or lodging for terms of thirty (30) consecutive days or less, in exchange for a fee or other similar consideration.

B. Limited Use Standards

The following are required in order to safeguard the public health, safety, and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate:

1. All short-term rentals shall be legal residential *dwelling units* consisting of habitable space.
2. All parking for guests, visitors, and residents of the unit shall be contained on-site. Camper trailers, boat trailers, utility trailers, transport trailers, or any other type of trailer shall be parked on-site and shall not be parked in the rights-of-way. Off-site parking is not allowed.
3. Upon the submittal of a short-term rental business permit, and its associated fee, it will be determined if the rental can be supported by the capacity of the wastewater treatment system. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
4. The use of Camping and/or RVs for short term rental must be only in the instance when a renter comes with their own Camping equipment and/or RVs cannot be provided by



the property owner. Occupancy of any Camping units and/or RVs shall not exceed the number of tenants specified on the short-term rental business permit.

5. Quiet hours must be observed between 8:00 p.m. to 8:00 a.m.
6. No *special events* shall be held that include additional guests beyond those staying at the short-term rental without first obtaining a Type 1 *temporary use* permit per Section 3-10.
7. Trash in plastic bags shall not be placed outside of garbage receptacles and where applicable, animal and pest-proof garbage receptacles must be used. Trash must be removed from the site regularly.
8. Smoke detectors, carbon monoxide detectors, and fire extinguishers shall be installed, tested, and maintained per the manufacturer's instructions and in conformance with the occupancy types specified by the International Residential Code.
9. All property *owners* within two hundred (200) feet of the short-term rental property shall be sent written notice, which includes the name and phone number of the contact *person* for the short-term rental, thirty (30) days prior to the commencement of initial short-term rental activity.
10. The address and basic property access directions shall be posted on the inside front door for all short-term rental property.
11. No more than one *dwelling unit* per property can be used for the purpose of a short-term rental.
12. Permit number must be listed in any listing, booking, or advertising of the short-term rental.

C. Permit Required

All short-term rentals require a Short-Term Rental Registration with the *Planning Department* to verify the use standards have been met prior to the use being approved. A *building* inspection may be performed prior to permit issuance.

## 3-4 Principal Agricultural Uses

### 3-4-1 Agricultural Auction Facility

A. Defined

A sales establishment at which farm-related merchandise or livestock is sold to the highest bidder on a monthly or more frequent basis.

B. Limited Use Standards

1. All operations shall be conducted within a fully enclosed *building*.
2. All storage of materials, products, or equipment shall be within a fully enclosed *building* or in an open yard screened with a Type A *Buffer* per Section 5-7, *Buffers, Screening and Fencing*.
3. All vehicular parking shall be provided entirely on-site in compliance with Section 5-6-3.

### 3-4-2 Agricultural Building

A. Defined

A *structure* designed and constructed to store farm implements, hay, grain, poultry, livestock, or other horticultural products. *Agricultural buildings* shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

B. General Use Standards

1. The maximum height limitations for an *agricultural building* for agricultural uses such as a silo, granary, or barn shall be no taller than sixty (60) feet.
2. No part of any *building or structure* in which animals are housed can be closer than fifty (50) feet from any property line, except property owned or occupied by an *owner* or operator of the facility.

### 3-4-3 Agricultural Operation

A. Defined

An activity or condition that occurs in connection with the production of agricultural products for food, fiber, fuel, grain, and other lawful uses, and includes, without limitation:

1. Construction, expansion, use, maintenance and repair of an agricultural facility;
2. Preparing land for agricultural production;
3. Applying pesticides, herbicides or other chemicals, compounds or substances labeled for insects, pests, crops, weeds, water or soil;
4. Planting, irrigating, growing, fertilizing, harvesting or producing agricultural, horticultural, floricultural and viticultural crops, fruits and vegetable products, field grains, seeds, hay, sod and nursery stock, and other plants, plant products, plant byproducts, plant waste and plant compost;
5. Breeding, hatching, raising, producing, feeding, boarding, and keeping livestock, dairy animals, swine, fur-bearing animals, poultry, eggs, and other animals, animal products and animal byproducts, animal waste, animal compost, and bees, bee products, and bee byproducts (Beekeeping further described in Sections 3-4-5 and 3-4-6);
6. Transporting agricultural products to or from an agricultural facility;
7. Noise, odors, dust, fumes, *light* and other conditions associated with an agricultural operation or an agricultural facility;
8. Selling agricultural products on-site, including on-farm auctions, or at a farmers or roadside market;
9. Participating in a government sponsored agricultural program.

B. General Use Standards

1. In accordance with the Right to Farm Act (I.C. 22-4503), after an agricultural operation, agricultural facility, or expansion thereof has been in operation for more than 1 year and was not a nuisance at the time it began or was constructed, it shall not be or become a nuisance due to any changed conditions in or about the surrounding nonagricultural activities.
2. The above shall not apply when a change in operation results in a *violation* of codified standards for public health and safety.

### 3-4-4 Aquaculture

A. Defined

The farming of fish, crustaceans, mollusks, aquatic plants, algae, and other organisms. It involves cultivating freshwater and saltwater aquatic populations under controlled conditions for commercial uses.

B. Limited Use Standards

1. Required proof of license from the Idaho State Department of Agriculture.
2. Aquaculture facilities shall not be constructed in or across any natural streambed, lake, or other *watercourse* containing wild fish.
3. Any dam constructed to divert water into a facility must not restrict the free and uninterrupted passage of fish in the *stream*.
4. All water inlets to facilities must be screened in order to prevent wild fish from entering the facility and keep farmed fish from escaping.
5. Operations must minimize adverse impacts from noise, *light*, and *glare* on nearby properties to the extent feasible.
6. Discharges into surrounding waters of any waste material from the aquaculture operation shall be prohibited.

**3-4-5 Beekeeping, Commercial**

A. Defined

The tending of beehives and the production or processing of bee products for operations of sixteen (16) hives or larger.

B. Limited Use Standards

1. Required proof of registration with the Idaho State Department of Agriculture.
2. No colony shall be permitted within any *setback*.
3. Notification of operation shall be sent by permit applicant to all property owners within five hundred feet (500') of the hive or colony. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the Planning Department.
4. Minimum *lot* size of one (1) acre with a maximum of two (2) colonies per acre.

**3-4-6 Beekeeping, Backyard**

A. Defined

The tending of beehives and the production or processing of bee products for operations with fifteen (15) or less hives as associated with a primary *dwelling unit*.

B. General Use Standards

1. Minimum *lot* size of one (1) acre, with a maximum of two (2) colonies per acre.
2. All colonies must be *setback* at least thirty (30) feet from all *lot lines*.
3. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees.

**3-5 Principal Public and Infrastructure Uses**

**3-5-1 Cemetery, Public**

A. Defined

The use of public or quasi-public property as a burial place for human or animal remains using earth interments, a mausoleum for vault or crypt interments, or a columbarium for interments of cremated remains, or any combination of these. This includes rural cemeteries as defined in I.C. Title 27 Chapter 2.

B. Special Use Standards

1. All State and Federal regulations and requirements shall be met.
2. The *structures* shall not exceed thirty-five (35) feet in height.
3. *Structures* shall not be closer than one hundred (100) feet to any property boundary. An above ground mausoleum or columbarium shall provide a fifty (50) foot wide vegetative screen along the property lines adjoining other *parcels*, according to the *screening* standards in Section 5-7.
4. No earth interments shall be placed within one hundred (100) feet of any existing well providing water for either human or animal consumption or within one hundred (100) feet of surface water.
5. The minimum *lot* size for a cemetery is fifteen (15) acres and the minimum *lot* size for a mausoleum without a cemetery is five (5) acres.
6. Vehicles are prohibited from parking on an access *road* or drive, and one (1) *parking space* is required per four hundred (400) square feet of sales or office area. Temporary parking on interior drives is permitted for grave site ceremonies.
7. Hours of operation shall be from dawn to dusk.
8. Access shall be via a County or State maintained *road*.

**3-5-2 Cemetery, Private**

A. Defined

A private cemetery or private burial ground is a burial place for human remains on private property using earth interments, a mausoleum for vault or crypt interments, or a columbarium for interments of cremated remains, or any combination of these.

B. Limited Use Standards

1. The location of a private burial ground shall be described by metes and bounds on the deed of record in order to give notice to lien holders, successors in title, and the public at large that the *lot* contains private burial grounds. The *owner* of the *lot* or *parcel* containing the private burial grounds shall record such deed prior to any interment of human remains thereon. If a *lot* or *parcel* containing private burial grounds is sold, the seller of the property must disclose to the buyer the existence of the private burial grounds.
2. No earth interments shall be placed within one hundred (100) feet of any existing well providing water for either human or animal consumption or within one hundred (100) feet of surface water.
3. No earth interments shall be within one hundred (100) feet of any *building*.
4. Construction of a mausoleum, columbarium, or any monument or grave marker on a private burial ground shall comply with all applicable *building* code requirements and *building setbacks* of the underlying zoning district.
5. All private burial grounds shall comply with all state requirements, including but not limited to I.C. Sections 39-260 (registrations of deaths), 39-268 (final disposition of dead bodies), and 39-269 (disinterment), and I.C. Title 54, Chapter 11 (Morticians, funeral directors, and embalmers), and the relevant sections of the Idaho Administrative Code (IDAPA).

C. Limited Use Standards for Interment and Removal

Each interment or removal of human remains in a private burial ground shall meet the following standards:

1. Interment or removal of human remains in a private burial ground may occur only under the direction of a licensed mortician and pursuant to the requirements of I.C. Title 54, Chapter 11.
2. Non-cremated human remains buried beneath the surface of the ground may not be buried in a manner so that any portion of the outside surface of the container of the remains is less than forty-eight (48) inches below the surface of the ground.
3. Each container of human remains buried beneath the surface of the ground shall be indicated by a permanent visible marker or monument. The marker or monument should be placed as soon as practicable after the remains are interred.

D. Disestablishment of Private Burial Grounds

A private burial ground, once established, may be disestablished by the *owner* of the property. To disestablish a private burial ground, the *owner* must do all of the following:

1. Arrange to remove and properly re-inter any human remains interred in the private burial grounds.
2. Remove any markers or monuments that indicate the presence of human remains.
3. Remove, demolish, or convert to another permitted use any mausoleum or columbarium, constructed on the private burial grounds.
4. File a new deed of record indicating that the private burial ground has been disestablished.

E. Penalties

Pursuant to I.C. Section 19-5304, the court may order a prior *owner* of land who did not record the existence of a private burial grounds on that the land and who did not disclose the existence of the private burial grounds to the buyer of the land prior to selling the land, to pay reasonable costs of disinterment and reinterment of any human remains thereon.

### 3-5-3 Club or Lodge

A. Defined

A day-use facility used for associations or organizations of an educational, recreational, or social character, not operated or maintained for profit. Representative organizations include but are not limited to Elks, Veterans of Foreign Wars, or Lions.

B. Special Use Standards

1. All vehicular parking shall be provided entirely on-site in compliance with Section 5-6-3(F)
2. Hours of operation shall be limited to the hours of 8:00 am to 10:00 pm daily
3. All lighting and illumination of outdoor facilities shall be turned off no later than 10:00 pm.
4. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
5. Structures used for the purpose of a Club or Lodge shall not exceed a maximum of 10,000 square footage of building footprint.

### **3-5-4 Conservation Area**

#### A. Defined

A *tract* of land that is legally protected in order to ensure that wildlife habitat, scenic vistas, natural features, cultural heritage, biota, recreation, agriculture, or public access are preserved. May include recreation trails, greenways, conservation *easements*, conservation resource protection properties, and nature preserves.

### **3-5-5 Hospital**

#### A. Defined

An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients, including hospice, but distinguished from a nursing home by offering primary short-term rather than long-term care.

### **3-5-6 Park-n-Ride Facility**

#### A. Defined

A parking lot that allows commuters and other people to leave their vehicles and carpool or transfer to a bus for the remainder of their journey to a common destination.

#### B. Limited use standards

1. All vehicular parking shall be provided entirely on-site in compliance with Section 5-6-3F.
2. Vehicles may be left in the parking lot during the day and must be removed at the end of the day.
3. Overnight parking is not allowed and facilities shall not be staffed with security personnel.

### **3-5-7 Places of Worship**

#### A. Defined

A permanent facility that is constructed for conducting organized religious services.

#### B. Special use standards

1. Minimum *lot* size for a place of worship shall be one (1) acre.
2. *Buildings* must meet the height requirements for the Zoning District in which the place of worship is located.
3. *Vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3(F) for all visitors, volunteers, and employees.
4. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

### **3-5-8 School, Secondary (College or University)**

#### A. Defined

A facility of higher education having authority to award associate and higher degrees. Includes satellite campuses, research stations, farms, field camps, and similar properties associated with educational functions. Does not include full college or university campuses with dormitories or living facilities.

B. Special Use Standards

1. The minimum *parcel* size for a college or university shall be consistent with underlying zoning.
2. *Vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3(F) for all visitors, volunteers, and employees.
3. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

**3-5-9 School, Secondary (Trade or Vocational)**

A. Defined

A facility having a curriculum devoted primarily to industry, trade, or other vocational-technical instruction.

B. Special Use Standards

1. The minimum *parcel* size for a trade or vocational school use is consistent with underlying zoning.
2. *Vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3(F) for all visitors, volunteers, and employees.
3. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

**3-5-10 Utilities, Major**

A. Defined

Including aeration facility, electrical substation, electric or gas generation plant, filter bed, transmission towers, waste treatment plant, water pumping facility, water tower or tank.

B. Special use standards

1. Minimum *lot* size for a major utility shall be two (2) acres.
2. A Type B *Buffer* per Section 5-7 must be established around the perimeter of all major utility facilities
3. All storage of materials, products, or equipment in an open yard shall be screened so that the materials stored are not visible within one thousand (1000) feet of the property lines. Where topographic conditions make effective *screening* impractical so as to create an unnecessary hardship, the Board of Zoning Appeals may consider a *variance* from this *screening* requirement.
4. If the County determines that any *road* associated with a facility in this use category is inadequate for the expected quantities of traffic, especially with respect to heavy truck traffic, the *applicant* shall be required to improve and maintain the *road(s)* to a standard acceptable to the County. An *improvement* and Maintenance Agreement between the *applicant* and the County shall be required to assure that the *road(s)* used by the operation will be appropriately improved and maintained.
5. Property/facility shall be maintained so as to ensure the health, safety, and welfare of the

public are preserved.

6. Materials associated with the major utility shall not be carried onto adjoining properties.

### **3-5-11 Utilities, Minor**

#### **A. Defined**

Includes on-site stormwater retention or detention facility, neighborhood-serving telephone exchange, water/gas/electric/telephone/cable transmission lines or ditches, water and wastewater pump station or lift station, gas gates, reservoir, control *structure*, drainage well, water supply water well, and minor water treatment plant (serves 150 or fewer connections).

#### **B. General Use Standards**

1. All stormwater retention or detention facilities shall follow the General Development Standards in Chapter 5, provide adequate overflow and discharge facilities and be constructed at a maximum 3:1 slope.
2. All equipment necessary for *utilities* listed in the definition above shall be housed in proper *enclosures* or *buildings*.
3. All utility *enclosures* shall meet *setbacks* of the Zoning District in which the *enclosure* is located.
4. All utility *enclosures* shall be screened per Chapter 5-7-4.

## **3-6 Principal Commercial Uses**

### **3-6-1 Animal Care, Domestic**

#### **A. Defined**

A facility designed or arranged for the care of animals. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter and rehabilitation, cattery, commercial kennel and dog day care. Animal care does not include agricultural uses of breeding, raising, or keeping of livestock or other animals as defined in Section 3-4-3.

#### **B. Special Use Standards**

1. All outdoor exercise areas and runs must be fenced for the safe confinement of animals.
2. A one hundred (100) foot separation shall be maintained between the area and *structures* where animals are housed and any property line.
3. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3.
4. A Type A *Buffer* per Section 5-7 must be established along any outside areas used to exercise, walk, or keep animals that abuts a ground floor residential use.

### **3-6-2 Bed and Breakfast**

#### **A. Defined**

A primary *dwelling unit* which is *owner*-occupied where short-term lodging is provided through the rental of rooms to the general public for compensation, with common dining and cooking facilities.

#### **B. Limited and special use standards (Limited use for up to three (3) rooms or units, special use for four (4) to eight (8) rooms or units).**

1. The applicant will need to provide verification of wastewater treatment system based on



Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

2. The Bed and Breakfast must maintain the residential character of the neighborhood by including physical characteristics indicative of a residential area such as residential-scaled *building* features, landscaped *yards*, and porches.
3. No business, storage, or warehousing of material, supplies, or equipment is allowed outside.
4. One parking stall for each bedroom must be provided on-site for all residents, visitors, guests, and employees.
5. *Signs* advertising the Bed and Breakfast are limited to one unlit wall *sign* no larger than three (3) square feet in area.
6. Central dining facilities shall be provided for guests.
7. Guest units shall not have cooking or eating facilities.
8. Any food service must be reviewed and approved by the Teton County Fire Marshal.
9. The applicant will need provide verification of a food license or a proved exemption from EIPH.
10. The Bed and Breakfast shall comply with all requirements of the local *fire district*, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.

### **3-6-3 Daycare, Group or Center**

#### A. Defined

Daycare center includes a facility providing care and supervision for compensation during part of a twenty-four (24) hour day, for thirteen (13) or more children not related by blood, marriage, or legal guardianship to the *person* or *persons* providing the care, in a place other than the children's own homes.

Group day care includes care and supervision for compensation during part of a twenty-four (24) hour day for seven (7) to twelve (12) children not related by blood, marriage, or legal guardianship to the *person* or *persons* providing the care, in a place other than the children's own homes.

#### B. Special use standards

1. All daycare facilities shall be licensed by the Idaho Department of Health and Welfare prior to providing daycare services and shall maintain all licensure requirements.
2. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
3. A parking and/or drop-off area shall be designated entirely within the property and shall not depend upon the use of public or *private roadways* for parking or drop-offs. The drop-off parking area should accommodate three vehicles at one time, not including the vehicles of the residents or staff.
4. Group daycare facilities are subject to inspections by regulatory state and local agencies, including Teton County Fire and Rescue and Teton County *Planning Department*, to ensure compliance with all applicable regulations.

### **3-6-4 Garden Center**

#### A. Defined

A business that sells plant material (trees, shrubs, flowers) garden equipment, garden tools, *landscape materials*, fertilizers, soil, seed, and associated supplies.

#### B. Limited Use Standards

1. Minimum lot size of ten (10) acres.
2. Customer and employee parking shall be provided entirely on-site.
3. Greenhouses shall be located a minimum of fifty (50) feet from *road* rights-of-way and any property zoned or used for residential purposes.
4. Vehicles, nursery products, and other materials shall be located and stored on-site and within applicable *building setbacks* for the *zone district*.
5. Storage of materials, except plants, shrubs, and trees, shall be located to the rear or in the *side yards* of a *building*. A Type B Buffer per Section 5-7 must be established around the perimeter of all vehicle and equipment storage yards.

### **3-6-5 Golf Course**

#### A. Defined

A *tract* of land laid out with at least nine (9) holes for playing golf and improved with tees, greens, fairways, putting greens, and hazards. A golf course may include a clubhouse, shelters, and a driving range as accessory uses.

#### B. Special use standards

1. Minimum *lot* size of eighty (80) acres.
2. Sales and rental of golf equipment may be allowed as an accessory use.
3. All accessory *structures* shall be located no closer than one hundred (100) feet to a residential property.
4. Outdoor recreation areas associated with a country club shall be located no closer than fifty (50) feet of any property line.

### **3-6-6 Horse Stable, Riding Academy, Equestrian Center**

#### A. Defined

A facility used primarily for the care, breeding, boarding, rental, riding or training of horses or for the teaching of equestrian skills.

#### B. General and Limited Use Standards

1. Minimum lot size shall be ten (10) acres.
2. All piles of feed or bedding shall be located at a minimum of fifty (50) feet away from any public right-of-way or adjacent property.
3. Manure piles shall be stored for removal a minimum of two hundred (200) feet from any public right-of-way or adjacent property and removed from premises at least one (1) time per week and/or harrowed into an agricultural field or composted on-site.
4. Accessory dwelling units will be permitted to house on-site workforce.
5. All vehicular parking shall be provided entirely on-site in compliance with Section 5-6-3(F).
6. Hours of operation shall be limited to the hours of 8:00 am to 9:00 pm daily

7. All lighting and illumination of outdoor riding facilities shall be turned off no later than 9:00 pm.

### **3-6-7 Nursery**

- A. Defined  
A place where young trees and plants are raised.
- B. General Use Standards
  1. Employee parking shall be provided entirely on-site.
  2. Vehicles, nursery product, and other materials shall be located and stored on-site and within applicable *building setbacks* specified for the associated zone district.
  3. Greenhouses shall be located a minimum of fifty (50) feet from *road* rights-of-way and from any property zoned or used for residential purposes.
  4. Storage of materials, except plants, shrubs, and trees, shall be located to the rear or in the *side yards* of a *building* (if applicable) and screened from *road* views.
  5. Sale of goods grown on-site may be provided on-site as an accessory use, not as a retail storefront but rather as a farmers or roadside market.

### **3-6-8 Shooting Range, Indoor**

- A. Defined  
A commercial facility with an indoor firing range with targets for archery, rifle, or handgun practice.
- B. Limited Use Standards
  1. Minimum *lot* size of one (1) acre.
  2. All related activities shall be housed completely within an enclosed *structure* and designed with full consideration for safety and noise factors involved in the type of use. Noise immediately outside the *structure* shall measure no louder than seventy (70) decibels.
  3. The *applicant* shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges per the Environmental Protection Agency (EPA).
  4. At a minimum, there shall be one *parking space* per firing position which meets the dimensional requirements of Section 5-6-3.

### **3-6-9 Special Event Facility**

- A. Defined  
A facility used by groups of people to congregate temporarily for such purposes as education, meditation, spiritual renewal, meetings, conferences, social gatherings, seminars, or weddings and which may provide meals, services, and recreation for participants during the period of the retreat or program only. Such centers may not be utilized by the general public for meals or overnight accommodations.
- B. Special use standards
  1. Minimum *lot* size for special event facilities shall be five (5) acres
  2. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3.
  3. All surface parking areas must be landscaped in accordance with Section 5-6, Driveways, Parking, and Access.

4. Hours of operation shall be limited to the hours of 8:00 am to 10:00 pm daily
5. All lighting and illumination of outdoor facilities shall be turned off no later than 10:00 pm.
6. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
7. A Type A *Buffer* per Section 5-7 must be established along all *lot lines abutting* a ground floor residential use.
8. Approval for food service must be reviewed and approved by the Teton County Fire Marshal.
9. The applicant will need to provide verification of a food license or a proved exemption from EIPH.
10. The special event facility shall comply with all requirements of the local *fire district*, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.
11. The *Fire District*, Public Health District, and Teton County *Planning Department* shall be permitted to perform inspections as in any other business.
12. A permanent *structure* on a foundation shall be required for all special event Facilities to house restrooms, food preparation, and *sanitation facilities* at a minimum.
13. A commercial kitchen facility requires additional review and approval from EIPH. Applicant is responsible for any fees associated with reviews.
14. There shall be no overnight lodging at any special event Facility.
15. Special events which meet the descriptions of Section 3-10-2 require a Temporary Use permit.

## 3-7 Principal Industrial uses

### 3-7-1 Agriculturally Related Food and Beverage Processing Facility

#### A. Defined

Facility used for the washing, sorting, juicing, dehydrating, milling, pasteurizing, cooking, canning, bottling, packaging, or storage of agricultural produce harvested on the premises or on property owned or leased by the facility owner. The establishment may offer sales of facility related products, and on-site consumption of free samples with no associated seating area, when permitted by the State. This use shall not include the processing of industrial hemp fiber, fermenting, distilling, or mixing of agricultural produce to produce alcoholic beverages, baked goods, or slaughtering of livestock.

#### B. Limited Use Standards

1. Minimum *lot* size for food and beverage processing facilities shall be one (1) acre.
2. All operations shall be conducted within a fully enclosed *building*.
3. The use cannot be noxious or offensive by reason of vibration, noise, emission of dust, fumes, gas, odor, or smoke, beyond the confines of any *building*.
4. All storage of materials, products, or equipment shall be within a fully enclosed *building* or in an open yard screened with a Type A *Buffer* per Section 5-7.
5. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3.

### 3-7-2 Solar Energy System, Small Scale

#### A. Defined

Small scale solar energy systems shall be used primarily as an accessory use for on-site, private purposes and may be roof or ground mounted. Limited Use Standards for Roof Mounted Systems:

1. May not extend above the ridgeline of the roof the system is mounted on.
2. May not extend more than one foot above the roof surface measured perpendicularly from the sloped roof surface.

#### B. Limited Use Standards for Ground Mounted Systems

1. Shall adhere to *setbacks* required by *zone district*.
2. Shall not exceed a height of twenty-five (25) feet.
  3. A Type A *Buffer* per Section 5-7 must be established along all *lot lines* where an *abutting* a ground floor residential use is within three hundred (300) feet of the system.

### 3-7-3 Wind Energy System, Small-Scale

#### A. Defined

A small-scale wind energy system is used to generate electricity for private use. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service, and access *roads*, and one or more *wind turbines*. Large scale commercial wind farms are not permitted.

#### B. Limited Use Standards

1. Prior to installation, all small-scale wind energy systems shall obtain a *building* permit from Teton County.
2. The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications, and aviation requirements.
3. *Wind turbines* shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
4. The wind facility and associated equipment shall not produce a broadband sound level more than 10 dB(A) above ambient.
5. Any wind energy facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind energy facility is scheduled to be decommissioned, the *applicant* shall notify the County by certified mail of the proposed date of discontinued operations and plans for removal. The *owner/operator* shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed or any other legally authorized use. More specifically, decommissioning shall consist of:
  - a. Physical removal of all *wind turbines, structures, equipment, security barriers* and transmission lines from the site.
  - b. Disposal of all solid and hazardous waste in accordance with local and state waste

disposal regulations.

- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. Teton County may allow the *owner* to leave landscaping or designated below-grade foundations to minimize erosion and disruption to vegetation.

### **3-7-4 Wireless Communications, Amateur Radio Operator Tower**

#### A. Defined

A facility for the provision of radio waves or wireless service used for personal, non-commercial radio licensed by the Federal Communications Commission.

#### B. Limited Use Standards

1. An amateur radio operator tower may not exceed forty-five (45) feet in height.
2. The tower must be located so that no part of the antenna or its elements encroaches within the required side or rear *setbacks* or within ten (10) feet of any *easement* for overhead electric distribution or transmission lines.
3. Maximum tower height is measured to the tallest point of the supporting tower and does not include the antenna mast or antenna elements affixed to the tower.
4. No more than two (2) towers are allowed on a *lot* with the second tower being no more than thirty-five feet (35') in height.
5. A request for a *building* permit must be accompanied by a copy of a valid Amateur Radio Operators license issued by the Federal Communications Commission.

### **3-7-5 Wireless Communications, Building-Mounted**

#### A. Defined

Any antenna attached or affixed to a *building* or roof, or other type of *structure* not originally intended to house such a facility.

#### B. Limited Use Standards

1. *Building* and antenna combined shall not exceed forty-five (45) feet in height.
2. Shall not interfere with the safe operation of traffic control or public safety equipment.
3. Shall not interfere with sight lines or clear zones for transportation or pedestrians.
4. Shall not interfere with compliance with the Americans with Disabilities Act or similar federal or State standards regarding pedestrian access or movement.
5. Shall maximize the use of *building* materials, colors and textures designed to blend with the *structure* to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the use of stealth or concealment technology as may be required by the County.

### **3-7-6 Wireless Communication Tower**

#### A. Defined

Any mast, pole, monopole, lattice tower, or other *structure* designed and primarily used to support antennas for commercial purposes.

#### B. Limited Use Standards

1. It must be demonstrated that it is necessary to erect the tower at the proposed location and due to one or more of the following reasons:

- a. The planned equipment would exceed the structural capacity of existing or approved *structure*, and those *structures* cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
  - b. The planned equipment would result in technical or physical interference with or from other existing or planned equipment, and the interference cannot be prevented at a reasonable cost.
  - c. There is no appropriate existing or pending *structure* to accommodate the planned equipment.
  - d. Other technical reasons that make it impractical to place equipment planned by the *applicant* on existing or approved *structures*.
2. Height shall not exceed forty-five (45) feet.
  3. All new communications towers must be constructed with excess capacity for co-location. Any *owner* of a telecommunications tower must allow other telecommunications providers to install or co-locate antennae or facilities on their towers. Co-location is subject to mutually agreeable terms and conditions negotiated between the parties.
  4. Landscaping consistent with a Type A *Buffer* per Chapter 5, Section 7 must be established along the base of the facility to screen the mechanical characteristics.
  5. No signals, *lights*, or illumination is allowed on a tower unless required by the Federal Aviation Administration or other applicable authority.
- C. Abandoned Tower
1. The Administrator will require removal of any abandoned or unused tower by the tower *owner/operator* within thirty (30) days after notice from the Administrator. A tower is considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days.
  2. Where a tower is removed by an *owner*, the *owner* must restore the area to the condition existing prior to the placement of the tower.

## 3-8 Principal Recreational Uses

### 3-8-1 Park, Recreation Field

- A. Defined
 

An area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, ballfields, soccer fields, basketball courts, swimming pools, and tennis courts. May include both *passive* and *active recreation*.
- B. Use Standards
  1. All *vehicular parking* shall be provided entirely on-site in compliance with Section 5-6-3.
  2. Hours of operation shall be limited to the hours of 8:00 am to 10:00 pm daily.
  3. All lighting and illumination of outdoor facilities shall be turned off no later than 10:00 pm.
  4. All swimming pools will need safety fencing in accordance with State regulations.

## **3-9 Accessory Uses**

### **3-9-1 Accessory Building**

A. Defined

A *building* or *structure* not used for human habitation the use of which is customarily accessory to and incidental to that of the *principal* use located on the same *lot* and that is used as a tool or storage shed, or similar use.

B. General Use Standards

1. All *accessory buildings* shall adhere to dimensional standards required by the *zone district* in which it is located.
2. All *structures* over two hundred (200) square feet in floor area require a *building* permit.

### **3-9-2 Accessory Dwelling Unit, Attached**

A. Defined

An attached *accessory dwelling unit (ADU)*, or *secondary dwelling*, shall be a completely independent residential living unit for one household, attached to the primary *dwelling* with a separate exterior entrance. An *ADU* must contain its own permanent kitchen, bathroom facility, and sleeping area.

B. Limited Use Standards

1. Only one (1) *ADU* shall be allowed per *parcel* or *lot*.
2. Two (2) *vehicular parking spaces* shall be provided entirely on the property for the unit.
3. The maximum size of an *ADU* shall not exceed 1500 square feet.
4. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

### **3-9-3 Accessory Dwelling Unit, Detached**

A. Defined

A detached *accessory dwelling unit (ADU)*, or *secondary dwelling*, shall be a completely independent residential living unit for one household, on the same *parcel* of land as the primary *dwelling unit*. An *ADU* must contain its own permanent kitchen, bathroom facility, and sleeping area.

B. Limited Use Standards

1. Only one (1) *ADU* shall be allowed per *parcel* or *lot*.
2. Two (2) *vehicular parking spaces* shall be provided entirely on the property for the unit.
3. The maximum size of an *ADU* shall not exceed 1500 square feet on parcels 7.5 acres or larger.
4. The maximum size of an *ADU* shall not exceed 1200 square feet on parcels over 2.5 acres up to 7.5 acres.
5. The maximum size of an *ADU* shall not exceed 900 square feet on *parcels* 2.5 acres or smaller.
6. Detached *ADUs* shall be located in accordance with required *setbacks* per the associated zone district.



7. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

### **3-9-4 Agritourism**

#### **A. Defined**

Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities including, but not limited to, farming, ranching, historic or cultural activities, on-site educational programs, recreational farming programs that may include horseback riding, fee fishing, agricultural classes and tours, animal shows and petting zoos featuring farm animals and other domestic animals, crop mazes, picnic areas, hay rides, tractor rides, cider mills, and haunted houses. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

#### **B. General limited & special use standards**

1. All agritourism activities must be secondary to an "Agricultural Operation" as defined per 3-4-3 above.
2. If land has been leased to a qualified "Agricultural Operation", only the Operators shall have the right to conduct agritourism activities, Land Lessors who are not actively farming or ranching themselves do not qualify.
3. Warning *Signs* must be posted per Idaho State Statute Title 6, Chapter 30 Idaho Agritourism Promotion Act to include the following:

#### **WARNING**

Under Idaho law, there are risks associated with agritourism, which could lead to injury or death. You are assuming these risks. Section 6-3004, Idaho Code.

