

Teton Valley Idaho  
Planning Commission  
Article 10-Use Provisions

TETON COUNTY  
PLANNING & ZONING

JUN 08 2016

RECEIVED

Dreamcatcher Bed and Breakfast  
[REDACTED]

Victor, Idaho

June 8, 2016

Dear Planning Commission:

Dreamcatcher Bed and Breakfast opened for business May 22, 2015 and was permitted as a three-room lodging. We understand the Planning Commission is revising its Use Provision Code 10.5.4 Overnight Lodging to make bed and breakfast lodgings up to 4 rooms.

The purpose of the letter is to recommend the code be up to five rooms. The reason for this recommendation are as follows:

1. Teton Valley has seen an increase in tourism and the demand for affordable lodging will be an asset to the community by allowing tourist to stay here for more than one night thus increasing the revenue and taxes that filter back to the community,
2. An increase in tourism improves the revenue for other local businesses,
3. Additional rooms will increase revenue thus providing the needed income for overhead and other expenses lodgings accrue during the slow season. Lodging insurance, property taxes and utilities are annual costs that can be offset by the revenue from five rooms during the busy season.

In all, by revising the code for bed and breakfasts to have five rooms will not only be an asset for the local economy but also an incentive for small lodging proprietors to stay in business.

Thank you for your consideration,



Aline Sarria, Owner

Dreamcatcher Bed and Breakfast

**Kristin Rader**

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**From:** John Hansford <>  
**Sent:** Wednesday, July 27, 2016 4:43 PM  
**To:** Kristin Rader  
**Cc:** Steve Roth; tetonglass  
**Subject:** Clawson zoning

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

TETON COUNTY  
PLANNING & ZONING

JUL 27 2016

RECEIVED

Kristin

I am writing this letter in response to our conversation yesterday. I am the owner of Drawknife Billiards and my company, Hansford Properties LLC, owns the property at 5146 N Hwy 33, Teton, Idaho 83452. My property, which is zoned A20, has been over the years a church, a single building wood shop and most currently, since 2001, a two building wood shop, offices and showroom. I have had a grandfathered CUP to operate as such since buying the property from the Phillips brothers in 1998.

I would like to suggest that my property, along with the other commercial properties across the highway from me, be rezoned to Light Industrial. Since we are already operating businesses of this class, I see no reason not to allow us the zoning under which we actually function. The benefits to us owners are numerous, including but not limited to:

- Increased valuation of our properties
- More attractive to potential buyers looking for industrial space
- Increased ability to borrow funds from banks as they will be more receptive to loans or mortgages if the property is properly zoned in conjunction with their use.

I feel that the time is right to move to this change as we business owners have been operating our businesses for many years with only CUP's which may or may not be passed to future buyers/owners. It is time for the county to be more proactive to business owners if it wants to encourage and entice especially manufacturing jobs to the valley, of which we mostly are. I personally have doubled my workforce in the past year and if sales remain strong, may increase the number of jobs even more. Growth often requires funding and I know that area banks would be much more receptive to extending business credit if my property were zoned for its use. Manufacturing products in this valley is a difficulty by virtue of our remote location and the inherent issues with shipping, marketing and work force that entails. Teton County must take that into consideration when deciding whether or not to help manufacturers in any way they can, this being one.

Thank you for your time and consideration and please let me know what we need to do to further this cause.

Respectfully submitted,

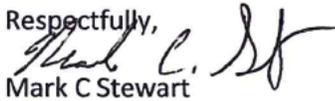
John Hansford  
President  
Hansford Properties, LLC  
Drawknife Billiards

Sent from my iPad  
John Hansford

Dear City Council Members,  
August, 25, 2016

In 2006 I purchased 80 acres at the north end of the county, bordering Bitch Creek. The purpose of this purchase was for retirement investment only. My intent was to hold onto the property for several years before selling. It was never to subdivide as I only desire one residence on the entire parcel. My realtor never informed me of any issues with obtaining a building permit on the agriculture split. Upon placing the property for resale, about year and half ago, I was informed that I could not obtain a building permit. I realize that after the 2008 downturn, my property had lost value, I was not prepared to find out that I lost further value due to the building permit issue. I have been informed that several other agriculture splits have been given permits and built on after my 2006 purchase. I would simply request that I be grand fathered in to obtain one building permit for the entire 80 acres, as it is not my intent to place multiple homesites on this beautiful property by future owners. IF this is impossible to achieve, then I would desire a one time split into two 40 acres parcels with designated open spaces. Also I would desire this split be easily accomplished with minimal fees as I have already lost so much value in this land.

Respectfully,



Mark C Stewart

[REDACTED]

[REDACTED]

[REDACTED] Forest Ridge Subdv.

Vicor, Idaho 83455

TETON COUNTY  
PLANNING & ZONING

AUG 25 2016

RECEIVED

**Kristin Rader**

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TETON COUNTY  
PLANNING & ZONING

**From:** Teton Valley Code <info@tetonvalleycode.org>  
**Sent:** Saturday, September 10, 2016 1:46 PM  
**To:** Kristin Owen  
**Subject:** Teton Valley Code Comment Form Submission

SEP 10

RECEIVED

Message from Teton Valley Code Comment Form

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**Name:** Dennis Murray

**Email:** [REDACTED]

**Phone:** [REDACTED]

**Which Jurisdiction?:** krader@co.teton.id.us

**Type of Comment?:** General

**Chapter:** [chapter]

**Comments:**

I purchased 40 ac in Teton County 25 yrs ago as a retirement place for my wife and I to live. Due to moratorium concerns on land zoned for 2.5 acre lots, I put in a subdivision of 15 lots named Wydaho Ranch in 2008. The cost was enormous and almost caused a bankruptcy as timing was off. I cannot sell a lot for 1/5 price offered in 2006 (prior to completion and approval of subdivision) before the market crashed. With 7,000+ vacant lots already in area its irresponsible to allow more subdivisions until real estate market stabilizes and vacant lots are sold and homes are built. Please have compassion for those that weathered the storm and sacrificed so much to remain long-time land owners and future residents of Teton County.

SEP 11 2016

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Comments - Draft Land Use Code

9 September 9, 2016

**(The) new Comprehensive Plan created a need to update the County's Land Use Codes (Subdivision and Zoning) because Idaho's Local Land Use Planning Law (§67-65) specifies that county zoning ordinances, subdivision regulations, and official zoning map must not be "in conflict with the policies of the adopted comprehensive plan" (§67-6511-c).**

The above is a direct quote taken from <http://tetonvalleycode.org/teton-county/>. It is assumed the primary goal of the new Land Use Code is to implement, as closely as possible, the objectives/values expressed in the new Comprehensive Plan. If that is truly the case, why have the following key areas of the Comprehensive Plan not been adequately addressed?

1. Land Division – The Comprehensive Plan defines narrow/specific ways and viable options to farmers/ranchers to pass land to family and raise capital when needed. Contrary to the Comprehensive Plan's desire to improve the regulation/control of land divisions, the new code provides even more land division options than the present code. These options apparently can be used by anyone and are not limited to agricultural land. If this code is adopted there is nothing that will stop the proliferation of more subdivisions, sub-divisions approved without critical process or public hearings. Is this not WORSE than the existing code?
2. Housing Density – The new Comprehensive Plan desires having open spaces and increased housing densities in existing towns. If I interpret the interactive zoning map correctly, the new densities will DOUBLE in most rural areas of the county. Is this not WORSE than the existing code?
3. Protection of wildlife and habitat – The new Comprehensive Plan calls for protection of these natural resources (I was on the Comprehensive Plan committee that addressed this critical issue) and recommended strong rules. It seems the revised wildlife overlay and increased housing density allowed by the proposed new code DECREASES wildlife protections and is WORSE than the existing code.
4. Scenic Vistas – The new Comprehensive Plan recommends a Scenic Vista Inventory and designated open space corridors. It seems the new code is vague on this subject and there is no comprehensive effort to designate scenic corridors. The new code seems to be the same as the old.
5. So-Called "Zombie Subdivisions" – The proposed new code does not address how to either vacate or redevelop the 7,000 vacant lots sitting in Teton County. Why is this critical issue not addressed?

Finally, the proposed new code appears to be highly subjective and full of loopholes as regards house density rules. With the proposed code there will be much uncertainty about development

rights and a home owner will not know what could suddenly appear on the property next door. The new code is not specific enough and will be the same or even worse than the existing code.

I do not think the new code meets the goal highlighted in the first paragraph.

William Powell

  
Driggs, ID

**ISSUE #1 - Land Divisions.** The Comp Plan calls for narrowly tailored tools that give viable options to farmers and ranchers to pass land to heirs and raise capital when needed. Instead, the draft code provides even more fast track [land division options](#) (see section 3.6.1) than the present, and they are not limited to just agricultural lands - anyone can use them. Teton County is grappling with 7,000 vacant lots and the recent issue of illegitimately created lots from fast track land divisions. These new and **more lax land split options** will create a "mini boom" of additional subdivision lots approved with minimal oversight and no public hearings.

