

## STAFF REPORT



**To:** Planning and Zoning Commission  
**From:** Leanne Bernstein, Planning & Zoning Administrator  
**Report Date:** 6/7/23  
**Meeting Date:** 6/14/23  
**Project Name:** AX23-1 – 1649 N. Highway 33 Annexation and Zoning  
**RE:** **Public Hearing/Possible Recommendation**

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**APPLICANT:** Jennifer Nylander, HSC Driggs, LLC

**LAND OWNER:** Laura M. Grabow

**LOCATION:** 1649 N. Hwy 33

**RP NUMBER:** RP000740020020

**EXISTING ZONING:** Area of Impact Service & Highway Commercial (AOI C-3)

**REQUESTED ZONING:** CH – Commercial Heavy

**OVERLAYS:** Airport Traffic Pattern Area, Design Review Overlay

**COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION:** IF1 – Industrial Flex; Surrounding areas – Industrial Flex

**SUMMARY:** HSC Driggs, LLC, represented by Jennifer Nylander, is requesting that the 6.88 acre parcel located at 1649 N. Hwy 33, owned by Laura Grabow, be annexed into the City of Driggs and assigned CH Commercial Heavy zoning. The applicant has gained permission from the property owner, through a purchase and sale agreement, to apply for the necessary land use applications in order to pursue their intended development. The subject parcel is adjacent to City limits across Hwy 33. The parcel is currently developed as a residence. The applicant has proposed to build and operate a Tractor Supply store on the site. The applicant has been approved through the Design Review process to develop a Tractor Supply store on the site. The application was previously noticed for the February 8, 2023 P&Z meeting, where it was withdrawn at the request of the applicant.

### I. PROCESS BACKGROUND

As per Idaho Code Section 67-6525 regarding annexations of an unincorporated area, the Planning & Zoning Commission will review the application for annexation at a public hearing and make a recommendation to City Council regarding the requisite zone map amendment to accompany annexation. The P&Z Commission may also make an informal recommendation on the annexation. Following this, City Council will hold another public hearing and make a final decision on the annexation and rezone.

### II. SERVICE PROVIDER COMMENTS

The Site Plan and proposed development has been reviewed by the following service providers. A summary of comments received, as they relate to the annexation and zone change, are included here:

Driggs Public Works - If property is annexed and thus granted connection to the City's water system, the applicant should be required to offset impacts to the water system by providing an adequate amount of water rights equivalent to the anticipated demand for the property and proposed use. Any extension to the water main will require plans with anticipated use and fire flow requirements, as well as IDEQ approval. A hydrant would be required at the end of any new water main. Applicant should be required to connect to city sewer system if a sewer main is extended within 300-feet of the property.

Idaho Transportation Department – Summary of Idaho Transportation Department (ITD) determination is listed below un the Transportation Analysis.

Eastern Idaho Public Health (EIPH) – Septic permit is required if property is not connected to City sewer.

Teton County Fire Marshal – Two fire hydrants required for suppression. Proposed fire department apparatus access indicated on site plan is adequate.

**IV. PUBLIC COMMENT:**

This request has been noticed in accordance with Idaho Code 67-6509. As of the date of this report, no public comments have been received.

**V. ANNEXATION REVIEW CRITERIA:** The annexation application will be defined as a Category A annexation according to Idaho Statute Section 50-222, because it has been requested with permission from the property owner. Category A annexations are subject to the criteria listed in the table below. Additionally, the accompanying rezone will be reviewed according to the criteria for a Zone Map Amendment found in the Idaho Code 67-6525 and Driggs Land Development Code 14.9.

<b>Category A Annexation Process as per Idaho Code 50-222 and Idaho Code 67-6525</b>		
Land is contiguous to the city	Conforms	The subject parcel is contiguous with city limits, across Hwy 33 to the west
Consent of all private landowners received	Conforms	Applicant has gained permission from the land owner to submit this request for annexation
Land included in the Comp Plan [FLUM]	Conforms	See analysis below
Comprehensive Plan policies identified	Conforms	Complies with the objective of the Area of Impact that identifies land that is reasonably expected to be annexed.
Appropriate zoning of lands to be annexed identified	To be confirmed	See §14.9 analysis below
<b>Annexation Criteria per Driggs Land Development Code 14.10</b>		
Determine if the Annexation provides a compelling public benefit	To be confirmed	See below for fiscal, transportation, and utilities analysis

**VI. ANALYSIS:** Staff’s analysis of the proposed annexation is identified below:

- 1. Fiscal Impacts:** The Driggs levy rate of 0.00102 would apply on the property valued at \$633,229; the resulting increase in tax revenue would be insignificant (\$645.89). However, if and when the parcel is developed as the proposed commercial use, the increase in value will increase the property tax revenue. The city collects retails sales tax at a rate of 0.005%. The operation of a commercial retail business at this location will increase sales tax revenue, if annexed. The city would be able to collect building permit and impact fees, when the property is developed.
- 2. Transportation:** There is a platted road right-of-way on the south side of this property, called Riteway Road. The applicant is intending to take access on to the property from Riteway Road. However, this road access has never been approved by ITD. The applicant has been working with the City and the Idaho Transportation Department (ITD) in order to determine improvements that will be required in the Hwy right-of-way. ITD and the applicant are discussing the installation of turn

lanes for north- and south-bound traffic. The applicant has also proposed to extend the existing multi-use pathway, along the west and south property lines.