4. Regardless of the on-farm activity, all guest parking must be on-site and meet the dimensional requirements of Section 5-6-3.
5. No motorized vehicles shall be rented to guests or driven off private property by guests unless moving between unconnected *parcels* for an agricultural activity or tour.
6. Where activity requires the use of public lands, the Operator must have permission from the appropriate agency.
7. All hunting and fishing activities shall require applicable permits & licenses from Idaho Fish and Game and or the Idaho Outfitters and Guides Association, (IOGA) licensing board.

### **3-9-5 Employee Housing**

#### **A. Defined**

An accessory *dwelling* occupied by persons principally employed at or engaged in the operation of a business or related by blood, marriage, adoption, or otherwise to persons employed at or engaged in the operation of business.

#### **B. Special Use Standards**

1. Minimum lot size shall be five (5) acres in all zone districts excluding the IR district.
2. There shall be a maximum of five (5) *dwelling units* per business, not applicable to home occupations or home industries.

3. *Dwelling units* for employee housing shall be located on the same site as the business operation.
4. *Dwelling units* shall be designed in a *cluster*. For the purposes of these regulations, *cluster* means there must be a minimum of two (2) *dwelling units* on the parcel and the average distance between *dwelling units* is less than fifty (50) feet.
5. Employee housing units shall be occupied by employees only and not available for rental, except to employees.
6. Dwelling units shall not be short term rented, they shall be restricted to long term rental for employee/workforce housing.
7. Maximum *building* size shall be per Section 3-9-2 and 3-9-3.
8. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.

### **3-9-6 Home Business**

#### **A. Defined**

A home business is an accessory nonresidential use that provides a service or product and is conducted wholly within a primary or accessory *dwelling unit*. Home businesses are intended to be at a residential scale; once they grow to the point where they no longer meet the use standards below, they can no longer be characterized as a home business.

#### **B. General Use Standards**

1. The use of the *dwelling unit* for a home business must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the *building*.
2. All storage of materials, products, or equipment associated with the home business shall be within a fully enclosed *building*.
3. No equipment or process may be used that creates excessive noise (over 70 decibels at the property line), vibration, *glare*, fumes, odors, or electrical interference.
4. No display of products may be visible from the *public road*.
5. The home business must be conducted by a *person* residing on the premises and may employ no more than two (2) people commuting to the premises.
6. All home businesses shall provide a minimum of two (2) and maximum of four (4) *parking spaces* on-site. Vehicles shall not park in the *public right-of-way*.
7. Storage space and the operation of the business inside the *dwelling* cannot exceed twenty five percent (25%) of the living space within the *dwelling*.
8. Not more than fourteen (14) clients a day are permitted to visit the home business. At least two (2) parking spots above standard residential parking requirements must be provided on-site, but the business must not exceed four (4) parking spots total.
9. The delivery of materials may not exceed trucks larger than 18,500 GVW.
10. Retail sales of goods must be entirely accessory to any service provided on the site (such as hair care products sold as an accessory to hair cutting).
11. *Signs* advertising the home business are limited to one unlit wall *sign* no larger than 3 square feet in area.

### 3-9-7 Home Daycare

#### A. Defined

A home daycare provides care and supervision for compensation during part of a twenty-four (24) hour day, for six (6) or more children not related by blood, marriage, or legal guardianship to the *person* or *persons* providing the care, in a place other than the child's or children's own home or homes. A home daycare takes place wholly within a primary or accessory *dwelling unit*.

#### B. Limited Use Standards

1. A home daycare is not required to be licensed with the Idaho Department of Health and Welfare. However, a home daycare may voluntarily elect to be licensed by the *Department*.
2. The use of the *dwelling unit* for a home daycare must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the *building*.
3. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
4. A parking and/or drop-off area shall be designated entirely within the property and shall not depend upon the use of public or *private roadways* for parking or drop-offs.
5. The *dwelling unit* in which care is provided must have at least two unobstructed exits with not less than thirty-two (32) inches clear exit width and not less than six (6) feet eight (8) inches exit height. Sliding patio doors will be accepted as a required second exit.
6. Sleeping rooms must have at least one (1) emergency egress window that meets local *building* code requirements and is operable from the inside or an unobstructed exit.
7. Smoke detectors, carbon monoxide detectors, and fire extinguishers shall be installed, tested, and maintained per the manufacturer's instructions and in conformance with the occupancy types specified by the International Residential Code.

### 3-9-8 Home Industry

#### A. Defined

A home industry is an accessory, light industrial use that is conducted in a non-industrial district. It must be clearly incidental and subordinate to the primary residential use of the property. Examples include welding shop, bakery, woodworking, or manufacturing of goods. Home industries are intended to be at a residential scale; once they grow to the point where they no longer meet the use standards below, they can no longer be characterized as a home industry.

#### B. Limited Use Standards

1. The use of the primary *dwelling unit*, accessory *dwelling unit*, or *accessory building* for a home industry must be clearly incidental and subordinate to the use of the property for residential purposes, and under no circumstances change its residential character.
2. The home industry must be conducted by a *person* residing on the premises.
3. Minimum *lot* size for home industry uses shall be two (2) acres.
4. All operations shall be conducted within a fully enclosed *building*.
5. The home industry must not *adversely affect* the residential and agricultural uses in the zone where it is located.

6. No equipment or process may be used that creates excessive noise, vibration, *glare*, fumes, odors, or electrical interference.
7. No display of products may be visible from the *road*.
8. Retail sales of goods must be entirely accessory to the industrial use provided on the site.
9. At least 1.5 parking stalls per on-site employee for the industry must be provided on-site.
10. All storage of materials, products, or equipment shall be within a fully enclosed *building* or in an open yard screened with a Type A *Buffer* per Section 5-7.
11. All by-products, including waste, must be effectively confined to the premises or legally disposed of off the premises so as to avoid air and water pollution caused by the industry.
12. The applicant will need to provide verification of wastewater treatment system based on Teton County's Septic Capacity Evaluation form. Applicant is responsible for any fees associated with reviews.
13. The home industry must be conducted by a *person* residing on the premises and may employ no more than two people commuting to the premises.

### **3-9-9 Food Service, Accessory**

#### A. Defined

The preparation and serving of food and beverages as a supporting service to primary permitted uses such as a *club or lodge*, hospital, or guest/dude ranch. Food services may include outdoor dining.

#### B. Limited Use Standards

Accessory food service sales are subordinate to the primary business function.

## **3-10 Temporary Uses**

### **3-10-1 Exempt Temporary Uses**

#### A. The following uses shall not require a *temporary use permit*:

1. Estate or real estate sales involving the property or items from the property where the sale is held.
2. Garage, *yard*, or rummage, sales provided the sales event is on a Rural/Residential zoned property and it lasts no longer than three (3) consecutive days. No more than six (6) sales events are allowed on the same residential property within a single calendar year.
3. Social gatherings with less than fifty (50) people in attendance where the function or event involves the owner of the property and where no monetary consideration or fees for such use of the property or attendance is involved. These exempted events may include those events taking place upon the grounds of a private residence or upon the common areas of a *subdivision* or multifamily residential *development* for which no admission or rental fee or other charge is assessed.

### **3-10-2 Temporary Uses/Events**

#### A. Defined

*Temporary uses* are uses that have a temporary duration which are not so recurring in nature as to constitute a permanent use.

1. Type 1 (Minor) *Temporary Uses*
  - a. Any *temporary use* that is not considered an exempt *temporary use*, a Temporary Portable Storage Container, or Temporary *structures* as Living Quarters. Examples include wedding receptions, or other *special events* lasting three (3) days or less where a monetary consideration or fees for such use of the property or attendance is involved, or the event is held on public property or that of a short-term rental and contractors' construction yards, trailers, or mobile homes that are used as a temporary residence or office during construction.
2. Type 2 (Major) *Temporary Uses*
  - b. A Type 2 *Temporary Use* is any Type 1 Use that proposes any of the following:
    - i. Road closures or detours
    - ii. Food or alcohol vending (including food trucks)
    - iii. Medical or security presence will be provided
    - iv. One hundred (100) or more expected visitors
    - v. The use of public property, such as schools, parks, or County *Roads*.
    - vi. Events that last more than one (1) day but less than seven (7) days in a thirty (30) day period and are limited to two (2) events per year on the same property.
3. Type 1 and Type 2 *temporary uses* require a *temporary use permit*, as outlined in Section 4-6.

### **3-10-3 Temporary Portable Storage Containers**

#### A. Defined

A container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods that does not contain a foundation or wheels for movement. This does not include construction trailers which have a separate permit process.

#### B. Limited Use Standards

1. Containers are permitted for a maximum of ninety (90) consecutive days, once per calendar year.
2. Contractors' construction yards, trailers, or mobile homes that are used as a temporary residence or office during construction are exempt from the maximum timeframe and shall receive a Type 1 permit.
3. No more than two (2) containers are permitted at any one time.
4. No container may be more than ten (10) feet in height, or more than two hundred (200) square feet.
5. Any *person* wishing to utilize a container longer than ninety (90) calendar days may apply for an extension for up to an additional ninety (90) days or apply for a *building* permit to make the container a permanent, accessory *structure*.
6. Containers cannot be located in any required *setback* and must be located completely on the *owner's lot*, and no part of any container may be located in the *public right-of-way*.

### **3-10-4 Temporary Structures as Living Quarters**

#### **A. Defined**

Non-winterized *structures* such as yurts, RVs, *tiny homes* on wheels, park models, and seasonal cabins that do not meet the *building* code requirements for *habitable space* are not considered to be primary living quarters.

#### **B. Limited Use Standards**

1. Temporary *structures* are not allowed as living quarters for more than ninety (90) days in a single calendar year. Any *structure* that is used more than ninety (90) days in a single calendar year must have sanitary waste disposal and water service.
2. Only one (1) temporary *structure* may be used as a living *structure* per *lot*. Two (2) or more such *Structures* would be required to meet the regulations for *campgrounds* per Sections 3-8-1 through 3-8-5.

### **3-10-5 Food Vending, Outdoor**

#### **A. Defined**

The serving or vending of food and beverages as an accessory use. Example includes food trucks. Outdoor food vending may also be considered an accessory use but as it is permitted through a temporary use permit it is included in the Temporary use section.

#### **B. Limited Use Standards**

1. Outdoor food vendors shall be located on developed *lots* as an accessory use.
2. Signage for outdoor vendors shall be limited to *signs* placed directly on the vehicle or cart used in connection with the business.
3. An outdoor food vendor shall be situated on a *lot* in such a manner that no aspect of its operation shall impede vehicular, pedestrian, or bicycle circulation. A vendor shall not be located where there is limited capacity for parking at recreational facilities.
4. Outdoor food vendor shall apply for a Type 2 *temporary use permit*.

## **3-11 City Infrastructure**

Nothing herein shall be construed to restrict the City of Victor from constructing public improvements and public utility infrastructure to meet the needs of the City. The City of Victor shall be exempt from minimum lot size, setback, and use regulations for parcels upon which the City desires to construct public improvements and / or infrastructure

# CHAPTER 4 APPLICATION PROCEDURES

## 4-1 Overview of Application Processes

The table below summarizes the review, approval, and notice requirements applicable to the *applications* described in this Chapter. The table is intended as an overview only and the sections that follow should be relied upon for specifically applicable requirements.

Table 4. Application Processes

	Review and Final Decision-Making Authority				Public Notice Required <sup>1</sup>			
	Pre-Application Meeting	Planning Administrator <sup>3</sup>	Joint Teton County & City of Victor Planning & Zoning Commission	Board of County Commissioners	Published	Posted (On-Site)	Posted Notice (Courthouse)	Mailed
Key: R = Review, Recommendation    D = Decision    A = Appeal    PH = Public Hearing Required PM= Public Meeting Required    Y = Required    N = Not Required								
LDC Amendments <sup>2</sup>	Y	R	R, PH	D, PH	Y	N	Y	Y
Site-Specific Zoning Map Amendment	Y	R	R, PH	D, PH	Y	Y	Y	Y
Temporary Use Permit	Y	D	N	A	Y	Y	N	Y
Limited Use Permits	Y	D	N	A	N	N	N	Y
Special Use Permit	Y	R	R, PH	D, PH	Y	Y	Y	Y
Variance	Y	R	R, PH	D, PM	Y	Y	Y	Y
Agricultural Land Division	Y	D	N	A	N	Y	N	N
Short Plat Land Division	Y	R	R, PH	D, PM	N	Y	N	Y
Subdivision - Concept Plan Subdivision	Y	R	R, PH	D, PM	Y	Y	Y	Y
Subdivision - Preliminary Plat	N	R	R, PH	D, PH	Y	Y	Y	Y
Subdivision - Final Plat	N	R	N	D	Y	Y	Y	Y
Boundary Line Adjustment	Y	D	N	A	N	N	N	N

	Review and Final Decision-Making Authority				Public Notice Required <sup>1</sup>			
	Pre-Application Meeting	Planning Administrator	Joint Teton County & City of Victor Planning & Zoning Commission	Board of County Commissioners	Published	Posted (On-Site)	Posted Notice (Courthouse)	Mailed
Minor Modification to a Plat	Y	R	N	D	N	N	N	N
Major Modification to a plat	Follow procedures for Preliminary and Final Plat							
Modification of a Special Use Approval	Y	R	R, PH	D, PM	Follow Special Use Permit Procedures			
Appeals	See Section 4-15							
Key: R = Review, Recommendation    D = Decision    A = Appeal    PH = Public Hearing Required PM= Public Meeting Required    Y = Required    N = Not Required								
Notes: 1 Notice to potentially impacted jurisdictions and agencies may also be required by Idaho Code section 67-6509. 2 See also notice and procedural requirements under Idaho Code section 67-6509. 3 See Section 1-6-B-3 regarding administrative decisions.								

## 4-2 Common Review Provisions

The purpose of this Chapter is to provide standards for *development* to protect the health, safety, and welfare of the community, as well as support the local economy and preserve the natural resources upon which it depends.

- A. Generally
  1. Applicability, eligibility, submittal, notice, and procedural requirements for zoning and land division approvals are set forth in section 4-4 through 4-15 as are decision making criteria, final decision requirements, and timeframes for expiration of approvals.
  2. *Applications* for *development* submitted for a public school facility are subject to Idaho Code section 67-6519.
- B. Pre-application Conferences with Staff
  1. Except as otherwise expressly indicated in this Chapter, *applicants* are required to request a pre-application conference with the Administrator to discuss the process, submittal requirements, and other aspects of the *application*, prior to making a formal submittal.
  2. A request can be submitted by phone or email to the Administrator or their designee.
  3. Upon receipt of a request for a pre-application conference, the Administrator will advise the *applicant* whether the conference may be held remotely or in-person, at which time the Administrator and *applicant* will agree to a time and place to conduct the conference.
  4. The Pre-application Conference will be documented by planning staff with completion of a



“Pre- Application Conference Form.”

5. All Pre-application Conferences shall include both the County Administrator and the City of Victor Administrator or their designee. If this is not possible within a single meeting the applicant will need to meet with both County and City staff individually.
6. Pre-application Conference may be waived by the Administrator if City of Victor Administrator is in agreement.

C. *Application Submittal*

This Chapter provides the processes for zoning and land division approvals required by the LDC.

1. *Application Submittals and Revisions*

- a. *Applications* must be made on *applications* provided by and submitted to the *Planning Department*, and available on the County’s website and at the *Department*.
- b. Additional materials, including *site plans*, may be required as provided in this Chapter or other specifically applicable sections of the LDC.
- c. After assessing the nature of a proposed *development activity, development site*, or land use, and following a pre-application conference, the Administrator may require additional materials relevant to the proposed activity or site and necessary to establish compliance with applicable LDC approval criteria. Materials may include those illustrating *development* activities and uses related to grading, drainage, erosion control, landscaping, public safety, public *utilities* and services, *outdoor lighting* or to other matters subject to the requirements of the LDC.
- d. *Applications* and submittal materials must be submitted to the Teton County Planning Office Administrator and not directly to members of the Joint Planning and Zoning Commission, BoCC, or other reviewing departments or agencies, unless directed by the Administrator in writing.

2. *Fee Schedule*

- a. The BoCC will establish *application* fees to defray the cost of administering the LDC and processing *applications*. The fee schedule is available on the *Department’s* web page and at the *Department* office.
- b. *Application* fees shall be paid per the adopted fee schedule for an *application* to be deemed complete by the Administrator.

3. *Completeness Determination*

- a. The Administrator will deem an *application* required by the LDC to be complete only if it contains the information required by this Chapter, the application form, or another applicable section of the LDC and, if required, a pre-application conference has been held.
- b. *Application* submittal requirements are set forth for each category of approval in this Chapter and in greater detail on the applicable *application* form.
- c. The Administrator may require supplemental information after an *application* is accepted as complete to determine compliance with the requirements of the LDC. In these instances, the Administrator will advise the *applicant* during the County and agency review period of the need for additional information.

4. *Application Deadline*

- a. Complete *applications* must be submitted in accordance with the review and noticing procedures set forth in this Chapter.
- b. Schedules indicating current submittal deadlines are available on the County’s website and at the *Planning Department*.

5. *External Agency Review*

- a. As part of the initial review, the Administrator shall refer the *development application* to the appropriate review agencies and specify the timeframe for comments to be due back to the Administrator.
  - 6. Withdrawal of an *Application*
    - a. An *application* may be withdrawn at any time by the *applicant*, by written request to the Administrator.
    - b. Required *application* fees will not be refunded on an *application* withdrawn by the *applicant*.
    - c. For *applications* requiring a public hearing that has been noticed or included on the agenda of the Joint Planning and Zoning Commission or BoCC, withdrawal will be announced at the meeting.
- D. Public Notice and Requirements.
- Public notice and hearings shall comply with the Planning Act, including Idaho Code section 67-6509 and are required pursuant to the following:
- 1. Public hearings are held before both the Joint Planning and Zoning Commission, for its recommendation, and the BoCC, for a final decision. The notice requirements here apply to all public hearings under this section.
  - 2. At least fifteen (15) calendar days prior to the Joint Planning and Zoning Commission or BoCC public hearings on a request to amend the *official zoning map*, the Administrator will have notice published of the time and place and a summary of the proposed amendments in the official newspaper or paper of general circulation within Teton County.
  - 3. At least fifteen (15) calendar days prior to the Joint Planning and Zoning Commission or BoCC public hearings, the Administrator will provide mailed notice to irrigation districts, groundwater districts, Carey act operation companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested in writing to receive notice, pursuant to Idaho Code section 67-6519. Notice may be provided electronically by mutual agreement.
  - 4. The Administrator will make notice available to other papers, radio, and television stations serving the County for use as a public service announcement and will post notice at the courthouse, on the County's website, and, at least seven (7) calendar days prior to the public hearings, on the subject premises. Posting on the subject premises shall be per County issued, weather resistant *sign*.
  - 5. The Administrator also will provide mailed notice to property *owners* and purchasers of record within the premise being considered and those within three hundred (300) feet of the external boundaries of the *lot* or *parcel*, notwithstanding jurisdictional boundaries, postmarked at least seven (7) calendar days prior to the public hearings.
  - 6. If notice would require mailings to two hundred (200) or more property *owners* or purchasers, the County may avail itself of alternative notice procedures provided by Idaho Code section 67-6511(b).
  - 7. The Administrator will provide a notice of intent to amend to agencies providing services within the County's jurisdiction, including school districts and the manager of the local airport, also at least fifteen (15) days prior to the Joint Planning and Zoning Commission's public hearing.
- E. Review Procedures
- 1. Within fourteen (14) calendar days of receipt of a complete *application*, including requests for amendment by the Administrator, Joint P&Z, or BoCC, the Administrator will distribute the *application* or request for review by internal County and external agencies impacted

- by or which have jurisdiction related to the proposed *development*.
2. Within forty-five (45) calendar days of the day the *application* is transmitted, County and external agencies' comments are due.
  3. Following required public notice, the Joint P&Z will conduct a public hearing and provide a recommendation on the *application*.
  4. If following the public hearing, the Joint P&Z recommends a material change to the proposed amendment considered at the hearing, the changes will be expressly included in the Joint P&Z's recommendation to the BoCC. However, when the BoCC will conduct a subsequent public hearing, further notice and hearings by the Joint P&Z are not required.
  5. If following the public hearing, the Joint P&Z recommends a material change to the proposed amendment considered at the hearing, further notice and a hearing will be provided before the Joint P&Z makes a recommendation on the proposed amendment if the BoCC will not be conducting a subsequent public hearing.
  6. The Joint P&Z has forty-five (45) calendar days from the date of the public hearing to submit their recommendation to the BoCC.
  7. After receiving the recommendation of the Joint P&Z and holding a public hearing or public meeting, the BoCC will take action on the *application*. If the application is an Amendment to the AOI-LDC the action shall be by Ordinance, in accordance with the Act.
  8. If following the public hearing, the BoCC makes a material change to the proposed amendment considered at the hearing, further notice and a hearing will be provided before the BoCC makes a final decision on the proposed amendment.
  9. The BoCC has forty-five (45) calendar days from the date of the public hearing or public meeting to approve, approve with conditions, deny, or send the *application* back to the Joint P&Z for additional consideration. This time period may be extended if both the *applicant* and the BoCC agree on an extension.
- F. Content and Timing of Final Decisions
1. Recommendations and final decisions by the Administrator, Joint P&Z, or BoCC regarding an *application* required under the LDC, shall be in the form of a *written decision*, based upon standards and criteria set forth herein, and shall be rendered within the timeframes specified.
  2. Every final decision rendered concerning an *application* request shall provide or be accompanied by notice to the *applicant* of their right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code.
  3. If an *application* for a *rezone, subdivision, variance, special use, Limited Use, or temporary use* relates to a public school facility, the *application* will receive priority consideration and will be reviewed at the earliest reasonable time and in accordance to the criteria in Idaho Code section 67-6519(3).
  4. Unless stated expressly otherwise, references to "days" in this Chapter refers to calendar days.
  5. In accordance with Idaho Code section 67-6536, the BoCC and Joint P&Z will maintain a recording and written meetings minutes of the public proceedings for any category of approval from which an *appeal* may be taken.
- G. *Application* Approval Timeframe
- A *written decision* must be issued within 60 days of the date of decision.
- H. Requests for *appeal* or Reconsideration
1. In addition to the opportunity for mediation, pursuant to section 4-2-1, a request for *appeal* or reconsideration of an approval or denial by the Administrator, Joint P&Z, or

- BoCC may be filed in accordance with section 4-15 and Idaho Code section 67-6535(2)(b).
2. The request must specifically identify deficiencies in the decision for which reconsideration is sought.
  3. Upon *appeal* or reconsideration, the final decision may be affirmed, reversed, or modified after compliance with procedural standards.
  4. If no *written decision* on a request for reconsideration has been rendered within 60 days of the request, the request is deemed denied.

### **4-3 Applications Subject to Final Decision by the Administrator**

- A. The following *applications*, are subject to a final *written decision* by the Administrator:
  1. *Temporary Uses*;
  2. *Limited Uses*;
  3. *Agricultural Land Divisions*;
  4. *Sign Permits*;
  5. *Scenic Corridor Review*;
  6. *Boundary Line Adjustments*, and
  7. *Modifications of a Temporary Use*.
- B. Upon receipt of an administrative approval and compliance with any associated conditions, *application* for a *building* or other permit authorizing commencement of construction may be made, so long as other applicable standards have been satisfied.

### **4-4 AOI -LDC Amendments**

- A. *Applicability*

This section applies to legislative actions to adopt, revise, or repeal any or all sections of this AOI - LDC, including large-scale revisions to the *official zoning map*. This section does not apply to changes that result in a site-specific final decision, which are quasi-judicial in nature and will be considered in accordance with section 4-5.
- B. *Eligible Applicants*
  1. The BoCC, Victor City Council, or the Administrator may initiate an *application* for AOI-LDC amendments.
  2. In addition, any *affected person*, as outlined in Idaho Code section 67-6509(4), also may initiate a request for amendment to the AOI-LDC.
- C. *Submittals*

The following are required to be submitted with an *application*, on file with the *Department*, for amendment to the AOI-LDC.

  1. A written description and explanation of the proposed amendment;
  2. The revisions proposed to the text of the AOI-LDC, showing changes in relation to the current text;
  3. If applicable, proposed map revisions; and
  4. Written explanation of how the proposed amendment is in accordance with policies of the *comprehensive plan* and how it meets the review criteria.
- D. *Public Notice*

Public notice shall follow the noticing procedures set out in Idaho Code Section 67-6509.
- E. *Review Procedures*

The timeframes related to completeness review and timing of final approval stated in this Chapter are not applicable to proposed amendments to the AOI-LDC text initiated by the Administrator, Victor City Council, or BoCC. Other procedural steps and notice requirements apply.

- F. Review Criteria for Area of Impact Land Development Code Text Amendment
  - 1. The recommendations of the Joint P&Z and the final decision of the BoCC on an *application* to amend the Area of Impact Land Development Code, will be based on the following criteria:
    - a. The Text Amendment corrects an error or meets the challenge of some changing condition, trend, or fact.
    - b. The Text Amendment is in response to changes in State law, as established through amendments to the Idaho Statutes or by court decision.
    - c. The Text Amendment substantially conforms to the Comprehensive Plan.
    - d. The Text Amendment substantially conforms to the stated purpose and intent of this Code.
    - e. The Text Amendment constitutes a benefit to the City of Victor's Area of Impact as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
    - f. The Text Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.
    - g. The Text Amendment will not significantly impact existing conforming development patterns, standards or zoning regulations.

- G. Final Decisions
  1. Following compliance with notice and hearing requirements, the BoCC will make a final determination on the proposed amendment to the AOI-LDC text and will issue a *written decision* reflecting that determination within sixty-five (65) calendar days of its final hearing.
  2. Amendments to the LDC are made by ordinance of the BoCC.
  3. The Administrator, PZC, or BoCC may consider whether the completion of special studies, maps, or analyses is appropriate before making a final decision.

## 4-5 Site-Specific Zoning Map Amendment

- A. Applicability
 

This section provides standards and quasi-judicial processes for requests for site-specific changes to the *official zoning map*. Its purpose and intent is to mitigate potential known negative impacts a change in zoning may have on the public, the neighborhood, or surrounding property *owners* and to ensure due process.
- B. Eligible *Applicants*

The property *owner*, BoCC, or Joint P&Z may initiate consideration of a proposed amendment to the *official zoning map*.
- C. Submittals
 

The following are required to be submitted with an *application* for a zoning map amendment.

  1. A written description and explanation of the proposed amendment to the Zoning Map, including a description of affected properties and the relationship of *roads* to the property under consideration;
  2. *Vicinity map*;
  3. The revisions to the current *official zoning map*, illustrating proposed amendments;
  4. Written explanation of how the proposed amendment is in accordance with policies of the *comprehensive plan*, the LDC, review criteria, and applicable provisions of the Idaho Code; and
  5. If the *application* relates to a public-school facility, pursuant to Idaho Code section 67-6519(3), documentation and studies sufficient for County consideration of impacts related to transportation, use and zoning of surrounding properties, and other impacts the County deems relevant and appropriate to the particular *application*.
- D. Public Notice and Requirements
 

Public notice shall follow the noticing procedures set out in Section 4-2-D above.
- E. Review Procedures
 

The timeframes stated in this section are not applicable to proposed amendments to the Zoning Map initiated by the Administrator, Joint P&Z, or BoCC. Other procedural steps and notice requirements apply.
- F. Review Criteria
  1. The recommendations of the Joint P&Z and the final decision of the BoCC on an *application* to amend the *official zoning map*, will be based on the following criteria:
    - a. The Zoning Map amendment is not in conflict with the *comprehensive plan*.
    - b. The Zoning Map amendment substantially conforms to the stated purpose and intent of the LDC.

- c. The Zoning Map amendment will reinforce the existing or planned character of the area.
  - d. The Zoning Map amendment will not have a demonstrable adverse impact upon public service delivery by any jurisdiction or agency providing services in the County, including school districts.
  - e. The subject property is appropriate for *development* allowed in the proposed Zoning District, including, if the *application* relates to a public-school facility, the impacts authorized for review under Idaho Code section 67-6519(3).
  - f. There are substantial reasons why the property cannot be used according to the existing zoning.
  - g. The map amendment does not have the effect of creating a regulatory taking under federal or state law, including, as applicable Idaho Code section 67-8001, et seq.
  - h. The County and other service providers will be able to provide sufficient public facilities and services including schools, *roads*, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing *development*.
  - i. The Zoning Map amendment will not have a demonstrable adverse impact upon the natural environment, including air, water, noise, stormwater management, wildlife, scenic corridor views, and vegetation.
  - j. The Zoning Map amendment will not have a demonstrable adverse impact on property in the vicinity of the subject property.
  - k. The proposed change is consistent with the requirements of the Planning Act, including but not limited to matters related to manufactured housing, group housing, certain animal operations, sexually-oriented business, and use of surface and groundwater.
- G. Final Decision
- 1. Following receipt of a recommendation of the Joint P&Z, and compliance with notice and hearing requirements, the BoCC will make a final determination on the proposed amendment to the *official zoning map* and will issue a *written decision* within 7 days of its final hearing.
  - 2. Amendments to the text of the LDC are made by ordinance of the BoCC.
  - 3. Pursuant to Idaho Code section 67-6511(d), if the BoCC adopts an amendment to the Zoning Map pursuant to a request of the property *owner*, the BoCC may not subsequently reverse its action or otherwise change the zoning classification without the written consent of the current property *owner*, for a period of 4 years from the date of approval.
- H. Development Agreements
- 1. Per Section 67-6511A of Idaho Code a development agreement may be required to document the conditions of the Official Zoning Map Amendment.
  - 2. Development agreements require approval by the BoCC at a public hearing.
  - 3. The approved Development Agreement shall be recorded with the County Clerk/Recorder's Office.

## 4-6 Temporary Uses

### A. Applicability

This section provides for the regulation and approval of *temporary uses*. Except as provided in section 3-10-1, a proposed *temporary use* is required to be approved by the Administrator consistent with this subsection and section 3-10.

B. Submittals

1. All applications for a *temporary use* must include the following:
  - a. Complete *application* form;
  - b. *Site plan*; and
  - c. *Vicinity map*.
2. All minor *temporary uses* that the Administrator deems necessary for additional information and all major *temporary uses* must also provide the following materials with the *temporary use application*:
  - a. Public Safety
    - i. A plan addressing public safety, including medical services, fire protection, traffic safety, animal control, and crowd control, including any costs required by an agency to mitigate these impacts.
    - ii. Proof of inspection or approval by the Teton County *Fire District* for events that include the use of open flames, fireworks, or the sale of fireworks.
    - iii. A parking plan for any event over one hundred (100) attendees or an event providing shuttle or valet parking.
    - iv. A transportation plan, for any proposed *road* closures, sidewalk closures, or restricted access points, approved by Teton County Public Works or Idaho Transportation Department, for state roadways.
  - b. Sanitary and Waste Related Facilities
    - i. A plan for sanitary facilities including the type, number, and location or proposed location of all toilets, washing facilities, and water supply facilities.
    - ii. A plan for the use and placement of garbage and recycling containers including evidence of agreements with service providers.
  - c. Food Vendors
    - i. If food is to be served as part of the event, a Temporary Food Establishment License from Eastern Idaho Public Health, District 7 must be obtained and included in the *application* materials.
    - ii. A plan showing the type, number and location or proposed location of all food preparation and food service facilities.
    - iii. If alcohol beverages will be served and/or sold, an Alcohol License must be obtained from the State of Idaho and Teton County and included in the *application* materials. An alcohol management plan also must be provided.
  - d. *Signs*
    - i. Signage required for any life safety concerns identified during the review by the County or other agency.
    - ii. Proof of compliance with the requirements of section 5-9, Signage.

C. Public Notice

All major *temporary use applications* shall follow the noticing procedures set out in Section 4-2-D above.

D. Review Procedures

All *temporary use applications* shall follow the review procedures set out in Section 4-2-E above. Final approval shall be via an approved *temporary use permit*.

E. Review Criteria

1. No permit for a *temporary use* will be issued, except in compliance with the standards of this Chapter, section 3-10, and other applicable provisions of the LDC, including the



following:

- a. All necessary permits or written approvals from other agencies have been obtained.
- b. The *temporary use* and *site plan* do not propose installation of permanent water, sewer, or electrical facilities, regardless of their seasonal or intermittent use or character.
- c. The *site plan* demonstrates the *lot* or *parcel* is adequately served by *roads* or *highways* and has sufficient width and *improvements* to accommodate the kind and quantity of traffic that such *temporary use* is expected to generate.
- d. The *temporary use* will not have a demonstrable adverse impact on nearby properties or jeopardize the public health, safety, and general welfare.
- e. The *site plan* demonstrates adequate parking, loading, and on-site circulation will be provided, either on-site or on an approved alternate location that will reasonably serve the subject *lot* or *parcel*.
- f. Adequate *sanitation facilities* will be available on the site.
- g. The *application* demonstrates the *owner* or designated, or operator of a *temporary use* will be responsible for and capable of the storage and removal of all trash, refuse, and debris occurring on the site.
- h. All trash storage areas must be screened from the view of adjacent rights-of-way and the site must be maintained in a clean and safe manner.
- i. The *application* certifies the *applicant's* understanding that no *temporary use* may be established that is intended to be a permanent use of the property.
- j. The *application* demonstrates adequate security measures, according to the Teton County Sheriff's Office, to ensure public safety.