**Verdict:** **Worse** than the existing code

**ISSUE #2 - Subjective Regulations.** Instead of proactively *making decisions* on densities, the draft code passes the buck to whomever the *decision makers* are at the time. At 422 pages long, there are many loopholes whereby studies and requirements [can be waived](#) (see table on 13.2.2), and housing densities can be moved up or down. Landowners will not confidently know what their development rights are, nor will neighbors know what could potentially pop up next to their homes. This creates uncertainty for all.

**Verdict:** **Same** as the existing code

**ISSUE #3 - Housing Density.** The interactive [draft zoning map](#) shows housing densities are **doubled** from 20 acres to 10 acres in the most rural areas of the county. On the lands between the three cities, in exchange for 3.75 acre housing density, subdivision up to 4 lots, will be allowed [without a public hearing](#) (see table on 14.1).

**Verdict:** **Worse** than the existing code

**ISSUE #4 - Wildlife & Habitat Protections.** The Comp Plan places high value on wildlife and habitat, calling for the strengthening and refinement of the rules protecting these natural resources. With a [decrease in the area](#) (see section 13.3.8) covered by the revised wildlife overlay, and the new housing density exemptions, and [waiveable study requirements](#) (see sections 13.3.7 and 13.3.8), the new code **substantially decreases** wildlife protections.

**Verdict:** **Worse** than the existing code

**ISSUE #5 - Scenic Vistas Protection.** The Comp Plan recommends a Scenic Resource Inventory and designated open space corridors - particularly in the salvageable areas along our state highways in order to better protect scenic vistas. The draft code has vague references to open space priorities, but **no comprehensive effort** to officially designate [scenic corridors](#) (See section 9.3).

**Verdict:** **Same** as the existing code

**ISSUE #6 - Addressing Zombie Subdivisions.**

With **7,000 vacant lots** in the unincorporated county, the code should find ways to either vacate or redevelop these defunct subdivisions, rather than double rural housing densities while incentivizing fast track land division options. The code provides [no new guidance](#) (see section 14.10) on plat vacations.

**Verdict:** **Same** as the existing code

THE BOTTOM LINE

With this new code, Teton County planning staff estimate that ***over 18,000 more lots*** can be created outside of the cities, in addition to the 7,000 vacant lots already platted in the unincorporated areas of the county.

**Kristin Rader**

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**From:** Suzanne Arden <[REDACTED]>  
**Sent:** Monday, September 12, 2016 9:35 AM  
**To:** Kristin Owen  
**Subject:** new code

TETON COUNTY  
PLANNING & ZONING

SEP 12 2016

RECEIVED

The new code allows for 18,000 new lots on top of 7000 existing empty lots. Is this in keeping with the vision for our Valley? We don't want to say no to future development, but this seems excessive. The wildlife that we seek to protect now has a smaller overlay. Why is this?

Thanks for all your hard work on this code. I hope that the growth can be trimmed and the wildlife more protected.

Sincerely,  
Suzanne Arden

**Kristin Rader**

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**From:** Jeff <[REDACTED]>  
**Sent:** Monday, September 12, 2016 1:46 PM  
**To:** PZ  
**Subject:** Proposed zoning

TETON COUNTY  
PLANNING & ZONING

SEP 12 2016

RECEIVED

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello,

I purchased my property many years ago with one of the primary features was that it is zoned A-2.5. I hope you are not proposing to attempt to reduce my value by changing it.

Jeff McMullen  
Tetonia

Sent from my iPhone

**Kristin Rader**

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**From:** Teton Valley Code <info@tetonvalleycode.org>  
**Sent:** Tuesday, September 13, 2016 9:07 AM  
**To:** Kristin Owen  
**Subject:** Teton Valley Code Comment Form Submission

TETON COUNTY  
PLANNING & ZONING  
SEP 13 2016  
RECEIVED

Message from Teton Valley Code Comment Form

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**Name:** Dan Miller

**Email:** [REDACTED]

**Phone:** [REDACTED]

**Which Jurisdiction?:** krader@co.teton.id.us

**Type of Comment?:** Code

**Chapter:** [chapter]

**Comments:**

Chapter 13. Seven of us inherited 95 acres in Cedron that have been in our family over 115 years. Four of us bought out the other three. We then did a land split leaving two brothers with 50 acres and another and I with 45. Even though we own 45 acres, we cannot build on our own land because if I were to build a cabin, it would be jointly owned by my brother and me. Also, no lender wants to loan money on a structure on jointly owned land. We do not want to do a subdivision, with all its added costs and red tape, as we do not want to sell any lots. Our only solution is for adoption of the short plat or additional land split. Either would allow us to build on our property.

**Kristin Rader**

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**From:** Steve Auer <[REDACTED]>  
**Sent:** Tuesday, September 13, 2016 1:10 PM  
**To:** PZ  
**Subject:** NEW ZONING PROPOSAL CLARIFICATION

TETON COUNTY  
PLANNING & ZONING

SEP 13 2016

RECEIVED

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I am one of the property owners associated with the Madeline Meadows Subdivision north of Driggs.

In the August, 2016 PZC review draft, our subdivision is designated as "Rural Agricultural."

However, the Stillwater Subdivision, adjacent to the east of us, has been designated as "Agricultural Rural." We are confused as to what this implies.

We have always felt that maintaining agriculture on our lots is an asset to us as well as to Teton Valley. Our plan for the future is to have our farmer, Jim Beard, continue as much agriculture as possible on developed parcels, using hand lines. Recently, at significant cost, we had the berm around our fire pond lowered specifically to facilitate the movement of Jim's irrigation lines.

Madeline Meadows Subdivision was platted in 2007 (#193527) as 2.5 and 5 acre parcels. We are currently in Zoning District A-2.5. After an inquiry to Teton County this March, the owner of lot #4 was reassured that they have building rights on their lot. We assume that, in the future, the other 7 parcels in Madeline Meadows Subdivision will also continue to have the same building rights.

Sincerely,  
Steve Auer

**Kristin Rader**

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**From:** Teton Valley Code <info@tetonvalleycode.org>  
**Sent:** Wednesday, September 14, 2016 9:30 PM  
**To:** Kristin Owen  
**Subject:** Teton Valley Code Comment Form Submission

TETON COUNTY  
PLANNING & ZONING

SEP 14 2016

RECEIVED

Message from Teton Valley Code Comment Form

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**Name:** Maggie Shaw

**Email:** [REDACTED]

**Phone:** [REDACTED]

**Which Jurisdiction?:** krader@co.teton.id.us

**Type of Comment?:** Code

**Chapter:** None

**Comments:**

I have read the code. Am I missing something? Nowhere can I find zoning to address the existing zombie lots. In fact you are allowing more division of ag properties to add additional lots. I do not understand this. There are no safeguards from the creation of additional zombie lots. Do not open this door again.... Bad idea.

TETON COUNTY  
PLANNING & ZONING

SEP 15 7

September 14, 2016

To: Teton Planning and Zoning Commission

RECEIVED

I will not be able to attend either of the public hearings scheduled for Sept 20 and Sept 27 because I must be out of the state for medical reasons. However, as a former member of one of the subcommittees which met numerous times over the course of many months helping to draft the comprehensive plan of 2012, I must emphatically comment that the draft Land Use Development Code does not reflect the vision of the Comprehensive Plan in many respects.

- 1) The Comp plan calls for narrowly tailored rules for the various Land Divisions. The idea is to be specific, not general, to be clear and concise, not open ended, to be objective, not subjective. The Draft Code is not in compliance with the mandates of the Comp Plan and does not give narrowly tailored tools but rather open-ended options which actually prevent landowners from knowing exactly what their development rights are.
- 2) The Comp Plan envisions clear and specific Housing densities which can not be changed at will, but the Draft Code proposes densities that do not conform to this vision-densities that go up or down and can be changed, sometimes even without a public hearing.
- 3) The Comp Plan calls for strengthening the rules which protect the Valley's valuable resources of wildlife and habitats and the Draft Code actually seems to weaken even the existing wildlife protections. I think a clearly defined, maybe even professionally drafted, map showing these important and valuable resources so there is no confusion as to the corridors and habitat of each species, must be part of the code.
- 4) The Comp Plan specifically recommends designated scenic corridors. The Draft Code again does not follow this vision. The Draft Code is too vague and fails to mandate the designation of open space but rather gives options rather than specifics.
- 5) Lastly, there doesn't seem to be any effort to specifically address the serious problem of vacant lots and zombie subdivisions. This problem must be addressed in the Code.

In summary, the process must be slowed down and we must be sure we have both public and expert input. We must also be proactive in codifying planning for Housing, Transportation and Recreation in the future.



Marie Tyler

Victor, ID 83455

**Kristin Rader**

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TETON COUNTY  
PLANNING & ZONING

**From:** Teton Valley Code <info@tetonvalleycode.org>  
**Sent:** Saturday, September 17, 2016 11:48 PM  
**To:** Kristin Owen  
**Subject:** Teton Valley Code Comment Form Submission

SEP 17 2016

RECEIVED

Message from Teton Valley Code Comment Form

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**Name:** Jolene nissen

**Email:** [REDACTED]

**Phone:** [REDACTED]

**Which Jurisdiction?:** kowen@co.teton.id.us

**Type of Comment?:** Code

**Chapter:** None

**Comments:**

I feel it is discrimination to limit our choices of building types because we are in ag or foothills. For us as a family to have the cottages option or duplex would solve our problem of all of our family being able to have a residence. Families are cut out because you are limiting us with building lots. You have to have 1 per ten acres and 75 per cent open space. So if you have seven families and 40 acres. You can't accommodate everyone. If you had a cottages option or even the duplex option families could accommodate more family When you limit Building lots and require so much open space we should at least have some building options so our families can be accommodated I feel the little cottage behind a single residence is no choice at all it would limit the view and be worthless.