3. **Utilities:** A city water main runs along this property, however, the property is not currently connected to either water or sewer. The applicant has stated that a main reason for requesting annexation is to connect to the City's water system. Water will be used in the proposed retail store and for landscaping. The applicant has stated that they will also extend the water line along Riteway Road, in order to support future development. The applicant is proposing to install an onsite septic system to support their development, because a City sewer line is not within 300ft of the property. Eastern Idaho Public Health has reviewed the applicant's proposed commercial development and has requested that a Septic System Permit application be submitted by the applicant prior to development. The City should consider potential demand for water in all development scenarios allowed in the CH zone.

## VII. ZONE MAP AMENDMENT CRITERIA FOR APPROVAL, LDC 14.8.4:

### 1. The requested Zoning Map Amendment substantially conforms to the Comprehensive Plan.

The subject property lies within an area identified by the Future Land Use Map (FLUM) as IF1 – Industrial Flex, and is surrounded by Industrial Flex on all sides. The Industrial Flex future land use is described in the [Comprehensive Plan](#) as follows:

*Industrial Flex, located primarily around the airport, is intended to support light manufacturing that creates minimal noise, smell, and transportation of goods. There are currently many start-ups in Driggs that require additional space but do not require oversized truck transportation or special water requirements. These areas are intended to have ample parking spaces and provide space for the growing industries in Driggs. In addition to industrial uses, these areas could support service commercial or offices where appropriate to diversify lands for employment and support uses such as research and development that require multiple types of land use in a single business.*

The IF1 area is further described as follows:

*As the northern gateway to the City, this area should be developed in an aesthetically pleasing manner that welcomes people to the City. A portion of the area that is currently incorporated supports manufacturing. The unincorporated unbuilt portion should be developed after the incorporated areas have filled in.*

The Land Development Code describes the CH Commercial Heavy zone as follows:

*CH is intended for auto-oriented and heavy commercial uses. To help ensure compatibility, residential uses are not allowed. Building type options include single-story shopfront, general building, and industrial building. CH should be applied in areas where the existing or proposed land use pattern contains a variety of auto-oriented and heavy commercial uses.*

**Staff finds that the proposed zoning generally complies with the Comprehensive Plan, particularly if the Design Review Overlay is applied to the entire parcel, as the Comprehensive Plan places an emphasis on aesthetic development in this area. While development at this location may be contrary to the point made in the Comprehensive Plan regarding filling in incorporated areas first, the reasonable possibility of development occurring at this location regardless of annexation and rezoning**

should be considered. Staff recommends that the Design Review Overlay be applied to the entire parcel. P&Z Commission to consider.

**2. The requested Zoning Map Amendment substantially conforms to the stated purpose and intent of this Land Development Code.**

LDC Section 1.1.2.C.8 states that the intent of the LDC is “To encourage economically sound, orderly, and compatible land development practices in accordance with the Comprehensive Plan.” Considering the description of the CH Commercial Heavy zone (included above), staff finds that this proposed zoning is in line with the intent of the code to support orderly development, and locate auto-oriented operations with ample parking to this location. **Staff notes that the proposed use, as well as the other uses allowed in the CH zone, are typically inherently auto-oriented, and thus the location is appropriate. P&Z Commission to consider.**

**3. The Zoning Map Amendment will reinforce the existing or planned character of the area.**

This property, as well as the properties to the south, west, and north, is zoned AOI C-3 Service & Highway Commercial. Properties to the north and east are zoned AOI M-1 Light Industrial. As stated above the entire area is identified on the currently adopted Future Land Use Map as appropriate for Industrial Flex-type development. According to the Future Land Use Map adopted in the Area of Impact, this area was identified as appropriate for commercial development, per the C\_a designation, which describes large item retail as an appropriate use. **Staff finds that the proposed zone reinforces the existing and planned character of the area, as identified in the AOI Comprehensive Plan, the current Driggs Comprehensive Plan, as well as existing zoning and uses in the area. P&Z Commission to consider.**

**4. The subject property is appropriate for development allowed in the proposed district.**

Uses allowed in the proposed district are outlined in the Use Table included as Exhibit D. The CH zone allows for most public uses, many commercial uses, and a number of industrial uses. **Staff finds that where this property is identified in the Future Land Use Map as being propriate for industrial uses, specifically for auto-oriented uses, the uses generally allowed in the CH zone, and the use specifically proposed by the applicant, the zone change is appropriate. The appropriateness of this development at this location is made stronger by the designation of the Design Review Overlay over the entire parcel and the requirements therein. P&Z Commission to consider.**

**Airport Overlays:** The subject property falls within the Airport Traffic Pattern Area overlay, which is described in Art. 9.2 of the LDC as follows:

- Airport Traffic Pattern Area – The ATPA is defined as encompassing all land on and around the airport to a distance of 14,000 feet from the runway centerline, except on the southeast side where the boundary is 3,700 feet from the runway centerline. This accounts for the prescribed turning movements. Within this area, an Avigation Easement for the unobstructed passage of aircraft is required as a condition of any land use permit.

**Staff recommends that execution of an Avigation Easement be a condition of approval for the annexation and rezoning.**

**5. There are substantial reasons why the property cannot be used according to the existing zoning.**

It appears that the property could be utilized with the existing zoning without being annexed. The current AOI zoning would allow for this type of use and the property will likely be permitted to use a

septic system. **Staff recommends that decision-makers consider the benefits of annexing and rezoning this property, which include having jurisdiction of the building requirements and design review requirements, and collecting property tax and retail sales tax. Furthermore, staff finds that many of the potential impacts to the city would exist whether annexed and rezoned or not. P&Z Commission to consider.**

**6. There is a need for the proposed use at the proposed location.**

There are other locations currently within the city that are zoned CH Commercial Heavy and the Comprehensive Plan recommends that these areas are developed prior to areas on the outskirts of town (*Sec. 3.2 Future Land Use Categories*). However, it is also noted that those sites are not as large as the subject property. The Comprehensive Plan also advocates for economic development and facilitating year-round employment opportunities (*Sec. 2.2 Our Unique Economy*). **P&Z to consider.**

**7. The City and other service providers will be able to provide sufficient public facilities and services to the site (i.e. schools, roads, wastewater treatment, stormwater facilities, fire services) while maintaining sufficient levels of service to existing development.**

The applicant is working with ITD in order to build necessary improvement to Hwy 33 in order to mitigate the impacts of this development on the highway. Additionally, the applicant has indicated their willingness to construct a multi-use pathway on the west and south boundaries of their property, which will one day connect to the pathway system.