F. Additional *Temporary Use* Standards

In addition to the requirements in this chapter and those of section 3-10, the following standards apply to all proposed *temporary uses*.

1. Hours of Operation: Operation is allowed only between the hours of 6:00 AM and 12:00 AM (midnight).
2. Sound Level: The use of amplified sound shall be regulated in such a manner that it shall not interfere with normal usage of any neighboring school, medical facility, place of assembly, residence, or other permanent place of human habitation. A sound level in excess of one hundred decibels (100 dB) between 9:00 AM and 8:00 PM, in excess of eighty-five decibels (85 dB) between 8:00 PM and 10:00 PM, and in excess of seventy decibels (70 dB) between 6:00 AM and 8:00 AM and 10:00 PM and 12:00 AM (midnight) shall constitute interference, as measured by the Administrator or Teton County Sheriff from an adjacent property. Sound will be measured at the property line. These standards may be altered by the Administrator if other documented *mitigation* measures are proposed and complied with.
3. Cash Deposit or Bond
  - a. The County may, as it deems necessary to comply with these standards and applicable permit review criteria, require a bond and damage or clean-up deposit, or other financial guarantee to ensure the site is restored to its former condition and any damages are repaired following the *temporary use*.
  - b. If an event requires the use of County or emergency personnel or equipment (such as police, fire protection, or medical services) in excess of services customarily supplied, the *applicant* shall pay those costs.
  - c. The deposit or its balance shall be returned when the Administrator determines that

no damage has been done, the County did not incur additional expenses due to the event, and that the cost of additional services described above has been paid by the *applicant*.

4. Inspections

By signing the *application* for *temporary use* approval, the *applicant* expressly grants permission to Teton County, Eastern Idaho Public Health, and the Teton County Fire Protection District to perform physical inspection of the premises used for the *temporary use* before issuing a *written decision*, as well as to investigate any formal complaint filed with the Department or Teton County Sheriff during or following the event.

G. Final Decisions

Upon receipt of a complete *application* for a *temporary use*, the Administrator will issue a *written decision* within thirty (30) days of receipt of a complete *application*, based on the criteria set forth in the LDC, including those in this section and in section 3-10.

H. Expiration and Revocation

1. A *temporary use* approval issued pursuant to this section shall be limited to a maximum duration of one hundred eighty (180) consecutive calendar days per year, unless otherwise specifically authorized in the terms of the *temporary use* approval or as otherwise provided in this division.
2. Temporary Use Permit may not be used in place of a Special Use Permit for an ongoing use.
3. After consultation with the Prosecuting Attorney, the County may revoke *temporary use* approval when a condition of the approval is not being met and/or the public health, safety, or welfare is being compromised by the continued operations of the *temporary use*.
4. The revocation of a *temporary use* approval may result in the immediate cancellation of the *temporary use* approval, denial of future *temporary use* approvals, and/or criminal prosecution.

## 4-7 Limited Uses

A. Applicability

1. Limited Use Permits are allowed for identified uses that, while compatible with designated zoning, can cause incompatible off-site impacts, if specific location, design, and operation characteristics of the use are not addressed. These defined standards are applied to Limited Uses prior to their approval to ensure the effects of proposed use are mitigated.
2. This section applies to proposed *development* or new land uses indicated in section 3-2-1 to be permissible only by limited use approval.

B. Submittals

*Applications* for a limited use approval must include the following:

1. Complete *application* form;
2. *Site plan*; and
3. *Vicinity map*.

C. Public Notice

1. Within fourteen (14) calendar days of receiving a complete *application*, the Administrator will provide mailed notice to irrigation districts, groundwater districts, Cary act operation companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested in writing to receive notice, pursuant to Idaho Code section 67-6519. Notice

- may be provided electronically by mutual agreement.
  - 2. Additional notice is not required for limited use *applications*.
- D. Review Procedures
 

All limited use *applications* shall follow the review procedures set out in Section 4-2-E above.
- E. Review Criteria
 

The recommendations and final decisions of the County for a proposed Limited Use, will be based on the following criteria:

  - 1. The requirements of this Chapter and other provisions of the LDC, including Chapter 5, General Development Standards.
  - 2. The Limited Use standards set forth by category of use in Chapter 3.
- F. Final Decision
 

Upon receipt of a complete *application* for a Limited Use, the Administrator will issue a *written decision*, based on the criteria set forth in the LDC, including those in this section and in Chapter 3, within forty-five (45) days of receipt of a complete *application*.
- G. Expiration
  - 1. An approved Limited Use approval expires 1 year after the approval date unless the *applicant* has filed a complete *application* for a *building* permit or made substantial progress towards *development* that does not require a *building* permit.
  - 2. The approval may also contain an expiration or review deadline where the *application* must be resubmitted.
  - 3. To be considered for an extension the *applicant* is required to fill out an *application* for extension stating the reason for the request along with associated fees. The review and decision-making authority for an extension is administrative unless substantial change in plan has occurred requiring reapplication through full process.

## 4-8 Special Uses

- A. Applicability
  - 1. *Special uses* are allowed for identified land uses that may cause incompatible off-site impacts depending on the location, design, and operation of the use. *Special use* review includes standards and additional review to ensure the effects of proposed *special uses* are appropriately managed and mitigated.
  - 2. This section applies to proposed *development* or new land uses indicated in section 3-2-1 to be conditionally permissible only by *special use* approval.
  - 3. *Special use* approval does not establish binding precedent to approve *special uses*.
  - 4. *Special use* approvals are not transferable from one property to another.
- B. Submittals
 

*Applications* for a *special use* approval must include the following:

  - 1. A complete *application* form;
  - 2. *Site plan*;
  - 3. Vicinity map;
  - 4. A written statement that:
    - a. Describes the effects of such elements as noise, *glare*, odor, fumes, *light trespass*, traffic, and vibration on adjoining property, if any;
    - b. Indicates the general compatibility with adjacent and other properties in the Zoning

- District; and
  - c. Describes the relationship of the proposed use to relevant *comprehensive plan* policies and the future land use map.
  - 5. If the *application* relates to a public-school facility, pursuant to Idaho Code section 67-6519(3), documentation and studies sufficient for County consideration of impacts related to transportation, the use and zoning of surrounding properties, and other impacts relevant and appropriate to the *application* shall be submitted.
  - 6. Pursuant to Idaho Code section 67-6512(e), any special studies required related to the social, economic, fiscal, and environmental effects and any aviation hazard, as defined in section 21-501(2), Idaho Code, of the proposed *special use*, shall be submitted with the *application*.
- C. Public Notice
- Public notice shall follow the noticing procedures set out in Section 4-2-D above.
- D. Review Procedures
- All *special use applications* shall follow the review procedures set out in Section 4-2-E above.
- E. Review Criteria
- The recommendations and final decisions of the County for a proposed *special use*, will be based on the following criteria:
1. The requirements of this Chapter and other provisions of the LDC, including Chapter 5, General Development Standards.
  2. The *special use* standards set forth by category of use in Chapter 3; and
  3. If the *application* relates to a public-school facility, the subject property is appropriate for *development* allowed in the proposed Zoning District, including the impacts authorized for review under Idaho Code section 67-6519(3).
  4. The County and other service providers will be able to provide sufficient public facilities and services, including schools, *roads*, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing *development*.
  5. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics.
  6. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.
- F. *Special Use* Conditions
- Conditions may be attached to a *special use* approval, including:
1. Minimizing adverse impact on other *development*;
  2. Controlling the sequence and timing of *development*;
  3. Controlling the duration of *development*;
  4. Assuring that *development* is maintained properly;
  5. Designating the exact location and nature of *development*;
  6. Requiring the provision for on-site or off-site public facilities or services;
  7. Requiring more restrictive standards than those generally required in an ordinance;
  8. Requiring *mitigation* of effects of the proposed *development* upon service delivery by any political *subdivision*, including school districts, that provide services within the planning jurisdiction.

#### G. Final Decision

1. Following receipt of a recommendation of the Joint P&Z, and compliance with notice and hearing requirements, the BoCC will make a final determination on the proposed *special use* and will issue a *written decision* reflecting that determination within 7 calendar days of its final hearing and decision.

#### H. Development Agreements

1. Per Section 67-6511A of Idaho Code a development agreement may be required to document the conditions of the Special Use Permit.
2. Development agreements require approval by the BoCC at a public hearing.
3. The approved Development Agreement shall be recorded with the County Clerk/Recorder's Office.

#### I. Expiration

1. Unless provided otherwise in the *written decision*, *special use* approvals expire 1 year after the date of the *written decision*, unless the *applicant* files a complete *application* for a *building* permit or has made substantial progress towards *development*, if no *building* permit is required.
2. Special use shall expire and require resubmittal every 5 year unless otherwise stated in their conditions of approval.
3. The *written decision* also may contain specific expiration, review, or resubmittal deadlines.

## 4-9 Variances

#### A. Applicability

1. *Variances* can only be approved for the modification of the bulk and placement requirements of the LDC as to *lot size*, *lot coverage*, width, depth, *front yard*, *side yard*, *rear yard*, *setbacks*, *parking space*, height of *buildings*, or other LDC provisions affecting the size or shape of a *structure* or the placement of the *structure* upon *lots*, or the size of *lots*, as outlined in Idaho State Code 67-6516. *Variances* are considered through a quasi-judicial process.
2. A *variance* is not a right or special privilege and may be granted only upon a showing of:
  - a. *Undue hardship* because of characteristics of the site; and
  - b. That granting of the *variance* is not in conflict with the public interest.

#### B. Submittals

*Applications* for a *variance* must include the following:

1. A complete *application* form;
2. *Site plan*;
3. *Vicinity map*;
4. A written statement demonstrating the requested *variance* meets the review criteria below and other requirements of law; and
5. If the *application* relates to a public school facility, pursuant to Idaho Code section 67-6519(3), documentation and studies sufficient for County consideration of impacts related to transportation, the use and zoning of surrounding properties, and other impacts relevant and appropriate to the *application*.

#### C. Public Notice

Public notice shall follow the noticing procedures set out in Section 4-2-D above.

D. Review Procedures

All *variance applications* shall follow the review procedures set out in Section 4-2-E above.

E. Review Criteria

The recommendation of the Joint P&Z and decision of the BoCC of whether the *applicant* has made a showing of lawful *Undue hardship*, will be based on the following criteria:

1. If the *variance application* relates to a public-school facility, that the subject property is appropriate for *development* allowed in the proposed Zoning District, including the impacts authorized for review under Idaho Code section 67-6519(3).
2. A literal interpretation of the provisions of the LDC would effectively deprive the *applicant* of rights commonly enjoyed by other properties of the Zoning District in which the property is located;
3. Granting the requested *variance* will not confer upon the property of the *applicant* any special privileges that are denied to other properties of the Zoning District in which the property is located;
4. The requested *variance* will be in harmony with the purpose and intent of the LDC and will not be injurious to the neighborhood or to the general welfare;
5. The special circumstances are not the result of the actions of the *applicant*;
6. The *variance* requested is the minimum *variance* that will make possible the proposed use of the land, *building*, or *structure*;
7. The *variance* does not permit a use of land, *buildings* or *structures*, which are not permitted by right in the Zoning District or the LDC, including Chapter 5;
8. Granting of the *variance* is not in conflict with the public interest; and
9. The *variance* does not reduce the *lot* size below the minimum *lot* size allowed in the Zoning District, except as provided in section 1-8.

F. Final Decision

1. Following receipt of a recommendation of the Joint P&Z, the BoCC will make a final determination on the proposed variance and will issue a written decision reflecting that determination within 65 calendar days of its public meeting and decision.

G. Expiration

An approved *variance* expires 1 year after the approval date unless the *applicant* has filed a complete *application* for a *building* permit or made substantial progress towards *development* that does not require a *building* permit.

## 4-10 Land Division Review

A. Applicability

1. Land division review, as provided in sections 4-10 through 4-15, is intended to ensure all *subdivision* and sale of land comply with applicable requirements of the LDC and Idaho Code. To the extent of any conflict, the Idaho Code prevails.
2. Idaho Code Title 50, Chapter 13 defines "*subdivision*" as "A *tract* of land divided into five (5) or more *lots*, *parcels*, or sites for the purpose of sale or *building development*...", but allows cities and counties to adopt their own definition of *subdivision* in lieu of the statutory definition. Teton County excludes from the definition of *subdivision* the following:
  - a. Minor *Plat* Amendment  
An adjustment of *lot lines* in a recorded *plat* that does not reduce the area, *frontage*, width, depth, or *building setback* lines below the minimums required in the Zoning

District.

b. Boundary line adjustment

The exchange of land for the purpose of straightening property boundaries or adding land to existing *parcels* by trade or sale that does not result in a change of the present land use or in any way result in land *parcels* which do not meet existing zoning and other regulations.

i. An allocation of interests in real estate in the settlement of an estate, or a court decree for the distribution of property interests, with the stipulation that the land is not physically divided, only that the ownership interests in the land are allocated to different *owners*.

ii. *Agricultural Land Division*

iii. Short Plat Land Division

iv. The unwilling sale of land as a result of legal condemnation as defined and allowed in Idaho Code, and when the *dedication* of a *right of way* for public purposes is initiated by a public body.

3. Land Division is required for any:

a. Division of land into 2 or more *parcels*.

b. The *dedication* of any *road* or *alley* through or along any *tract* of land except where the *dedication* is initiated at the request of a public body.

c. Townhouse projects as permitted by Idaho law.

d. Amendments of a previously divided *parcel* if it is considered a significant amendment as defined in Section 4-14.

B. Eligible *Applicants*

Any *person*, firm, corporation, or agency may initiate an *application* for Land Division review, provided they are the *owner* or the *owner's* representative of the property for which the *application* is being submitted.

C. Applicable Requirements

With regard to the following requirements, provisions applicable to each category of land division are set forth in sections 4-11 through 4-14:

1. Submittals;
2. Notice and Requirements;
3. Review Procedures;
4. Review Criteria;
5. Final Decision; and
6. Expiration.

## 4-11 Agricultural Land Divisions

A. Applicability

All existing *parcels* located in the AOI-VN and AOI-VT Districts that meet minimum *parcel* size standards are eligible to divide for agricultural purposes without *building* rights. The minimum *parcel* size of all of the newly created *parcels* shall be no less than as required within the applicable Zoning District, according to the following table:

Table 5. Agricultural Land Division Parcel requirements

Zone	Minimum Parent Parcel Size	Minimum Size of all Resulting Parcels
AOI-VN	280 acres	140 acres
AOI-VT	160 acres	80 acres

B. Submittals

The following materials are required for a complete *application for agricultural land divisions*:

1. A completed *application* form and required submittals;
2. Two (2) copies of draft deeds (unrecorded) for each of the proposed new *parcels* that would be created providing the land division is approved, and
3. *Plat of survey* created by a licensed land *surveyor* in the State of Idaho, showing the new land *parcels*.
4. The deeds shall contain a notation clearly identifying the allocation of the residential entitlements, if any, among the resulting *parcels*. The *survey* shall also clearly identify to which *parcels* the residential entitlements, if any, are assigned. The documentation of allocation of residential units among resulting *parcels* may be accomplished either with notations on a *plat* map, or by deed restriction placed in the document of conveyance.
5. Title history report.

C. Public Notice

At least fourteen (14) calendar days prior to issuing a *written decision*, the Administrator will have notice posted on the subject premises along each *road frontage*. Posting on the subject premises shall be per County issued, weather resistant *sign*. Posted notice will remain until a final decision is rendered.

D. Review Procedures

The procedures for review and approval of *agricultural land divisions* are as follows:

1. *Agricultural land divisions* require a pre-application conference with the Administrator before submitting an *application*.
2. Within fourteen (14) calendar days of receipt of a complete *application for agricultural land division*, the Administrator will distribute the *application* and other submittal materials for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed *development*, including the County Assessor and fire marshal.
3. Within forty-five (45) calendar days of the day the *application* is transmitted, County and external agencies' comments are due.
4. Within fourteen (14) calendar days of the close of the agency comment period or the resolution of any matters identified by a commenting agency, the Administrator will render a *written decision* to the *applicant*.

E. Review Criteria

The following criteria must be met for an *agricultural land division* to be approved by the Administrator:

1. The *survey* submitted by the *applicant* is deemed accurate and to meet the standards set forth in Idaho State Code by the Teton County Surveyor or approved *agent*.
2. The proposed division will result in *lots* that all meet the minimum *parcel* size requirements in the zone, 140 acres in the AOI-VN zone *districts*, and 80 acres in the AOI-VT zone *district*;



3. The *plat of survey* and deeds all document the allocation of residential *density* entitlement, if any;
  4. The division does not require the extension of public *utilities* (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;
  5. The division does not require the *dedication* of public *right of Way*;
  6. The division does not require new *public roads* and each proposed *parcel* has approved access from an existing *public road*, or approved *easement* that contains the necessary right-of- way width; and
  7. Each proposed *parcel* meets all applicable requirements of the LDC, including those set forth in Chapter 6.
- F. Final Decision  
Final decisions are made by and must be reflected in a *written decision* issued by the Administrator.
- G. Expiration
1. After an *agricultural land division* is approved by the Administrator, a Mylar copy of the *plat of survey* and all other required materials outlined above shall be submitted to the *Planning Department* prior to recording with the *Teton County Clerk/Recorder*.
  2. An *application* that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new *application* shall be required.

## 4-12 Short Plat Land Divisions

- A. Generally
1. The purpose of the short plat land division is to provide for a division of large, rural, unplatted *parcels* in the County, into four (4) or fewer *parcels* for residential use through a simplified process while meeting specific criteria, in order to allow for limited residential uses in agricultural areas in conjunction with on-going agricultural operations.
  2. Short plat land divisions can be utilized to create up to four (4) *parcels* from any existing *parcel* that has not been previously platted. The number of allowed *parcels* (existing and new) must comply with average density requirements in the Zoning District Table, Section 2-1.
  3. Lands divided using short plat land divisions are not eligible for further division by the short plat process. This restriction shall be noted on the *plat*.
  4. The minimum resulting *parcel* sizes must also be in accordance with the minimum *lot* size of the underlying base Zoning District. These divisions may be utilized all at one time or spread out through time. A plat note is required indicating use of density allowance.
  5. If a property is located in an area of Natural Resource Overlay, the full *subdivision* process shall apply.
- B. Submittals  
The following materials are required for a complete *application for short plat land division*:
1. A completed *application* form and required submittals;
  2. Two (2) copies of draft deeds (unrecorded) for each of the proposed new *parcels* that would be created providing the land division is approved, and
  3. *Plat of survey* created by a licensed land surveyor in the State of Idaho, showing the new land *parcels*.
  4. The deeds shall contain a notation clearly identifying the allocation of the residential

entitlements, if any, among the resulting *parcels*. The *survey* shall also clearly identify to which *parcels* the residential entitlements, if any, are assigned. The documentation of allocation of residential units among resulting *parcels* must be accomplished with notations on a *plat* map, and by deed restriction placed in the document of conveyance.

C. Public Notice

Public notice shall follow the noticing procedures set out in Section 4-2-D above.

D. Review Procedures

The procedures for review and approval of short plat land divisions are as follows:

1. Short plat land divisions require a pre-application conference with the Administrator before submitting an *application*.
  - a. The Joint P&Z will review concept plan short plat applications. Public input will be solicited prior to the Joint P&Z hearing the proposal.
  - b. Short Plat Subdivisions require a pre-application conference with the Administrator before submitting an application for concept plan.
  - c. Within seven (7) calendar days of receipt of a complete short plat application, the Administrator will distribute the application and other submittal materials for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed development, including the County Assessor and fire marshal.
  - d. Within thirty (30) calendar days of the day the application is transmitted, County and external agencies' comments are due.
  - e. Within seven (7) calendar days of the close of the agency comment period, or the resolution of any matters identified by a commenting agency, the Administrator will transmit the application and any County or other agency comments to the Joint P&Z for its review of the short plat.

E. Review Criteria

The following criteria must be met for a short plat land division to be approved by the Administrator:

1. The *survey* submitted by the *applicant* is deemed accurate and to meet the standards set forth in Idaho State Code by the Teton County Surveyor or approved *agent*.
2. The *plat* of *survey* and deeds all document the allocation of residential *density* entitlement, if any;
3. The proposed division does not create more than four total *parcels* or *lots*;
4. The division does not require the extension of public *utilities* (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;
5. The division does not require the dedication of public *right of way*;
6. The division does not require new *public roads* and each proposed *lot* fronts on an existing *public road* or *easement* that contains the necessary Right of Way width; and
7. Each proposed *lot* or *parcel* meets all applicable requirements of this Code, including applicable minimum *lot* size.
8. Each proposed *parcel* meets all applicable requirements of the LDC, including those set forth in Chapter 6.

F. Final Decision

1. Following receipt of a recommendation of the Joint P&Z, the BoCC will make a final determination. Written decision reflecting that determination will be provided to the applicant.

- G. Expiration
  - 1. After a short plat land division is approved by the BoCC and the technical survey review is completed, a Mylar copy of the Map of *survey* and all other required materials outlined above shall be submitted to the *Planning Department* prior to recording with the Teton County Clerk/Recorder.
  - 2. An *application* that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new *application* shall be required.

## 4-13 Subdivisions

- A. Applicability
  - 1. This section applies to all *subdivisions* of land undertaken after the effective date of the LDC.
  - 2. Full *plat* approval is a three-step process.
    - a. *Concept Plan*
    - b. Preliminary Plat
    - c. Final *Plat*
- B. Applicable Requirements and Procedures

The following sections set forth the requirements for the following, for each step of the full *plat* approval process:

  - 1. Required Submittals
  - 2. Notice
  - 3. Review Procedure
  - 4. Review Criteria
  - 5. Final Decision
  - 6. Expiration
- C. Concept Plan
  - 1. Required Submittals
    - a. A completed *application* form with materials requested on the application;
    - b. Required fees; and
    - c. *Concept plan* that depicts *lots*, infrastructure, *open space*, and public *improvements*.
  - 2. Notice
    - a. At least fifteen (15) calendar days prior to the Joint P&Z's review of a *concept plan*, if applicable, or of the rendering of the Administrator's written comments or those of other agencies, the Administrator will have:
      - i. Published of the nature of the *concept plan* and *subdivision* being proposed and the location of the *application* for review by interested parties in the official newspaper or paper of general circulation within Teton County;
      - ii. Mailed to property *owners* and purchasers of record within three hundred (300) feet of the external boundaries of the subject *parcel*, in its current form at the time of *application*. If notice would require mailings to 200 or more property *owners* or purchasers, the County may avail itself of alternative notice procedures provided by Idaho Code section 67-6511(b).
      - iii. Mailed to irrigation districts, groundwater districts, Cary act operation companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested in writing to receive notice, pursuant to Idaho Code section 67-

6519. Notice may be provided electronically by mutual agreement.

- b. At least seven (7) calendar days prior to the Joint P&Z's consideration, the Administrator will post notice at the courthouse, on the County's website, and on the subject premises. Posting on the subject premises shall be per County issued, weather resistant *sign*. Posted notice will remain until a final decision is rendered on the *subdivision* or until the expiration of a *subdivision* approval, which requires the review process to be restarted.
3. Review Procedure
    - a. The Joint P&Z will review *concept plans*. Public input will be solicited prior to the Joint P&Z hearing the proposal.
    - b. *Subdivisions* require a pre-application conference with the Administrator before submitting an *application* for *concept plan*.
    - c. Within seven (7) calendar days of receipt of a complete *concept plan application*, the Administrator will distribute the *application* and other submittal materials for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed *development*, including the County Assessor and fire marshal.
    - d. Within thirty (30) calendar days of the day the *application* is transmitted, County and external agencies' comments are due.
    - e. Within seven (7) calendar days of the close of the agency comment period, or the resolution of any matters identified by a commenting agency, the Administrator will transmit the *application* and any County or other agency comments to the Joint P&Z for its review of the *concept plan*.
    - f. Within fifteen (15) calendar days of its meeting, the Joint P&Z and Administrator will assemble any additional comments on the *concept plan* and forward same to the *applicant* for consideration in developing its preliminary *plat application*.
    - g. Approval of a *concept plan* does not constitute approval of a final *plat*.
  4. Review Criteria

The comments of the Administrator, reviewing departments and agencies, and the Joint P&Z will be limited to those related to: (Add additional review criteria pertaining to development patterns and sequencing, avoiding leap-frog development, if annexation and higher densities would be preferred. Outline either here or for preliminary plat any studies that might be required, review all other standards and recommendations for development and if they would be possible to accommodate in the design. This step should be harder and taken more seriously.)

    - a. The *concept plan's* compliance with the policies of the *comprehensive plan*, the LDC, other County codes, including Chapter 6, Subdivision Development Standards;
    - b. The requirements of the reviewing agencies or other jurisdictions providing public services to the proposed *subdivision*; and
    - c. Other health, safety, or general welfare concerns that may be brought to the County's attention.
  5. Final Decision
    - a. Since the review process for *concept plans* does not result in a final decision or land entitlements, no *written decision* by the Administrator, Joint P&Z, or BoCC is provided. However, the record will indicate by motion of the Joint P&Z and BoCC a determination that the matters related to the proposed *subdivision* are sufficiently addressed, such that *application* for preliminary *plat* approval is appropriate.
    - b. Following approval of a *concept plan*, detailed plans, the *plat*, required studies and specifications for the installation of *improvements* required may be prepared and

submitted.

6. Expiration

The *application* for preliminary *plat* must be submitted within nine (9) months of the date of the BoCC's meeting and determination.

D. Preliminary *Plat*

1. Required Submittals

- a. A complete *application* form;
- b. Required fees; and
- c. *Plat* created by a licensed land surveyor in the State of Idaho (All *plats* must include the minimum requirements set out in Idaho Statutes Section 50-1304, Essentials of Plats).
- d. Construction drawings (*improvement plans*), with proposed phasing, for public *improvements* in final and complete form, stamped by a licensed engineer in the State of Idaho.
- e. *Subdivision master plan* (if there will be multiple phases): The *subdivision master plan* of the *subdivision* shall be recorded and shall be binding on the *applicant* and subsequent *owners* of the property.
- f. *Development* agreement.
- g. HOA *covenants*, conditions, and restrictions document. (this is only required if there are any shared or HOA parcels or outlots or to address how any private roads, easements, fire pond, stormwater detention areas etc. will be maintained.)
- h. Any additional studies identified at *concept plan*.

2. Notice

Public notice shall follow the noticing procedures set out in Section 4-2-D above.

3. Review Procedure

- a. All preliminary *plat applications* shall follow the noticing procedures set out in Section 4-2-E above.
- b. Preliminary *plat applications* require a pre-application conference with the Administrator before submitting an *application*.

4. Review Criteria

The recommendations of the Joint P&Z and the determination by the BoCC on the preliminary *plat* will be related to:

- a. Those matters related to the preliminary *plat's* compliance with the policies of the *comprehensive plan*, the LDC, other County codes, including Chapter 6, Subdivision Development Standards;
- b. The comments or requirements of the reviewing agencies or other jurisdictions providing public services to the proposed *subdivision*; and
- c. Impact related to scenic corridor, natural resources overlays, economic impacts, or traffic impacts and if or how those impacts are proposed to be mitigated.

5. Final Decision

- a. Following notice and a hearing as required above, and following compliance with b, below, the BoCC will issue a *written decision*.
- b. Following notice of a preliminary *plat*, and prior to receiving a *written decision* of preliminary *plat* approval to allow permits to be pulled and construction to start, the *applicant* will work with the County to ensure the following items are resolved:
  - i. The Administrator will provide the *applicant* a copy of the plans stamped

“Approved”. The approved set of plans must be on site at all times that *improvements* are being installed or constructed.

- ii. The *applicant* shall provide to the *Planning Department* copies of approvals or permits for any activity of the installation of *improvements* issued by any governmental agency, municipal corporation, or utility that has authority over these *improvements* or will take ownership thereof upon completion. Work shall conform to the conditions and requirements of these approvals or permits, and shall be completed and accepted prior to the recording of the record *plat*. Should work in accordance with these approvals necessitate changes to the final *plat*, those changes shall be completed, and approved by the BoCC, prior to recording the record *plat*.
- iii. Record *plat* approval shall be contingent in part upon completion and acceptance by the County of all public *improvements*.
- iv. Minor revisions to an approved preliminary *plat* that reflect the same basic *road* and *lot* configurations as used for the original approval may be approved by the Administrator.
- v. Any request for a revision to an approved preliminary *plat* that increases the number of *building sites*, decreases the amount of common *open space* or alters a *road* or *block* pattern must be initiated and processed as a new *application*.

6. Expiration

The *application* for final *plat* must be submitted within twenty-four (24) months of the date of the BoCC’s final decision on the preliminary *plat*.

E. Final *plat*

1. Required Submittals

- a. A completed *application* form;
- b. Required fees;
- c. Inspection reports from the *applicant’s / developer’s* Engineer; and
- d. The final *plat(s)* in accordance with Title 50 of the Idaho Code and this Chapter;

2. Notice

Public notice shall follow the noticing procedures set out in Section 4-2-D above.

3. Review Procedure

- a. All final *plat application* shall follow the review procedures set out in Section 4-2-E above.
- b. Final *plats* require a pre-application conference with the Administrator before submitting an *application*.

4. Approval Criteria

The determination by the BoCC on the final *plat* will be limited to:

- a. Those matters related to the *plat’s* compliance with the LDC, other County codes, including Chapter 6, Subdivision Development Standards.
- b. The requirements of the reviewing agencies or other jurisdictions providing public services to the proposed *subdivision*;
- c. The *plat’s* substantial conformance with the approved preliminary *plat*;
- d. The Administrator may notify the *applicant* of any LDC or other County or agency requirements that have not been met, so that the *application* or final *plat* may be

- revised, consistent with the preliminary *plat*;
  - e. Substantial conformance with the County’s applicable adopted plans and policies;
  - f. The BoCC may also accept any proposed *dedication* of land or public *improvements* as part of approving a final *plat*.
5. Final Decision
    - a. The final *plat* must be signed by the Chair of the BoCC.
    - b. Only after final *plat* approval and recording of the final *plat* can *lots* be sold.
  6. Expiration
 

A final *plat* that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new final *plat application* shall be required.