**Kristin Rader**

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**From:** [REDACTED]  
**Sent:** Sunday, September 18, 2016 5:18 PM  
**To:** PZ; Kristin Owen; Commissioners  
**Subject:** County Draft Land Use Code

TETON COUNTY  
PLANNING & ZONING

SEP 18 2016

RECEIVED

Dear Officials:

Our comments:

- 1) Land Divisions: No "fast track" options for land division. This is probably the worst road that Teton County could travel in search of a sustainable future. We do not need land speculation, cookie-cutter subdivisions, or chopped-up natural areas.
- 2) Densities: We have the responsibility right now to put clear and concise rules, minus loopholes, into the regulations. The procedures for increasing densities need to be strict and variations rare.
- 3) Wildlife and Habitat Protections: We need the strongest possible protections for our wildlife. Human nature being what it is, it is the elected officials who must take a stand to keep rural areas rural no matter what pressure comes to bear.

Teton County = open spaces, view corridors and a vibrant economy based on agriculture, tourism and outdoor recreation. You all have a huge responsibility to those who live here, present and future. Take the long view, honor what we have, and strive always to improve, not degrade, our county.

Sandra and Roy Walters  
[REDACTED]

Driggs

Charles Gaudet



Victor, Id.  
83455

Hoosing on farm for  
Seasonal workers  
Apple, hop, & gardens

Thanks,

TETON COUNTY  
PLANNING & ZONING

SEP 22 2016

RECEIVED

**Sharon Fox**

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**From:** Kristin Owen  
**Sent:** Wednesday, September 28, 2016 2:53 PM  
**To:** Sharon Fox  
**Subject:** Fwd: Readability of the draft Land Use Code

TETON COUNTY  
PLANNING & ZONING

SEP 28 2016

RECEIVED

Please print.

Sent from my iPhone

Begin forwarded message:

**From:** Clint Van Sicien <[REDACTED]>  
**Date:** September 28, 2016 at 2:46:47 PM MDT  
**To:** PZ <[pz@co.teton.id.us](mailto:pz@co.teton.id.us)>, Commissioners <[commissioners@co.teton.id.us](mailto:commissioners@co.teton.id.us)>, Kristin Owen <[kowen@co.teton.id.us](mailto:kowen@co.teton.id.us)>  
**Subject:** Readability of the draft Land Use Code

Planning and Zoning Commission  
Board of County Commissioners  
Teton County Planning Administrator

Dear Commissioners,

I set aside last weekend to do my civic duty of carefully reading through the 400-page draft Land Use Code and submitting comments. But it was a tedious and unproductive exercise! The draft Code is a technical, legal document that cannot be read front to back. I certainly had a hard time comparing it to the Comprehensive Plan. In fact the draft Code looks like Code Studio provided a template and the P&Z committee just put in the numbers, unconstrained by the Comprehensive Plan.

I'm not prepared to comment on the draft Code--I just don't understand enough of it. I'm sure my frustration is typical. How can we get informed "public comment" on the draft if the public doesn't understand it? I propose the following:

Prepare an online, readable version--for public consumption--of the current draft Code that includes links to corresponding parts of the Comprehensive Plan. There should be an additional section that informs the reader what parts of the Comprehensive Plan are not addressed in the draft Code. I suggest contracting VARD to prepare this document. (VARD is local, has the appropriate expertise, and is familiar with the Comprehensive Plan.) The P&Z committee will critically review this document to ensure it accurately describes the current draft Code. Then the document gets sent to me (and whoever else is interested) for review. There may be several revisions! When I, and whoever else is interested in this task, agree that the document is understandable, it is released for public review and comment.

Note that this action is NOT a revisitation of the content of the draft Code. It simply lets the public understand what the draft Code says. Then the public can provide informed "public comment", and decide what changes it wants.

Sincerely,

Clint Van Sicen

[REDACTED]

Tetonia, ID 83452

[REDACTED]

OCT 01 2016

RECEIVED

October 1, 2016

Dear Planning and Zoning Commission,

Thank you for the many hours of diligent work that you have put into this draft land code. It is obvious that you have tried hard to reach compromises that will satisfy a wide range of community members, which is a laudable goal.

I am conflicted about the timeline currently proposed for the adoption of the new land code. On the one hand, it is a very long and complicated document, so it is an overwhelming task to provide thorough comments with only a few weeks to study it. On the other hand, it has now been more than four years since our county adopted a new Comprehensive Plan, and during that time we have not had a code that matches that plan, even though the current code says that one of the criteria for making a decision is that the proposal must comply with the Comp Plan. This lack of coordination between our code and our comp plan creates some real dilemmas for decision makers and violates State Statute.

Development is picking up in our county, reinforcing the need for a good land use code that matches our Comprehensive Plan. In particular, the draft code does away with Planned Unit Developments, and I, along with many others in our community, would hate to see more developments being approved under the PUD provision, which has contributed greatly to increased density in rural areas far from services, as well as to zombie subdivisions.

All things considered, I think it is time to move this draft code forward to the Board of County Commissioners without further delay, along with your recommendations for changes based on public comment.

There are many things I like about this draft code, such as the 3 agricultural districts with their unique descriptions and unique requirements for priority open space; moving sensitive A-2.5 lands into one of the new Ag districts; the requirement of open space in order to maximize density in most situations; the elimination of the PUD; 2.5-acre lots no longer allowed without significant open space; simplified options for land splits; specific regulations for development within the Scenic Corridor.

However, there are aspects of the draft code that I think could be improved.

Here are my recommendations:

1. Have this draft code reviewed by a professional planning firm or consultant not affiliated with Teton County as soon as possible, so that the public can study those recommendations before the next public hearing.
2. Reduce the maximum density in the 3 rural districts to 1 lot per 15 acres, rather than 1 lot per 10 acres, keeping the same requirements for open space as now proposed, since preserving our agricultural character is a key component of the Comp Plan.

This is still lenient compared to the current 20-acre zoning but would further reduce the potential number of building lots in the county compared to this draft. The additional 17,000 new lots allowed under the draft code, in combination with the currently platted lots (including 7000 vacant ones), would destroy our county's agricultural character and would result in a more urban community than residents want.

3. Do away with the One Time Only Land Split, which is no longer needed because of the new option of Land Divisions. Furthermore, hasn't all the land in Teton Valley already been split at some point? We live on a 10-acre parcel that is not part of a subdivision, yet clearly the land in our area has been subdivided. If you retain the fuzzy option for a One Time Only Land Split, please limit that option to larger parcels, perhaps 40 or more acres, since 14.5.8 states that the purpose is to provide for division of a *large* parcel.

4. Allow Land Divisions only in the RA, LA and FH zones, and not the ARN, since the stated purpose is to more easily divide *large* parcels (whereas the ARN zone allows 3.75 acre zoning without open space). Allow no more than 2 new parcels to be created for a total of 3 parcels (rather than the 4 proposed in the draft). Those wanting to create more parcels could use the Short Plat option, which is another simplified development option.

5. Retain and strengthen the Wildlife Habitat (or Natural Resource) Overlay, with a provision to update that overlay with new data. The Comp Plan clearly and repeatedly calls for protection of our county's natural resources, yet the draft code does not provide sufficient protection for wildlife habitat and other natural resources.

6. Add a provision to the Scenic Corridor section for a scenic vista inventory to be incorporated later, so that views other than those along the highways and Ski Hill Road can be protected in the future, as envisioned in the Comp Plan.

7. Strengthen the Administrative Section so that decisions are not subjective and are not dependent on the opinion of a current planning administrator.

8. Add a section to address "zombie" subdivisions.

Thank you for considering my ideas.

Sincerely,  
Alice Stevenson

  
Victor, ID 83455

**Kristin Rader**

TETON COUNTY  
PLANNING & ZONING

OCT 04 2016

RECEIVED

**From:** Erika Eschholz <[REDACTED]>  
**Sent:** Tuesday, October 04, 2016 6:13 PM  
**To:** PZ; Commissioners; Kristin Owen  
**Subject:** Comments

Dear Planning & Zoning Commission, Board of County Commissioners, Teton County Planning Administrator

I would like to submit the following comments to the code drafting process:

I support adopting a Zoning Map and Land Use Code that reflects the character mapping in the Comprehensive Plan and would like to see this expressed and enforced in the final draft of the Code. Specifically I would like to see the code adopt the idea of agricultural-rural neighborhoods where there is a transition between cities and rural lands in the county. To do this I would like to see medium sized lots clustered together to protect open space. The open space should be left for parks, farms, and pathway connections. This process could make possible large tracts of contiguous open space which would serve our greater community and wildlife in many ways. I also greatly support the mixed-agricultural rural neighborhood in lime green on the maps. I would like to see all of this area expressed in the code as areas for farming and ranching and if sold for development, sold as large indivisible lots.