Regarding water and sewer infrastructure, the applicant has indicated that they intend to build an onsite septic system and hope to connect to the Driggs water system. Driggs Public Works Director has recommended that the applicant be required to offset their impact to the water system by supplying adequate water rights to the city in line with the anticipated level of water usage. The applicant has indicated that they will construct a water line along Riteway Road in order to serve future development in that area. Driggs Public Works has also requested a condition that the property be required to connect to the city's sewer system at such time as a sewer main is constructed within 300 feet of the property.

Stormwater will be required to be dealt with onsite.

The Teton County Fire Marshal has requested that the adequate number of fire hydrants be included in the development.

**8. The Zoning Map Amendment will not significantly impact the natural environment, including air, water, noise stormwater, wildlife, and vegetation.**

The subject parcel does not fall under any natural resource overlays. Development will be reviewed for compliance with stormwater management regulations and weed control standards. The proposed development, and all other allowed uses within the CH are very likely to increase the amount of impervious surface. Staff finds that buffer requirements and required parking lot landscaping will help to reduce the impact of increased impervious surfaces. Annexing land inherently increases the footprint of the city and possible development. However, in this situation development is likely allowed per the current zoning and is not likely to be increased as a direct result of this annexation and rezoning. **P&Z Commission to consider.**

**9. The Zoning Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property.**

Properties adjacent to the subject property are similarly zoned as the proposed zone. Development on this site is likely to have impacts to the transportation system, however the applicant has been

working with ITD on the appropriate measures to mitigate those impacts. **P&Z Commission to consider.**

**VIII. ZONE MAP AMENDMENT CONDITIONS OF APPROVAL (LDC Art. 14.9.6):** Conditions may be attached to a Zoning Map Amendments when such conditions are found to be necessary to minimize the adverse impacts, control sequence and duration of development, assure maintenance, designate location of development, provide for on or off-site public facilities or services, require more strict standards, and ensure adequate delivery of services. **Staff find that there are a number of possible conditions that are appropriate to attach to a possible approval of the annexation. So long as the conditions are included in the annexation decision, staff does not recommend any specific conditions related to the rezoning. This is based on the staff finding that the proposed zoning generally conforms to the decision criteria.**

**IIX. ANNEXATION AGREEMENT (LDC Art. 14.10.6):** *Typically, the City Council will require an Annexation Agreement between the City and owner of the property being annexed, specifically conditions of the annexation that are required to meet approval criteria. The annexation agreement will be recorded with the Teton County Recorder. Staff recommends a number of conditions in order to ensure that the annexed property and proposed development will adequately mitigate for potential impact. Recommended conditions are listed below.*

**IX. STAFF RECOMMENDATION:**

Staff recommends that the Planning & Zoning Commission hold a public hearing, consider the analysis in the Staff Report, and make a formal recommendation to City Council approving the CH zoning for the proposed annexed land.

The Code does not require that the Planning & Zoning Commission make a recommendation on the annexation itself, but Staff recommends that the Commission consider the annexation as proposed and provide comments and/or a recommendation for City Council to consider.

Possible Conditions for the Annexation:

1. Applicant and City shall execute and record an Annexation Agreement, which reflects all conditions of approval. An Annexation Agreement capturing all conditions of approval shall be executed within six months of approval. If an Annexation Agreement is not executed within six months of approval, the annexation and zone change will be invalid.
2. Applicant and City shall execute and record an Avigation Easement.
3. Applicant will be responsible for the installation of a water main along Riteway Road at such time as that road is constructed.
4. Applicant shall transfer water rights in the amount needed to offset impacts of development in the annexation area, when development is proposed.
5. Applicant may be required to connect to the City's sewer system at such time as a sewer line is constructed within 300 feet of the subject property.

**Motion Options:**

Approve Zone Map Amendment: Motion to recommend approval of the Zone Map Amendment of the 6.88 acre property located at 1649 N Hwy 33, to be zoned CH Commercial Heavy with the Design Review Overlay applied to the entire parcel [*with the following conditions to be determined by P&Z*]. This recommendation is based on the finding that the proposed zoning complies with the Driggs Comprehensive Plan and approval criteria of Article 14.9 as stated in the Staff Report. This rezone recommendation is contingent on the City Council approving the Annexation with the conditions as recommended.

Table: Motion to table the Zone Map Amendment and annexation request until additional information is provided... [*to be determined by P&Z*].

Deny Zone Map Amendment: Motion to recommend denial of the Zone Map Amendment of the 6.88 acre property located at 1649 N Hwy 33, based on the finding that the proposed zoning does not comply with the Driggs Comprehensive Plan and approval criteria of Article 14.9, for the following reasons... [*to be determined by the P&Z Commission...*]

***Optional Comments on the Annexation:***

Approve: Motion to recommend approval of the annexation request for the 6.88 acre property located at 1649 N Hwy 33, with the following conditions [*to be determined by the Planning & Zoning Commission*] ... This recommendation for approval is based on the finding that [*with the stated conditions*] the annexation provides a compelling public benefit and complies with the Comprehensive Plan.