## 4-14 Modifications to Previous Approvals

- A. Approval of Modifications Needed
  1. If an *applicant* wishes to modify an approval already granted, they must obtain approval for the modifications, as provided in this section.
  2. Requests for modification required a pre-application conference with the Administrator before submitting an *application* for modification.
  3. If an *applicant* seeks to modify an approval that is not identified in this section, they must submit a new *application* and follow the same procedure for the original approval.
- B. Retroactive Approvals to Correct Unauthorized Land Splits
  1. In an effort to correct previous land splits that were done as (a) agricultural splits without *building* permits, (b) deeded property that did not follow a division process, or (c) other splits that did not meet the ordinance requirements at the time, the Administrator may authorize a Boundary Line Adjustment, or Land Division approval that would correct the unauthorized action.
  2. The short plat land division or full *subdivision* process may need to be used to correct previous unauthorized land splits depending on number of unauthorized *lots* in the land split.
  3. The corrected *lots* must meet the standards of the LDC and would become eligible for *building* permits where they currently are not.
- C. *Boundary Adjustment*
  1. Purpose
    - a. The purpose of the *boundary adjustment* is to provide a process to adjust or remove common property lines or boundaries between adjacent *tracts* or *parcels* that are not part of a recorded *plat*, for the purpose of accommodating a transfer of land, combining existing *parcels*, or rectifying a disputed property line location.
  2. Applicability
    - a. The resulting adjustment shall not create any additional *tracts* or *parcels* and all reconfigured *tracts* or *parcels* shall contain sufficient area and dimension to meet minimum requirements for zoning and *building* purposes.
    - b. This section also applies to requested modifications of the boundaries of the *lots* created from land divisions.
  3. Required Submittals
 

The request for a *boundary adjustment* shall include:

    - a. A complete *application*;

- b. Unrecorded, new legal descriptions for each *parcel*;
  - c. Latest recorded deed to each property;
  - d. Designation of *agent* authorization form;
  - e. *Application* page, complete and signed by all property *owners*; and
  - f. Map of *survey* containing all the required items found in Idaho State Code §55-1906.
4. Review Procedures
- a. Within fourteen (14) calendar days of receipt of a complete *application* for boundary line adjustment, the Administrator will distribute the *application* and other submittal materials for review by internal County and external agencies impacted by or which have jurisdiction related to the proposal, including the County Assessor and fire marshal.
  - b. Within forty-five (45) calendar days of the day the *application* is transmitted, County and external agencies' comments are due.
  - c. Within fourteen (14) calendar days of the close of the agency comment period or the resolution of any matters identified by a commenting agency, the Administrator will render a final decision as provided below.
5. Approval Criteria
- a. Conformance with underlying *zone district*. Each of the resulting *parcels* shall conform with the *zoning district* in which it is located, or the degree of nonconformity of either *parcel* shall not be increased, except for cases involving *parcels* that do not conform to the minimum *lot* size standards in Chapter 2. In such cases, one *parcel* may be made more non-compliant in order to make another *parcel* more compliant, provided the Administrator finds the adjustment increases compliance with the LDC and *comprehensive plan*.
  - b. Buildability. The overall capability of the *lots* or *parcels* to safely accommodate *development* is not diminished, including providing needed land area for water supply and wastewater systems as determined by Eastern Idaho Public Health Department.
  - c. There is no net increase in *density*.
  - a. Adjustments between public and private land. The conveyance of a *parcel* from a public agency to a private party who owns land, which is *contiguous* to the conveyed public land, shall be treated as a *boundary adjustment* to the *contiguous* private land and not as the creation of a separate legal *building site*.
6. Final Decision
- a. The Administrator will finalize and provide to the *applicant* a *written decision* on the *application* for boundary line adjustment.
  - b. After a *boundary adjustment* is approved by the Administrator, and all fees paid, shall be recorded with the Teton County Clerk/Recorder.
7. Expiration
- An *application* that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new *application* shall be required.
- D. Minor Modification of a *plat* (short plat or full *subdivision*)
- 1. Purpose
    - a. The purpose and intent of this section is to provide an efficient procedure for reviewing changes to previously recorded *plats* of *subdivisions*, or planned unit *developments*.
  - 2. Applicability
    - a. A proposed modification to an approved plat will be considered a minor change and therefore subject to this subsection where the proposed changes result in one or more



of the following:

- i. Boundary line adjustments between lots within a subdivision,
  - ii. Lot consolidations of two or more platted lots into fewer lots,
  - iii. Changes to a master plan if they result in a reduction in *density*,
  - iv. Adjustment of *building envelopes* that are not in a sensitive areas as identified by the Natural Resource Overlay Map,
  - v. Other changes of similar magnitude and minimal *direct impact* as determined by the Administrator.
- b. All revisions must comply with all applicable current regulations.
  - c. It may be unnecessary to duplicate studies and analyses that may have been required as part of the initial *plat application* and approval.
  - d. Revisions must reduce the intrusion of *development* into sensitive natural areas of the County and reduce governmental costs associated with scattered *development* by expediting changes to recorded *plats* that reduce the number of vacant platted *lots* in the County.
3. Required Submittals
- a. A complete *application*;
  - b. Narrative explaining the changes that are being proposed;
  - c. Plat labeled correctly as “Amended Final Plat”;
  - d. Recorded documents labeled as “Amended”; and the following as applicable:
    - i. Approval letter from Eastern Idaho Public Health, District 7;
    - ii. Approval letter from Teton County *Fire District*;
    - iii. Acceptance letter from *city* for sewer hookup from the providing community.
4. Required Signatures
- a. Modification of *open space*, *density*, common area, *road/Right of Way* realignment, change of use, and similar changes, require all property *owners* in the platted *subdivision* to *sign* the amended *plat* and *application*.
  - b. Changes to correct a property boundary, combining of *lots*, or changes on a single *lot* only require the property *owner* of the affected *lots* to *sign* the *plat* and *application*.
5. Review Procedures
- Minor Modification *applications* shall be approved by the BoCC.
6. Review Criteria
- a. Any proposed changes shall comply with all applicable criteria and standards of the LDC or other County regulations, and conditions of approval established in the previous approval.
  - b. Insignificant changes shall not reduce the area of designated open space or increase the number of lots.
  - c. Insignificant changes shall not change the uses approved or the location of where certain uses are approved.
  - d. Insignificant changes shall not increase or create new and potentially substantial direct or indirect impacts on the neighborhood, vicinity of the subdivision or overall community.
7. Final Decision
- a. Following consideration of the request at a regularly scheduled meeting, and based on the criteria above, the BoCC will issue a written decision on the request for a Minor Modification of a Plat.
  - b. After a Minor Modification of a Plat is approved by the BoCC, and all fees paid, the plat shall be recorded with the Teton County Clerk/Recorder.

8. Expiration
 

An *application* that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new *application* shall be required.
- E. Major Modification of a Plat (short plat or full subdivision)
  1. Purpose
    - a. The purpose and intent of this section is to provide an efficient procedure for reviewing changes to previously recorded *plats* of *subdivisions* or planned unit *developments*, or vacations to a previously recorded right-of-way or *easement* that do not fall under a minor amendment.
  2. Applicability
    - a. A proposed modification to an approved plat will be considered a major change and therefore subject to this subsection where the proposed changes result in one or more of the following:
      - i. Vacations of portions of a plat, except where platted open space acreage would be reduced in acreage, the value of the protected resource may be diminished or where land/*easements* are dedicated to the public.
      - ii. Amendments to the recorded Master Plan that do not change use or *density*,
      - iii. The re-arrangement or relocation of five (5) or fewer lots or *buildings* that does not encroach further into natural resource areas dedicated open space;
      - iv. A *boundary adjustment* between a lot in a platted subdivision and an adjacent non-platted property;
      - v. Minor changes to the layout of roads, utilities, or other facilities;
      - vi. A reduction in the number of lots or parcels;
      - vii. The re-arrangement or relocation of more than four (4) lots or parcels that does not encroach further into natural resource areas, open space, overlay areas, or move closer to neighboring property;
      - viii. Complete vacation of the plat;
      - ix. An increase in the number of lots;
        - x. The re-arrangement or relocation of lots that encroach further into natural resource areas, overlay areas, or move closer to neighboring property;
        - xi. The relocation of parking facilities, *buildings*, or other elements of the *development* that encroach further into natural resource areas, overlay areas, or move closer to neighboring property; or
        - xii. Addition or change in uses as identified in the original approval.
  3. Required Submittals
    - a. A complete *application*;
    - b. Narrative explaining the changes that are being proposed;
    - c. Revised maps showing a proposed vacation or revision to the layout of *lots* or *buildings* and any reduction in the number of *lots* or *buildings*;
    - d. Plat, if applicable, labeled correctly as "Amended Final Plat";
    - e. Recorded documents, if applicable, labeled as "Amended"; and the following as applicable:
      - i. Approval letter from Eastern Idaho Public Health, District 7
      - ii. Approval letter from Teton County *Fire District*
      - iii. Acceptance letter from *city* for sewer hookup from the providing community, if applicable.
  4. Public Notice and Requirements

Public notice shall follow the noticing procedures set out in Section 4-2-D above.

5. Review Procedures

Major Modification *applications* shall be approved by the BoCC, following receipt of recommendation of the Joint P&Z, through the review procedures set forth in Section 4-2-E.

6. Review Criteria

- a. Any proposed changes to an *easement*, public right-of way, or planned unit *development*, shall comply with all applicable criteria and standards of the County regulations, and conditions of approval established in the previous approval.
- b. The subdivision master plan and plat for a subdivision or planned unit *development*, including the proposed changes, shall reduce governmental costs for operations and capital expenses.
- c. The revised plat or plan shall reduce the impact to neighboring properties.
- d. The revised plat or plan shall reduce the intrusion of *development* into areas identified on the County's Natural Resource Overlay Map and updated identification of areas where indicator habitats and/or habitats for indicator species are found as documented by input that is accepted by the County from Idaho Department of Fish and Game or other qualified wildlife professionals.
- e. Review criteria applicable to a Major Modification to a preliminary or final plat include those applicable to the original approval process for the preliminary or final plat, respectively.
- f. Any proposed changes to a plat, shall comply with all applicable criteria and standards of the current County regulations, and conditions of approval established in the previous approval.
- g. Any proposed changes to a recorded plat or subdivision master plan that increase direct or indirect impacts may require additional mitigation pursuant to the current criteria and standards of County regulations.

7. Final Decision

Following receipt of recommendation from the Joint P&Z., and consideration of the request at a regularly scheduled meeting, and based on the criteria above, the BoCC will issue a written decision on the request for a Major Modification of a Plat.

8. Expiration

An *application* that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new *application* shall be required.

E. Modification of Special Use Approval

1. If an *applicant* seeks to modify up to two (2) conditions of the initial *special use* approval, the BoCC may approve the request at a regularly scheduled public meeting, if the following findings are made:
  - a. The change in conditions will not result in demonstrable impacts on public service providers, neighborhoods, or surrounding property *owners*, beyond those present under the original approval;
  - b. The change in conditions is within the criteria and conditions identified in section 4-1-8 and;
  - c. The change in conditions does not increase the scale or intensity of the use, including as to height, bulk, *density*, or floor area.
2. If the BoCC finds the proposed modification of conditions originally approved by the BoCC

cannot meet the criteria listed above, the modifications will be considered a major modification and require a new *special use application* review.

3. Consideration of a minor modification of a *special use* approval, must be in conformance with the provisions of the LDC in effect at the time of the request for modification.

## 4-15 Appeals and Reconsideration

### A. Applicability

1. In addition to the remedies described in Section 1-7 of the LDC, this section provides the remedy of *appeal* from and requests for reconsideration of final decisions made by the Administrator, BoCC, or other County official.
2. An *applicant* or an *affected person* may avail themselves of these administrative remedies in accordance with this section.
3. An *appeal* of a decision will be reviewed by the BoCC, as specified in the table in section 4-1.
4. *Appeals* and requests for reconsideration must be filed with the Administrator within fourteen (14) calendar days of the date of a *written decision*.
5. Any *applicant* or *affected person* seeking judicial review of a *written decision* must first request reconsideration of the final decision as provided here.

### B. Submittals

1. A notice of *appeal* or request for reconsideration must be filed on a completed *application* form provided by the *Department*.
2. The *application* must include a narrative description of the basis for the *appeal* or request for reconsideration, including the specific deficiencies of the decision alleged by the *applicant* or *affected person*.

### C. Notice and Requirements

1. Notice will be provided as required for the decision being *Appealed* from or being reconsidered.
2. If no notice was required for the original decision, published notice will be provided in a newspaper of general circulation in Teton County, posted at the courthouse, and posted on the County's website at least fifteen (15) days prior to the hearing.

### D. Procedures for *Appeals* and Requests for Reconsideration

1. Following notice and a hearing, as required by law, the reviewing official or body may affirm, reverse or modify the original decision after verification of compliance with applicable procedural and LDC standards.
2. A *written decision* shall be provided to the *applicant* or *affected person* within sixty (60) days of receipt of the completed *appeal* or request for reconsideration.
3. Where no *written decision* on a request for reconsideration is issued to the *applicant* within sixty (60) days of receipt of the completed *application*, the request for reconsideration is deemed denied, without further action by the *applicant* or the County.

# CHAPTER 5 GENERAL DEVELOPMENT STANDARDS

## 5-1 General

### 5-1-1 Intent

The purpose of this Chapter is to provide standards for *development* to protect the health, safety, and welfare of the community, as well as support the local economy and preserve the natural resources upon which it depends.

### 5-1-2 Applicability

- A. This Chapter applies to all *developments* in the City of Victor's Area of Impact per 5-1-3 to 5-1-4 herein.
- B. No *buildings* or *structures* over two hundred (200) square feet in floor area may be erected, constructed, moved, enlarged or structurally altered and no *lots*, *parcels* or *development sites* in whole or in part, may be developed until all required permits, plans, and specifications have been reviewed and approved by Teton County or other governmental approving agency as required.

### 5-1-3 New Construction

- A. Applicability for New Construction
  1. Any new *development*, including but not limited to *dwelling units*, *accessory buildings*, and site grading that require a permit, must comply with this Chapter.
  2. *Accessory structures* that are under two hundred (200) square feet in floor area, personal residential landscaping, and similar *improvements* are exempt from permits but shall follow the general intent of this Chapter to ensure the health, safety and welfare of the community.

### 5-1-4 Additions

- A. Applicability for Additions
  1. For cumulative addition(s) of up to fifty percent (50%) of the existing *gross floor area* or improved site area, only the addition is subject to this Chapter.
  2. For cumulative additions of fifty percent (50%) or more of the existing *gross floor area* or improved site area, the entire *building* or site shall comply with this Chapter.

### 5-1-5 Maintenance and Repair

Applicability for Maintenance and Repairs

An existing *building* or site may be repaired, maintained, or modernized without conforming to this Chapter, provided there is no increase in *gross floor area* or improved site area. *Building* permit may still be required per Title 6, *building regulations*, of the Teton County Code.

### 5-1-6 Approval Mechanisms for Development Standards

- A. Table 6 lists all *development* standards from Chapters 5 & 6 and indicates the approval mechanism for each type of *development*. A *site plan* must be submitted with all permit applications.
- B. *Site plan* requirements
  1. Except as provided in 2. below, a *site plan* submitted with an *application* for approvals must contain:
    - a. Property lines;
    - b. *Lot Area*;
    - c. *Lot Coverage*;
    - d. Location of existing and proposed *structures*, including distances from other *structures* and property lines;
    - e. Location, size, height, and *gross floor area* of existing and proposed *structures*;
    - f. Existing and proposed natural and manmade features, such as *wetlands*, *creeks*, canals, rivers, and *riparian areas*;
    - g. *Setbacks* required by the LDC or a state or federal authority;
    - h. Existing and proposed *easements*;
    - i. Drive approach and access point(s), with dimensions and radii shown;
    - j. Delineation and width of internal circulation roadways;
    - k. Existing and proposed vegetation and *landscape materials* and *buffers*;
    - l. Location and type of existing and proposed exterior lighting;
    - m. Distances between driveways and adjacent *roads*;
    - n. Location of existing and proposed below- and above-ground *utilities*;
    - o. Location and size of well and septic equipment and lines;
    - p. Parking and loading areas, including dimensions and a summary of parking and loading spaces required by the LDC;
    - q. Existing and proposed fences and walls;
    - r. Adjacent *roads*, *alleys*, or other access *abutting* property with *road* names identified;
    - s. Location and size of existing and proposed signage;
    - t. Snow storage areas;
    - u. Distances from property lines, proposed *structures* and land uses of rivers, *creeks*, *streams*, ditches, and surface water present on the *lot*; and
    - v. Identification of sites and *structures* listed on State and National Registers of Historic Places or on the Idaho Historic Sites Inventory.
  2. After assessing the nature of a proposed *development activity* or *development site*, the Administrator may require additional materials relevant to the proposed activity or site and necessary to establish compliance with applicable LDC approval criteria. Materials may include those illustrating *development activities* related to the following or to other matters subject to the requirements of Chapter 5 or 6 of the LDC:
    - a. Grading;
    - b. Drainage;

- c. Erosion control;
- d. Fire lanes;
- e. Scenic Corridor Protection;
- f. Proximity to wildlife habitats, Natural Resource Overlays, or Wildland Urban Interface;  
and
- g. Nutrient Pathogen Evaluation.

Table 6. Approval Vehicles for Development Standards

	Grading and Erosion Control Permit	Building Permit	Sign Permit	Subdivision Plat	Site Plan Review
Chapter 5 General development Standards					
Grading for all development per applicability herein	X			X	X
Erosion and sediment control for all land disturbing activities	X				X
Stormwater management for development per applicability herein	X				X
Development on hillsides with slopes greater than 20%	X				X
Vegetation Management		X		X	X
Wildlife Habitat Protection		X		X	X
Riparian Buffers		X		X	X
Scenic Corridor Protection		X		X	X
Roads, Driveways, Parking, and Access	X			X	X
Buffers, Screening and Fencing		X		X	X
Outdoor Lighting		X			X
Signage			X		X
Chapter 6 Subdivision Development Standards					
Subdivision Road Layout and Access	X			X	
Utilities	X			X	
Conservation Areas				X	
Nutrient Pathogen Evaluation				X	

## 5-2 Grading and Drainage

### 5-2-1 Grading Standards

#### A. Intent

It is the intent of this Section to ensure *development*, grading, and earthwork is completed in a safe and appropriate manner.

#### B. Applicability

1. Grading for all *developments* and development activity (*roads, driveways, building sites, site clearing, landscaping, utilities, etc.*) are required to meet the provisions of this Section.
2. The following activities shall be exempt from the requirement to obtain a Grading Permit:
  - a. Tilling and cultivation associated with existing agricultural operations.
  - b. Earthmoving that occurs as emergency flood control measures. However, an after-the-fact grading permit is required to document the grading and stabilization completed after the emergency has passed.
  - c. Irrigation canal/ditch maintenance except where located within a *FEMA* designated *floodplain*.
  - d. Maintenance of *roads* that does not impact alignment of the roadway or increase the elevation more than six inches (6") from existing grade.
  - e. Less than 1500 square feet of earthwork.
  - f. Development of an agricultural exempt building, as determined by the Building Official.
3. There shall be no *development* on slopes over thirty percent (30%).

#### C. General *Development* Standards

1. A Grading and Erosion Control Permit is required prior to the commencement of all land disturbing activities, unless explicitly exempted.
2. *Development* shall be designed to minimize requirements for cut-and-fill that alters the natural terrain.
3. Cut and fill slopes shall be graded to a slope no steeper than 2:1 or fifty percent (50%) to allow for permanent revegetation or *landscaping*, unless a retaining wall is used or a steeper slope is approved by the County Engineer.
4. Grading shall be limited to that necessary for construction of the proposed physical *development*, including *buildings*, driveways, and limited *yards*, and shall be designed to blend with the natural terrain of the site when feasible.
5. If natural drainage patterns are altered, then a stormwater drainage plan will be required to illustrate that the project will not adversely impact adjacent properties.
6. Grades at the property line must match existing grade unless a grading *easement* is obtained from the adjoining landowner.
7. *Roads* and driveways should be designed to:
  - a. Conform to existing grades to the extent possible;
  - b. Minimize the alteration of the physical and visual character of the property (e.g., large notches in *ridgelines* should be avoided); and
  - c. Retain natural landforms by using gentle horizontal and vertical curves in alignments.



- D. Grading and Erosion Control Permit *application* Requirements
1. All Grading and Erosion Control Permit *applications* must be prepared by an Idaho Registered *professional engineer* or Landscape Architect and shall include the following:
    - a. Complete *application* form.
    - b. *Application* fee and refundable deposit per the Teton County official *application* and fee *structure*. Deposit will be returned to *applicant* once *improvements* have been officially inspected and accepted by Teton County.
    - c. A written letter describing the purpose or type of grading proposed including but not limited to excavation, construction, roadways, driveways, septic systems or *utilities*.
    - d. *Site plan* per requirements in Section 5-1-6.
  2. Additional information as applicable to the type of activity shall be submitted with the permit *application* per the following:
    - a. A Grading Plan including existing and proposed contours, extent of grading limits, stockpile location, and revegetation methods for disturbed areas.
    - b. An Erosion Control Plan including type and location of all required erosion control measures (silt fence, straw bales, detention basins, duff *berms*, etc).
    - c. A Stormwater Drainage Plan that shows stormwater flow directions, inlets, outlets, catch basins, waterways, *culverts*, retention and detention basins, outlets to off-site facilities, off-site drainage facilities, and any other proposed drainage facility planned to accommodate stormwater runoff from the project site.
    - d. A drainage report that describes and includes calculations for the design of the storm drainage system.
    - e. A geotechnical report in conformance with Section 5-2-5 for slopes over fifteen percent (15%).

## 5-2-2 Erosion and Sediment Control Standards

- A. Intent
- During and after construction, soil erosion and movement of sediments off-site is a source of pollution and can negatively impact nearby waterbodies. The intent of this Section is to provide guidelines for erosion and sediment control during construction grading activities.
- B. Applicability
1. All *development* that includes land disturbing activities shall meet the standards in this Section.
  2. Construction activities that *disturb* an area of one acre or more or that are part of a larger common plan of *development* must also obtain a Construction General Permit (CGP) through the EPA in accordance with the National Pollutant Discharge Elimination System (NPDES) requirements.
- C. General *Development* Standards
1. Recommended technical guidance documents for erosion and sediment control design and Best Management Practices (BMP) selection can be found in the *Catalog of Stormwater Best*

*Management Practices for Idaho Cities and Counties* by Idaho Department of Environmental Quality.

2. Erosion and sediment control (BMP) measures shall be identified and shown on plans submitted with the Grading and Erosion Control Permit per Section 5-2-1.D.
3. BMPs can be structural or non-structural and should include both source controls that keep pollutants out of stormwater runoff and treatment controls that temporarily store or treat stormwater runoff to remove pollutants.
4. For *developments* that require a CGP, a Stormwater Pollution Prevention Plan (SWPPP) and copy of the Notice of Intent (NOI) must be prepared and provided to the County prior to any land disturbing activities.
5. Requirements for SWPPPs can be found in the EPA's Construction General Permit, latest edition.

### **5-2-3 Stormwater Management Standards**

#### **A. Intent**

Stormwater runoff from developed sites can contain pollutants such as sediment, nutrients, petroleum, oils, viruses, bacteria, heavy metals, and others. Impervious surfaces on developed sites also increase the volume and flow rate of stormwater runoff from the site. Stormwater is defined as both runoff from storm events and general runoff from snow melt and similar activities. The intent of this Section is to restore, protect, and maintain the chemical, physical, and biological integrity of County and State waters and to retain their beneficial uses.

#### **B. Applicability**

All *development* resulting in any or all of the following is required to meet the provisions of this Section:

1. Impervious area of a *lot, parcel* or *development site* that is ten (10) percent or greater.
2. Impervious area of a *lot, parcel* or *development site* that exceeds a half-acre in total.
3. Site grading within one hundred (100) feet of the Teton River or *wetlands* delineated by U.S. Fish and Wildlife National Wetland Inventory boundary, and within fifty (50) feet of all other waterways.
4. Site grading within twenty (20) feet of the property line.
5. Any site or *lot* that alters the natural drainage patterns.

#### **C. General *Development* Standards**

1. A Stormwater Drainage Plan is required to be submitted with the Grading and Erosion Control Permit per Section 5-2-1.D.
2. Additional recommended technical guidance for the selection and design of permanent stormwater management facilities can be found in the *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties (Catalog)* by Idaho Department of Environmental Quality. The process to determine which Best Management Practices (BMPs) are appropriate to the site include:

- a. Evaluate site conditions
- b. Identify performance goals and regulatory considerations for the site
- c. Develop Conceptual Site Design
- d. Characterize stormwater flows
- e. Evaluate BMPs using Table 4.1 of the Catalog
- f. Develop final plans to incorporate BMPs

D. Water Quality

The 95th percentile rainfall event shall be managed on the developed site by using stormwater facilities that infiltrate, evapotranspire, and/or harvest and reuse rainwater. Facilities should be designed, constructed, and maintained to manage one hundred percent (100%) of the 95th percentile rainfall event on site and shall not be allowed to discharge offsite to surface waters.

- 1. The 95th percentile rainfall event, also known as the Water Quality Capture Volume (WQCV), for Teton County is 0.65-inches falling over a 24-hour period based on the period of record from 1927 to 1982 for the Driggs rain gauge (USC00102676). Thus, 95% of daily storm events are estimated to have a depth of 0.65-inches or less.
- 2. Total runoff volume from a site should be determined using the Direct Determination Method, which takes into account rainfall, depression storage, and infiltration. The hydrologic soil group from the site should be used to determine estimated infiltration on the site.
- 3. Examples of stormwater facilities that can be used to manage and infiltrate the WQCV include, but are not limited to, bio-retention areas, stormwater planter boxes, vegetated swales, infiltration trenches, infiltration wells, permeable pavements, cisterns and rainwater harvesting systems, and green roofs.

E. Conveyance and Detention Systems

- 1. Minor drainage conveyances include *culverts*, pipes, and inlets. Minor conveyance systems are to accommodate peak flow from the 10-year storm event.
- 2. Major drainage conveyance systems include detention basins, *roads*, and open channels, and are to accommodate peak flow from the 100-year storm event. Adequate spillway provisions must be provided to pass stormwater runoff in excess of the 100-year storm event.
- 3. The runoff flow rate, velocity, and volume *post-development* shall be equal to or less than the *pre-development* runoff flow rate and volume for the 10-year and 100-year event. If this condition cannot be met, special approval must be obtained by the County Public Works Director, and the *applicant* must show that all downstream facilities are adequate to convey the *post-development* flows.
- 4. The Rational Method or the USDA Natural Resource Conservation Service Curve Number approach may be used to determine peak flow rates for the 10-year and 100-year storm events.

F. Irrigation Ditches and Pipelines

1. The discharge of storm water into irrigation ditches and pipelines shall not be allowed. If an irrigation ditch is to be used as a storm water receptor, DEQ will need to review for impacts to water quality and a written agreement must be secured between the *applicant* and the ditch company and provided to the County stating that the ditch company will accept responsibility for receiving stormwater runoff.

G. Offsite Flows

1. No land disturbance activity shall result in the impounding of surface water on property other than the *applicant* 's unless the *applicant* obtains an *easement* or a license for that purpose.
2. Public water shall not be discharged onto or through private property without the appropriate *easement*. An *easement* with the right of access shall be provided whenever conveyance systems are constructed in lands of private ownership. A minimum *easement* width of twenty (20) feet centered on the drain or ditch is required. The width may be in excess of the minimum when situations require.
3. In the event that proposed construction shall direct surface or stormwater runoff to properties or facilities owned and maintained by *agents* other than the property *owner*, written proof of permission, or approval from these *agents* must be provided prior to acceptance of drainage plans.

**5-2-4 Construction in Irrigation Districts**

- A. Pursuant to section 42-1209 of the Idaho Code, no construction *improvement* or use of any kind shall be permitted when either the *improvement* or use, or the access to the *improvement* or use shall be upon, over or along, or impinge upon an irrigation district, a Carey act operating company, a nonprofit irrigation entity, a lateral ditch association, or drainage district right of way or *easement*, unless there is first obtained written consent from the affected entity.
- B. The *applicant* shall investigate the existing and proposed use of any irrigation ditch within the project limits to determine if they are to be perpetuated. If the irrigation system is to remain, the *applicant* is responsible for contacting the water right holders or ditch company to obtain their requirements for protection of the irrigation system.
- C. Underground *utilities* that cross irrigation ditches and pipelines must be marked with permanent fiberglass marking posts located fifteen feet (15') each side of the ditch measured from the center of the ditch. Posts should be colored blue for water lines and green for sewer lines.

**5-2-5 Steep Slopes Protection Standards**

- A. Intent  
The intent of this Section is to provide for safety and property protection through responsible *development* on potentially dangerous *hillsides*.
- B. Applicability  
This Section applies to all property located in the City of Victor's Area of Impact where grading, excavation, or *development* is proposed on *hillsides* with slopes greater than twenty percent (20%).

C. General *Development* Standards

In addition to the grading *development* standards in Section 5-2-1, the following applies to steep slopes:

1. Any retaining wall over four feet (4') tall (from the bottom of the footing) will require a *building* permit and must be designed by a licensed *professional engineer*.
2. No physical *development* shall be permitted on natural slopes in excess of thirty percent (30%), with the exception of essential access for vehicles and/or *utilities* when no other alternative access exists which shall comply with the International Building Code as adopted by Teton County in Title 6.
3. *Building envelopes* shall be located to avoid existing rock outcroppings to the extent feasible.
4. Slope stabilization measures shall be utilized.
5. A *site plan* showing accurate topographic data shall be submitted as part of a Grading and Erosion Control Permit per 5-2-1.D

**5-2-6 Geotechnical Analysis**

A. Intent

The intent of this Section is to identify any geologic hazards or soil conditions which may cause injury to *persons* or injury or damage to *improvements* which may be constructed, such as *buildings*, water lines, sewer lines, and *roads*.

B. Applicability

These requirements apply to all *developments* where the following project conditions exist:

1. Proposed physical *development* on natural slopes greater than thirty percent (30%).
2. Proposed cut or fill slopes steeper than 2:1 or fifty percent (50%).
3. Soil or rock cuts or fills where the maximum height of cut or fill exceeds fifty (50) feet, or the cuts or fills are located in topography and/or geological units with known stability problems.
4. Proposed retaining walls with a maximum height at any point along the length that exceeds thirty (30) feet.
5. Unusual Geotechnical Features such as:
  - a. Embankment construction on a weak and compressible foundation material or fills constructed using degradable shale;
  - b. Geotextile soil reinforcement, permanent ground anchors, wick drains, ground *improvement* technologies; or
  - c. Experimental retaining wall systems, or pile foundations where dense soils are present.

C. General *Development* Standards

A geotechnical analysis and report with supporting data for the proposed project shall be prepared and stamped by a *professional engineer* and submitted with the Grading and Erosion Control Permit.

## 5-3 Vegetation Management

### 5-3-1 Intent

It is the intent of this Section to prevent unnecessary spread of noxious weeds, stabilize slopes, prevent erosion, and maintain water quality.

### 5-3-2 Applicability

All *development and development activity* in the City of Victor's Area of Impact is required to meet the provisions of this Section.

### 5-3-3 General Standards

- A. All commercial and industrial *development* listed as a permitted use per Chapter 3 of the LDC shall submit a landscape plan with a *building permit*.
- B. All commercial and industrial *development applications* subject to final decision by the Administrator per Section 4-3 of the LDC shall submit a landscape plan as part of the *site plan* requirements of the *Administrative application*.
- C. All *subdivisions* shall submit a Landscape Plan as part of the Construction Drawings requirements of the *preliminary plat application*.
- D. Landowners and *developers* are required to control invasive and noxious weeds (see the Idaho Noxious Weed List) on their site. Where noxious or invasive weeds exist on the site, the *developer* must remove them prior to beginning construction, and re-vegetate the area within one (1) year. Where an infestation affects more than one (1) acre of land and immediate control is not feasible, a long-term vegetation management plan must be developed with and approved by the Teton County Weeds Superintendent.
- E. All disturbed areas that are not covered with new *improvements* must be successfully re-vegetated with a mix of native, or adapted, and drought tolerant grasses, ground covers, trees, and/or shrubs to stabilize slopes, prevent soil erosion, and prevent invasion of weeds.
- F. Plant varieties selected for natural areas should be native, or adapted, and drought tolerant and appropriate for USDA designated hardiness zones 4 or below. Plant varieties should be selected based on the natural conditions at the site and grouped together based on water, sun, and other similar needs. Plants should be able to survive on natural rainfall once established with no loss of health.
- G. Noxious and invasive plants per the Idaho Noxious Weed List shall not be used.
- H. If turf is used, turf areas should be a drought tolerant and/or adapted sod or seed mix that is appropriate to the natural conditions found at the site.
- I. Lawn and ornamental plantings may be non-native, but they must not be invasive in natural areas.
- J. *Landscaping* and vegetation shall comply with the utility company requirements within utility *easements*.
- K. Any pesticide, herbicide, or fertilizer *application* shall be in accordance with US EPA label restrictions and manufacturers recommendations.

## 5-4 Natural Resource Protection

### 5-4-1 Wildlife Habitat Protection

#### A. Intent

The intent of this Section is to maintain healthy populations of native wildlife species by protecting the habitat utilized by indicator species to ensure the long-term viability of the habitat. The City of Victor's Area of Impact is located within the Greater Yellowstone Ecosystem, and, thus, wildlife and natural resources are an essential component of the character and economy of the community.

#### B. Applicability

1. This section applies to all new *development* within the City of Victor's Area of Impact that is within areas identified as significant wildlife habitat per the County's Natural Resource Overlay Map. The Natural Resource Overlay Map identifies the general areas where the most important and sensitive natural resources are located in the County. These areas are most likely to include indicator habitats for indicator species as listed in Sections 5-4-1-C and 5-4-1-D below. The Natural Resource Overlay Map may be updated to reflect new, credible information that is provided to the County.
2. Idaho Department of Fish and Game may identify additional sensitive wildlife habitats outside of the Natural Resource Overlay Map as a result of ongoing wildlife research. Such areas may be considered on a case-by-case basis.
3. Agricultural operations are exempt from meeting the requirements of this section.

#### C. Indicator Species

Indicator species are species whose presence, absence, or relative well-being is a *sign* of the overall health of its ecosystem. They also may have significant biological, ecological, economic, educational, and aesthetic values. The following are considered indicator species in Teton County, based on *A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho*, dated April 13, 2022:

1. Columbian Sharp-Tailed grouse
2. Bald Eagle
3. Grizzly Bear
4. Rocky Mountain Elk
5. Mule Deer
6. Moose
7. Trumpeter Swan
8. Greater Sandhill Crane
9. Long-billed Curlew
10. Yellowstone Cutthroat Trout
11. Any Federally Listed Threatened or Endangered Species

#### D. Indicator Habitats

The following vegetation communities are considered indicator habitats for the indicator species in Teton County, based on *A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho*, dated April 29, 2022. Where present, the following indicator habitats shall be identified and shown on the proposed *site plan*.

1. Emergent *Wetlands*
2. Willow Riparian
3. Forested Riparian
4. Aspen
5. Conifer Forest
6. Shrubland
7. Grassland
8. NRCS Conservation Reserve Program Grassland
9. Documented wildlife migration corridors

#### E. General *Development* Standards

All *development* proposed within wildlife habitat, range, breeding grounds, and migration corridors as identified on the Teton County Natural Resource Overlay Map and updated identification of areas where indicator habitats and/or habitats for indicator species are found as documented by input that is accepted by the County from Idaho Department of Fish and Game or other qualified wildlife professionals is subject to *site plan* review to ensure that the location of proposed *development* or use avoids or mitigates impacts to indicator species and indicator habitats to the extent practical, given the size and location of the *development* property.