I would like to generally see what we created in the comprehensive plan translated into enforceable code. I would like to see open space protected, agricultural use and farming supported in all areas, wildlife corridors and conservation land protected from development. I would like to see tiny and alternative houses allowed. I would like to see restrictions on very large houses and guidelines for placement of these houses on parcels (ie. views, and open space protected). I would like to see the code enforce commercial business to stay within city areas.

I am very impressed with the comprehensive plan and wholeheartedly support it becoming enforceable code. Thank you for taking my comments.

Sincerely,

Erika Eschholz

[REDACTED]  
Teton Full Circle Farm

<http://www.tetonfullcirclefarm.org>

Growing organic food and cultivating sustainable living in the Tetons

<https://www.facebook.com/tetonfullcirclefarm>



**Kristin Rader**

TETON COUNTY  
PLANNING & ZONING

OCT 04 2016

RECEIVED

**From:** Kenneth Michael  
**Sent:** Tuesday, October 04, 2016 4:54 PM  
**To:** Kristin Owen; Commissioners; PZ  
**Subject:** Public Comment - Livestock Keeping

Dear Teton Valley Planning and Zoning Commission, Board of County Commissioners, and County Planning Administrator,

Under the Allowed Use Table in article 10 (see attached image), Livestock keeping is not permitted in 4 of the 5 agricultural zones. If keeping livestock is indeed permitted for farmers and ranchers, the allowed use table should make that clear in the allowed use table either by assigning an L for limited use or some other means. However, it is my belief that livestock keeping, particularly chickens, should be allowed for home gardeners in any agriculturally-zoned areas.

Permitting livestock keeping in agricultural zones aligns with the valley's cultural heritage and values. Citizens should have the right to produce their own food whether it be fruits and vegetables or animal products, especially in ag zoning. It increases self-reliance, saves money, enriches our lives, and most often benefit the land and our neighbors.

In sum, it is important 1. to clarify where and under what circumstances livestock keeping is allowed and 2. to allow livestock keeping in all agricultural zones and in any other neighborhoods or subdivisions that approve it as a conditional use. Let's change the -- in the Allowed Use Table to a P (or at least an L or C).

Sincerely,  
Kenneth Michael  
Teton Full Circle Farm  
<http://www.tetonfullcirclefarm.org>

Use Category Specific Use	RA	LA	FH	ARIN	RC	Residential Districts	Mixed Use Districts	IL	IH	CIV	REC	PRS	Definition/ Standards
Agricultural Uses cont.													Div. 10.8.
Community garden	P	P	P	P	P	--	--	--	--	L	L	--	Div. 10.8.7.
Livestock keeping	--	--	--	--	L	--	--	--	--	L	--	--	Div. 10.8.8.
Nursery	P	P	P	--	--	--	--	--	--	--	--	--	Div. 10.8.9.
Urban farm	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.8.10.

OCT 04 2016

**Kristin Rader**

RECEIVED

**From:** LINDA UNLAND [REDACTED]  
**Sent:** Tuesday, October 04, 2016 1:37 PM  
**To:** Kristin Owen  
**Subject:** Comments on Code for P & Z

Hello, Kristin. Following are my comments pertaining to the draft code for the P&Z:

I would like to begin by thanking all of you immensely for the incredible time, effort and thought you have put into the code writing process over the last two years. Please know that all of us recognize the challenge of this massive undertaking, and I greatly appreciate your commitment to this process and serving on the P & Z. Acknowledging that this is the first and only public comment period (between now and the 10th) and that October 5th is the only Open Comment opportunity, I'm concerned that the community has not had sufficient opportunity to sift through the 420 page document. And, because it is so cumbersome and technical, it is, indeed, a challenge for all of us to catch up to all of you, if not impossible! So I encourage you to consider all of these comments and those of others carefully and non-judgmentally and understand how difficult it is for the layperson to provide specific recommendations.

As Dave Hensel said, this draft code is not perfect, but I cannot imagine how something like this could meet every stakeholder/constituent's needs and preferences. It is in this spirit that I submit some suggestions for your consideration.

1. In reviewing Section 13, I find the charts very open ended and lacking clarification for landowners, specifically. It appears that many decisions are left to the discretion of county officials. I submit that most, if not all of the "P's" be restructured to be "required" (R's), thus eliminating grey areas, loopholes or what may appear to be subjective, and conceivably unfair, decisions. Eliminating confusion and mistranslation of regulations upfront is always a safer approach.

2. Some of you know that our property is adjacent to the proposed Mountain Legends subdivision. It is safe to say that none of you were in favor of the plan submitted by the developer in July, but, because he was applying under the old code, 2.5 acre lots, with no open space requirements were admissible. With 7,000 vacant lots in the county, it seems incomprehensible that this could still occur - even under the current code. I see that the draft code in this same area would still allow 2.5 acre lots in this newly designated Agricultural Rural Neighborhood but would require open space and provide incentives for less density. Better, but still, in my mind, this does not go far enough. In an ARN area, 2.5 acre lots should not be permitted at all, because in this or many other cases, these properties are not near county services. The fact is, it is my opinion that we should halt any future subdivision development until we have effectively eliminated, vacated or, in rare cases, completed what already exists. Fiscally, the county loses revenue every time one of these developments is created, because they simply are not self

sustaining. We have an opportunity now to capture our Comp Plan's vision. Please address this issue in the code with realistic and meaningful incentives, requirements and consequences.

3. Protection of wildlife is a passion that many of us share in this valley. I do not believe that this topic is effectively addressed by the draft code. I also question the ability of Fish and Game to be able to handle the screening of every pertinent application. It appears to me that this draft provides a more vague definition of wildlife habitat than what currently exists and seems to have removed overlays. I request that you get more specific, use and update existing overlays and don't depend solely on plant communities to define wildlife corridors. As the county expands, I feel it is incumbent upon us all to adhere to carefully crafted protections of one of our greatest resources. Get bold with your oversight of wildlife. Please don't avoid it!

Thanks for your continued work and consideration.

Kind regards,

Linda Unland

  
Driggs, ID 83422  


OCT 04 2016

RECEIVED

October 3, 2016

Teton County Planning & Zoning Commission  
150 Courthouse Drive  
Driggs, Idaho 83422

Re: Wildlife Comments Regarding the Proposed Land Use Development Code

Dear Planning and Zoning Commissioners:

I am writing to offer broad comments concerning the proposed Land Use Development Code (Code). First off I commend you for taking up this issue and applaud your focus on expediency; however I am very concerned about the timeline and opportunity for meaningful public comment.

My focus at this stage is purely on Wildlife. I was one of the main contributors to wildlife provisions contained in the existing code and know full well the challenges with striking balance between safeguarding wildlife, respecting private property and cost to the developer. Remember that wildlife is the property of all citizens and also a major economic and quality of life driver.

Without going into specifics the following are my major concerns with the plan as drafted:

- The proposed Wildlife Habitat Protection Map is weak and is being used out of context. This map was never produced for this purpose. Although plant community composition and structure are important elements of habitat they are not the only elements. The existing Wildlife Habitat Overlay Map was constructed using the best science and professional judgment available and a much stronger tool. A weakness is that it has not been updated. I recommend keeping the existing map but adding a mechanism for mandatory periodic updates.
- Focus on a 25 acre density trigger to exempt Wildlife Habitat Assessment is ill conceived. Unless the trigger is very high (>100 ac.) Development location and configuration not development density are far more important and scientifically valid predictors of wildlife impacts and protection measures. Even at very low development densities there are some places needing special attention to protect wildlife values.
- Administratively I am concerned about the burdens being placed on Idaho Department of Fish and Game (IDFG). Teton County needs to invest in staff natural resource professionals or certified subcontractors to alleviate some of this burden. IDFG is an extremely valuable partner and should always be given the opportunity to comment but they are also overwhelmed with other responsibilities. I am sensitive to stringing

developers along waiting for comment but also worry about the provision "If comments are not received within 45 days, it will be judged that there are no IDFG comments on the application.

In closing I urge you to slow down and get it right rather than get it done. In my opinion the proposed Code weakens wildlife protections rather than strengthens them, which I don't think is your intent and certainly not the intent of the majority of our residents who favor stronger protections for fish and wildlife.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeffrey Klausmann".

Jeffrey Klausmann, *Wildlife Professional*



**IDAHO DEPARTMENT OF FISH AND GAME**

UPPER SNAKE REGION

4279 Commerce Circle

Idaho Falls, Idaho 83401

C.L. "Butch" Otter / Governor  
Virgil Moore / Director

October 5, 2016

Teton County Planning & Zoning Commission  
150 Courthouse Drive  
Driggs, Idaho 83422

**Re: Teton County's Draft Land Use Development Code**

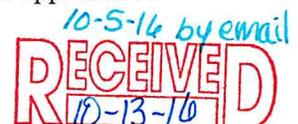
Dear Planning & Zoning Commissioners:

Idaho Department of Fish and Game (Department) appreciates the opportunity to provide comments on the draft Teton County Land Use Development Code (Land Use Code). While we acknowledge Teton County's efforts to solicit public comment, we were unable to thoroughly review and understand the implications of the Land Use Code. The Department needs to fully understand and further discuss County expectations of our role in reviewing proposed development projects. Once the initial round of public comments are complete, the Department recommends the County to work with us to understand our concerns and develop revised draft language to ensure adequate protections for wildlife and fisheries resources are in the new Land Use Code.