Deny: Motion to recommend denial of the annexation request for the 6.88 acre property located at 1649 N Hwy 33 based on the finding that the annexation does not provide a compelling public benefit because: [*P&Z to identify reasons*]

Exhibits:

- A- Application Materials
- B- Vicinity Map
- C- Survey
- D- Allowed Uses
- E – Zoning Map



# Zoning Application

Date: 12/29/2022 Permit #: 19620

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## Applicant / Owner

Applicant Name: HSC DRIGGS, LLC c/o  
JENNIFER NYLADER  
Address: P.O. Box 130, Daphne, AL  
36526  
City, State, Zip:  
Home Phone: [REDACTED]  
Cell Phone: [REDACTED]  
Fax:  
Email: [REDACTED]

Owner Name: JOHN C. GRABOW AND  
LAURA M. GRABOW  
Address:  
City, State, Zip:  
Phone:  
Email:

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## Property

Property Address: Acres: 6.88  
City, State, Zip: , Subdivision:  
Parcel: Block:  
Zoning: Lot:  
Legal Description:  
Comments:

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## Annexation

Proposed Zone: C-3

Do you currently have plans submitted for a Building and/or Planning Permit? Yes

If yes, Permit #: DR22-10

Narrative:

1. How are the existing and proposed land uses in the requested annexation area related to the Comprehensive Plan?
2. Describe the availability of public facilities such as streets, sewer, water, etc., needed to support the allowable uses in the area.
3. Describe the compatibility of the proposed zone's allowable uses with the surrounding area.

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## Appeal

Project Name or Decision that is Being Appealed:

Reason for Appeal:

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## Boundary Line Adjustment

Boundary Line Adjustment  Lot Combination

Current Lot Sizes:

Proposed Lot Size(s):

Do you currently have a building permit?

If yes, Permit #:

Narrative: Attach a brief statement describing the request and any other information necessary to assure the fullest consideration of facts concerning the application.

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### **Conditional Use Permit**

Proposed Land Use:

Do you currently have plans submitted for a Building Permit?

If yes, Permit #:

Narrative:

1. Describe the effects of such elements as noise, glare, odor, fumes, and vibration on adjoining property:
  2. The general compatibility with adjacent and other properties in the district:
  3. The relationship of the proposed use to the Comprehensive Plan:
- 

### **De-Annexation**

Proposed Zone:

Narrative:

1. Reason for de-annexing the property:
  2. How are the existing and proposed land uses in the requested de-annexation area related to the Comprehensive Plan?:
  3. Describe the compatibility of the proposed zone's allowable uses with the surrounding area:
- 

### **Insignificant Plat Vacation**

Narrative:

1. Describe the particular circumstances of this request to vacate:
  2. Describe the anticipated affect of the vacation:
- 

### **Land Development Code Text Amendment**

Do you currently have plans submitted for a Building and/or Land Use Permit?

If yes, Permit #:

Narrative:

1. Description of the proposed amendment:
  2. Why the proposed amendment is necessary:
  3. How the proposed amendment is in accordance with the adopted Comprehensive Plan for the City of Driggs:
  4. Any other information necessary to assure the fullest consideration of facts concerning the application:
- 

### **Lot Split**

Proposed Lot Sizes:

Do you currently have plans submitted for a Building Permit?

If yes, Permit #:

Narrative: A brief statement describing the request and any other information necessary to assure the fullest consideration of facts concerning the application:

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### **Plat Amendment-Significant**

Proposed Lot Size(s):

Narrative: A brief statement describing the project and any other information necessary to assure the fullest consideration of facts concerning the application:

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### **Plat Amendment-Insignificant / Plat Vacation**

Type of Amendment:

Narrative: A brief statement describing the project and any other information necessary to assure the fullest consideration of facts concerning the application:

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### **Significant Plat Vacation**

1. Describe the particular circumstances of this request to vacate:

2. Describe the anticipated affect of the vacation:

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**Variance**

Reason for Variance:

Narrative: A narrative statement demonstrating that the requested variance conforms to the following standards:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district:
  2. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance:
  3. That special conditions and circumstances do not result from the actions of the applicant:
- 

**Zoning Map Amendment**

Requested Zone(s):

Narrative:

1. How the land uses in the requested zone are related to the Comprehensive Plan:
  2. Availability of public facilities such as streets, sewer, water, etc., to support the allowable uses:
  3. Compatibility of the allowable uses with the surrounding area:
- 

I do hereby certify that the information contained herein is true and correct.

Jennifer Nylander

12/29/2022

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

January xx, 2023

## **ANNEXATION NARRATIVE**

**TRACTOR SUPPLY STORE**  
**1649 N HIGHWAY 33**  
**DRIGGS, IDAHO**  
GS&P Project No. 45736.01

### **1. How will the existing and proposed land use in the requested annexation area related to the Comprehensive Plan?**

- Existing use of our 6.88-acre lot is a residence. Property is zoned Service and Highway Commercial (C-3) and lies within City of Driggs Design Review Overlay. Retail development is an allowable use.
- Proposed retail development will provide services for the community
- Proposed development will provide employment opportunities
- Future land use plan has commercial amenities outlined for this area and has out lot zoned for Heavy Commercial

### **2. Describe the availability of public facilities such as streets, sewer, water, etc., needed to support the allowable uses in the area.**

- The property is located on the east side of Highway 33 and has 350 linear feet of road frontage along the state highway. We are proposing roadway improvements to Highway 33 by adding a turn lane for north and south bound traffic. This will assist with traffic issues during the peak hours and summer tourism.
- The property has 854 linier feet of road frontage on the unimproved Riteway Road. The development will construct a portion of Riteway Road for access to the new development per City of Griggs Residential Collector for 60' ROW.
- The development will extend the existing multi-use pathway to the north along Highway 33 and to the west along Riteway Road. The development will provide three connections from the proposed development to the new pathways.
- Property's south and north of our lot are served by the City of Driggs water system. Our lot has an 8-inch water line along our road frontage on Highway 33. We are requesting annexation so we can tap and extend the existing water line to serve our development. We will extend the public water line in

## **Annexation Narrative – Tractor Supply**

January xx, 2023

Page 2

the right of way along Riteway Road that has the potential to serve future developments to the west.