1. The location of proposed *development* shall:
  - a. Reduce fragmentation of functional, intact areas of native vegetation and indicator habitat. Priority habitats shall include: Lower Teton River canyonlands including lower Badger and Bitch Creeks; forested foothills along the public land boundary (Teton Front, Horseshoe Canyon, Northeast foothill, etc.); Teton River corridor (valley reach); fluvial cottonwood corridors; and large wetland complexes on the east side of Teton River;
  - b. Avoid locations that affect landscape elements such as unique rock formations, sheltered draws, drainage ways, or riparian corridors; and
  - c. Maintain connectivity among fish and wildlife habitats and protect sensitive fish and wildlife habitats use for travel, foraging, reproduction, shelter, and security.
2. If impacts cannot be avoided as specified in Section 5-4-1-E, the lost habitat shall be mitigated by replacing it with similar vegetation communities at a one to one (1:1) ratio. The replacement ratio shall be higher within a half mile of *riparian areas* and equal a two-to-one (2:1) ratio or replacement of two vegetative components for every one that is removed.
  - a. Verification of vegetative establishment will be the responsibility of a County appointed Natural Resource Specialist.
3. Identification of indicator habitats, wildlife migration corridors, wildlife breeding areas, and big game wintering habitat may be determined by a qualified professional who has



demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and similar disciplines.

4. Perimeter fencing shall be well maintained and wildlife friendly per suggested details provided by Idaho Fish and Game or the Natural Resource Conservation Service as appropriate to the type of wildlife identified and the following shall apply:
  - a. This requirement does not apply to privacy fencing used to enclose the living space immediately adjacent to a *dwelling unit* (i.e., dog runs, fenced in gardens and play areas within three hundred feet (300') of the *dwelling unit*).

#### 5-4-2 Riparian Buffers

##### A. Intent

*Riparian areas* are located along the banks and margins of rivers, *streams*, *creeks*, ponds, and other water bodies. Riparian zones and the plant communities within them provide habitat for wildlife, shading for fish, areas to attenuate floods, and water quality enhancement. The intent of this Section is to protect and maintain *riparian areas* in Teton County.

##### B. Applicability

This Section applies to new *development* and development activity on sites that contain riparian features. This includes *riparian areas* associated with *wetlands*, the Teton River, tributary *streams* and *creeks*, and lakes and ponds.

##### C. Setback Requirement

All physical *development*, development activities and use, except those specified in Section 5-4-2-D, is required to be set back from specified resources as shown in Table 7. The area within the *setback* is defined as the Riparian *buffer*.

Table 7. Riparian Buffers

Resource	Setback Distance (A)	Measured From (B)
Trail Creek	100'	Ordinary high water mark
Stream or Creek	30'	Ordinary high water mark
Wetland 1	100'	U.S. Fish and Wildlife National Wetland Inventory boundary
Wetland 2	50'	Site specific <i>wetland delineation</i> approved by U.S. Army Corps of Engineers
Lake or Pond	50'	Ordinary high water mark
FEMA Floodplain buffer	50'	Outer edge of designated Floodplain

##### D. Development Allowed in Riparian buffers

The following uses are allowed in a Riparian *buffer* to enhance the flood protection function and provide for long-term bank stabilization:

1. Planting of native riparian vegetation with handheld equipment.
2. Maintenance of existing plant material.

3. Management activities such as removal of hazardous fallen trees or branches. Those that do not pose a risk to human health and safety shall remain in place as they are beneficial for wildlife and fisheries.
4. Emergency bank stabilization.
5. Control of noxious weeds provided chemical control methods are in accordance with US EPA label restrictions and only by handheld sprayers.
6. Agricultural operations with no disturbance within ten feet (10') of any *stream* bank.
7. Electric, natural gas, cable communications and telephone utility related activities within an existing *easement*.

E. *Development* Prohibited in Riparian *buffers*

The following *development* and activities are prohibited in a Riparian *buffer*:

1. Construction of physical *development* in a riparian *buffer* except as allowed in Section 5-4-2-D above.
2. Fertilizer, herbicide, and pesticide *application*, except as needed for approved restoration or re-vegetation.
3. Grading that interrupts diffuse flow within the riparian *buffer*.
4. Septic tank drain fields.
5. Driveways and *road* crossings are prohibited unless there is no other alternative in which case driveways shall be not *disturb* more than twenty (20) feet in width and *road* crossings shall bridge the primary *riparian area*.
6. Accessory *structures* are prohibited unless for agricultural purposes if no other alternative exists.

F. General *Development* Standards

The following standards apply to allowed *development and development activity* within Riparian *buffers*:

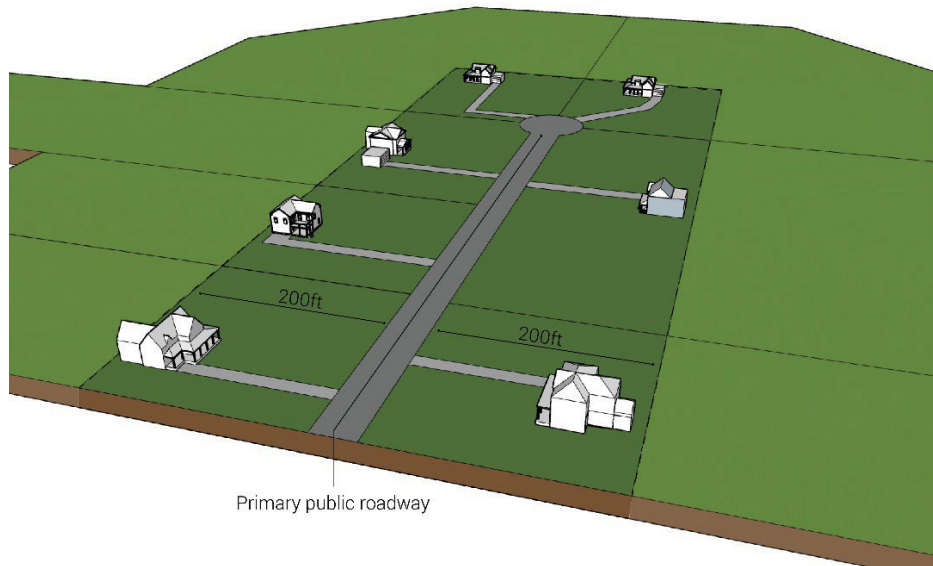
1. The water body, its associated riparian plant community, and applicable riparian *setbacks* must be identified and shown on the *site plan*.
2. The area of the proposed *development* within the Riparian *buffer* must be identified and shown on the *site plan*.
3. *Development* should incorporate stable, native vegetation as required per Section 5-3.
4. All *development* shall be designed to:
  - a. Maintain existing vegetation,
  - b. Avoid *adverse effects* on aquatic life and habitat, and vegetation used for terrestrial wildlife,
  - c. Prevent the movement of sediment, nutrients, and other pollutants,
  - d. Minimize soil disturbance, and
  - e. Protect against soil erosion.
5. Diffuse flow of stormwater runoff must be maintained in the Riparian *buffer* by:
  - a. Dispersing concentrated flow prior to its entry into the *buffer*, and
  - b. Reestablishing vegetation.
    - i. Will require a planting plan with maintenance and monitoring plan

- ii. Verification of vegetative establishment will be the responsibility of a County appointed Natural Resource Specialist.
- 6. Bridges should be used for riparian *buffer* crossings. If *culverts* are utilized, they should be designed to minimize impacts to fish passage and shall be approved and permitted by ACE, Idaho Fish and Game, and Idaho department of Water Resources.

**5-4-3 Wildfire Hazard Areas**

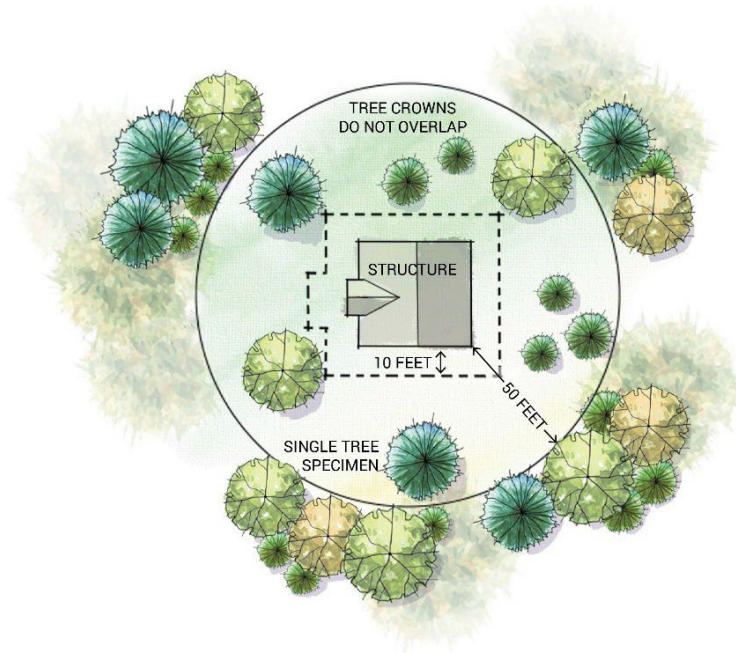
- A. Intent  
To protect the health and safety of structures in high-risk wildfire areas.
- B. Applicability  
These standards apply to all *development* within areas of high wildfire risk as identified on the County’s Wildlife Hazard Overlay (WHO) Map.
- C. Development of principal and accessory structures in areas with high risk of wildfire, as identified by the WHO, shall be located within two hundred feet (200’) of the primary access roadway to provide safe and efficient access for wildfire protection.

*Location of Structures in High Wildfire Risk Areas*



- D. A plan for management of vegetation and defensible space shall be submitted with site plans for all *principal building* construction.
- E. Fuel breaks shall be implemented along access roads, driveways and subdivision boundaries. The fuel break shall be a minimum of ten feet (10’) wide. Plant material shall be no taller than four inches (4”) in the fuel break and trees limbed up to a minimum height of ten (10) feet above the ground.

- F. Defensible space shall be provided around principal structure per the International Wildland Urban Interface Code (general image included below).



## 5-5 Scenic Resource Protection

### 5-5-1 Intent

The intent of this section is to maintain the City of Victor's Area of Impact's scenic resources along *highway* corridors by ensuring that the location, scale, and appearance of *buildings*, *structures*, and *development* preserves the rural character of the area by limiting visual intrusion viewed from the four designated roadways as described below, retaining long vistas of the mountains and fields, and preserving existing native vegetation.

### 5-5-2 Applicability

These standards apply to all *applications* and permits for physical *development* located within five hundred (500) feet of Idaho State Highways 31 and 33 within the City of Victor's Area of Impact. Permits to develop within the Scenic Corridor may be approved administratively if all development standards are met. At the discretion of the Planning Administrator, any applications that do not fully meet standards will require a public meeting to review the application with the Planning and Zoning Commission who will act as the decision-making body.

### 5-5-3 Resource Areas

A. Type 1 Resources

Type 1 resources exist where lands have been previously disturbed and developed but are still important to the character of Teton County. Type 1 resources exist along Idaho State Highway 33 between the City of Victor and the City of Driggs.

B. Type 2 Resources

Type 2 scenic resources are located along Idaho State Highway 33 between the Wyoming State Line and the City of Victor.

#### 5-5-4 Type 1 Resource Development Standards

- A. Physical *development* (including new *buildings* and existing *buildings* being replaced) shall be sited from the right-of-way of the state *highway* per Table 8 below.
- B. Physical *development* shall be located to maintain *open space* in relation to the scenic view being regulated. *Development* should be located at the rear or side edges of an open meadow or *pasture*, or at the foot of a hill or *ridge* (provided it is not in danger of slope failure), rather than in the middle of a meadow, *pasture*, or *hillside*.
- C. Existing *buildings* that encroach upon the dimensions shown in Table 8 shall not perform any repairs, additions or replacements of any portion of the *building* that will encroach any further into the standards in Table 8 than the existing condition.
- D. Submittals
  - a. Site plan including:
    - i. All proposed and existing structures,
    - ii. Setback from right-of-way of state highway or Ski Hill Road shall be clearly labeled,
    - iii. Building envelopes,
    - iv. Existing and proposed off-street parking areas,
    - v. Exterior elevations of primary structures visible from state highway or Ski Hill Road,
    - vi. Description of building materials.
  - b. Complete application
  - c. Latest recorded deed to the property
  - d. Affidavit of Legal Interest (if applicable)
  - e. Submit a detailed landscaping plan along with application materials in efforts to limiting visual intrusion from the highway.
    - i. Height of landscaping must meet at least half of the height of proposed structure.
    - ii. Label/list all plant species (preferably native plants).

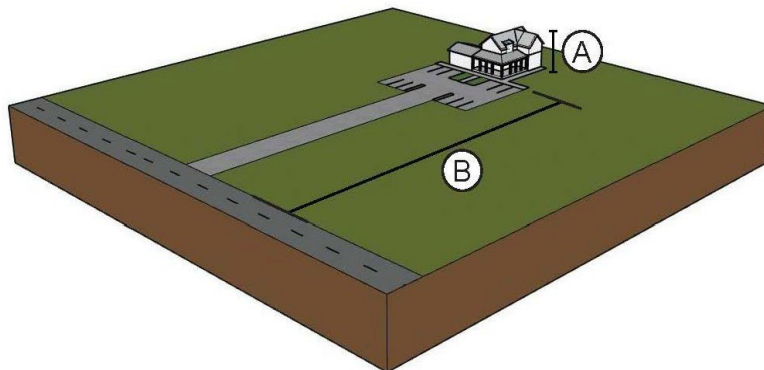
**5-5-5 Type 2 Resource Development Standards**

- A. In addition to all Type 1 Resource *Development* Standards, the following shall apply to Type 2 Resource Areas:
1. Highly reflective roof materials shall not be used, unless the materials are treated to eliminate reflection.
  2. If *berms* are used to screen structures located within a meadow or pasture, they shall be setback at least fifty feet (50') from the right-of-way with the side of the *berm* exposed from designated scenic roads shall rise at no greater than a five percent (5%) grade to appear as a naturally occurring extension of the existing topography. *Berms* must be planted in native vegetation.
  3. Revegetation of Disturbed Areas. Lands disturbed by earth moving or *berms* shall be revegetated per Section 5-3 of the LDC.

*Table 8. Type 2 Resource Development Standard Setbacks*

	Option 1	Option 2	Option 3	Option 4	Option 5
<b>Building</b>					
A. Height (max)	Max per zone district	27'	24'	21'	18'
B. Distance from highway right-of-way	450'	350'	250'	150'	100'
<b>Parking</b>					
Front Max pavement depth	120'	90"	60'	40'	--
Rear	Unlimited behind rear building line	Unlimited behind rear building line	Unlimited behind rear building line	Unlimited behind rear building line	Unlimited behind rear building line

*Type 2 Resource Development Standard Setbacks Illustrated*



### 5-5-6 Ridgeline Protection

- A. Physical *development* shall not breach ridgelines as viewed from State Highways.
- B. If a breach of the ridgeline is unavoidable, a visual resource analysis shall be submitted for review to demonstrate and document the visual impact of the proposed *development* on surrounding designated scenic corridors and viewpoints. The analysis shall show the following:
  - 1. In accurate perspective format, illustrate what portions of the points along the scenic corridor or from critical viewpoints.
  - 2. Multiple perspectives may be required along scenic corridors to accurately reflect the appearance of the *development* as the viewpoint is moved along the corridor.
  - 3. The visual resource analysis shall contain a visual analysis narrative, photographic simulation or other comparable visual analysis of the proposed *development*, compare the visual impacts of alternative site designs, if any, and include plans identifying how the proposal complies with the standards of this Section.

## 5-6 Driveways, Parking, and Access

### 5-6-1 Intent

This Section establishes standards for driveways, parking, and access for all *development*. The standards are intended to ensure safe access is provided for vehicles and pedestrians and an adequate supply of parking is available within a reasonable distance of *development*.

### 5-6-2 Driveways

- A. Applicability  
All new *building* or site *improvements* must comply with this Section by way of a driveway or right-of-way access permit from the County Public Works Department.
- B. *Encroachments* and Access Points
  - 1. A driveway access from a *public road* shall be provided to serve two *parcels* or less. No open or continuous access along a *public road* is allowed. All points of access that do not conform to these standards shall be brought into conformance at such time that a *building* permit, or Grading and Erosion Control Permit is applied for with Teton County.
  - 2. Unless approved or required by the Public Works Director, the driveway for a *corner lot* must connect to the *road* with the lower roadway classification.
  - 3. Unless otherwise approved or required by the Public Works Director, a *lot* or *parcel* is only allowed one driveway access to a *public road*.
  - 4. When allowed, driveways on the same property and same *road frontage* must be spaced in accordance with the spacing, speed limit, and sight distance standards identified by the Public Works Director.
  - 5. Driveways may be no closer than fifty feet (50') from the intersection of two road rights-of-way, measured from the centerline of the driveway.
- C. Shared Access  
Property *owners* who establish a shared-access driveway must record an *easement* allowing shared access to and from the properties served by the shared-access driveway and record a joint maintenance agreement defining the maintenance responsibilities of each property *owner*.

D. Driveway Dimensions

Driveways must meet the dimensional standards shown in Table 9. Additionally, the following shall apply:

1. Driveways in excess of one hundred fifty feet (150') in length shall provide a driveway turnaround or pullouts per Public Works Standards, and
2. Driveways in excess of four hundred feet (400') in length shall provide pullouts every four hundred feet (400') per Public Works standards.

Table 9. Driveway Dimensions

Driveway Type	Width (min)	Width (max)	Curb Radius (min)
Residential	12'	24'	15'
one-way	12'	18'	15'
two-way	24'	32'	15'

5-6-3 Parking

A. Applicability

All new *building* or site *improvement* must comply with this Section to ensure parking is located in designated parking areas on-site and not in the *public right-of-way*. Agricultural operations shall be exempt from parking requirements other than those with an agritourism use.

B. Minimum Parking Requirements

1. The minimum number of *vehicular parking spaces* required is shown in Table 10. Where a use is not listed or only a broad use category is shown, the Planning Administrator is responsible for categorizing the use in accordance with Chapter 3.
2. Unless otherwise noted, the parking requirement is based on the *gross floor area* of the *building* or portion of the *building* devoted to the particular use specified.

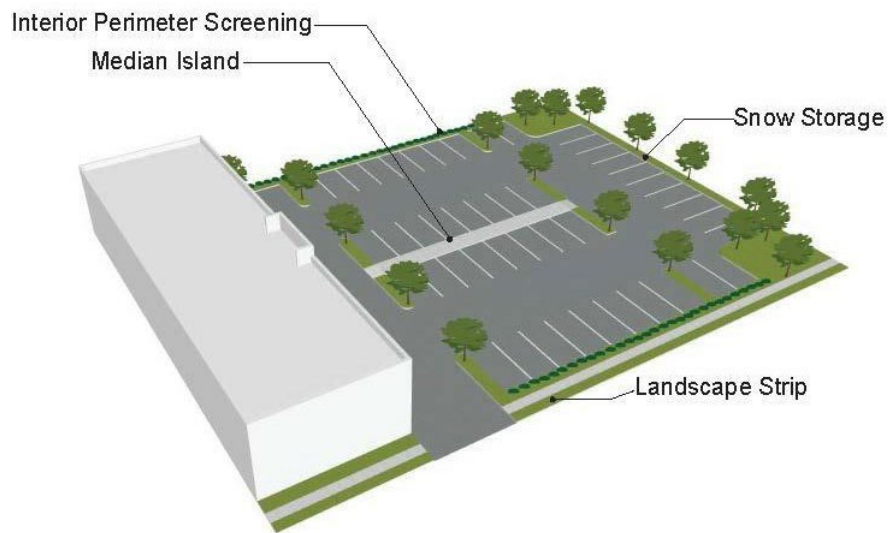
Table 10. Vehicular Parking Requirements

Use	Required Spaces (min)
Dwelling Unit	2 per unit
Group Residence	1 per employee (based on number of employees on site at any one time) plus 0.5 per resident
Agricultural Uses	No minimum
Public Uses (other than Schools as detailed below)	1 per 1,000 square feet
Secondary Schools	1 per employee plus 1 per 5 students
Overnight Lodging	1 per bedroom
Recreation Uses (unless otherwise specified in Chapter 3)	1 per every 2 employees plus 1 per every 4 users the facility can accommodate



3. For industrial and commercial uses with vehicle parking, accessible *parking spaces* must also be provided in accordance with the requirements of the Americans with Disabilities Act (ADA).
  4. For a change in use where the number of existing *parking spaces* exceeds the maximum number of allowed *parking spaces* for the proposed use, the additional *parking spaces* may remain in place, at the *applicant's* discretion. Where the number of existing *parking spaces* is less than the minimum number of required *parking spaces* for the proposed use, the additional *parking spaces* shall be installed.
- C. Parking Access and Layout
1. All vehicle parking areas must have direct access to a public right-of-way.
  2. All vehicle parking areas must be designed to allow vehicles to enter and exit in a forward motion, except for parking associated with a primary *dwelling unit*.
  3. All vehicle parking must be designed so that vehicles enter or leave a *parking space* without having to move any other vehicle.
  4. All vehicle parking must be arranged so that no vehicle is forced onto any *public road*, to gain access from one parking aisle to another parking aisle.
  5. Locations for snow storage must be provided and can be in conjunction with required landscape areas.

*Parking Lot Layout Exhibit*



D. Parking Lot *Landscaping*

For parking *lots* with twenty (20) or more *parking spaces*, the parking *lot area* must be landscaped with the following:

1. Interior islands provided every twenty (20) spaces.
2. Islands shall be a minimum of five (5) feet in width and contain:
  - a. One (1) *shade tree* when *abutting* a single row, or
  - b. Two (2) *shade trees* when *abutting* a double row.
3. Perimeter *landscaping* shall be provided per Section 5-7-3.

4. Landscape areas may be designed as stormwater facilities and snow storage facilities.

E. Parking Lot Lighting

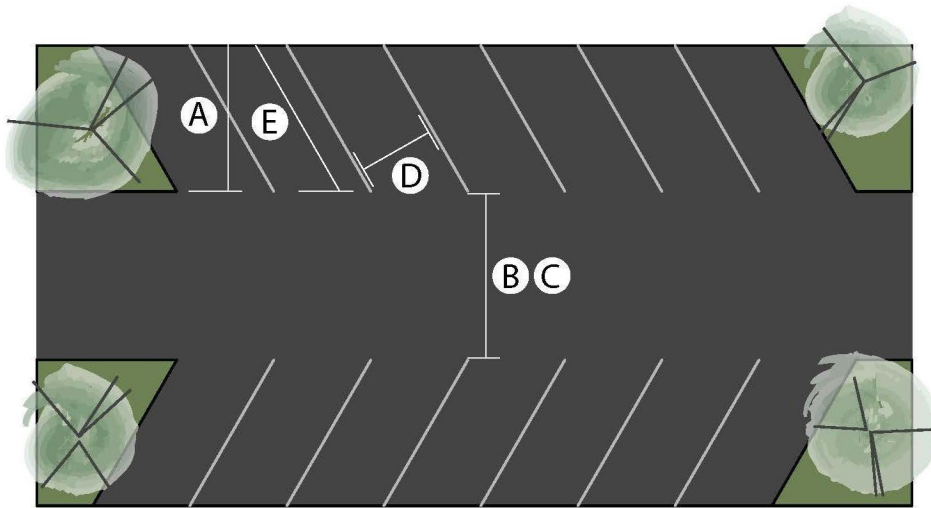
Lighting used to illuminate *vehicular parking* shall not exceed twenty feet (20') in height and shall comply with all requirements of in Section 5-8 of the LDC.

F. *Parking Space* and Aisle Dimensions

*Vehicular parking lots* must meet the following dimensions shown in Table 11. The minimum size of a gravel parking area shall be 10% larger than required of a paved area. *Parking spaces* and drive aisles using dimensions other than those specified may be approved if prepared and stamped by a Registered Engineer in the State of Idaho, with expertise in parking lot design, subject to approval of the Planning Administrator.

Table 11. Minimum Parking Lot Dimensions

Minimum Dimensional Requirements					
Angle		Drive Aisle Width		Space Width	Space Length
	Parking Row Depth (A)	One-Way (B)	Two-Way (C)	(D)	(E)
Parallel	8'	12'	20'	8.5'	23'
45 degrees	17.4'	13'	24'	9'	20'
60 degrees	21'	18'	24'	9'	18'
90 degrees	18'	24'	24'	9'	18'



\*Parking lots requiring X number of spaces are required to be paved including parking spaces and drive aisle.

**5-6-4 Pedestrian Access**

A. Applicability

All commercial or industrial *development* in the IR zone district, the Area of City Impact, and *vehicle parking lots* with six (6) or more rows of parking must provide safe, direct, and convenient pedestrian access that connects parking areas and existing adjacent sidewalks to the primary entrance.

B. The following uses are exempt from this requirement:

1. Residential *dwelling*;
  2. Cemetery;
  3. Conservation area;
  4. *Utilities*; and
  5. Agricultural uses.
- C. Pedestrian Access Standards
1. Pedestrian access must consist of an accessible, easily discernible, and ADA- compliant walkway a minimum of five (5) feet in width.
  2. The pedestrian access surface must be comprised of a permanent, non-slip, ADA compliant material.
  3. Pedestrian access routes between *building* entrances and parking areas must provide direct connections and be physically separated from drive aisles, except where required to cross a drive aisle.
  4. Where a pedestrian walkway crosses a drive aisle, the walkway must have a continuous surface treatment across the drive aisle.

#### **5-6-5 Bicycle Access and Parking**

- A. Applicability  
The provisions in this division are applicable only to property located in the Area of City Impact with *vehicular parking lots* of twenty (20) spaces or more.
- B. Minimum Number of Bicycle Spaces  
Bicycle parking must be provided in accordance with bicycle access and parking standards for the *city* in which the Area of City Impact is located in Section 11.1.5 of Victor Land Development Codes.
- C. Access and Location
1. Required bicycle parking must be located in a convenient and visible area.
  2. Bicycle parking must not result in a bicycle obstructing a required pedestrian access walkway.
  3. Required bicycle parking may be placed within the *public right-of-way*, provided the *encroachment* is approved by the Planning Administrator.

#### **5-6-6 Vehicle Loading**

- A. Applicability
1. Vehicle loading and unloading for passengers may be required by the Planning Administrator for uses such as:
    - a. Day Care;
    - b. Group Residence;
    - c. Place of worship; and
    - d. *Special event* facility.
  2. Space may be required by the Planning Administrator for non-passenger unloading and loading of vehicles for commercial or industrial uses.
- B. Location  
If a loading space is provided or required, it must meet the following.
1. Loading areas must be located to the rear of *buildings*. Loading areas may not be placed

- between a *public road* and the associated *building*.
2. No loading area is permitted within fifty (50) feet of a residential use (measured from the residential *lot line* to the closest point of the loading area).
  3. It must be located outside of clear sight triangles for *road* intersections as established by the Public Works Director.
  4. With the exception of areas specifically designated by the Teton County Planning Administrator, vehicle loading and unloading of goods, materials, items, or stock for delivery and shipping is not permitted on a *public road*.
  5. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas, and parking areas.

C. *Screening*

Where a loading dock designed for tractor- trailers is placed between a *public road* or a shared *lot line* and the associated *building*, the entire length of the loading area must be screened with either:

1. An eight (8) foot high wall; or
2. Plant material that under typical conditions may be expected to reach a height of eight (8) feet and a spread of four (4) feet within three years of installation.

## 5-7 Screening, Fencing, and Walls

### 5-7-1 Intent

*Screening*, fencing, and walls are intended to minimize conflicts between potentially incompatible, but otherwise permitted, land uses and *development* on *abutting* property.

### 5-7-2 Parking Lot Screening

A. *Applicability*

Vehicle parking areas *abutting* a *public right-of-way* must be screened as specified below.

B. *Screening Options*

The parking area shall be screened with a landscape strip located along the entire perimeter between the parking area and the *road*. Breaks in the landscape strip are allowed for pedestrian and bicycle access points. The following options may be used for the landscape strip:

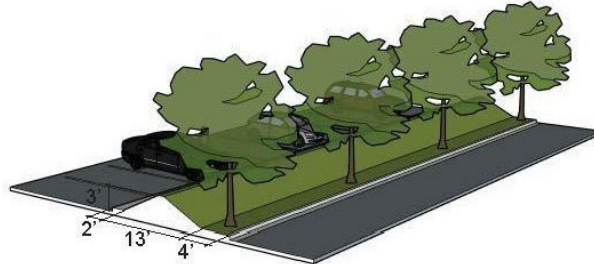
1. Landscape Strip with Shrubs

A minimum ten foot (10') wide landscape strip planted with a minimum three foot (3') high continuous row of shrubs.



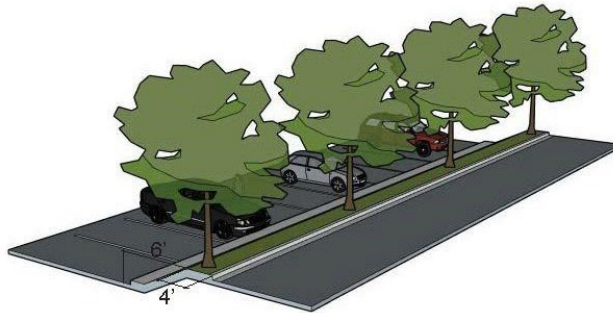
2. Landscape Strip with *Berm*

A *berm* a minimum of three feet (3') higher than the finished elevation of the parking area.



3. Landscape Strip with Grade Change

A six-foot (6') landscaped strip with a minimum grade drop of three-feet (3') from the public road to the parking area planted with a three-foot (3') high continuous row of shrubs.



### 5-7-3 Service Area Screening

A. Applicability

Services areas for uses for some limited and *special uses* may be required to mitigate adverse impacts of the proposed use (see Chapter 3).

B. General *Development* Standards

1. Trash and recycling collection and other similar delivery or service areas must be located to the side or rear of *buildings*. Trash and recycling collection areas must be located as far away from residential *structures* on neighboring properties as practical.
2. Service areas must be screened on all four (4) sides by a solid fence or wall with a minimum height of six feet (6') (this can include the *building* wall). A solid gate with a minimum height of six feet (6') may be placed on one side and shall be of complimentary material to the fence or wall. The gate and fence or wall must be maintained in good working order and must remain closed except when trash pick-up or deliveries occur.

### 5-7-4 Walls and Fences

A. Applicability

This Section provides standards for walls and fences used in required *buffers* or *screening*.

B. Materials

1. Walls must be constructed of high-quality, *opaque* materials such as decorative blocks, brick, stone, cast-stone, split-faced block, stucco over standard concrete masonry blocks, glass block, or other material approved by the Planning Administrator.
2. Fences must be constructed of high-quality materials such as wood, wrought iron, composites, PVC, aluminum, metal, high-quality recycled materials or other material approved by the Planning Administrator.
3. Fences in a required *buffer* must be *opaque*.
4. Wildlife friendly fencing shall meet the requirements set forth in Section 5-4-1.

C. Location

1. No wall or fence may be located within any required drainage or utility *easement*.
2. The finished face of all walls and fences must be located toward the *abutting* property.
3. For walls and *opaque* fences located outside of a required *buffer*, the maximum length of a continuous, unbroken, and uninterrupted fence or wall plane is one hundred feet (100'). Breaks must be provided through the use of columns, landscaped areas, transparent sections or a change in material.

D. Height

1. Wall or fence height is measured from the subject property grade to the highest point of the fence.
2. A wall or fence located in a side or rear *setback* may be no more than eight feet (8') in height.
3. A *subdivision* entrance wall or fence may not exceed eight feet (8') in height.
4. Walls or fences eight feet (8') in height or taller require a *building* permit.

### 5-7-5 Plant Material

A. Applicability

This Section provides standards for *landscaping* plant materials to be used in required *buffers* or *screening*.

B. General Provisions

1. The property *owner* is responsible for maintaining all required *landscaping* for *buffers* and *screening* in good health and condition. Any dead, unhealthy, damaged, or missing *landscaping* must be replaced with *landscaping* that conforms to the LDC within ninety days (90) (or within one hundred-eight days (180) where weather concerns would jeopardize the health of plant materials).
2. No artificial plants, trees, or shrubs may be used for required *landscaping* and *screening*.
3. *Landscaping* shall meet the standards included in Section 5-3 in addition to the standards of this Section.

C. *Shade Trees*

1. All *shade trees* planted to meet the *landscaping* requirements must have a diameter at breast height of three inches (3") and be at least ten feet (10') tall at time of planting.
2. *Shade trees* must be a locally-adapted species with an expected mature crown spread of at least twenty feet (20').

D. Understory Trees

1. Single-stem understory trees planted to meet the *landscaping* requirements must have a minimum diameter at breast height of one and one half inches (1½") and be at least six feet (6') tall at time of planting.
2. Multi-stem understory trees planted to meet the *landscaping* requirements must be at least six feet (6') tall at time of planting.
3. Understory trees must be a locally-adapted species with an expected mature crown spread of at least fifteen feet (15').
4. A minimum of twenty percent (20%) of understory trees planted to meet *buffer* requirements must be evergreen.