The Department recommends that "IDFG's Major Plant Communities Map" should not be used in place of a bona fide Wildlife Habitat Overlay. Section 13.3.8 (A) Wildlife Habitat Protection Map, is proposed to be used to determine protected Indicator Species habitat location, and lands contained therein will be subject to a Wildlife Habitat Assessment (when they are not exempted by Section 13.3.8 (C)). It appears that the Major Plant Communities Map from IDFG's 2012 *Summary of Key Fish and Wildlife Habitats of Low Elevation Lands in Teton County, Idaho* (IDFG 2012) is proposed to replace the county's existing Wildlife Habitat Overlay Map. Please note that this is not the map's intended purpose. Originally, the Department included this map in our report to the County as a general reference only. Priority wildlife habitat is comprised of many characteristics, not just vegetative cover. Teton County's existing Wildlife Habitat Overlay (Overlay) was produced in consultation with the Department and other partners. In our view, it is the best tool for protecting wildlife habitat in the course of land development. Priority habitats and the rationale for their designation are explained thoroughly in IDFG (2012), which is included as an appendix in the Teton County Comprehensive Plan.

The Department is concerned that the proposed density exemptions in Section 13.3.8 (C) were developed without any scientific basis. It appears this section exempts development of a certain density from the Wildlife Habitat Assessment requirement. The purpose of this exemption is unclear. However, we assume that the Planning & Zoning Commission found that development of less than one unit per 25 acres has no impact to Indicator Species, or that the Commission does not seek to protect habitat in exchange for lower density proposals. In the case of the latter, we find this to be a local policy decision independent of scientific analysis. However, if Teton County's intent is to protect key habitat, we stress the location of development - not the density of development - is a more scientifically sound approach to wildlife habitat protection.

Keeping Idaho's Wildlife Heritage



The Department is very concerned about our role in the proposed Land Use Code. We believe that the review of Wildlife Habitat Assessments should not fall solely to the Department. Section 13.3.8 (G) establishes the Department as the sole technical reviewer for:

- 1) The optional preliminary review of plant communities in Section 13.3.8 (G)(1), and
- 2) The required review for Wildlife Habitat Assessments outlined in Section 13.3.8 (G)(2).

The Department welcomes the opportunity to provide technical assistance to Teton County in managing the state's wildlife resources, and we will make every effort to accommodate reasonable requests. However, effective and sufficient wildlife protections may be compromised with Teton County mandating the Department's review for county development applications. The Department will not have the resources to conduct a thorough review for every application within the 45-day timeframe established in Section 13.3.8 (G)(2). Moreover, we have concerns with the language in Section 13.3.8 (G)(2)(b), that states "if no comments are received [from IDFG] within 45 days, it will be judged that there are no IDFG comments on this application." The Department recommends providing language that states "if IDFG is properly notified and if no comments are received [from IDFG] within 45 days, it will be judged that there are no IDFG comments on this application." Additionally, we recommend adding language that would offer the Department an opportunity to extend our comment period due to significant wildlife or fishery resource concerns. This would also be helpful in the event that the Department is requested to review several applications at one time.

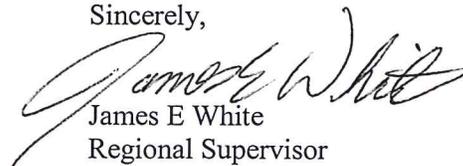
To alleviate Department concerns about being the sole technical reviewer for Wildlife Habitat Assessments, we suggest Teton County require some preliminary natural resources technical document for development applications. These should be prepared by qualified wildlife professionals familiar with the Teton County wildlife and ecology to provide the required review of the Wildlife Habitat Assessments proposed in Section 13.3.8 (G). The Department further recommends the County identify qualified wildlife consultants who are variably contracted directly by the County (*not the development applicant*). A process like this would benefit important wildlife habitat and:

- 1) Create a fair, level playing field for all applicants,
- 2) Increase objectivity of analyses,
- 3) Streamline technical review by the Department, and
- 4) Create a positive process that enhances the Department's relationship with Teton County planners.

In closing, the Department recommends the County to develop a wildlife review team that is tasked to engage with the Department. The intent of the wildlife review team would be for the County to understand our concerns and the Department has the opportunity to further discuss County expectations of our role in reviewing proposed development projects. This would be helpful to ensure adequate protections for wildlife are in the new Land Use Code.

Thank you for the opportunity to comment. If you have questions or require additional information, please contact Robert Cavallaro, Regional Wildlife Habitat Manager, or, Tom Bassista, Environmental Staff Biologist, at 208-525-7290.

Sincerely,



James E White  
Regional Supervisor

JEW:RAC:TPB:jms

October 3, 2016

Teton County Planning and Zoning Commission  
Teton County Courthouse  
150 Courthouse Drive - Room 107  
Driggs, ID 83422



To Whom It May Concern:

As a non-profit serving Teton County, Teton Regional Land Trust continues to find ways to fulfill our mission of conserving working farms and ranches, fish and wildlife habitat, and scenic landscapes in Eastern Idaho for this and future generations.

The Draft Code uses preservation as a zoning tool for mitigating development within subdivisions. Although we are supportive of any measure of preserving the important resources described within this letter, we feel it is necessary to explain the difference between rezoning an area as Preservation (PRS) and conservation easements. Because PRS is a county designation subject to the zoning ordinance, which can change over time, it is unclear how such a designation will achieve the requirement for permanent land protection in the Draft Code. It seems possible that lands dedicated as PRS could be converted to development in the future if the Code is later changed to remove PRS.

Alternatively, conservation easements offer a way to permanently protect property, because they are legal instruments that encumber a property in perpetuity. A conservation easement is a voluntary, legal agreement between a landowner and the easement holder that limits certain uses of the land – like large scale subdivision – in order to conserve the natural and agricultural values of the land.

When considering whether to hold a conservation easement, TRLT evaluates each property for its conservation values to ensure it meets the IRS standards aimed at assuring that conservation easements serve the public good. Using conservation easements as an incentive for allowing development is problematic, and TRLT does not advocate for the requirement that landowners enter into conservation easements in exchange for meeting development requirements. Not all open spaces within any particular subdivision will meet the requirements for a conservation easement, or conserve important agricultural lands and wildlife habitat.

Most importantly with density changes as presented in the Draft Code, there is potential that less land will be suitable for agricultural production or intact enough for our area's wildlife, to qualify as land eligible for a conservation easement held by TRLT. This could limit the conservation options for future landowners. Additionally, if Teton County determines that conservation easements are the appropriate tool, they may want to consider how and if the County would hold, monitor, and enforce the open space placed in a conservation easement.

While we understand growth is inevitable and important to sustain our County's economic growth, we work to protect our rural character and wildlife resources to support the high quality of life and a sustainable economy for future generations.

As this Draft Code may directly impact the future success of our mission, we wanted to communicate these concerns.

Sincerely,

Joselin Matkins  
Executive Director

TETON COUNTY  
PLANNING & ZONING

OCT 05 2016

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OCT 05 2010

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208 354 3871  
www.tetonwater.org

18 North Main Street, Suite 310  
PO Box 768  
Driggs, Idaho 83422

**To: Teton County Planning and Zoning Commission**

**Re: Land Development Draft Code**

Dear Planning and Zoning Commissioners,

Please accept the comments below from Friends of the Teton River (FTR) in regard to the proposed draft of the Teton County Land Development Code. We commend Teton County for taking on the important issues of floodplain protection, flood hazard reduction, and drinking water protection in this code. Since Kristin Owen assumed the role of Planning Administrator, we have greatly appreciated her efforts to reach out to community stakeholders regarding the draft code; however, we wish we would have had the chance to work more closely with planning staff earlier in the code development process, so that regional knowledge and best management practices could have been better incorporated into the draft plan. Also, please understand that FTR staff have done our best to review and respond to the draft code in a short period of time; however, we believe all community stakeholders would benefit from a longer time period in which to review and comment on the extensive document.

Based on our review of the Draft code, we recommend the following:

**Floodplain Protection/Flood Hazard Mitigation:**

As you know, FTR has worked extensively throughout Teton County on floodplain protection and flood hazard reduction. This has been most evident in our cooperative work on Teton Creek, where we have worked with Teton County and numerous other partners to repair damage that occurred as the result of illegal dredging of the stream channel upstream of the Cemetery Road Bridge. Like Teton Creek, many of Teton County's streams have been significantly altered by development activities, causing upstream and downstream erosion and sediment deposition that lead to significant instability. This has led to a situation where the potential for continued stream channel and side channel migration is very high, even during minor flooding events. For example, Teton Creek has moved laterally across its floodplain significant distances in recent decades. This channel migration has occurred during small flood events (far less than 100-year/1% flood events) and is primarily due to development-related alterations to the channel and floodplain. This lateral movement of the channel has, and

will continue, to cause significant damage to property and infrastructure built within the floodplain, unless a major effort is made to protect this infrastructure. Protecting infrastructure would require building and maintaining an engineered channel and floodplain similar to the project completed in the vicinity of the Aspens and Aspen Pointe subdivisions. The engineered channel would have to extend from Cemetery Road to Highway 33 to ensure that upstream destabilization doesn't compromise downstream stabilization efforts. Based upon the budget from the recently finished work on Teton Creek, we roughly estimate a bare minimum cost of \$5 million to design and build an engineered channel of this type and length. It should be noted that this estimated cost is to build a channel and floodplain that can contain and convey up to a 100-year (1% chance of occurring in any given year) flood event. To build a channel and floodplain that could accommodate a flood event like the one that hit the City of Boulder two years ago, which was considered to be a 500-year flood event (0.5% chance of occurring in any given year), would cost significantly more. There will also be indefinite maintenance costs associated with such a project.