- Public sanitary sewer is not available in this area. The existing residence has onsite sewer, and we are proposing onsite sewer for the new Tractor Supply store.
- The development will be served by Fall River Rural Electric Cooperative, who is our neighbor to the south.

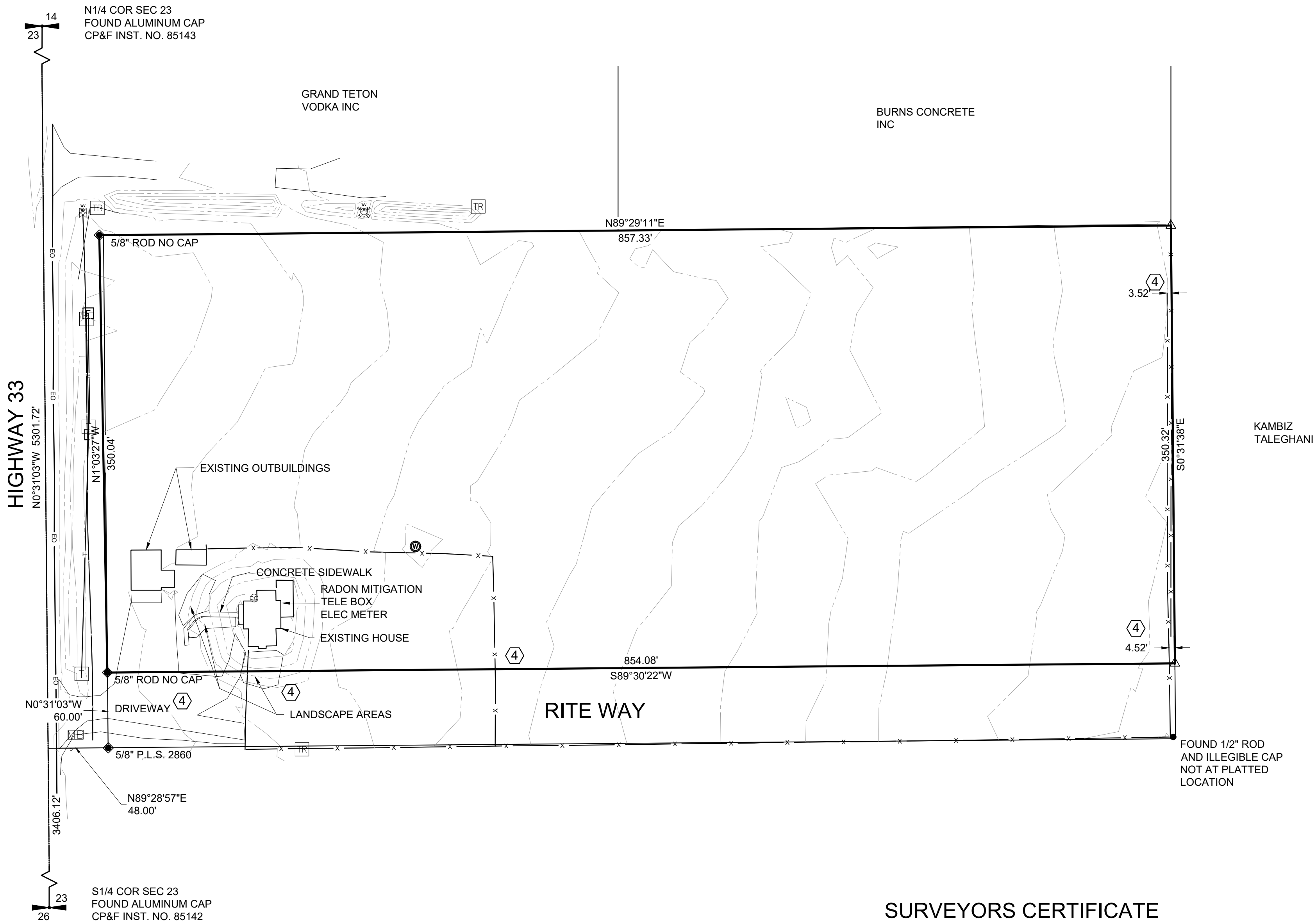
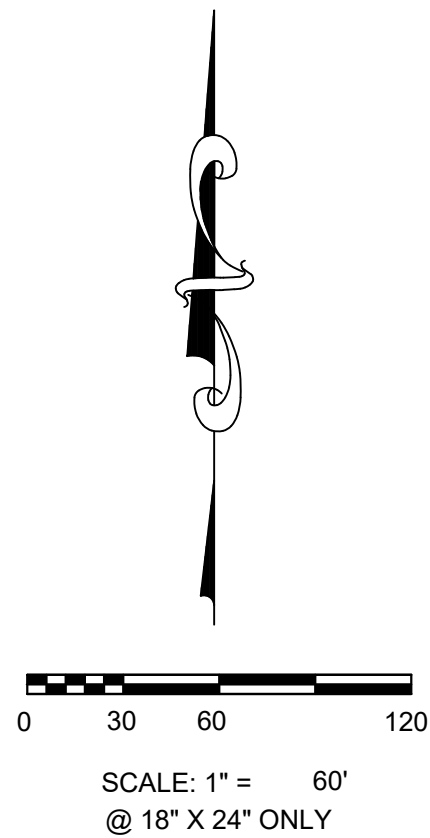
### **3. Describe the compatibility of the proposed zones allowable uses with the surrounding area.**