E. Shrubs

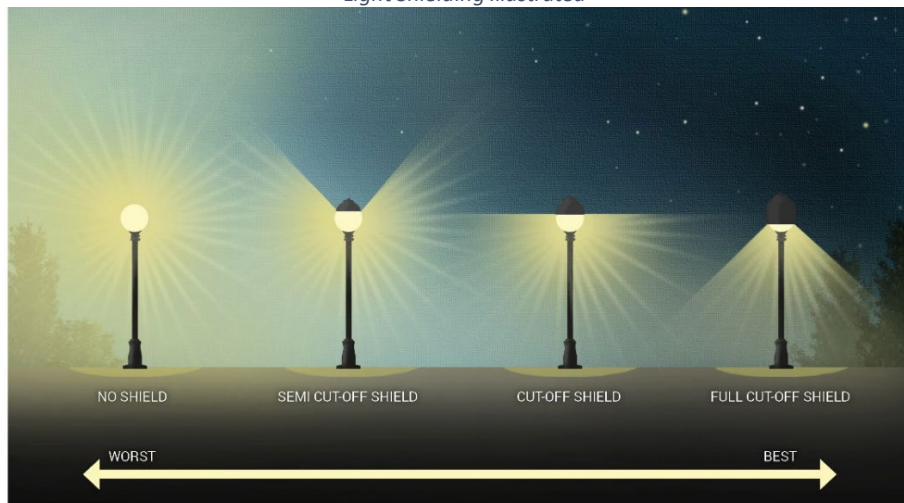
1. All shrubs must be a minimum of five (5) gallon size at time of planting.
2. A minimum of twenty percent (20%) of shrubs planted to meet *buffer* requirements must be evergreen and be of a species that, under typical conditions, are expected to reach a height and spread of four feet (4') within five (5) years of planting.

## 5-8 Outdoor Lighting

### 5-8-1 Intent

The purpose of this section is to allow for use of *outdoor lighting* which minimizes adverse offsite impacts including *light trespass* and *glare*; improves views of the night sky; reduces impact to wildlife habitat; only provides *light* when and where needed that is no brighter than necessary; minimizes blue *light* emissions; is fully shielded; and generally conserves energy.

Light Shielding Illustrated



### 5-8-2 Applicability

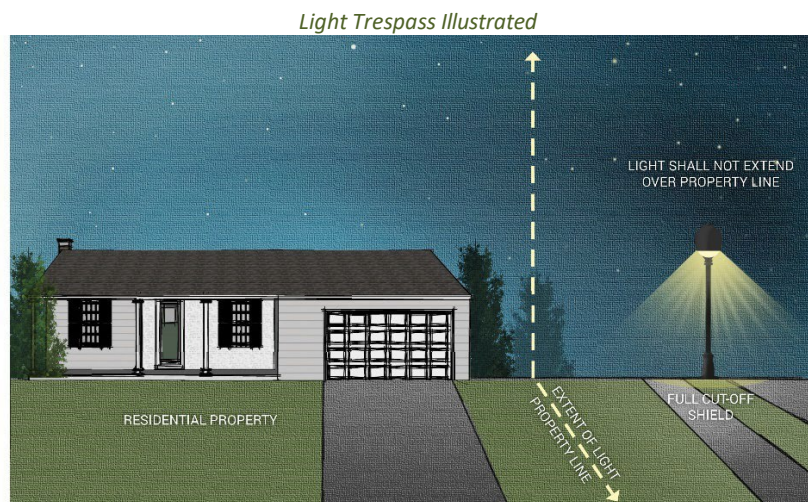
The requirements of this section shall apply to all *outdoor lighting* in the City of Victor's Area of Impact. All existing *outdoor lighting* shall be brought into compliance with the standards herein upon change of use or *building* permit and within five (5) years of the effective date of this Land Development Code.

### 5-8-3 Exemptions

- A. This Section does not apply to the following:
  1. Lighting within the *public right-of-way* that is used *principally* to illuminate *roads*.
  2. Lighting of *signs*, as regulated by Section 5-9 of the LDC.
  3. Temporary lighting of construction sites.
  4. Lighting used primarily for Agricultural purposes.
  5. *Holiday lighting*, displayed for less than sixty (60) days, provided that individual *lamps* are less than seventy (70) *lumens*.

### 5-8-4 General Development Standards

- A. All *fixtures* must be *fully shielded or full cutoff* and downward directed so that no *light* is projected above the horizontal plane of the *fixture*.
- B. The color-temperature rating of *fixture lamps* shall not exceed three thousand kelvin (3000K).
- C. All lighting *fixtures* shall limit horizontal *light* levels such that no *direct light* falls onto the adjacent property.



- D. All *light fixtures* shall employ automatic lighting controls that extinguish exterior lighting when sufficient daylight is available, such as timers, photo sensitive *light* controls, photoelectric lighting controller, a *building* automation system, or a lighting energy management system.
- E. All lighting not required for public safety workplace visibility, or otherwise allowed herein, regardless of the date of installation, shall be extinguished after 11:00 PM.

### 5-8-5 Lighting Standards for Non-residential Uses

- A. Parking Lot and Area *Lights*
  1. The maximum height shall not exceed twenty feet (20') above average grade.
  2. Lighting shall not exceed a maximum initial horizontal *illuminance* of four (4.0) foot-candles.



### 5-8-6 Lighting Standards for Residential Uses

- A. Exterior lighting on *dwelling units* shall be downward directed and no brighter than a sixty (60)-watt incandescent (or equivalent, compact fluorescent or LED rating).
- B. With motion sensors, lighting on *dwelling units* shall be no brighter than a seventy-five (75)-watt incandescent (or equivalent, compact fluorescent or LED rating).

### 5-8-7 Prohibited Lighting

- A. The following lighting types are prohibited from being installed in the City of Victor's Area of Impact:
  - 1. Lighting that simulates, imitates or conflicts with warning signals, emergency signals or traffic signals.
  - 2. Blinking or flashing *lights* and exposed strip *lights* used to illuminate *building* facades or to outline *buildings*.
  - 3. Searchlights, laser *lights*, and aerial lasers or holograms.
  - 4. Lighting that is not in a *full cut-off-fixture*.
  - 5. Lighting in which any single *luminaire* exceeds twenty thousand (20,000) *lumens*.
  - 6. Bare *lamps* (not housed within a *fixture*) or *lamp strings*—except for *holiday lighting*— with outputs exceeding twenty-five (25) *lumens* per *lamp*.

## 5-9 Signage

### 5-9-1 Intent

This Section is intended to provide regulations for *signs* within the City of Victor's Area of Impact which eliminate confusing, distracting, and unsafe *signs* while ensuring transfer of information and enhancing the visual environment of the County.

### 5-9-2 Applicability

No *sign* may be erected, altered, refurbished or otherwise modified after the effective date of the LDC except in accordance with the requirements of this Section.

### 5-9-3 Sign Permit Requirements

- A. Applicability  
All *signs* described in Section 5-9-13 require a *sign* permit before they may be erected, altered, refurbished or otherwise modified. *Signs* described in Section 5-9-10 to 5-9-12 do not require a *sign* permit but must follow applicable standards. The following alteration and maintenance activities do not require a *sign* permit:
  - 1. Painting, cleaning, or other normal and repair of a *sign*, provided that no change is made to any structural or electronic component of the *sign*.
  - 2. Changing the message of an existing changeable copy of *sign*, provided that no change is made to any structural or electronic component of the *sign*.
- B. *Sign* Permit Application Requirements  
All *sign application(s)* shall be submitted to and reviewed by Teton County Planning Administrator for compliance with this Division. A *sign application* must include the appropriate fee plus the following items:
  - 1. A completed *application* using the form supplied by the County.
  - 2. For *building signs*: A *building* elevation drawn to scale which specifies the location of the

- proposed new *sign*, as well as the location and size of any other *sign* of the same type on the *building*.
3. For freestanding *signs*, portable *signs*, and entry feature *signs*: A *site plan* drawn to scale which specifies the location of the new *sign structure* with respect to adjacent *structures* and property lines.
  4. A scaled drawing of the *sign* including dimensions of all *sign faces*, descriptions and colors of materials to be used for *sign faces* and support *structures*, including detailed specifications for any footings, posts, and hardware, and a detailed *sign lighting plan* which clearly indicates the location, type, and illumination strength (*lumens*) of all *sign lighting fixtures*.
  5. Tenants of *buildings* with multiple occupants must include a copy of the approved overall *sign* plan and indicate how their proposed *sign(s)* fit(s) into the approved plan. If the new *sign* does not conform with the approved *sign* plan, then the *applicant* must include an amended *sign* plan with the *building owner's* signature.
  6. Any other information deemed necessary by the Administrator.

#### **5-9-4 Nonconforming Signs**

- A. All nonconforming *signs* in existence before the effective date of the LDC may remain, provided they are maintained in a safe manner and are kept in good repair until one of the following occurs:
  1. The *sign* has damage exceeding fifty percent (50%) of its value immediately prior to the event causing the damage or destruction; or
  2. The deterioration of the *sign* makes it a hazard.
- B. The Administrator will not approve a permit for a nonconforming *sign* to be:
  1. Relocated in any manner;
  2. Structurally altered; or
  3. For more than fifty percent (50%) of the sign face to be permanently altered.
- C. For the purpose of this Section, structural alteration of a *sign* modifies the *sign* dimensions, height, lighting, or support *structure*.

#### **5-9-5 Location**

- A. Off premise, outdoor advertising is prohibited.
- B. No *sign*, other than *signs* placed by agencies of government or a *sign* whose placement is authorized by such agencies, may be erected or placed on public property, including *roads* and the public right of way.
- C. No *sign* shall be located so as to conflict with the clear and obvious appearance of public devices controlling traffic or so as to impede vision clearance of intersecting traffic nor shall a *sign* obstruct the free use, of any *public right-of-way*, intersection, ingress or egress point, transit stop, *parking space*, drive aisle, driveway, sidewalk, *building* entrance, fire escape, or accessibility ramp.
- D. No *sign* may be placed so as to obstruct any door.
- E. *Signs* cannot be painted on or attached to a telephone or utility pole, tree, or traffic *sign*.

#### **5-9-6 Construction**

- A. *Signs* must be constructed of permanent materials and be permanently affixed to the ground or a *structure*, except for allowed temporary *signs*.
- B. *Signs* that have structural components exceeding six feet (6') in height must obtain a *building* permit when they obtain a *sign* permit. The *structure* will be subject to a plan review as well as any inspections required by the County Building Official and appropriate fees applied.

#### **5-9-7 Maintenance**

- A. *Signs* must be maintained in good condition at all times and must be kept free of cracked or peeling paint, or missing or damaged components.
- B. The Planning Administrator may request removal of any *sign* after due notice of signage which shows gross neglect, or becomes dilapidated.
- C. The Planning Administrator will give the *owner* ten (10) working days written notice to correct the deficiencies or to remove the *sign* or *signs*. If the *owner* refuses to correct the deficiencies or remove the *sign*, the Planning Administrator will have the *sign* removed at the *owner's* expense.

#### **5-9-8 Prohibited Signs**

- A. The following *sign* types are prohibited from being installed in the City of Victor's Area of Impact:
  - 1. Rotating, moving, or animated *signs* involving motion or sound, except for clocks.
  - 2. Any *sign* with audio speakers or any form of pyrotechnics.
  - 3. Flashing, blinking, or varying *light* intensity *signs*.
  - 4. *Signs* that have a scrolling, flashing, or moving message, except those *signs* constructed by a governmental entity.
  - 5. *Signs* that contain or are an imitation of an official traffic *sign* or signal or other government *sign*.
  - 6. Any reflective or mirrored *sign*.
  - 7. Inflatable *signs*, including but not limited to balloons, gas inflated *signs*, or similar inflated devices.
  - 8. Any *sign* attached to the roof of a *building*.
  - 9. Wind-blown streamers, pennants and Balloons, except as temporary *signs*.
  - 10. Portable *signs*, except as temporary *signs*.

#### **5-9-9 Heritage Signs**

- A. A *sign* having historical significance, and which advertises an establishment or product no longer in existence or a product no longer being offered, may be designated as a heritage *sign*.
- B. In order for a *sign* to be designated a heritage *sign*, the PZC must make written findings that the *sign* is at least fifty (50) years old, and meets at least one of the following criteria:
  - 1. The *sign* has historic character, interest, or value as part of the *development*, heritage, or cultural characteristics of Teton County.
  - 2. The *sign* is significant as evidence of the history of the product, business, or service advertised.
  - 3. The *sign* embodies elements of design, detailing, materials, or craftsmanship that make it significant or innovative.
  - 4. The *sign* has a unique location or contains singular physical characteristics that make it an established or familiar visual feature within the community.

### **5-9-10 Temporary Signs**

- A. The following temporary *signs* do not require a *sign* permit but must follow applicable standards.
  - 1. Temporary *signs* must be located on private property with the property *owner's* consent.
  - 2. Temporary *signs* cannot be located within the *public right-of-way*.
  - 3. Temporary *signs* cannot be illuminated.
  - 4. No premises may display more than four (4) temporary *signs* per year for a period no longer than 2 weeks at any given time.
  - 5. Temporary *signs* shall have the first date of display affixed to the *sign* (front or back).

### **5-9-11 Signs Allowed Without a Permit**

- A. The following *signs* are allowed without a *sign* permit but must follow applicable standards.
  - 1. All *signs* erected in a public right of way by a public agency.
  - 2. Official notices issued by any court, public agency, or officer.
  - 3. *Flags*.
    - a. An individual *flag* cannot exceed thirty (30) square feet in area.
    - b. The maximum height of a flagpole is thirty (30) feet, measured from the highest point of the flagpole.
  - 4. *Signs* designated by the BoCC as being Heritage *Signs*.
  - 5. A *sign* installed inside a window for the purposes of viewing from outside the premises. Such *signs* cannot exceed ten percent (10%) of the total window area.
  - 6. Any government *sign*, meaning any *sign* put up by a government agency either required by law or in sponsorship of a government function (a *building* permit may still be required for the construction of these *signs*).
  - 7. Any directional *sign*.
  - 8. One *incidental sign* per property that does not exceed six (6) square feet and does not exceed six feet (6') in height.

### **5-9-12 Signs Placed Along State Highways**

- A. The following regulations apply to *signs* along State Highways 31 and 33. Federal regulations control outdoor advertising along these scenic byways per Title 23, Section 131 of the United States Code.
  - 1. No new outdoor advertising *signs* shall be constructed within six hundred fifty feet (650') of the right-of-way of these and visible from State Highways 31 and 33.
  - 2. Only State Approved Single Business *off-premise outdoor advertising signs*, State Approved Multi- business *signs*, State Approved Point of Interest *signs*, and State Approved Tourist Oriented Directional *signs* are permitted. These are *signs* that meet State of Idaho Transportation Department dimensional and design standards, are located in the state highway right-of-way, approved by ITD, and must be supplied/installed by ITD (per examples below). Teton County should be notified when an *application* is made to ITD.








### 5-9-13 Signs Requiring a Sign Permit

#### A. Sign Types

The following *signs* are allowed following the issuance of a sign permit.

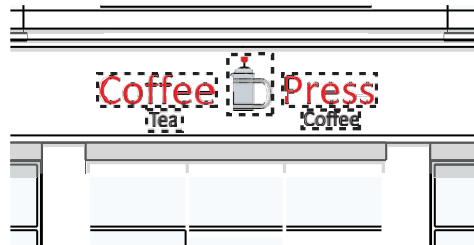
*Table 13. Signs Requiring a Sign Permit*

Sign Descriptions	
Specific Sign Types	
<i>Building Signs</i>	
Wall Sign. A building sign applied to or attached to the outside wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.	
Awning Sign. A building sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.	
Canopy Sign. A building sign attached to the top or front of a canopy so that the display surface is parallel to the plane of the front building facade	
Projecting Sign. A building sign attached to the outside wall or surface of a building or structure at a 90-degree angle, extending more than 1 foot from the outside wall of the building or structure.	
Hanging Sign. A building sign attached to the underside of a beam or ceiling of a porch, gallery or similar covered area.	
<i>Freestanding Signs</i>	
Monument Sign. A freestanding sign which is wholly independent of a building for support attached to the ground along its entire width to a continuous pedestal.	

## 5-9-14 Sign Measurements

### A. Sign Area

1. *Sign* area includes the area of the smallest enclosing circle, half-circle, parallelogram, or triangle that encloses all of the letters, figures or symbols that comprise the *sign* message. Irregular shapes are calculated by up to a maximum of three (3) connected shapes.



2. For *signs* on a background, the entire area of the background is calculated as *sign* area, including any material or color forming the *sign* and the background used to differentiate the *sign* from the *structure* on which it is mounted.
3. The area for a *sign* with more than one face is computed by adding together the area of all *sign faces*. If the *sign face* angle is less than forty-five degrees ( $45^\circ$ ), only the area of the largest *sign face* is computed as part of the *sign* area.
4. *Sign* area does not include any *structure* supporting the *sign* unless the support *structure* forms a part of the message being displayed.

Table 14. Total Allowed Sign Area

Occupant's Frontage in Linear Feet	Total Allowed Sign Area in Square Feet
60	15-30
70	30-45
80	45-60
90	60-75
100	75-90
125	Over 90

### B. Sign Height

1. The total height of a ground *sign* is measured from the highest point of the *sign* or supporting *structure* to the finished grade directly below it.
2. The height may not be artificially increased by the use of mounding.

## 5-9-15 Sign Dimensions

Table 15. Sign Dimensions

Allocation of Sign Area	Sign Types					
	Wall Signs	Awning Signs	Canopy Signs	Projecting Signs	Hanging Signs	Monument Signs
Size	40 sf max	20 sf max	32 sf max	20 sf max	8 sf max	24 sf max
Height	4' max	1' max	7' max (from ground above)	7' max (from ground above)	2' max	20' max
			which they are suspended)	which they are suspended)		
Width	NA	NA	NA	4' max	4' max	
Depth	NA	NA	1' max	1' max	NA	NA
Projection (Measured from building façade)	1' max	NA	NA	4' max	NA	NA
Clear Height Above Parking Area or Driveway	NA	14' min	14' min	14' min	14' min	NA

### A. Wall Signs

1. No portion of a wall *sign* may extend above the roofline or above a parapet wall of a *building* with a flat roof.
2. No portion of a wall *sign* may cover windows.
3. A wall *sign* may be externally illuminated. Internal illumination is prohibited.

### B. Awning Sign

1. An awning *sign* cannot extend outside the awning.
2. Only awnings over ground *story* doors or windows may contain *signs*.
3. Only one (1) *sign* is allowed per awning. A *sign* may be on either the front or side valance (but not on both).
4. *Signs* are not allowed on the sloping face of an awning.
5. An awning *sign* cannot be illuminated.

### C. Canopy Sign

1. A canopy *sign* cannot extend outside the overall length or width of the canopy. However, a canopy *sign* may extend above or below the canopy.
2. A maximum of one (1) *sign* is allowed per canopy.
3. A canopy *sign* may be externally illuminated. Internal illumination is prohibited.

- D. Projecting *Sign*
  - 1. A projecting *sign* must be located below the window sills of the second *story* on a multi-*story building* or below the roof line of a single-*story building*.
  - 2. Only one projecting *sign* is allowed per tenant.
  - 3. The outside edge of a projecting *sign* must be no closer than eighteen inches (18") from the property line.
  - 4. A projecting *sign* may only be externally illuminated. Internal illumination is prohibited.
- E. Hanging *Sign*
  - 1. A hanging *sign* must be located within five feet (5') of an accessible *building* entrance.
  - 2. A hanging *sign* cannot be illuminated.
  - 3. Hanging *signs* may encroach over public sidewalk but not over a *public right-of-way*. *Sign* must be a minimum of two feet (2') inside the curb line or edge of pavement, whichever is greater.
- F. Monument *Sign*
  - 1. Only one (1) freestanding *sign* is allowed per *road frontage*, except that one (1) additional freestanding *sign* is allowed for properties with five hundred feet (500') or more of *road frontage*.
  - 2. Monument *signs* must display the *road* address of the property. If the area of the address is five (5) square feet or less, the area does not count towards the allocation of *sign* area.
  - 3. A monument *sign* must be set back at least ten feet (10') from the *front lot line* and fifteen feet (15') from a *side lot line*.
  - 4. A monument *sign* may be externally illuminated. Internal illumination is prohibited.
  - 5. Monument *signs* shall be permitted in the public-right-of-way.

#### **5-9-16 Sign Illumination**

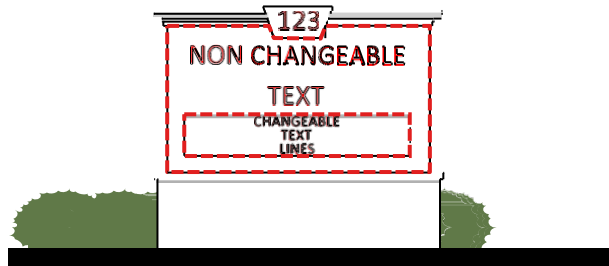
- A. Illumination of *signs* must be in accordance with the following requirements.
  - 1. Prohibited *Light Sources*
    - a. Blinking, flashing, and chasing.
    - b. Bare bulb illumination.
    - c. Colored *lights* used in any manner so as to be confused with or construed as traffic control devices.
    - d. Direct reflected *light* that creates a hazard to operators of motor vehicles.
    - e. Internal illumination.
    - f. *Lights* that outline property lines, sales areas, rooflines, doors, windows, or similar area are not allowed, except for seasonal lighting.
    - g. Neon lighting, except inside *building*.
  - 2. Externally Illuminated *Signs*
    - a. An externally illuminated *sign* is characterized by the use of artificial *light* reflecting off its surface.
    - b. Illumination must be by top-mounted *fixtures* aimed downward, and they cannot exceed two hundred (200) *lamp lumens* per square foot of *sign face*.
    - c. Illumination shall be incorporated into the *sign* bracket when possible.
  - 3. Illumination Curfew
    - a. The illumination of *signs* is prohibited after 12:00 AM unless required for public safety.



## 5-9-17 Changeable Copy Signs

### A. Manual Changeable Copy Signs

1. A *sign* or portion of a *sign* that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and is changed or re-arranged manually or mechanically with characters, letters, or illustrations that may be changed or rearranged without altering the face or the surface of the *sign*, such as a marquee *sign*.
2. Manual changeable copy is allowed in conjunction with an allowed wall or monument *sign* provided the changeable copy portion is no greater than fifty percent (50%) of the *sign* area.



### B. Digital Changeable Copy Signs

1. Digital changeable copy *signs* are prohibited unless for public safety notification.

# CHAPTER 6 SUBDIVISION DEVELOPMENT STANDARDS

## 6-1 General Provisions

### 6-1-1 Intent

The purpose of this Chapter is to provide standards for *subdivision development* to ensure that essential design elements such as *subdivision road layout, access, utilities, and open space* meet the minimum standards set forth by Teton County and the City of Victor.

### 6-1-2 Applicability

- A. This Chapter applies to all *subdivision development* in Victor Area of Impact per Section 4-13. This Chapter does not apply to short plat land divisions.
- B. The approval vehicle for all *development* standards included in this Chapter is a *Subdivision plat* per Section 4-13.
- C. No *buildings or structures* over two hundred (200) square feet in floor area, may be erected, constructed, moved, enlarged or structurally altered and no *lots, parcels or development sites* in whole or in part, may be developed until all required permits, plans, and specifications have been reviewed and approved by Teton County or other governmental approving agency as required.
- D. No services or *utilities* may be extended or furnished to any *development* until the *applicant* has installed or guaranteed the installation of on-site *improvements* specified in the LDC.

### 6-1-3 Phasing

- A. *Roads* and public *improvements* may be constructed in phases provided a phasing plan is approved as part of the *development* agreement.
- B. Each phase must stand alone and meet all the requirements of the LDC without depending on *improvements* in later phases to function as intended.

### 6-1-4 Acceptance

*Roads* and public *improvements* will not be officially accepted until a letter from the project engineer has been received notifying Teton County that the *improvements* have been completed, the *improvements* are inspected by Teton County, any necessary corrections are made in the field and on the approved construction drawings, a reproducible copy of the record drawings is provided to the Public Works Director, and the warranty required in Section 6-1-5 is provided to Teton County. *Roads* and public infrastructure *improvements* shall be completed and accepted by Teton County prior to recording the final *subdivision plat*.

### 6-1-5 Warranty

- A. All *roads* and public *improvements* must have a warranty guaranteeing the work against defects for a period of two (2) years from the date of final acceptance.

- B. If the *improvements* are constructed at different times, then the guarantee must continue until two (2) years from the date of final acceptance of the *improvement* last completed.
- C. The warranty must list Teton County as a beneficiary.
- D. A warranty surety must be provided in an amount of ten percent 10% of the estimated value of the warranted *improvements*. The surety must expire six (6) months after the expiration of the warranty period.

#### **6-1-6 Easements**

- A. Where *utilities* are not provided within a dedicated *road* right-of-way, *easements* of not less than twenty feet (20') shall be provided to accommodate water lines, sanitary sewer lines, and/or stormwater drainage, irrigation ditches, and pipelines. The minimum width of *easements* for power lines, telephone lines, and other *utilities* shall be fifteen feet (15').
- B. Easements may also be required for shared access between properties, snow storage, and for providing adequate slope for *road* construction. In this case, the Administrator will specify the *easement* type and widths and may require additional *easement* width above the minimum in order to accommodate additional *utilities*, and future *utilities* or needs, or construction and repair of facilities.

#### **6-1-7 Subdivision Name**

The proposed name of a *subdivision development* shall be approved by Teton County to ensure it is not a duplicate or phonetically similar to the name of any other *subdivision* in Teton County.

#### **6-1-8 Survey Monuments**

Survey *monuments* must be installed in accordance with Idaho Code Sections 50-1303 and 54-1227 at all *road* centerline intersections and points where the centerline change directions, at all points, witness corners, and reference points on the exterior boundary where the boundary line changes directions, and at all *lot* and *block* corners.

#### **6-1-9 Homeowners Association**

In residential *developments*, common areas, *roads* and stormwater management facilities associated with the *development* must be maintained by a homeowner's association unless the facilities are dedicated to and accepted by Teton County. Documentation of homeowner's association creation (including articles of incorporation and by-laws) must be submitted to the Planning Administrator at the time of final *plat* Approval.

#### **6-1-10 Postal Delivery System**

One or more *cluster* box units (CBU), approved for use by the USPS, may be provided for residents in new residential *developments*. No mailboxes may be located in a sidewalk or right-of-way so as to impede pedestrian or vehicular traffic.

## **6-2 Road Layout and Access**

### **6-2-1 Intent**

The intent of this Section is to provide a well-connected *road* network with access points that provide safe and convenient vehicular and pedestrian access between adjacent *developments*.

### 6-2-2 Subdivision Roadway Layout

- A. *Roads* must be aligned to join with planned or existing *road*, including *roads* that follow the Teton County *Road* network at increments of 1 mile (1000's) and ½ mile (500's).
- B. *Road* jogs with centerline offsets of less than one hundred twenty-five feet (125') are not allowed.
- C. All *roads* shall intersect at approximate right angles ninety degrees (90°) with a minimum intersecting angle of seventy degrees (70°).
- D. The Public Works Director may modify the *road* layout requirements where slopes in excess of twenty percent (20%), waterways, railroads, preexisting *development*, conservation areas, *open space*, or *easements* would make the provision of a complete *block* using *roads* spaced at one (1) mile and half (½) mile increments infeasible.

### 6-2-3 Subdivision Access

- A. No *subdivision* may be designed to eliminate *road* access to adjoining *parcels* that do not have existing *road* access.
- B. All *subdivisions* over two lots shall create an internal subdivision road for access to all proposed lots.
- C. All *subdivisions* must provide at least one entrance/exit to a public or *private road*. The *subdivision* must provide all necessary *easements* for ingress and egress for police, fire, emergency vehicles, and all operating *utilities*.
- D. Every new *lot* must abut a public or *private road* or access *easement*.
- E. Teton County recognizes the Local Highway Technical Assistance Council Manual for Use of Public Right of Way Standard Approach Policy for access guidelines.
- F. A pathway may be required within *subdivisions* as part of the *public right-of-way* or as a separate *easement*. In addition, if a County or City of Victor adopted pathways plan shows a pathway through or adjacent to the proposed *development*, the *applicant* is required to show the location of that pathway and propose an on-site pathway that connects to the master planned pathway system.

### 6-2-4 Stub Roads

- A. Where a *subdivision* adjoins unsubdivided land, stub *roads* within the new *subdivision* shall be required to provide future access to the *abutting* property.
- B. The stub *road* right-of-way, surface, and/ or curbing must extend to the boundary of the *abutting* property to the point where the connection to the anticipated *road* is expected.
- C. Where a stub *road* is provided, a barricade using a design approved by the Public Works Director must be constructed at the end of the stub *road*. A *sign* noting the future *road* extension must be posted.
- D. If a stub *road* exists on an *abutting* property, the *road* system of any new *subdivision* must connect to the stub *road* to form a through *road*.
- E. The Public Works Director or BoCC may eliminate the requirement for a stub *road* or require pedestrian only access when:
  - 1. Slopes in excess of twenty percent (20%), waterways, railroads, pre-existing *development*, conservation areas, *open space* or *easements* would make the provision of a stub *road* infeasible.

## 6-3 Road Design Standards

### 6-3-1 Intent

- A. The intent of this Section is to provide a palette of *road* types and design elements for *road* development within the City of Victor's Area of Impact.
- B. All new *roads* in the City of Victor's Area of Impact must meet the guidelines and requirements in the amended "Highway & Road Guidelines for Designs and Construction in Teton County", found in Appendix A, and the requirements of this Section.
- C. Teton County supports the use of context sensitive design solutions and will review projects on a case-by-case basis for conformance with these concepts.

### 6-3-2 General

- A. *Site plan* approval and an Access/Encroachment Permit must be obtained from Teton County prior to installing any new *roads* or driveways.
- B. *Applicants* must dedicate sufficient right-of-way to Teton County for *roads*, drainage, *utilities*, and sidewalks where applicable. All road easements are to be dedicated to the City of Victor upon annexation.
- C. The Public Works Director may require turn lanes and additional right-of-way to accommodate these lanes.
- D. The costs for constructing new or upgrading existing *roads* required to accommodate traffic generated by the proposed *development* shall be borne by the *applicant*. This includes any *roads* needed to connect the proposed *development* with the nearest County *road* or state *highway* for primary access.
- E. All new subdivision roads in the City of Victor's Area of Impact shall be of a paved surface as approved by the amended "Highway & Road Guidelines for Designs and Construction in Teton County", found in Appendix A.

### 6-3-3 Private Roads

- A. All *private roads* must be constructed to equal or exceed the *development* and dimensional standards for *public* roads and must be approved by the Public Works Director. Road surface must be paved.
- B. A *public right-of-way* may be required to be dedicated; however, this does not imply the *private road* will be publicly maintained.
- C. A final *plat* or *site plan* that contains *private roads* must clearly state that such *roads* are *private roads*.
- D. In residential *subdivisions* where *private roads* are proposed, the Public Works Director may require a *public road* for inter-*parcel* connection or cross-access.

### 6-3-4 Gated Roads

- A. Gated *public* or *private roads* are not allowed. No gate may be installed within *public right-of-way*.

**6-3-5 Dead End Roads**

- A. New dead-end roads should be avoided. When a new *development* is being designed Stub Roads should be added where possible for future connection or connected to existing neighboring stub roads. See Section 6-2-4.
- B. Dead-end roads or driveways more than one hundred fifty (150) feet in length shall have an approved fire apparatus turn-around that is in conformance with the most recent adopted edition of the International Fire Code and meets other applicable adopted standards of the Teton County Fire Protection District. The road length is measured along the centerline of the road from the center of the intersection to the center of the turnaround.

**6-3-6 Road Names**

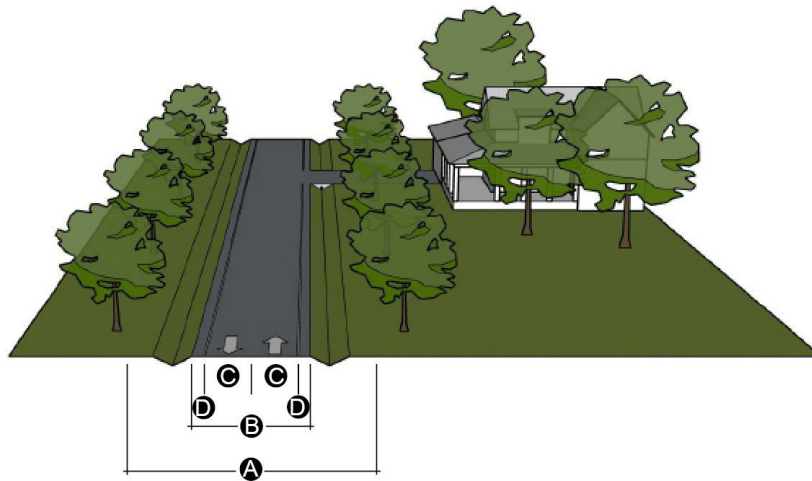
- A. New roads must be approved by Teton County to provide continuity with existing roads and to prevent conflict with identical or similar roads names.
- B. Roads lying on approximately the same line must have the same name unless the roads are offset more than one thousand feet (1,000’).