Based on this, we recommend the following:

- **FTR recommends that, rather than using standard setbacks from stream channels, Teton County follow recommended best practices for floodplain risk assessment by including the Channel Migration Zone (CMZ) on hazard maps, and utilizing the FEMA Risk Mapping, Assessment, and Planning Tool to identify areas of risk within the floodplain.**
- **FTR recommends that the County move toward limiting all future development within the 100 year floodplain and/or within a predetermined Channel Migration Zone (CMZ). FTR also recommends that a minimum 50 foot riparian buffer be enacted from the edge of the 100-year floodplain and CMZ delineated areas (rather than from a subjective point on an existing stream channel).**
- **If the County decides to use "set-back" distances from the creek instead of CMZ and/or 100-year flood delineations for protection, FTR recommends that the County be sure to require set-backs from each overflow channel of all existing creeks, in addition to the main channel.** Overflow channels can quickly become the main channel during even small flood events. This occurred as recently as 2006, when a 5-year flood event (20% chance of occurrence in any given year) caused a small overflow side channel to become the main channel (Figure 1). This side channel activation resulted in loss of the Creekside bike path, over an acre of land, and dozens of mature aspen and cottonwood trees (Figure 2).
- **FTR recommends that, if FEMA Floodplain maps are used, it is important to ground-truth these maps with local knowledge, and to ensure that all local streams are included.** On the current FEMA risk map, several streams that regularly

flood (including Fox Creek) are omitted arbitrarily. FTR recommends using County staff and/or contracting a qualified 3<sup>rd</sup> party consultant to augment FEMA maps.

**Drinking Water Protection:**

As discussed in recent presentations to a joint work session of the Planning and Zoning Commission and the Board of County Commissioners, data collected by Friends of the Teton River in 2012 and 2016 indicates that there are several areas of elevated nitrate-nitrogen levels throughout Teton County. It is important that the new code ensure that all future developments demonstrate that plans for sewage treatment will not further increase the concentration of nitrate-nitrogen in these (or other) areas of Teton County, in order to protect human health and economic vitality.

- **FTR strongly recommends that Teton County form a technical advisory committee to review and critically evaluate Nutrient Pathogen standards to ensure that the final version of the code takes into account current data and best management practices.**
- **FTR also recommends that the County consider requiring nitrogen-reducing onsite septic systems, increasing minimum lot sizes necessary for onsite septic systems, and/or incentivizing or requiring nitrogen-reducing community septic systems for subdivisions.**

Again, we commend the County for taking on these important issues. FTR staff would be happy to meet with or present to County staff and/or elected officials to provide more information on any of the above if desired. Please don't hesitate to contact us with any questions.

Sincerely,



Amy Verbeten, Executive Director  
Friends of the Teton River  
(208)354-3871 x 13, [amy@tetonwater.org](mailto:amy@tetonwater.org)

**Figure 1: 2000 Aerial Photo showing the location of the Creekside Bridge and Bike Path Prior to Construction**



**Figure 2: The Creekside Bike Path during the 2006 20% probability flood event**



OCT 05 2016

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October 5, 2016  
Teton County Planning and Zoning Commission  
Driggs, Idaho

Dear Commissioners,

Firstly thank you all for your hard work on crafting the proposed new code for the County. After being on your side of the table I know first hand what a difficult job you had. As with all planning ideas there are always multiple view points which make the outcome even more complicated. I have some thoughts on the draft code and will try to keep them as brief as possible.

- Some general comments: The code is a complicated document and would be better if it was simplified. For example reduce the number of land division possibilities.
- Density: Giving bonus density for “doing the right thing” is a left over idea from the PUD days and is a bad idea. If the community wants to keep the rural parts of the county rural then zone it accordingly. For example make the base acreage 40 acres. If the development was clustered then allow 2 building sites. That would keep the underlying density at 20 acres and if the clustered sites were 3 acres each 34 acres of open space would be created or 85%.
- Allow an administrative land division of 100 acres or more. This is an arbitrary number but the concept is valid. The proposed parcel would need to have a minimum of 300 feet of road frontage on an approved county road. This would be a very easy process with no P&Z review, public meeting/hearing etc. Also this new parcel would not be eligible for any further divisions. Certainly this would maintain the rural feel and allow large landowners an easy method of land division.
- Eliminate one time lot splits. This has been an abused method of land divisions for a long time.
- There should not be 10 acre density allowed no matter what mitigation measures are required. That is not rural in feel. Remember that a while back a proposal for a subdivision was suggested in the north west part of the valley. Because of the size of the development acreage (over 6,000 acres) a development the size of Driggs would have been created. No matter how much open space would have been created that part of the county certainly would not have maintained its rural feeling.
- Who comprises the DRC? How many members? Why are minutes not required?

- Wildlife 13.3.8 There needs to be more than the use of the vegetation layer to protect the county's wildlife. It seems prudent to ask IF&G to help craft a comprehensive wildlife management plan. Also does IDF&G have the capacity to review the subdivisions as described in the code? The county should create a list of environmental consultants that are trusted to produce unbiased reports. An applicant should pick from the list and pay for the studies that need to be done.
- Article 10: agricultural uses: eliminate commercial feed lots. Why would Teton County want the possibility of a feed lot coming into the valley with all the problems that it would create?

In closing my main points are keep the rural parts of the county rural. An underlying density of 10 acres will not do that. Make a stronger wildlife protection section with specifics from IF&G. Allow a by right land division process if the created parcel is large enough to maintain a rural feel. Eliminate one time only lot splits. Thank you again for your hard work and effort in rewriting the code.

Sincerely,

Sandy Mason  
Tetonia, ID

TETON COUNTY  
PLANNING & ZONING

OCT 05 2016

RECEIVED

Julie Robinson  
[REDACTED]

Driggs, Idaho 83422  
[REDACTED]

Teton County Planning and Zoning Board

Teton County, Idaho

To the planning board,

Thank you for all the time and thought you've devoted to creating the Land Development Code. It is a testament to your dedication to protecting Teton County.

My comment relates specifically to fencing, addressed in Chapter 13, page 26. The statements in section B are quite vague. I'd like to see the Code be more specific in it's demands on new fencing. First, it should be specified that the changes in requirements would only relate to new fencing. Old fencing need not be replaced. Secondly, it should specify exactly what Wildlife Friendly fencing is, what it accomplishes, and what it looks like.

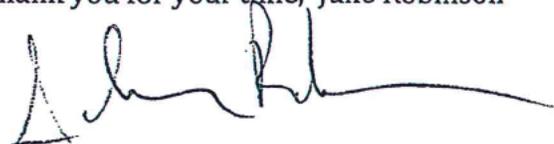
Wildlife is an asset to the County in many ways. It is a part of the area's heritage and history. It is also an economic asset. A healthier wildlife community relates to our tourist industry in hunting as well as recreation. (People love to see a Moose when they float the river). It enhances the attraction of Teton County to tourists, as well as new and old residents. Our obligation is to protect it in every feasible way.

Wildlife friendly fencing is very feasible in that it's not more expensive, only more thoughtful. By that I mean more full of thought. And, still provides for stock containment, or property delineation, as it was intended. Wildlife friendly fencing respects how animals need to move around, making it easier and less stressful which in turn makes for a healthier wildlife community.

I've included a Wildlife Friendly Fencing brochure for each of you, which I compiled from the information found in the regulations for Teton County Wyoming. Since wildlife knows no political boundaries, it seemed appropriate to be consistent with regional regulations.

Let me know if you'd like more copies of this brochure.

Thank you for your time, Julie Robinson



## Guidelines for Wildlife Friendly Fencing

If a barbed-wire fence is needed to contain cattle, it can be made wildlife-friendly by adding a top rail and keeping the wire strands taut (therefore it is less likely to entangle either stock or wildlife). If the wire fence is not needed year-round, it can be designed to lay on the ground during the winter. Wire fences that cross creeks can be made more visible with the addition of a plastic-pipe sleeve or simple flagging. This can help prevent low-flying birds from running into them.

**Buck and Rail fences**, originally designed for areas too rocky to dig fence posts, have become popular for property boundary fences. These are not easy for wildlife to get over or through. However, rails can be laid down or a gap in the fence can be provided (look for a place where animals are likely to cross - a swale or creek, away from buildings and access roads).