- The existing uses are compatible with our proposed retail development. Property's north and south of our lot are zoned the same as we are, Service and Highway Commercial (C-3) and lies within City of Driggs Design Review.
- To our north is the Grand Teton Distillery, to our south is Fall River Rural Electric Cooperative. IDT has a maintenance facility south of the electric coop.
- Property on the west side of Highway 33 across from our lot is also zoned C-3, Silver Star Communication facility, not in city limits.
- Properties south of Silver Star on the west side of Highway 33 are within the city limits and have road frontage along Valley Centre Drive. Both building are retail developments. They may be 460 Bread Company and the Broken Spur. Google aerial has one name, google street view has another.
- Properties east of our site are vacant and are zoned Light Commercial M-1.

Prepared by: Joe Johnston  
Land Planning and Design Services



LOT 2 BLOCK 2 TETON PEAKS VIEW  
PART OF THE W 1/2 NE 1/4 OF  
SECTION 23, T. 5 N., R. 45 E.B.M.  
TETON COUNTY, IDAHO



**LEGEND**

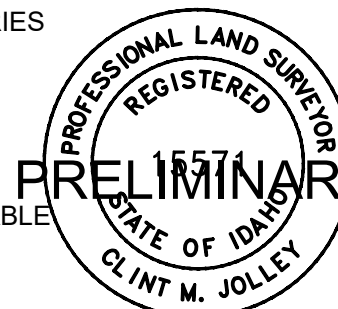
- Section Corner Control
- FOUND 5/8" REBAR AS NOTED
- FOUND ALUMINUM CAP STAMPED P.L.S. 2860
- Found 1/2" Iron Rod
- FENCE
- Existing Well
- SEWER CLEANOUT
- SIGN
- TRANSFORMER
- TELE BOX
- FIBER RISER
- MAILBOX
- RADON REDUCTION PIPE
- WATER VALVE
- WATER HYDRANT
- ELEC METER
- SEWER CLEANOUT

**SURVEYORS CERTIFICATE**

TO JOHN C. GRABOW AND LAURA M. GRABOW, HUSBAND AND WIFE; HIX SNEDEKER COMPANIES, LLC; FIRST AMERICAN TITLE COMPANY AND ITS SUCCESSORS, SUBSIDIARIES AND ASSIGNS.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARDS DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 5, 8, 11 (b), 13, AND 16 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED JUNE 15, 2022.

DATE OF PLAT OR MAP: \_\_\_\_\_ CLINT M. JOLLEY, P.L.S. 15571 \_\_\_\_\_



**CIVIL & STRUCTURAL ENGINEERING  
MATERIALS TESTING & LAND SURVEYING**  
101 S. Park Avenue, Idaho Falls, ID 83402, (208) 524-0212  
800 W. Judicial Street, Blackfoot, ID 83221, (208) 785-2977

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DRAWN BY	DESIGN BY	CHECK BY
JR	HLE	CJ
JOB NO: 2022-556		
DATE: August 11, 2022		
REVISIONS	DATE	

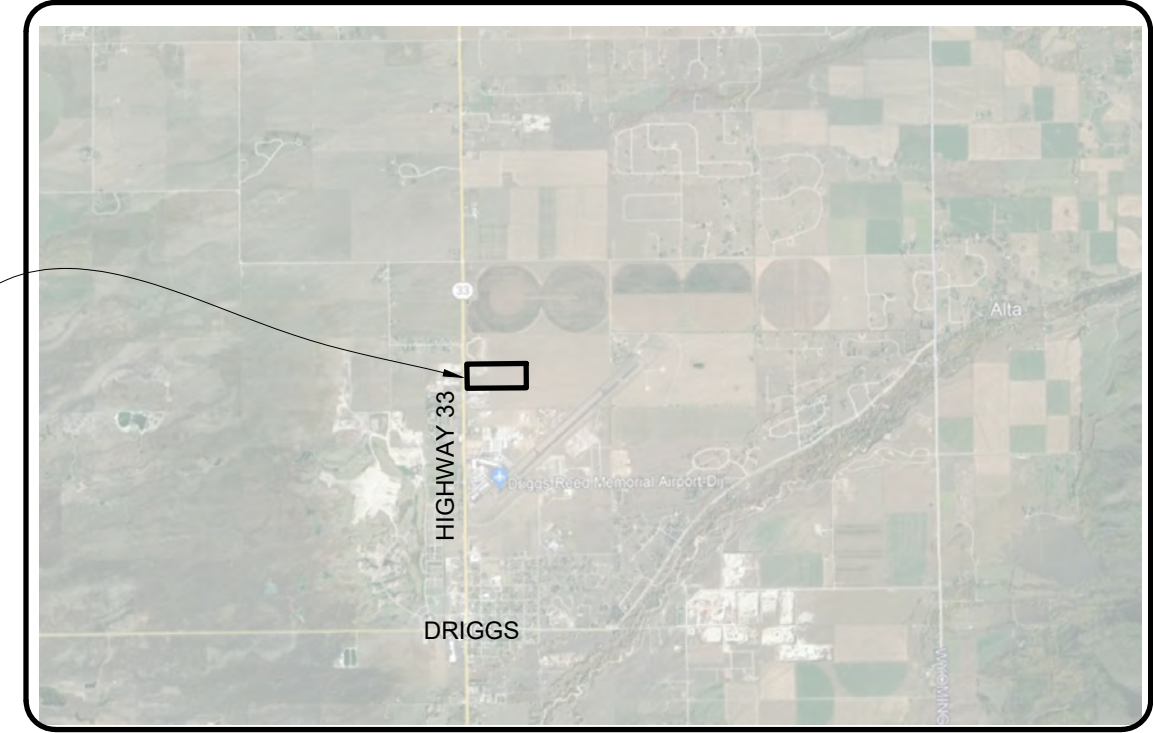
**ALTA / ACSM LAND TITLE SURVEY  
TRACTOR SUPPLY**  
SEC. 23, T. 5 N., R. 45 E.B.M.  
TETON COUNTY, IDAHO