**6-3-7 Road Types**

- A. General

All new or extended public and *private roads* must meet the requirements of the amended “Highway & Road Guidelines for Designs and Construction in Teton County”, found in Appendix A, as approved by the Public Works Director. Basic roadway dimensions, in accordance with the Highway and Street Guide, are included below for the three primary road types.

- B. Roadway Dimensions



Local Roads		
Right-of-way width	60’ max, 50’ min	A
Road width	22’ min	B
Travel Lane	10’ min	C

Shoulder	2'	D
Major Collectors		
Right-of-way width	60' max, 50' min	A
Road width	30'	B
Travel Lane	11' min	C
Shoulder	4'	D
Minor Collectors		
Right-of-way width	60' (50' min.)	A
Road width	24'	B
Travel Lane	10' min	C
Shoulder	2'	D

## 6-4 Utilities

### 6-4-1 Intent

The intent of this Section is to provide standards for adequate *public utility* systems to meet the needs of the proposed *development* while protecting the health, safety, and welfare of the public and avoiding damage to the environment.

### 6-4-2 Water and Wastewater

- A. Potable Water Supply. Any Lot not connected to a public or community potable water system must meet all state requirements for the use of individual water wells. Individual wells must be drilled by a licensed well driller and require a permit from the Idaho Department of Water Resources.
- B. Potable Water Supply System. For *developments* of ten (10) or more lots with proposed residential *density* of two (2) or fewer acres per residence, a potable water system shall be provided to meet the following:
  1. Where an approved public or community water supply is within five hundred feet (500') of a proposed *development* under these conditions, the *applicant* shall make *application* to the appropriate authority to connect to such water supply. If approval is granted, the *applicant* shall connect to the system and install water lines to make the water supply available to each *lot of record* within the *development* at its property line. The *applicant* shall install water meters to record and bill for water consumed by the individual property.
  2. Public or Community Water Supply Not Accessible. Where a community water supply is not available, the *applicant* shall, at the discretion of the BoCC, provide one of the options below, either:
    - a. Preferred option - Install Central Water Supply System. The *developer* of the subdivision shall install a central water supply system with all distribution lines and lateral water lines to the lot line of each *lot of record* from wells or other approved sources in accord with Idaho Department of Water Resources, Eastern Idaho Public Health Department, Idaho Department of Environmental Quality, and with the approval of the County Public Works Director. The Central Community Water System shall have a licensed operator who has responsibility for operating and maintaining the system. The Community Water Supply system shall be designed to meet all relevant State and Federal Standards and be approved by the County Public Works Director and Department of Environmental Quality prior to installation. The *developer* shall install water meters for billing purposes and water meter pits to ensure that the connections to the main supply lines are protected from tampering, OR
    - b. Provide Evidence of Water Supply Available to Each *Lot of Record*. Submit evidence satisfactory to the County Public Works Director that an adequate water supply meeting all State and County requirements is otherwise available to each *lot of record* in the proposed *development*, such as by an individual well provided that a well meets requirements of Idaho Department of Water Resources for utilizing such a well. The



*developer* shall demonstrate why a community or central water supply cannot be provided for the *development*.

- C. Wastewater Treatment. Any *lot* not connected to a public or community wastewater system must meet all state requirements for the use of individual on-site wastewater systems. Each *lot* shall have an Eastern Idaho Public Health site evaluation at the time a property owner applies for a septic system. All septic systems in the subdivision shall be properly designed and constructed in accord with Eastern Idaho Public Health, Idaho Department of Environmental Quality and the then current Individual Subsurface Sewage Disposal Rules, IDAPA 58.01.03 and the Technical Guidance Manual. Further, *subdivision covenants*, Conditions and Restrictions (CC&Rs) shall require adequate septic tank maintenance in accord with current Eastern Idaho Public Health and Idaho Department of Environmental Quality recommendations.
- D. Wastewater Treatment. For *developments* of ten (10) or more lots with proposed residential *density* of two (2) or fewer acres per residence, a wastewater treatment shall be provided to meet the following:
  - 1. Where a public wastewater treatment or sanitary sewer system is located within five hundred feet (500') of a proposed *development* under these conditions, the *development* proponents must submit an *application* to the appropriate public entity to connect to that system. If the entity approves the connection, the costs of connection for every Lot in the *development*, including any necessary extension of mains or expansion of system capacity, is the responsibility of the *applicant*.
  - 2. Where a public wastewater treatment or sanitary sewer system is not located within five hundred feet (500') of the proposed *development* and is not reasonably available, the *development applicant* shall install sewage disposal facilities which meet approval by Eastern Idaho Public Health, Idaho Department of Environmental Quality and the County Public Works Director. The *applicant* shall provide as a part of the *application* for the *development*, an engineering trade-off study prepared by a civil engineering firm licensed in the State of Idaho that examines the cost benefits of each option considered for treating the sewage produced at each lot or collectively for the entire *development*. The study shall consider, at a minimum, a private septic system located at each proposed lot and shall compare that option with a single or multiple public sewer system located within the *development*. If a study is not included in the *application*, that may be grounds for rejection from consideration of the *application*.
    - a. The *applicant* is encouraged to provide a centrally located septic system within the confines of the *development* that is properly sized to accommodate the needs of all lots within the *development*.
    - b. The septic system shall be designed by a registered professional engineer and approved by the Eastern Idaho Public Health Department and Idaho Department of Environmental Quality. The *applicant* shall furnish a report of percolation, groundwater, and soil tests. These tests shall be performed in sufficient numbers and completed on the land by a licensed engineer or land surveyor indicating that enough soil tests are made in

separate test holes, spaced uniformly over proposed absorption field sites, and that the results of such tests indicate that percolation rates and high groundwater levels are adequate to permit the installation of the proposed type of soil absorption system without creating sanitation or pollution problems.

- E. *Subdivisions* with *lot* sizes that are less than one (1) acre must provide a community water supply and/or wastewater treatment system that meets all requirements of the Eastern Idaho Public Health Department and the Idaho Department of Environmental Quality. A taxing district or homeowners association with the power to compel the payment of dues, assessments, or taxes through liens on individual properties shall also be created to maintain and replace system components.
- F. Any *lot* not connected to a public or community water or wastewater system must meet all state requirements for the use of individual water wells and/or individual on-site wastewater systems.

#### **6-4-3 Electric and Telecommunications**

- A. Electric and telecommunications service to each *lot* is required for all new *subdivision developments*.
- B. Within the *development*, all new electric and telecommunication utility lines must be placed underground.
- C. Ground mounted electrical transformers and communication pedestals must be located within the *public right-of-way* or a dedicated utility *easement*.

#### **6-4-4 Fire Protection**

- A. All *roads* must be designed to meet the standards set forth by the International Fire Code and adopted by the Teton County Fire Protection District.
- B. Adequate fire protection must be provided in accordance with the International Fire Code and the “Teton County Fire Protection District Fire Protection Resolution for Subdivisions” as adopted by the Teton County Fire Protection District.
- C. The location and specifications of fire protection facilities required to serve the *development* must be approved by the Teton County Fire Protection District.

### **6-5 Conservation Areas**

#### **6-5-1 Intent**

The purpose of this Section is to establish standards for required *open space* conservation areas. The intent is to prioritize the use of certain best practices to ensure that required conservation areas achieve the community’s goals for preserving resources that are important to the ecological value and economic *development* of the County as identified in the *comprehensive plan*.

#### **6-5-2 Applicability**

This Section shall apply to any *subdivision* that includes the conservation values indicated in Section 6-5-3 on the proposed site.

### 6-5-3 Conservation Values in Subdivisions

- A. Chapter 5 of this Code establishes *development* standards to protect natural resources, including *riparian areas* and wildlife habitats. The conservation values listed below that are present on a *development site* shall be included in designated *open space*, and may be designated by a conservation *easement* or *open space lot*. When configuring a required conservation area, the identified conservation values shall be prioritized in the order listed here.
- B. Riparian Corridors  
Where riparian corridors as defined in Section 5-4-2 of this Code are present, they are considered conservation values.
- C. Wildlife Habitat  
Where Indicator Wildlife Habitats identified in Section 5-4-1 of this Code exist, protection of wildlife, wildlife habitat, and wildlife movement through the *development* area shall be considered a conservation value.
- D. Agriculture  
Where active agricultural operations exist, protection of agricultural uses on the *development* area are considered to be a conservation value.
- E. Scenic Resources  
Where scenic resources defined in Section 5-5 of this Code are present, they are considered to be a conservation value.
- F. Recreation/Access  
If none of the above-listed conservation values exist in the *development* area, provision of public access and recreation shall be considered a conservation value. Granting of public access to a conservation area is not required when public access is not a protected conservation value.

### 6-5-4 Design

- A. Conservation areas and the associated *development* areas shall be designed to meet the following standards:
  - 1. The conservation area shall be maximized to avoid decreased conservation value due to size, isolation, or fragmentation.
  - 2. Primary access to *development* areas shall not divide conservation areas.
  - 3. A conservation area may cover multiple *parcels* or *lots of record*. In such a case, the conservation area on each *parcel* or *lot of record* shall meet the following standards:
    - a. It shall be large enough to contribute to the conservation value(s) of the conservation area.
    - b. *Contiguous parcels* making up a conservation area shall not be separated by fencing or otherwise visually or functionally separated, except as may naturally occur.

B. Connecting Conservation Areas

Configuration of conservation areas should consider connection to adjacent, existing conservation areas, protection of the conservation values, and the potential value that might result from future conservation of adjacent property.

**6-5-5 Uses**

A. Stewardship and restoration that enhances the conservation value(s) of the conservation area shall be allowed. Any physical *development*, use, or *subdivision* allowed in a conservation area shall be consistent with the protected conservation value(s) identified for the conservation area.

B. Physical *Development* in Conservation Area

Physical *development* activities that are allowed in the conservation area shall be scheduled to limit impacts to the protected conservation value(s) of the conservation area.

C. Temporary Impact to Conservation Area

Impacts from temporary physical *development* or use shall be avoided. When a temporary impact cannot be avoided, conservation features shall be restored consistent with the protected conservation value(s) of the conservation area.

D. Existing *Special Use* in Conservation Area

Review of a proposed conservation area on the site of an existing *special use* (formerly known as a conditional use) may include review of the *special use* Permit to evaluate the cumulative impact of all permitted uses and *development* options on the site's *open space* as compared to the use of the site at its base residential *density*.

E. Wildlife Habitat Protection in Conservation Area

When wildlife habitat is a protected conservation value, the following shall be considered in *development* project design.

1. The impact of domestic pets on wildlife.
2. Limited chemical use in order to minimize unnecessary and negative side effects on wildlife. This shall not be read to restrict the use of chemicals in support of agriculture or control of noxious weeds.
3. The effects on wildlife in determining off-*road* use of motorized vehicles.

F. Recreation in Conservation Areas

Recreation shall be managed to be consistent with, and reduce impacts to, the protected conservation value(s).

**6-6 Nutrient Pathogen Evaluation**

**6-6-1 Intent**

- A. The intent of this Section is to ensure that ground and surface water quality is protected from contamination from on-site sewage systems.
- B. Nutrient-Pathogen (NP) evaluations are designed to locate an appropriate number of on-site wastewater treatment systems (for example, septic systems) for full build-out of any given *parcel* of land and to direct the placement of the on-site wastewater treatment systems in a way

that will not degrade the quality of ground water resources and will comply with the Idaho Ground Water Quality Rule and the Idaho Water Quality Standards (IDAPA 58.01.02) for surface water.

### **6-6-2 Applicability**

- A. This section applies to:
  - 1. *Subdivision developments* with thirty (30) acres or less average *density* with standard on-site septic systems or twenty (20) acres or less average *density* with advanced nutrient reducing on-site septic systems.
  - 2. *Subdivision developments* with seventy-five (75) acres or less average *density* with standard on-site septic system or forty (40) acres or less average *density* with advanced nutrient reducing on-site septic systems.
  - 3. *Subdivisions* that lie within Nitrate Priority Areas identified by Idaho Department of Environmental Quality (DEQ) and all proposed Large Soil Absorption Systems (LSAS), both of which require a Nutrient Pathogen Evaluation submitted to DEQ.

### **6-6-3 Qualified Professional**

- A. Type I NP Evaluation  
When an NP evaluation is required by Teton County, it must be performed by a qualified professional with a background in geology, hydrogeology, soil science, geochemistry, or related engineering disciplines who is registered in the State of Idaho as a Professional Geologist or *professional engineer*, and who has experience conducting similar kinds of studies, hereafter called Qualified Professional.
- B. Type II NP Evaluation  
Level II NP evaluations conducted to satisfy County requirements shall be completed by a Qualified Professional who also has professional experience in groundwater modeling.

### **6-6-4 Approval Standards**

- A. Process  
The BoCC, upon recommendation by the Victor P&Z, shall approve or deny the NP Evaluation based on the comments and recommendations from the DEQ (or a third party Qualified Professional in the event that DEQ is unable to perform the review), and on information provided by the County's technical representative. In order to be approved, a NP Analysis must demonstrate that the approval is consistent with the approval criteria defined in sub-section B below.
  - 1. If the NP Evaluation is not approved by the County based upon the comments or recommendations made by DEQ (or a solicited third-party Qualified Professional) and feedback from the County's technical representative, then the following actions may be taken:
    - a. The *applicant* may choose to make modifications based on recommendations made by the Victor P&Z, the BoCC, the County's technical representative, and the DEQ; or
    - b. The *applicant* may choose to reduce the *density* or adjust the site layout so that the proposal septic disposal systems (quantity and layout) meet DEQ requirements; or

- c. The *applicant* may elect to conduct a Level II NP Evaluation based on the original *development* design. The *applicant* must then submit the Level II NP Evaluation to the County. The review process shall then proceed with DEQ review/comment and a County decision of approval that should be based upon that review and associated feedback.
  - d. Alternatively, the *applicant* may choose to connect to an existing municipal sewer line, if available.
2. Following action taken to address comments or recommendations stated in A.1 above, the County should then base its approval decision upon comments and recommendations provided by DEQ's review of the revised NP Analysis and associated materials.

#### B. Approval Criteria

In order to be approved, an NP evaluation must demonstrate that the approval is consistent with DEQ's criteria for approval, that the County's guidelines have been followed, and that the following conditions are satisfied:

1. Appropriate data collection, analysis techniques, and evaluation procedures are utilized in light of specific site characteristics, conditions, layout, etc.
  2. Discharge from the proposed on-site wastewater treatment systems will not significantly degrade ground water quality beyond existing background levels and will otherwise comply with Ground Water Rule (IDAPA 55.01.11);
  3. Discharges from the *development* will comply with Idaho Water Quality Standards (IDAPA 58.01.02);
  4. Discharges from the *development* will be consistent with the approved Total Maximum Daily Load (TMDL); and
  5. The *application* complies with all applicable criteria specified in Individual/Subsurface Sewage Disposal Rules IDAPA 58.01.03) and County guidelines.
- C. Minimum Review Recompense and Total Cost  
When an NP evaluation is required by DEQ, EIPHD, or Teton County, an NP evaluation minimum review recompense shall be paid by the *applicant* to Teton County.
  - D. A NP evaluation waiver may be requested during the *concept plan* phase of *application* for relief from these standards if on-site scenario does not appear to warrant the need for a NP evaluation. Waiver will then be reviewed by PZC as part of the *application* process.

## CHAPTER 7 DEFINITIONS

### A

- **Abutting.** Having property lines in common. Separation by a *fee simple* dedicated right-of-way is not considered *abutting*. Touching at the corners is not considered *abutting*.
- **Accessory Building.** A *building* or *structure* not used for human habitation the use of which is customarily accessory to and incidental to that of the *principal* use located on the same *lot* and that is used as a tool or storage shed, or similar use.
- **Accessory Dwelling Unit (ADU).** A secondary, independent residential *dwelling unit* located on the same lot as a principal residence or structure. *ADUs* can either be attached to the principal structure or detached.
- **Area Of Impact (AOI) Agreement.** Agreements between the BoCC and an incorporated *city* that establish the allocation of authorities related to zoning and *subdivision* as required by Idaho Code section 67-6526. AOI Agreements include originally adopted agreements, as well as duly adopted revisions between the parties.
- **ADA Accessible.** A *building site*, *building*, facility, or portion thereof that complies with the minimum standards of the Americans with Disabilities Act of 1990 (ADA) found in the 2010 ADA Standards for Accessible Design document, ([http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards\\_prt.pdf](http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards_prt.pdf)), or future revisions.
- **Adversely Affect/Adverse Effect.** Effects that are a direct or indirect result of the proposed action or its interrelated or interdependent actions given that the effect is not discountable, insignificant or beneficial. Discountable effects are extremely unlikely to occur. Insignificant effects relate to the size of the impact and should never reach the scale where a take occurs. Based on best judgment, a *person* would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. Beneficial effects are contemporaneous positive effects without any *adverse effects*. In the event that the overall effect of the proposed action is beneficial, but is also likely to cause some *adverse effects*, then the proposed action is considered to result in an *adverse effect*.
- **Affected Person.** A party having a bona fide interest in real property that may be *adversely affected* by actions under the LDC, as defined under Idaho Code section 67-6521.
- **Agent.** A *person* who legally represents the *developer* and the *owner* and such legal authorization shall be on file, in writing, with the *Planning Department* of the County.
- **Agricultural Building.** A *structure* designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This *structure* shall not be a place of human habitation or a place of full-time employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

- **Alley.** A public or private thoroughfare which affords only a secondary means of access to *abutting* property.
- **Appeal.** A request for review of a previously made decision or interpretation of provisions of this Code. The procedure is outlined in this Code.
- **Applicant.** The *applicant* refers to the *person or persons* who file an *application* with the Planning Department seeking relief or authority under this Code.
- **Application.** The documents submitted to the County to apply for a permit to fulfill the requirements of the County ordinances with regard to land use. An *application* is deemed complete and officially received by the County at the time the applicable *application* checklist items are complete and confirmed in writing and dated by the Administrator.
- **Average Density.** The number of *dwelling units* per acre of the total land to be developed including land dedicated to public use.

## B

- **Berm.** A shaped and sloped mound or embankment of earth capable of holding vegetation or ground cover, usually two to six feet high, used to shield or *buffer* a property from adjoining uses, *highways*, or noise.
- **Bioretention.** The process of using soil, plants, and microbes to treat stormwater before it is infiltrated or discharged.
- **Block.** The space along one side of a *road* between the two (2) nearest intersecting *roads* or between an intersecting *roads* and a right of way, waterway or other similar barrier, whichever is lesser.
- **Boundary Adjustment.** The adjusting of common property lines or boundaries between *contiguous tracts*, or *parcels* for the purpose of accommodating a transfer of land or rectifying a disputed property line location. The resulting adjustment shall not create any additional *tracts* or *parcels* and all reconfigured *tracts* or *parcels* shall contain sufficient area and dimension to meet minimum requirements for zoning and *building* purposes. See Div. 14.10.2.A
- **Buffer.** An area of natural vegetation or man-made construction that is intended to provide a dimensional separation between dissimilar land uses or protection of sensitive lands. A *buffer* may secondarily provide a visual screen between land uses.
- **Building.** Anything attached to the ground having a roof supported by columns or by walls and intended for shelter, housing or *enclosure* of *persons*, animals or personal property. For purposes of this code.
- **Building Envelope.** That area of a *lot* that encompasses all *building improvements* and appurtenances including but not limited to: Excavation, fill, grading, storage, demolition, *structures*, decks, roof overhangs, porches, patios and parking. *Building envelopes* are required in certain *developments* throughout the County to protect scenic vistas and to ensure defined *building sites* within special *development subdivisions*.
- **Building, Principal.** A *building* that contains the *principal* use on the *lot* on which the *building* is situated.



- **Building Site.** An area proposed or provided and improved by grading, filling, excavation or other means for erecting pads for *buildings*.

## C

**Campground.** A *campground* is a *parcel* of land under single, unified, ownership or control, within which spaces are rented or used by the ownership for occupancy by two (2) or more tents, *recreational vehicles*, cabin sites or travel trailers for nightly or short-term rental.

- **City.** The *city* having jurisdiction of the *parcel* of land under consideration.
- **Cluster.** An arrangement of adjoining residential *lots* in groupings that allow closer spacing than would be generally permitted, where the reduced *lot* sizes are offset by *open space*, and where groupings of *lots* are limited in size and location in order to reduce the perception of a single large *development* and to preserve rural and open character.
- **Color Temperature.** A measure of the color spectrum of *light*, specified by the *lamp* manufacturer and displayed as “*Light Appearance*” on Lighting Facts packaging labels.
- **Comprehensive Plan.** The most recent plan or any portion thereof, adopted by the BoCC, which includes all the land within the jurisdiction of the BoCC. The plan with maps, charts, and reports shall be based on components outlined in Title 67-6508 of the Planning Act.
- **Concept Plan.** The first formal presentation of the three-phase process for *subdivision development* as required in Section 4-13.
- **Contiguous.** Touching at more than just a corner point.
- **Council.** The *City Council* of an incorporated *city* within the County.
- **County Clerk/Auditor/Recorder.** The office of Teton County Clerk/Auditor/Recorder.
- **County Road Standards.** The “Highways and Road Guidelines for Design and Construction” manual for Teton County, Idaho, as adopted.
- **Covenant.** A written promise or pledge or contract recorded on/within a public or official document of the County.
- **Culvert.** A drain that channels water under a bridge, *road*, or driveway.
- **Club/Lodge.** A day-use facility for nonprofit, educational or recreational social gatherings.

## D

- **Dedication.** The setting apart of land or interests in land for use by the public by ordinance, resolution, entry in the official minutes or by the recording of a *plat*. Dedicated land becomes public land upon the acceptance by the County.
- **Density.** A unit of measurement for the number of *dwelling units* per acre of land. This is sometimes expressed in the reciprocal, as in 5 or 20 acres per unit.
- **Density, Average.** The number of *dwelling units* per acre of the total land to be developed including land dedicated to public use.

- **Design Professional.** The Architect, Landscape Architect, Surveyor, or Engineer registered or licensed to practice in the State of Idaho. When used in this Code, *design professional* means the professional with qualifications to perform the work.
- **Developer.** A person who undertakes land *development* or *subdivision* activities.
- **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of *buildings, structures* or *accessory buildings*, or the construction of additions or substantial *improvements* to *buildings, structures* or *accessory buildings*, or associated infrastructure. a.
- **Development Activity.** The construction of *buildings, structures, or accessory buildings*; excavation, grading and vegetation removal; additions or substantial *improvements* to existing *structures*; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; and the construction or elevation of dikes, *berms* and levees, etc.
- **Development Site.** That portion of a property that will be dedicated to a proposed *development*.
- **Direct Impact.** Those effects caused by the proposed action and occurring at the same time and place.
- **Direct Light.** Light emitted directly from a *fixture's light* source, namely from the *lamp* and its diffusing, reflecting, refractive, focusing, or other integrated *fixture* elements designed to project and radiate *light*.
- **Distribution.** The pattern of *light* produced by a *lamp* or *light fixture*.
- **Disturb.** Human change that causes a material difference in the physical, chemical or biological characteristics of the land. A disturbance may either improve or degrade land use. Cleared land, graded land, or land affected by subsurface testing are examples.
- **Dwelling.** A *building* designed, arranged or used for habitation, including permanent or temporary living and sleeping quarters.
- **Dwelling Unit.** A *structure* for *habitable space* which shall not include a mobile living unit, hotel, dormitory, or hospital. A single unit providing complete independent living facilities for one or more *persons*, including permanent Kitchen and *Sanitation Facilities*, and provisions for living, sleeping, and eating.

## E

- **Easement.** A right of use over the property of another. The use and area affected (if relevant) need to be clearly defined, as does to whom the *easement* was granted (public or private entity), or who can use the *easement* for the specified purpose.
- **Easement Prescriptive.** Real property that has met the following five conditions-
  - o The use by the public or a private party has been open and notorious;
  - o The use by the public or a private party has been continuous and uninterrupted;

- The use by the public or a private party is adverse and under claim of right
- The use by the public or a private party is with the actual or imputed knowledge of the *owner* of the servient tenement (the property burdened by the *easement*)
- The use by the public or a private party has continued for five years or more
- **Easement Public.** A right of use over real property that has been granted, dedicated, or deeded to a governmental jurisdiction, or the public for a limited purpose. It differs from a *fee simple right-of-way*, in that the real property is owned by the jurisdiction in a *fee simple right-of-way*.
- **Eligible Parcel.** An “existing *parcel*”, as defined, or a “new *parcel*” or “*lot*” created and approved under the current or previous land division process, short *plat* process or full *plat* process of Teton County; *parcels* of land must be “*eligible parcels*” to be eligible for residential *building* permits or commercial *building* permits, as allowed by their zoning designation; if a residence exists on an *eligible parcel*, no *building* permits for additional *dwellings* (not including accessory *dwellings*) can be issued for this *parcel* except under the provisions of Div. 14.5 Subdivision Review of this Code. SEE ALSO NON-ELIGIBLE PARCEL.
- **Enclosure.** An area enclosed by solid walls or an area formed when any space is enclosed on all sides by walls or partitions. Insect *screening* or open wood lattice used to surround space is not considered an *enclosure*.
- **Encroachment.** The physical advance or infringement of uses, fill, excavation, *buildings*, *structures*, or *development* into a required *setback*, across a property line or into a designated area such as - *floodplains*, *wetlands*, *streams*, etc.
- **Existing Manufactured Home Park or Manufactured Home Subdivision.** A *manufactured home park* or *manufactured home subdivision* where the construction of facilities for servicing the *lots* on which the *manufactured homes* are to be affixed (including at a minimum the installation of *utilities*, the construction of *roads* and final site grading or the pouring of concrete pads) is completed before 03/31/2000.
- **Expansion To an Existing Manufactured Home Park or Subdivision.** Means the preparation of additional sites by the construction of facilities for servicing the *lots* on which the *manufactured homes* are to be affixed, including the installation of *utilities*, the construction of *roads* and either final site grading or the pouring of concrete pads.

## F

- **Family.** One or more *persons* occupying a *dwelling unit* and living as a single, nonprofit housekeeping unit, provided that a group of 5 or more *persons* who are not within the second degree of kinship shall not be deemed to constitute a *family* unless such 5 or more *persons* qualify as a group residence as described in Idaho Code section 67-6531.
- **Federal Emergency Management Agency (FEMA).** The agency with the overall responsibility for administering the National Flood Insurance Program.
- **Fee Simple.** Ownership of land without limitation or condition.

- **Fee Simple Right-Of-Way.** A portion of land that is described on a deed, *survey* or *plat*, and ownership of the *parcel* is transferred to by a public entity for the use of public access or *utilities*.
- **Fire Authority or Fire District.** The Teton County Fire Protection District.
- **Fixture.** The complete lighting unit (*luminaire*), consisting of a *lamp*, or *lamps* and ballast(s) (when applicable), together with the parts designed to distribute the *light* (reflector, lens, diffuser), to position and protect the *lamps*, and to connect the lamps to the power supply.
- **Flag.** A piece of durable fabric or other flexible material with distinctive colors and patterns mounted by attaching one side to a freestanding pole or a pole attached to a *building*.
- **Floodlight.** *Fixture* that projects *light* in a broad, directed beam, typically of two *lamp* types: simple *lamps* whose supporting optic elements are part of the *fixture* casement having wide beam- spread angles up to 110 degrees; or sealed-beam *lamps* with internal parabolic reflectors having narrower beam-spread angles of 25 to 55 degrees. Designation as a *floodlight* is ordinarily displayed on *lamp* packaging.
- **Floodplain or Flood-Prone Area.** Any land area susceptible to being inundated by water from any source (see definition of “flooding”).
- **Floodway.** The channel of a river or other *watercourse* and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
- **Footcandle.** The unit of measure expressing the quantity of *light* received on a surface. One *footcandle* is the *illuminance* produced by a candle on a surface one foot square from a distance of one foot measurable by a *light* meter. In this Code, *footcandle* units are referenced to the initial-*lumen*- output rating of the *fixture lamp*.
- **Frontage.** The length of any one property line of a premises, which property line abuts a legally accessible *road* right-of-way.
- **Fully Shielded (Full Cut-Off) Luminaire.** A *luminaire* constructed and installed in such a manner that all *light* emitted by the *luminaire*, either directly from the *lamp* or a diffusing element, or indirectly by reflection or refraction from any part of the *luminaire*, is projected below the horizontal plane through the *luminaire*’s lowest *light*-emitting part. “Full cutoff” and zero uplight *fixtures* in particular meet this definition.

## G

- **Glare.** Lighting entering the eye directly from *luminaires* or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
- **Gross Floor Area.** The sum in square feet of the gross horizontal area of all floors of a *building* measured from the interior faces of the exterior walls or from the centerline of walls separating two *buildings* when two *buildings* or units abut. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, and could include enclosed porches and areas devoted to roofed accessory uses are included in the calculation of *gross floor area*.

However, the following is not included: any space devoted exclusively to on-site parking; outdoor loading, display, storage, utility service areas; and/or uninhabited enclosed space on tops of roofs; or attic space having head room of less than 7'-10".

## H

- **Habitable Space**– A space for human habitation that includes a *building* or *structure* intended to be used for living, sleeping, cooking, and dining.
- **Health Authority**. Eastern Idaho Public Health, of the Idaho State Department of Health and Welfare
- **Highway**. A *road* or *roads* designated as a *highway* by the state or federal government.
- **Hillside**. Sloping land with a rise or fall of more than one foot vertically for each 10 feet horizontally (10 percent slope).
- **HISTORIC STRUCTURE or SITE**. A *structure* or site that is:
  - o Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
  - o Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district.
  - o Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior, or
  - o Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
    - By an approved state program as determined by the Secretary of the Interior, or
    - Directly by the Secretary of the Interior in states without approved programs.
- **Holiday Lighting**. Strings of individual *lamps*, where the output per *lamp* is not greater than fifteen (15) *lumens*.

## I

- **Illuminance**. The amount of *light*, measured in foot-candles, falling on any point of a surface. All *illuminance* values in this Code shall be initial values based on new *lamps* and *fixtures*. Unless otherwise specified, "*illuminance*" refers herein to horizontal *illuminance*, measured at ground level.
- **Improvement**. Any alteration to the land or other physical construction associated with subdivisions and *building site developments*.

- **Improvement Plan.** The engineering drawings intended to be used in the construction of *road*, trail, water, sewer, drainage, drainage facilities, fire protection, landscape facilities, appurtenances, and other *improvements*.
- **Incidental Sign.** A permanent or temporary on- premises *sign* that is intended to provide information or direction for the convenience and necessity of the public. Such *signs* include but are not limited to entrance and exit *signs*, for sale *signs*, *building* numbers, names, addresses, private parking *signs*, telephone, no trespassing *signs* or dangerous animal *signs*, etc. These *signs* cannot be located in a public right of way or *easement*.

## J

- **Junk.** Dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, bed and bedding, rags, motor vehicles and parts thereof.
- **Junkyard.** A property on which old or scrap metal, rope, rags, batteries, paper trash, rubber, refuse, rubbish, debris, waste, 3 or more dismantled or wrecked vehicles and automobiles or parts thereof, iron, steel, and other old or scrap ferrous and nonferrous material or any matter having no substantial *market value* as a whole, which is exposed to the elements and is not enclosed in any *structure* or otherwise concealed from public view.

## K

- **Kitchen Facilities.** A permanently installed means for cooking, such as a range or cook-top, OR a permanently installed kitchen sink with the capacity to wash dishes.

## L

- **Lake/Pond.** A body of standing water larger than one-quarter acre in size, that is either natural or man-made, in a depression of land or expanded part of a river, *stream* or *creek*.
- **Lamp.** Component, tube, or bulb of a *fixture* that produces *light* when energized. Multiple *lamps* within a single *fixture* are *lumen*-rated additively as if a single *lamp*.
- **Lamp String.** Multiple, interconnected *lamps* attached to a single electrical source, but not additionally housed as is typical within a *fixture*. Included are “light strings” commonly used as *holiday lighting*, “rope lights” strung within a continuous protective sheath, and similar interconnected aggregations of LED *lamps* integrated within individual light-dispersing refractors.
- **Landscape Material.** Any combination of living plants and non-living materials, such as rock, pebbles, sand, mulch, pavers, *berms*, walls, and other decorative materials.
- **Landscaping.** The planting and arranging of *landscape materials* to enhance the aesthetic and functional qualities of a site.
- **Light.** Radiant energy that can be sensed or seen by the human eye. Visible *light* is measured in *lumens*.
- **Light Trespass.** *Light* that falls beyond the property it is intended to illuminate.
- **Lighting Plan.** Documents specific to a land use that describe the location and characteristics of all exterior lighting and the *light* levels on the property and at the property boundaries.