## The Ideal Wildlife Friendly Fence

From a wild animal's standpoint, the ideal fence is one that can be seen (and therefore not run into. Especially in the case of Swans and Owls), and one that can either be easily leapt over or scurried under without injury. **A fence with posts and a wooden top rail works best.** Rails or smooth wire strands can be used below the top rail to effectively contain stock and allow wildlife movement. **A maximum height of 38 to 40 inches, with the bottom strand of wire 16 inches from the ground, is considered optimum.**

### Actions for Wildlife:

1. Send an email to: [pz@co.teton.id.us](mailto:pz@co.teton.id.us) Tell the Planning and Zoning Commission to include Wildlife Friendly Fencing in the Teton Valley Development Code.
2. Watch for and attend the Public Hearings for the Teton Valley Development Code expected to be in September 2016. **Speak up for Wildlife.**
3. Redesign your own fencing to accommodate wildlife movement.



## Wildlife Friendly Fencing



**Wildlife Friendly Fencing maintains habitat connectivity for wildlife, thus preserving this integral part of our western heritage.**



## **Wildlife Friendly Fencing:**

- Allows for barrier-free wildlife movement and migration, while still containing domestic livestock.
- Reduces damage to the fence thus reducing the need for maintenance or repair of the fence.
- Is designed to eliminate or substantially reduce the number of injuries and deaths to wildlife.
- Can reduce the number of animal/vehicle collisions by reducing the time the animal spends in the Right of Way.
- Preserves the wild animals for future generations.

**Wildlife friendly fencing can be accomplished while still serving the purpose of containing stock.** There is no reason not to incorporate Wildlife Friendly Fencing for new and repaired fences into Teton Valley's Development Code.

Helpful information can be found online at [www.wildlifefriendlyfencing.com](http://www.wildlifefriendlyfencing.com).

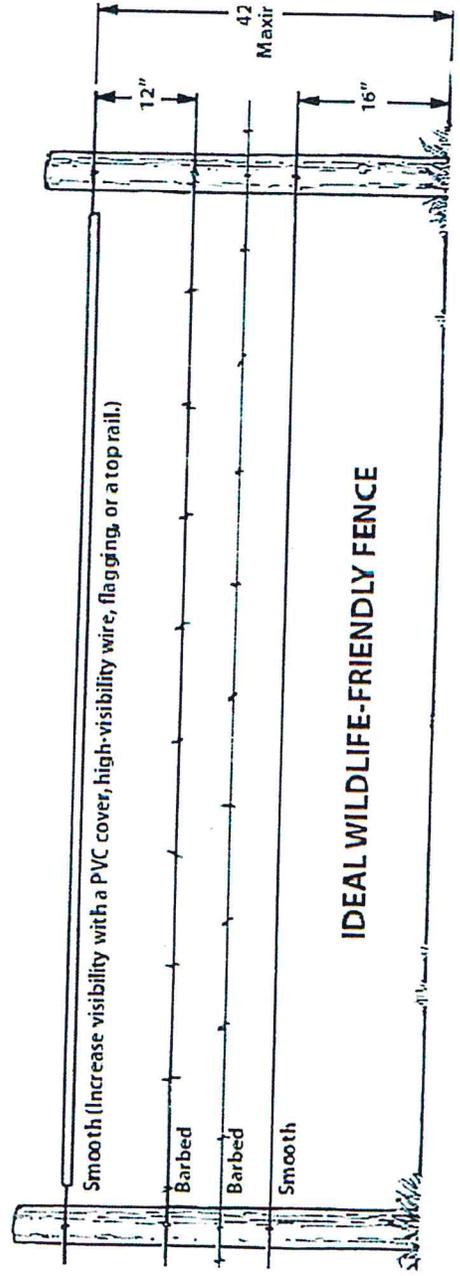
## **Why Wildlife Friendly Fencing?**

Here in Teton Valley Idaho we share the land with the wildlife who have called this area home for thousands of years. They deserve our respect and admiration. Future generations of people deserve to have these wild animals share their habitat.

Some animals, such as Elk, Moose, and Deer, migrate between the mountains in the summer and the valley floor in the winter. Others live as year-round residents on ranch lands or in river or stream corridors.

Fencing can create an impediment for wildlife movement and migration resulting in injuries, or death, to the animals, and damage to the fencing as well.

It is in the best interest of hunters, ranchers, and wildlife-lovers to preserve this heritage and build responsible fences to allow these animals to migrate and move about more safely.



**Kristin Rader**

---

**From:** Jason Boal <jasonb@victorcityidaho.com>  
**Sent:** Wednesday, October 05, 2016 11:01 AM  
**To:** Kristin Owen  
**Subject:** FW: Teton Valley Code Comment Form Submission

TETON COUNTY  
PLANNING & ZONING

OCT 05 2016

RECEIVED

I think this was supposed to be directed to the county.....

Jason Boal- AICP, CFM

Planning and Zoning Administrator

City of Victor

P.O. Box 122-32 Elm Street-Victor, ID 83455

Phone: (208) 787-2940 – Fax: (208) 787-2357 – Cell: (208) 313-9493

<http://www.victorcityidaho.com>

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**From:** Teton Valley Code [mailto:info@tetonvalleycode.org]

**Sent:** Wednesday, October 05, 2016 10:47 AM

**To:** jasonb@victorcityidaho.com

**Subject:** Teton Valley Code Comment Form Submission

Message from Teton Valley Code Comment Form

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**Name:** Emily Selleck

**Email:** [REDACTED]

**Phone:** [REDACTED]

**Which Jurisdiction?:** [jasonb@victorcityidaho.com](mailto:jasonb@victorcityidaho.com)

**Type of Comment?:** Code

**Chapter:** Chapter 3

**Comments:**

My comments are for the entire code, but specifically on #s 3 & 13:

It's not perfect; but it's a place to start. We need to plan for the long-term lives of the people, the wildlife, and the overall quality of life in the Valley. Both ag and wildlife contribute to the economic viability of TV; and as such, should be thoughtfully considered. The proposed plan allows for planned population growth of people & wildlife. We need both to flourish in our Valley.

OCT 05 2016

RECEIVED

**Kristin Rader**

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**From:** Teton Valley Code <info@tetonvalleycode.org>  
**Sent:** Wednesday, October 05, 2016 3:20 PM  
**To:** Kristin Owen  
**Subject:** Teton Valley Code Comment Form Submission

Message from Teton Valley Code Comment Form

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**Name:** Gini Van Siclen

**Email:** [REDACTED]

**Phone:** [REDACTED]

**Which Jurisdiction?:** kowen@co.teton.id.us

**Type of Comment?:** Code

**Chapter:** None

**Comments:**

My understanding is that the Code is derived from the Comprehensive Plan, i.e., the Comprehensive Plan established the requirements for the Code. Exceptions to the code can be made for public safety, health, and welfare as stated in Code Article 11.3.4

When I look at the Code, I do not see any citations to the associated Comprehensive Plan requirement(s)/guidance. In engineering and project work, it is standard practice to map the requirements to the detailed design and implementation. I expected to see such a mapping from the Comprehensive Plan to the Code. Is there a document showing this mapping? I don't see how anyone, professional, county commissioner, or citizen like me, can review the Code without such a mapping. Certainly I don't see how the Commissioners can approve it!

I appreciate the work of the P&Z and all those who participated in the Comprehensive Plan creation. I also appreciate our Commissioners. I know folks have put a ton of work in!

At the same time, the work is not complete without documented verification that it implements the Comprehensive Plan, and so I believe the Code cannot and should not be approved at this stage.

Gini Van Siclen

OCT 05 2016

RECEIVED

**Kristin Rader**

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**From:** Teton Valley Code <info@tetonvalleycode.org>  
**Sent:** Wednesday, October 05, 2016 11:15 AM  
**To:** Kristin Owen  
**Subject:** Teton Valley Code Comment Form Submission

Message from Teton Valley Code Comment Form

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**Name:** Ron Prevost

**Email:** [REDACTED]

**Phone:** [REDACTED]

**Which Jurisdiction?:** kowen@co.teton.id.us

**Type of Comment?:** Code

**Chapter:** Chapter 13

**Comments:**

Thanks to all for the efforts to put these Codes together, I know it is a difficult task.

My comments are as follows:

- 1) Slow the process down as all public comments suggest.
- 2) The NP study requirement, to protect groundwater, is a step in the right direction but overlooks the reality that existing platted lots may exceed the capacity to assimilate waste. As an Environmental Engineer working in the Valley on NP studies it has recently become apparent to me that if all currently platted lots are developed with traditional septic systems, the Nitrate MCLs in Valley groundwater will most likely be exceeded. There is already evidence that this is happening. In the Teton view corridor north of Driggs, where many of the platted lots have been developed, voluntary nitrate tests show a disturbing trend. Many of these tests show elevated N levels. At a minimum, the NP Analysis requirement should be mandatory for any proposed subdivision. Ideally, if potential Nitrate overloading can be scientifically corroborated, a provision could be included that all future development using septic systems be required to have advanced Nitrate reduction processes included. This is not a terribly expensive addition to a traditional system. This should be considered an existential threat to the Teton Valley community as a whole because if we pollute our primary water resource, we can not easily get it back.