SHEET NO.	1
OF SHEETS	2

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LOT 2 BLOCK 2 TETON PEAKS VIEW  
PART OF THE W 1/2 NE 1/4 OF  
SECTION 23, T. 5 N., R. 45 E.B.M.  
TETON COUNTY, IDAHO

PROJECT LOCATION



SCHEDULE B-SECTION II EXCEPTIONS

- 1 TAXES OR ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS. NOT ADDRESSED BY H.L.E.
- 2 ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF SAID LAND OR BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF. NOT ADDRESSED BY H.L.E.
- 3 EASEMENTS, CLAIMS OF EASEMENT OR ENCUMBRANCES WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS. NOT ADDRESSED BY H.L.E.
- 4 ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE INCLUDING DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA, OR ANY OTHER FACTS THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND, AND THAT ARE NOT SHOWN IN THE PUBLIC RECORDS. SHOWN ON MAP.
- 5 (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (a), (B), OR (C) ARE SHOWN BY THE PUBLIC RECORDS. NOT ADDRESSED BY H.L.E.
- 6 ANY LIENS, OR RIGHTS TO A LIEN, FOR SERVICES, LABOR OR MATERIAL THERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS. NOT ADDRESSED BY H.L.E.
- 7 ANY RIGHT, TITLE, OR INTEREST OF THE PUBLIC, COUNTY, OR HIGHWAY DISTRICT TO ROADS OR HIGHWAYS ON THE PREMISES WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS. NOT ADDRESSED BY H.L.E.
- 8 ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I - REQUIREMENTS ARE MET. NOT ADDRESSED BY H.L.E.
- 9 2022 TAXES ARE AN ACCRUING LIEN, NOT YET DUE AND PAYABLE UNTIL THE FOURTH MONDAY IN NOVEMBER OF THE CURRENT YEAR. THE FIRST ONE-HALF IS NOT DELINQUENT UNTIL AFTER DECEMBER 20 OF THE CURRENT YEAR, THE SECOND ONE-HALF IS NOT DELINQUENT UNTIL AFTER JUNE 20 OF THE FOLLOWING YEAR. TAXES WHICH MAY BE ASSESSED AND ENTERED ON THE PROPERTY ROLL FOR 2021 WITH RESPECT TO NEW IMPROVEMENTS AND FIRST OCCUPANCY, WHICH MAY BE INCLUDED ON THE REGULAR PROPERTY, WHICH ARE AN ACCRUING LIEN, NOT YET DUE AND PAYABLE. GENERAL TAXES AS SET FORTH BELOW. ANY AMOUNTS NOT PAID WHEN DUE WILL ACCRUE PENALTIES AND INTEREST IN ADDITION TO THE AMOUNT STATED HEREIN:  
YEAR ORIGINAL AMOUNT AMOUNT PAID PARCEL NUMBER  
2021 \$2,685.30 \$1,342.65 RP000740020020A  
HOMEOWNERS EXEMPTION IS NOT IN EFFECT FOR 2021.  
CIRCUIT BREAKER IS NOT IN EFFECT FOR 2021.  
NOT ADDRESSED BY H.L.E.
- 10 ALL MATTERS, COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND ANY RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST BY REASON THEREOF, DISCLOSED BY THE RECORDED PLAT OF SAID SUBDIVISION, RECORDED SEPTEMBER 9, 1980, AS INSTRUMENT NUMBER 86126, LOT SPLIT RECORDED NOVEMBER 29, 1983, AS INSTRUMENT NO. 93846, BOUNDARY ADJUSTMENT RECORDED FEBRUARY 24, 1999, AS INSTRUMENT NO. 133115, BOUNDARY ADJUSTMENT RECORDED DECEMBER 28, 2006, AS INSTRUMENT NO. 183798 BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C). NOT ADDRESSED BY H.L.E.
- 11 AGREEMENT FOR ELECTRICAL SERVICE BETWEEN JOHN C. OR LAURA M. GRABOW, AND FALL RIVER RURAL ELECTRIC COOPERATIVE, INC., RECORDED MARCH 25, 2004 RECORDER'S NO. 160414 RECORDS OF TETON COUNTY, ID. NOT ADDRESSED BY H.L.E.

LAND REFERRED TO IN  
TITLE COMMITMENT

LOT 2, BLOCK 2 TETON PEAKS VIEW SUBDIVISION, TETON COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF RECORDED SEPTEMBER 9, 1980, AS INSTRUMENT NO. 86126.