- **Lot of Record.** A lot that is part of a *subdivision*, the *plat* of which has been recorded in the office of the Recorder of Teton County, Idaho, or any *parcel* of land, whether or not part of a *subdivision*, that has been officially recorded at a size that met the minimum dimensions for *lots* in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the *lot* is located. A *lot of record* may be established by one of the following means:
  - a. For *parcels* created before June 14, 1999,
    - i. A recorded deed describing the *parcel* by a metes-and-bounds description of the boundaries, or
    - ii. A recorded *survey* with a metes-and-bounds description of the *parcel* boundaries, or
    - iii. An authorized, signed, and recorded *subdivision plat* or planned unit *development plat*, or
    - iv. A recorded “*Family Exemption*” *survey* with a Teton County authorization signature creating two or more *lots*.
  - b. For *parcels* created between June 15, 1999 and August 3, 2022;
    - i. A *one time only land split* that created no more than two distinct *parcels*, or
    - ii. A recorded Agricultural Exemption *survey*, recorded before September 22, 2003 (may be labeled “*Agriculture split*” or “*Agriculture break-off*”) that created one or more *parcels* of property, or
    - iii. An authorized, signed, and recorded *subdivision plat* or planned unit *development plat*.
  - c. For *parcels* created after August 3, 2022;
    - i. An *agricultural land division*, or
    - ii. An Administrative Land Division, or
    - iii. An authorized, signed, and recorded *subdivision plat*.
- **Lot.** A *contiguous* quantity of land which is defined by *subdivision lot* number, government aliquot description, or metes and bounds description, recorded as the property of *persons* or entities with a legal description that addresses permissions or constraints upon its *development*.
- **Lot Area.** The area of any *lots* shall be determined exclusive of *road*, *highway*, or other rights of way.
- **Lot, Corner.** A *lot* *abutting* upon two or more *roads* at their intersection.
- **Lot, Interior.** A *lot* other than a *corner lot*.
- **Lot Line, Front.** The front property line coincident with a *road* right-of-way line. The side of the *lot* that abuts the *primary road* or if it does not directly abut the *primary road*, the side of the *lot* that the front door faces.
- **Lumen.** A rating; a manufacturer-supplied measure of *light* emitted from a *lamp*. All *lumens* in this Section are initial *lumens*, that is, the amount emitted by a new *lamp* after 100 hours of seasoning. *Lumens* are usually listed on *lamp* packages as “*Light Output*”. Also, the amount of

*light* a bulb produces or a quantitative unit measuring the amount of *light* emitted from a *light* source.

- **Luminaire.** The complete lighting unit, including the *lamp*, the *fixture*, and other parts.

## M

- **Manufactured Home.** A *building* with a permanent foundation that was built in compliance with HUD *manufactured home* construction and safety standards established under 42 U.S.C. Section 5401. Units manufactured prior to June 1976 not stamped approved by HUD shall not be considered a “*manufactured home*” as defined herein. For clarification, this definition excludes *recreational vehicles*, trailers, campers, and other similar units as may be defined in this Code. Idaho Code §39-4105
- **Manufactured Home Park or Manufactured Home Subdivision.** A *parcel* (or *contiguous parcels*) of land divided into two or more *manufactured home lots* for rent or sale.
- **Market Value.** The *building* value, not including the land value and that of any Accessory *Structures* or other *improvements* on the *lot*. *Market value* shall be the adjusted tax assessed values as established by the Teton County Assessor. This value may be modified by submittal of an independent certified appraisal.
- **Mitigation.** A design, action, or facility offered by an *applicant* for *development* approval, or required by Teton County as a condition of *development* approval, in order to avoid, minimize, or offset negative impacts of *development* that would or might otherwise occur. Avoidance of impacts and minimization of impacts are preferable to offsetting *mitigation* measures. *Mitigation* shall be conducted on-site unless efforts to mitigate for *development* related impacts on-site have limited value to relevant resources , in which case offsite *mitigation* proposals will be considered.
- **Modular Building.** Any *building* or *building* component other than a *manufactured home* that is of closed construction and either entirely or substantially prefabricated or assembled at a place other than the *building site*. Idaho Code §39-4301
- **Monument.** A survey marker as defined in Idaho Code Section 50-1303.
- **Most Recently Recorded Deed.** The deed that was recorded most recently. In most cases, this is the deed that transferred ownership of the *lot/parcel* into the current *owner*.
- **Motion Detector.** A device that activates a *luminaire* when it senses motion. To meet the exemptions in this Section, *motion detectors* must sense motion only on the property on which it is installed.
- **Mudslide or Mudflow.** Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A *mudslide* (i.e., *mudflow*) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the *mudflow*, and not the landslide, is the proximate cause of damage that occurs.



## N

- **Nonconforming Lot.** A lot that either (1) is not a *lot of record* or (2) lawfully existed upon the effective date of adoption or revision to the LDC, which does not meet the minimum *lot* size requirements of the present LDC.
- **Nonconforming Structure.** A *structure* or *building* built in accordance with County requirements at the time of its construction, but which fails to conform to the present requirements of the LDC.
- **Nonconforming Use.** A land use or activity, which was lawful prior to the adoption, revision, or amendment of the LDC but which fails to conform to the present requirements of the LDC.
- **North American Industry Classification System- NAICS.** A standard land use classification system issued by the federal Office of Management and Budget which categorizes establishments by the type of economic activity in which they are engaged.

## O

- **Occasional Lighting.** Illumination that is infrequent, or intermittent; and controlled by a manual or timer- operated switch, or by a motion sensor not activated by off-property movements.
- **Off-Premise Outdoor Advertising.** Any outdoor *sign*, display, *light*, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended or used to advertise or inform and which is situated in order to be visible from any *highway, road* or other traveled way and which is located on property which is separate from and not adjoining the premises or property on which the advertised activity is carried out.
- **Official Zoning Map.** The adopted map for Teton County which illustrates zoning district, special overlay zoning district, and Areas of City Impact boundaries. The *official zoning map* may be referred to also as the Zoning Map.
- **One Time Only Land Split.** A legacy term meaning the division of land approved and recorded under the “One Time Only Split of One Parcel of Land” provisions of Chapter 3 of Title 9 of County Subdivision Regulations repealed on August 3, 2022.
- **Opaque.** Impenetrable to view, or so obscuring the view that features, *buildings*, other *structures*, and uses become visually indistinguishable.
- **Open Space.** Significant *tracts* of land not under residential, mixed, institutional, commercial or industrial use; however, *open space* may be held in privately owned large *lots* of 20 acres or more. *open space* may include sensitive environmental areas and productive uses including agriculture or low impact recreation amenities. *open space* shall not include features such as *roads*, parking areas, constructions for habitation, or *building envelopes*. *open space* includes but is not limited to lands set aside as a Community Benefit.
- **Ordinary High Water Mark** - The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

- **Outdoor Lighting.** Lighting equipment installed within the property line and outside the *building envelopes*, whether attached to poles, *building structures*, the earth, or any other location; and any associated lighting control equipment.
- **Owner.** The individual, firm, association, syndicate, partnership, or corporation having an interest in a *parcel* of land.

## P

- **Parcel.** A *contiguous* quantity of land which is defined by *subdivision lot* number, government aliquot description, or metes and bounds description, recorded as the property of the same *owner* or entity for taxation purposes.
- **Parcel of Land Divided.** A *contiguous* quantity of land recorded as the property of *persons* or entities, each of which is named in a single instrument conveying ownership thereof, and which has been separately conveyed from any adjoining quantity of land, whose boundaries are defined in the last recorded instrument of conveyance of such *parcel* which was recorded prior to June 14, 1999. Conveyance of Title, or contracts which provide for conveyance of title, to portions of existing *parcels* which are executed after June 14, 1999, shall be deemed to create new *parcels*, except when transferred as a boundary line adjustment.
- **Parent Parcel.** The *parcel* of property from which a smaller *parcel* or *parcels* have been created, whether by deed, court decree, land division or *subdivision*.
- **Parking Space.** Usable space within a public or private parking area or *building* exclusive of access drives, aisles or ramps for the storage of one passenger automobile or commercial vehicle.
- **Partly Shielded Luminaire.** A *luminaire* with *opaque* top and translucent or perforated sides, designed to emit most *light* downward
- **Pasture.** An area used for grazing domestic animals.
- **Planning Department or Department.** The *Planning Department* of Teton County, Idaho.
- **Plat.** The drawing, map or plan of a *subdivision*, cemetery, townsite or other *tract* of land, or a replatting of such, including certifications, descriptions and approvals. See also, Idaho Code §50-1301.
- **Primary Road.** The *road* of which a property is addressed from.
- **Principal.** Primary; A separate, complete *structure* that is the larger/largest of the *structures*.
- **Professional Engineer.** An engineer registered to practice engineering in the State of Idaho.
- **Professional Surveyor.** A surveyor registered to practice engineering in the State of Idaho.
- **Public Right-of-Way.** Any land dedicated and open to the public and under the jurisdiction of a public *highway* agency, where the public *highway* agency has no obligation to construct or maintain said right-of-way for vehicular traffic.

- **Public Utility.** Any person or municipal department duly authorized to furnish to the public under public regulation.

## Q

- No terms beginning with the letter Q are defined at this time.

## R

- **Recreation, Active.** Activities, such as organized sports, golf, playground activities, and the use of motorized vehicles, which require extensive facilities or *development* or that have a considerable environmental impact on the recreational site.
- **Recreation, Passive.** Outdoor recreational activities, that require a minimum of facilities or *development* and that have minimal environmental impact on the recreational site.
- **Recreational Vehicle (RV).** A motor home, travel trailer, truck camper camping trailer, park model, or similar vehicle designed for recreation or emergency human habitation that is:
  - o Built on a single chassis,
  - o Designed to be self-propelled or permanently towed, and
  - o Designed for use as temporary living quarters for recreational, camping, travel, or seasonal use.
  - o Per Idaho Code §46-1021
- **Rezone.** Process outlined in Chapter 4 for changing the *zone district* a property is found in.
- **Ridge.** The crest, or apparent crest, of a hill or mountain or linear crests of part of a hill or mountain when viewed from the State Highways.
- **Ridgeline.** An area including the crest of a hill or slope and a vertical, perpendicular distance in feet on either side of the crest within which *development* would break the *skyline*.
- **Right of Way.** A strip of land established by prescriptive use, dedicated, deeded or reserved for use as a public way, which normally includes *road*, sidewalks and other public *utilities* or services areas.
- **Riparian Area.** Areas *contiguous* to and affected by surface and subsurface hydrologic features of perennial or intermittent water bodies (*rivers, streams, lakes, or drainage ways*). *Riparian areas* generally have distinctly different vegetative species than adjacent areas, or similar species with more robust growth than adjacent areas. *Riparian areas* are often located between wetland and upland areas. Also, defined as the green, vegetated areas along the edge of water bodies like rivers, *creeks*, canals, lakes, springs, sloughs, potholes and *wetlands*. They are the transition zone between upland and aquatic ecosystems. Underlying saturated soil is a key feature in *riparian areas*. Idaho Code § 22-2402.
- **Riverine.** Relating to, formed by, or resembling a river (including tributaries), *stream*, brook, etc.
- **Road.** See *Road, Private* and *Road, Public*.

- **Road, Private.** A road within a *subdivision plat* that is not dedicated to the public and not a part of a public *highway* system. It is not maintained by a public agency.
- **Road, Public.** A road, thoroughfare, *alley*, *highway* or bridge that is open for public use. It may or may not be maintained by a public agency.

## S

- **Sanitation Facilities.** A toilet, or other permanent conveyance for sewage as approved by the District 7 Health Department. A detached privy, incinerating toilet, septic system, or other alternative approved system shall be considered part of the *dwelling unit* served.
- **Screening.** Natural vegetation or a decorative *structure* that creates an *opaque* visual block or obscures an unattractive view from one side to the other throughout the year. *Screening* may consist of any combination of the following:
  - o Fencing
  - o Masonry or rock wall
  - o Plants or natural vegetation
  - o Earthen *berm*
- **Setback.** A line demarcating that portion of a *parcel* of property which must remain open with no *buildings* or *structures*, and the buildable portion of the *parcel*.
- **Shade Tree.** A tree that composes the top layer or canopy of vegetation and will generally reach a mature height of greater than fifty (50) feet.
- **Short Plat Land Division.** A division or partition of land that creates up to four (4) *parcels* from any existing *parcel* that meets minimum *parcel* size requirements herein and that has not been previously platted. The resulting *parcels* are *lots of record*.
- **Single Legal Parcel of Land.** All *contiguous* lands described in a single deed. Land that touches only at the corner point, is not *contiguous*.
- **Sign.** Any combination of words, letters, numbers, images, or symbols, designed to attract the attention of, or communicate information to, the public, in regards to an activity, business, commodity, event, sale, or service.
- **Sign Face.** That portion of the *sign*, excluding the supporting *structure*, where the words, letters, numbers, images, or symbols can be placed.
- **Site Plan.** An illustration of a *lot* or *parcel* submitted in order to demonstrate the nature and extent of a proposed use or *structure* and compliance with the requirements of the LDC. See Section 5-1-6 for *site plan* requirements.
- **Special Use.** A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the County and granting a conditional use approval imposing conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.

- **Special Event.** A temporary, one-time or infrequently occurring event for purposes such as education, meditation, spiritual renewal, meetings, conferences, seminars, craft fairs, carnivals, rodeos, weddings, races, parades, concerts and similar activities which may provide meals, services, and recreation for participants during the period of the retreat or program. *Special events* can be for or not for profit and occur on private or public property.
- **Start of Construction.** This includes substantial *improvement* and means the date activity begins on the construction site.
- **Story.** That portion of a *building* comprised between a floor and the floor or roof next above. The first floor of a two- or multi-*story building* shall be deemed the *story* that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.
- **Stream/Creek.** A *watercourse* having a source and terminus, banks, and channel, through which waters flow at least periodically, and it usually empties into other *streams*, lakes or river, but it does not lose its character as a *watercourse* even though it may break up and disappear.
- **Structure.** A combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water.
- **Subdivider.** Any legal entity who subdivides a *parcel* of land, may also be referred to as a *developer*.
- **Subdivision.** Except as provided in section 4-10-A, a *tract* of land existing on the land records of the County that is divided into two (2) or more *lots*, *parcels*, or sites, through the platting process, for the purpose of sale or *building development*, whether immediate or future.
- **Subdivision Master Plan.** A design document that shows all the future phases of a *subdivision*. A Master Plan does not create entitlements, those are created through the *plat*. It should identify future *roads*, *lots*, *open space*, parks, trails, public access points or any other public *improvements* to be made.
- **Survey.** An official document developed by a licensed surveyor in the State of Idaho that identifies the ownership, quantity, location, boundaries and measurements of a *parcel* with the courses and distances clearly identified. A *survey* does not create rights or uses such as a *plat*.

## T

- **Temporary Use.** See section 3-9-2.
- **Tiny Home.** A dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with International Building Code and does not have an interior habitable area greater than 1,000 square feet.
- **Tract.** See “*Lot/Parcel/Tract*”

## U

- **Undue Hardship.** Special conditions depriving the *applicant* of rights commonly enjoyed by other property *owners* in the same district under the terms of this Code; not merely a matter of convenience or profit.
- **Utilities.** Installations for conducting water, sewage, gas, electricity, television, storm water, telephone and similar facilities providing service to and used by the public.

## V

- **Variance.** A modification of the requirements of this Code, as authorized by the Planning Act and as provided under Chapter 4.
- **Vehicular Parking.** A space available for parking of motor vehicles, which conforms to the *vehicular parking* provisions in Chapter 5.
- **Vicinity Map.** A map illustrating the general location and presence of clearly identifiable landmarks and features within one-half mile of the *development site*, including: existing land uses, future land use and zoning districts, locations of *buildings* on adjacent *parcels*, *easements* on adjacent *parcels*, public services, *roads* and *road* names, and *utilities*. Vicinity maps are not engineered or surveyed maps, but indicate the approximate location of the above features discovered after inquiry by the *applicant* of the appropriate County department, property *owners*, and other agencies.
- **Violation.** The failure of a land use, operation, *structure* or other *development* to be fully compliant with any portion of this Code.

## W

- **Watercourse.** A lake, river, *creek*, *stream*, wash, channel, or other topographic feature on or over which waters flow at least periodically. *Watercourse* includes specifically designated areas in which substantial flood damage may occur.
- **Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. For the purpose of this Code, *wetlands* generally mean the areas identified as such on the National Wetlands Inventory Map (<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>).
- **Wetland Delineation.** The process of establishing the existence and physical limits of a wetland for the purposes of federal, state, and local regulations. The National Wetlands Inventory Map may be used as a resource for initial identification of a potential wetland. Final delineation shall be performed by a licensed professional.
- **Wind Turbine.** An alternative energy device which converts wind energy to mechanical or electrical energy. A *wind turbine* may also be deemed a windmill.
- **Written decision.** A final determination signed by the Administrator, PZC, or BoCC, or their designee, under the terms of the LDC, which must be accompanied by a reasoned statement

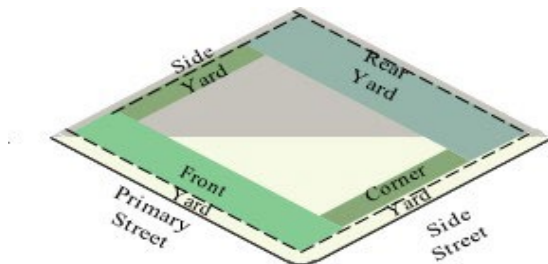
that explains the criteria and standards of the LDC considered relevant, the relevant contested facts relied upon, and the rationale for a final decision based on the applicable provisions of the LDC. *Written decisions* resulting in a denial or finding of *violation* must describe actions, if any, an *applicant* or *owner* may take to obtain a final decision of approval or finding of no *violation*.

## X

- No terms beginning with the letter X are defined at this time.

## Y

- **Yard.** Any *open space* located on the same *lot* with a *building*, unoccupied and unobstructed from the ground up, except for *accessory buildings*, or such uses as provided by this Code. The minimum depth or width of a *yard* shall consist of the horizontal distance between the *lot line* and the drip line of the main *building*.
- **Yard, Corner.** On a corner, a yard lying between the side line of the *lot* parallel to the side *road* and the nearest line of the *building* and extending from the *front yard* to the *rear yard*. *Corner yard* width shall be measured at right angles to the side lines of the *lot*.
- **Yard, Front.** A *yard* extending along the full width of a *front lot line* between side *lot lines* and from the *front lot line* to the front *building* line in depth.
- **Yard, Rear.** A *yard* extending the full width of the *lot* and lying between the rear *lot line* and the nearest line of the *building*. *Rear yard* depth shall be measured at right angles to the rear line of the *lot*.
- **Yard, Side.** A *yard* lying between the side line of the *lot* and the nearest line of the *building* and extending from the *front yard* to the *rear yard*. *Side yard* width shall be measured at right angles to the side lines of the *lot*.



## Z

- **Zone/Zoning District.** A portion of the unincorporated area of the County shown on the *official zoning map* and associated with this Code, and given formal district designation.

# **APPENDIX: A - CITY OF VICTOR AREA OF IMPACT - SUPPLEMENTAL SPECIFICATIONS**

## **AMENDMENT TO TETON COUNTY RESOLUTION 2013-0411B “ADOPTING HIGHWAY & STREET GUIDELINES FOR DESIGN & CONSTRUCTION IN TETON COUNTY”**

### **Introduction:**

The City of Victor has adopted the 2013 version of the “Highway & Street Guidelines for Design and Construction in Teton County, Idaho” as its standards construction specification for Highways and Streets with the modifications listed in the following Specifications. In the event of a conflict between these Standards and any existing City ordinances, or between the Teton County Guidelines and the City of Victor Specifications, the higher standards shall be utilized as determined by the City Council, unless the contrary is approved in writing by the City Engineer for a specific circumstance.

### **Application of Standards:**

These Public Works Standards Specifications and Drawings shall apply to all improvements within the public right-of-way and/or public easements, to all improvements required within the proposed public right-of-way of new subdivisions, for all improvements intended for ownership, operation and maintenance by the City and for all other improvements (on or offsite) for which the City Code requires approval from the City Manager, Public Works Director, City Engineer, and/or the City Council.

### **Purpose of Standards**

These Public Works Standard Specifications and Drawings are intended as guidelines for designers and developers in preparing their plans and for the City in reviewing plans. They are not intended to replace City Land Use Ordinances (copies of the Land Use Ordinances may be obtained from the City). Where minimum values are stated, greater values should be used whenever practical; where maximum values are stated, lesser values should be used where practical. The developer/proponent is however cautioned that higher standards and/or additional studies and/or environmental mitigation measures may, and will, in all



likelihood, be imposed by the City when developing on, in, near, adjacent, or tributary to sensitive areas to include, but not be limited to, steep slopes, creeks, ponds, lakes, certain wildlife habitat, unstable soils, etc. Alternate design standards will be accepted when it can be shown, to the written satisfaction of the City, that such alternate standards will provide a design equal to or superior to that specified. In evaluating the alternate design, the City shall consider appearance, traffic operations, durability, ease of maintenance, public safety and other appropriate factors.

Any improvements not specifically covered by these Standards and Specifications must meet or exceed the current "Idaho Standards for Public Works Construction." In cases where these Standards, Specifications, and Drawings do not cover certain improvements, the City will establish the appropriate standards. Any alterations, substitutions, or variances required to meet specific Public Works Construction design conditions must be approved in writing by the City Engineer or designated representative.

In the event an error or omission is discovered in these Standard Construction Specifications, whether through an oversight or a change in technology, the finder shall notify the City Engineer in writing so that proper steps may be taken to make corrections.

It is further understood that the City of Victor or its authorized agents are not responsible for errors or omissions.

Plans for major improvements in the public right-of-way or within public easements, or improvements to be "deeded" or "gifted" to the City, shall bear an approval signature from the City.

The designer shall submit calculations or other appropriate materials supporting the design of utilities, pavements and storm drainage facilities. The designer shall submit calculations for structures and other designs when requested by the City Engineer and/or Public Works Director.

CITY OF VICTOR AREA OF IMPACT  
SUPPLEMENTAL SPECIFICATIONS

TO THE 2013 HIGHWAY & STREET GUIDELINES FOR DESIGN AND CONSTRUCTION IN  
TETON COUNTY, IDAHO

DESIGN CRITERIA

Roadway Cross-Section

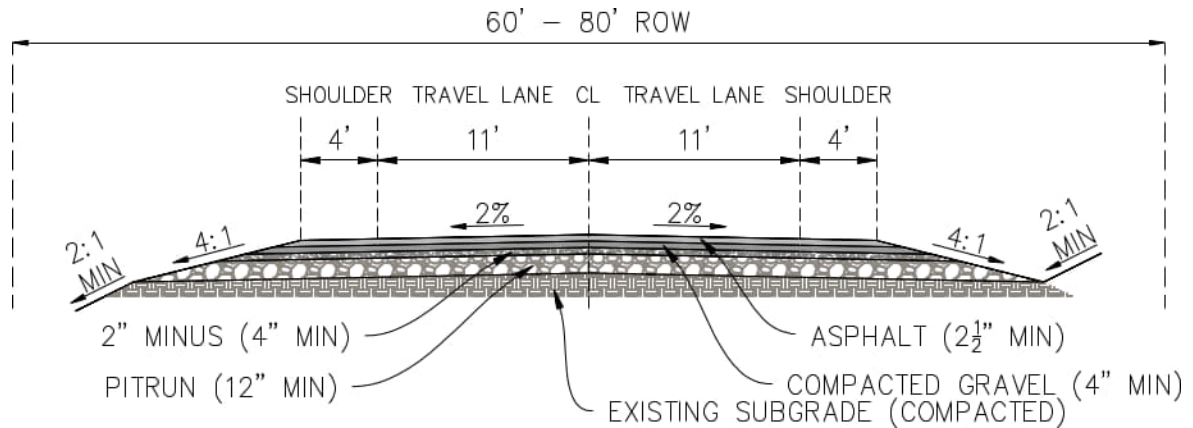
**Add** the following paragraph above Section 1:

“All roads within the City of Victor and its surrounding impact area must be paved with asphalt. Local streets must have an asphalt thickness of at least 2 ½ inches, while collectors must have a minimum asphalt thickness of 4 inches. Chip seal and magnesium chloride covers will not be accepted.”

1. **Delete** “Gravel roads shall assume a 10-year design life”.
4. **Delete** Section 4
6. **Modify** Section 6 to read “Design thicknesses may be modified by design of a geotechnical engineer, but must be approved by the City of Victor, City Engineer.

Major Collectors

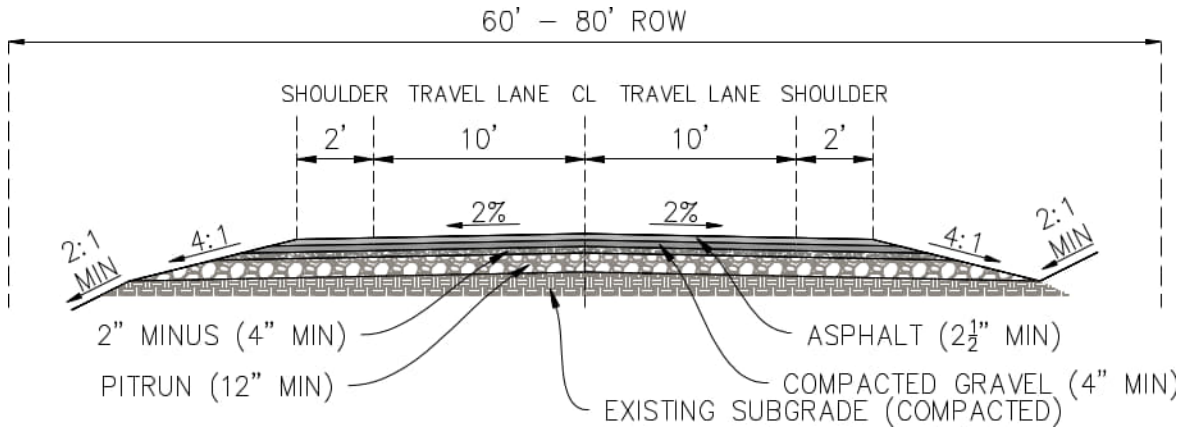
**Modify** Figure 5. Major Collector Cross-Section as follows:



**Delete** “However, major collectors having an ADT of less than 400 may be built as a gravel road and can expect 3-year minimum longevity.”

Minor Collectors

**Modify** Figure 6. Minor Collector Cross-Section as follows:

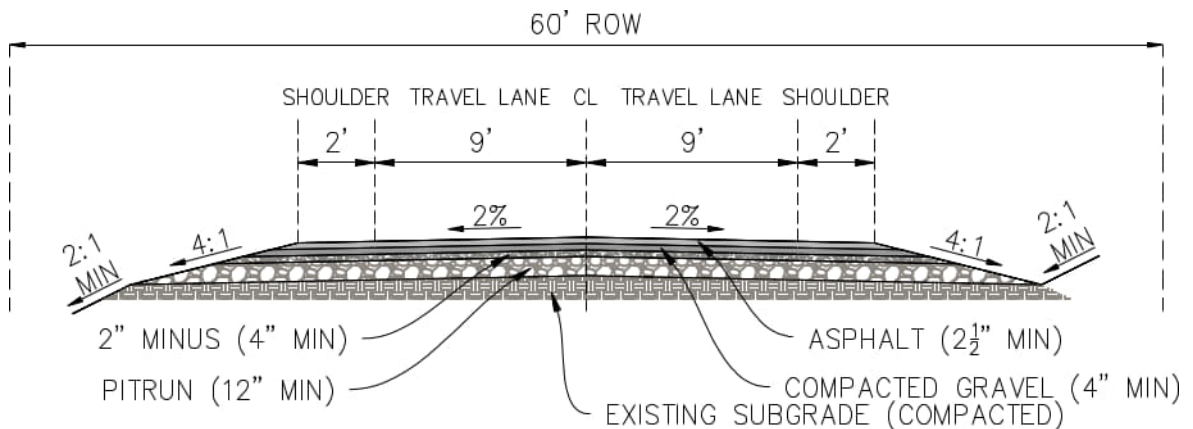


**Modify** “Minor collectors can be constructed with either a paved or gravel wearing surface.”  
To read:

“Minor collectors must be constructed with paved wearing surface.”

#### Local Roads

**Modify** Figure 7. Local Road Cross Section as follows:

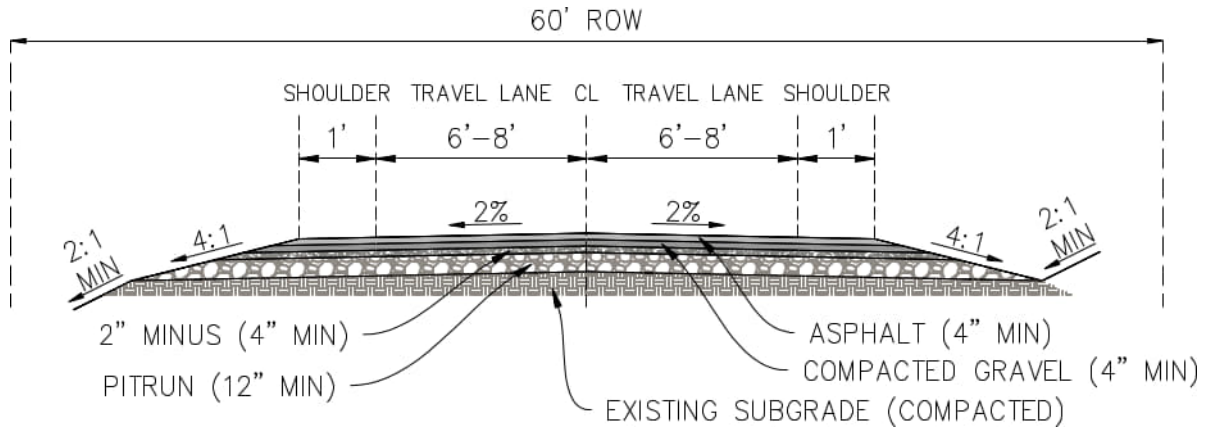


**Modify** “Local roads are typically constructed with a gravel wearing surface, although a paved surface is also applicable” to read:

“Local roads must be constructed with a paved surface.”

#### Recreational Access Roads

**Modify** Figure 8. Recreational Access Roads Cross-Section as follows:

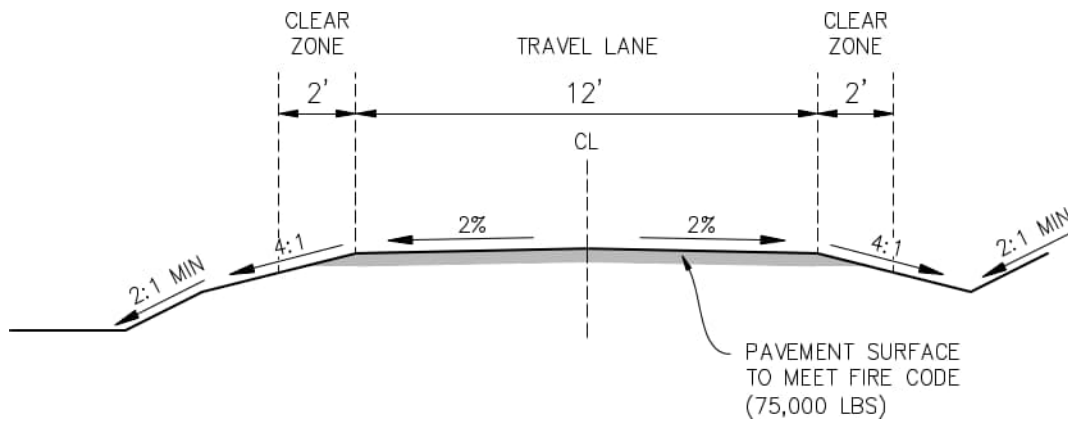


**Modify** “Access roads usually incorporate a gravel wearing surface but can be paved” to read:

“Access roads must be paved.”

Driveways Section

**Modify** Figure 9. Driveway Cross-Section as follows:



Driveway Surfacing Subsection

**Modify** this Section to read “Driveways must be hard-surfaced.”

SURFACE MATERIAL

Gravel Surface

**Delete** “Gravel Surface” Section.

Magnesium Chloride

**Delete** “Magnesium Chloride” Section.

Asphalt Surface

1. **Modify** to read “The surface type shall be approved by the City of Victor, Idaho but can generally be considered the hot mix asphalt.”

**Add** “The minimum required thicknesses of asphalt are as follows”:

<b>Road Type</b>	<b>Minimum Asphalt Thickness</b>
Local	2½”
Minor Collectors	4”
Major Collectors	4”

4. **Delete** “Triple Shot Asphalt Chip Surface” Section.
5. **Delete** “Asphalt Emulsion Surface Treatment with Chip Seal” Section.

Chip Specifications

**Delete** “Chip Specifications” Section.