PROPERTY ADDRESS

1649 N Hwy 33, Driggs, ID 83422

TITLE COMMITMENT INFORMATION

COMMITMENT DATE: APRIL 29, 2022 AT 7:30 A.M.  
COMMITMENT/FILE NUMBER: 1045511-S

TABLE A

OPTIONAL SURVEY RESPONSIBILITIES  
AND SPECIFICATIONS

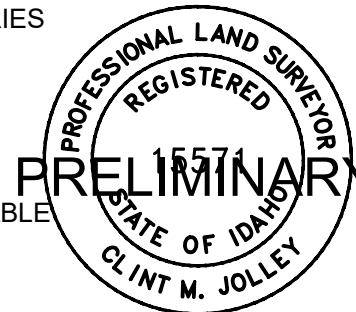
1. MONUMENTS PLACED (OR A REFERENCE MONUMENT OR WITNESS TO THE CORNER) AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE SURVEYED PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE PROXIMITY TO THE CORNER.
3. FLOOD ZONE CLASSIFICATION IS ZONE X AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN. PER COMMUNITY PANEL NO. 1602300100C WITH AN EFFECTIVE DATE OF AUGUST 4, 1988.
4. GROSS LAND AREA = 6.88 ACRES
5. VERTICAL RELIEF WITH THE SOURCE OF INFORMATION (E.G., GROUND SURVEY, AERIAL MAP), CONTOUR INTERVAL, DATUM, WITH ORIGINATING BENCHMARK, WHEN APPROPRIATE. VERTICAL DATUM: NAD 1983
8. SUBSTANTIAL FEATURES OBSERVED ARE SHOWN ON THIS MAP.
11. EVIDENCE OF UNDERGROUND UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY (IN ADDITION TO THE OBSERVED EVIDENCE OF UTILITIES REQUIRED PURSUANT TO SECTION 5.E.IV.) AS DETERMINED BY:  
b) MARKINGS COORDINATED BY THE SURVEYOR PURSUANT TO A PRIVATE UTILITY LOCATE REQUEST. SEE MAP FOR LOCATION AND TYPE OF UTILITIES OBSERVED BY THE SURVEYOR.
13. NAMES OF ADJOINING OWNERS ACCORDING TO CURRENT TAX RECORDS.
16. EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK. NONE OBSERVED.

SURVEYORS CERTIFICATE

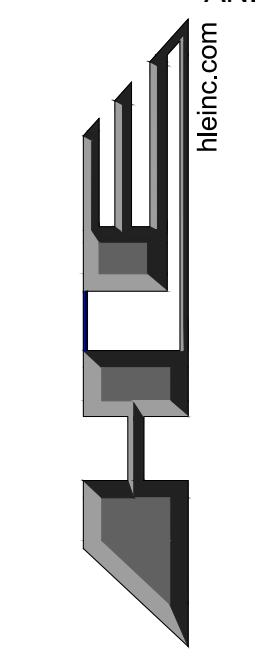
TO JOHN C. GRABOW AND LAURA M. GRABOW, HUSBAND AND WIFE; HIX SNEDEKER COMPANIES, LLC; FIRST AMERICAN TITLE COMPANY AND ITS SUCCESSORS, SUBSIDIARIES AND ASSIGNS.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARDS DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 5, 8, 11 (b), 13, AND 16 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED JUNE 15, 2022.

DATE OF PLAT OR MAP: \_\_\_\_\_ CLINT M. JOLLEY, P.L.S. 15571 \_\_\_\_\_



CIVIL & STRUCTURAL ENGINEERING  
MATERIALS TESTING & LAND SURVEYING  
101 S. Park Avenue, Idaho Falls, ID 83402, (208) 524-0212  
800 W. Judicial Street, Blackfoot, ID 83221, (208) 785-2977



DRAWN BY	DESIGN BY	CHECK BY
JR	HLE	CJ
JOB NO: 2022-556		
DATE: August 11, 2022		
REVISIONS	DATE	

ALTA / ACSM LAND TITLE SURVEY  
TRACTOR SUPPLY  
SEC. 23, T. 5 N., R. 45 E.B.M.  
TETON COUNTY, IDAHO

SHEET NO.  
2  
OF  
2 SHEETS

## Allowed Uses

### **AOI C-3 Service & Highway Commercial:**

Allowed: Auction establishment, Auto and/or truck repair shop; Auto body and paint shop, Auto-gas service station, Automobile sales lot, Building for nonprofit community functions, Business services, Club or lodge, Commercial parking lot, Cottage industry, Crafts shop, Mortuary, Motel, Office of a professional or administrative nature, Radio and/or television studio, Recreation/fitness center, Sales of hay, grain, seed, and related supplies, Sales of salvaged goods within an enclosed building, Temporary building as necessary for construction purposes, and for a period not to exceed one year, Trailer sales and rental.

Conditional Uses: Animal hospital, Bottling and distribution plant, contractor shop, Food processing facility, Grain elevator and bulk storage, Industrial laundry and dry cleaning, Kennel, Microbrewery, Recreational vehicle park, Sale of heavy building material and machinery, Sheet metal, roofing, or sign painting shop, Storage warehouse, Temporary on-site rock crushing for onsite construction, Trade of industrial school, Transit or trucking terminal, Wholesaling warehousing storage and distribution.

### **CH Commercial Heavy Zone:**

Allowed: Community College, Club or Lodge, Museum, Library, Place of worship, Trade or technical school, conservation area, minor utilities, indoor recreation, special event facility, Hospital, Medical office, All office, bail bonds, Call center, Outdoor recreation, campground, Boutique Hotel, Hotel/motel, Retail establishment (5,000SF or less), business services, Convenience store with gas pump, Research and Development, Power sports vehicle repair, Nursery, Winery.

Limited: Amateur radio operator tower, Building-mounted wireless telecommunication antenna, Group day care, Day care center, Horse stable, equestrian center, remote parking, Retail establishment (5,001-15,000SF), Retail establishment (15,001-50,000SF), Light and Heavy vehicle and equipment sales, All Light Manufacturing, Car wash, Minor Vehicle repair, Enclosed Storage, Self-storage, Community Garden, Urban Farm.

Conditional: All social services, Public Works Facility, Wireless communication tower, Shooting range, Commercial parking, Major vehicle repair, Commercial vehicle repair, Agricultural processing.