**Kristin Rader**

TETON COUNTY  
PLANNING & ZONING

OCT 05 2016

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**From:** T Sperber [REDACTED]  
**Sent:** Wednesday, October 05, 2016 1:50 AM  
**To:** Kristin Owen; PZ  
**Subject:** Draft code comments

Dear Teton County Planning and Zoning Commission,

As a fourth generation southeast Idahoan and a citizen of Teton County for the last 10 years, I greatly appreciate efforts to promote a healthy economy while protecting the cultural heritage and natural resources in our amazing landscape. I also appreciate the opportunity to comment on the 2016 Teton County draft code. However, I am concerned about the short amount of time County citizens have to review, assimilate, and develop meaningful comments on the over 400 page document. In addition, I am concerned about potential impacts to wildlife .

One of the greatest resources Teton County has is its wildlife. The replacement of the Natural Resource Overlay with the "Wildlife Habitat Protection Map" (13.3.8) does not provide adequate protection to natural resources or wildlife habitat in Teton County. The Wildlife Habitat Protection Map was not developed for the purpose of making land use decisions. The map does not include the entire county, both the northern and southern portions of the County are missing. How will the County address lands in these omitted areas? The use of this map also ignores the importance of rural agricultural lands to wildlife. Several of the Indicator Species listed in the code rely on open space and agricultural lands in Teton County during some part of the year. Elk use these open areas to transition between summer and winter habitats. Trumpeter swans wintering in Teton County forage and rest in farm fields and pastures. Sandhill cranes depend on grain fields and pasture land to build up their reserves for their long migration south and once again when they return in the spring. Using the Wildlife Habitat Protection Map significantly decreases the protection of natural resources and wildlife habitat in Teton County. I strongly encourage the use of an updated Natural Resource Overlay map while recognizing that although this map was based on empirical data and input from knowledgeable biologists in the region, the boundaries of the mapped areas are not hard and fast. The County should retain the authority to require wildlife habitat assessments outside of areas mapped as wildlife habitat.

I am also concerned about the density threshold for requiring a wildlife habitat assessment in areas mapped as rural residential/agriculture. The acreage threshold should be much higher (the density threshold should be lower) in order for the County to fulfill its intent is to maintain the long term viability of habitat (13.3.8.D). The density of a development is often secondary to the configuration of the development in terms of impacts to wildlife and sensitive areas. Requiring a wildlife habitat assessment at a lower density threshold would enable the County to make more informed decisions regarding the impacts of the development on wildlife resources and help minimize the 'death by a thousand cuts' wildlife are subject to as our region continues to grow.

Riparian corridors support a highly diverse suite of wildlife species, protect water quality, attenuate flood waters, and stabilize streambanks. I applaud the increases in setbacks from rivers and streams in the draft code (Riparian Buffers 13.3.1). However, the riparian corridor associated with natural water bodies can differ greatly, including the width of the corridor. To protect and maintain riparian buffers in the County, please consider requiring the greater of either the setbacks listed under 13.3.1.F or the edge of the riparian corridor for rivers and streams.

Thank you the amount of time and effort you have put into developing the draft code. Given the enormity and complexity of the document, I urge you to consider giving the public more time to review and comment. In the words of John Wooden, "if you don't have time to do it right, when will you have time to do it over?"

Respectfully,

Tamara Sperber  
Victor, ID

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OCT 05 2016

TETON COUNTY  
PLANNING & ZONING

**Kristin Rader**

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**From:** Teton Valley Code <info@tetonvalleycode.org>  
**Sent:** Wednesday, October-05, 2016 9:17 AM  
**To:** Kristin Owen  
**Subject:** Teton Valley Code Comment Form Submission

Message from Teton Valley Code Comment Form

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**Name:** Richard Berg

**Email:** [REDACTED]

**Phone:** [REDACTED]

**Which Jurisdiction?:** kowen@co.teton.id.us

**Type of Comment?:** Code, Zoning Map

**Chapter:** Chapter 3

**Comments:**

The comprehensive plan calls for a "Mixed Agriculture/Rural Neighborhood" zone immediately south and to the east of the Driggs Area of Impact. The proposed code fails to implement this zone.

**Suggestions:**

1. Implement this zone ("Mixed Agriculture/Rural Neighborhood") as it is shown on the comprehensive plan maps. Assign A-10 zoning to it.
2. Change the RA zone to A-20. The "Mixed Agriculture/Rural Neighborhood" is supposed to have higher density than RA and this change would support the work that you did on RA and also implement the comprehensive plan better.
3. Keep (or apply) the open space rules (75% open space) for both RA and "Mixed Agriculture/Rural Neighborhood".

This action would reduce the number of lots by about 2500 I would guess and thus make the proposed code come closer to the stated goal of the Comprehensive Plan Economic Development Committee that the potential lot supply in Teton County should be eliminated by 75% in order to stabilize the local real estate market.

OCT 05 2016

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**Kristin Rader**

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**From:** Teton Valley Code <info@tetonvalleycode.org>  
**Sent:** Wednesday, October 05, 2016 9:36 AM  
**To:** Kristin Owen  
**Subject:** Teton Valley Code Comment Form Submission

Message from Teton Valley Code Comment Form

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**Name:** Richard Berg

**Email:** [REDACTED]

**Phone:** [REDACTED]

**Which Jurisdiction?:** kowen@co.teton.id.us

**Type of Comment?:** Code

**Chapter:** Chapter 3

**Comments:**

The proposed code needs to do a better job of protecting open space. Yes, there are nice open space rules, but one place that the code falls down on is the open space configuration rule. See 3.7.4. It states that the open space must be "contiguous" which is nice, but doesn't keep a developer from proposing a "un-clustered" development where say 4 or 8 home sites are spread over an 80 acre development with an additional open space lot which is contiguous (as required by 3.7.4) yet snake-like in its shape weaving around the 4 or 8 residential lots. To keep the home sites clustered together as much as reasonably possible, this rule should also require that the residential lots with home sites be clustered together as much as reasonably possible. One way of possibly doing this would be to require that the "configuration of the open space be constrained to minimize (to the extent reasonably possible) its contacts with other permitted lots in a subdivision". That would force the grouping the other lots (presumptively all residential lots) together.

**Kristin Rader**

OCT 05 2016

**From:** Richard Berg [REDACTED]  
**Sent:** Thursday, October 06, 2016 1:01 PM  
**To:** Kristin Owen  
**Subject:** Re: Teton Valley Code Comment Form Submission

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Kristin, I found the comment I wrote (it was the very first comment that I posted) which did not show up ... please read as the draft code violates Idaho state law ...

The definitions and limitations set forth in 10.6.12.B regarding Amateur Radio Facilities violates Idaho state law. See the Emergency Communication Preservation Act at 55-2901 through 55-2904 which states "Any rule or ordinance of a local unit of government involving the placement, screening or height of antennas and towers based on health, safety or aesthetic considerations must be crafted to represent the minimum practical regulation to accomplish a legitimate purpose of the local unit of government."

The code with its definitions goes way overboard with its restrictions. Suggested changes: (i) bring the codes definitions into alignment with the definitions in the state statute. (ii) the code does not express what the purpose is of the stated restrictions nor does it represent "the minimum practical regulation" to whatever that pursue might be, so state the purpose is (is it aesthetics or something else like safety?).

Having a larger lot or having a lot with many trees would address an aesthetics issue. The current rules, which apply regardless of lot size, location and configuration, and regardless of the size or how well built the Amateur radio facility is (if the issue is safety), does not represent "the minimum practical regulation" as required by state law and does not "reasonably accommodate amateur radio communications" as required by state law.

Maybe you should talk about this stuff with someone who has a better understanding of the issues and the technologies involved here? I have the highest class of amateur radio license, a degree in electrical engineering and a law degree and moreover I would be happy to help.

=====

Thanks, but I posted THREE comments ...

If you only got TWO comments, then this system is broken.

Richard Berg

On Oct 5, 2016, at 9:46 AM, Kristin Owen <[kowen@co.teton.id.us](mailto:kowen@co.teton.id.us)> wrote:

Thanks, Richard. I will pass both of your comments on to the Planning Commission.

TETON COUNTY  
PLANNING & ZONING

OCT 05 2016

RECEIVED

MOFFATT  
THOMAS  
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Lee Radford

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October 5, 2016

Teton County Planning and Zoning  
Commission  
150 Courthouse Drive, Room 107  
Driggs, ID 83422

**Re: Comments on Teton County Proposed Land Development Code**

Dear Planning and Zoning Commission:

I am writing on behalf of Brigham Young University – Idaho (“BYU-Idaho”) to provide its comments regarding the draft Land Development Code currently being considered by the Teton County Planning and Zoning Commission.

Teton County has completed its Comprehensive Plan, as required by Idaho Code § 67-6509 and § 67-6510. Now, Teton County is in the process of adopting a new development code which should “be in accordance with the policies set forth in the adopted comprehensive plan.” Idaho Code § 67-6511(1). This letter is provided to give comment on the proposed Land Development Code for Teton County, Idaho (PZC Public Review Draft – August 2016) (“Development Code”).

Beginning in 1979, BYU-Idaho has conducted outdoor learning experiences on property it owns that is located on Badger Creek in Teton County, Idaho. This facility is known as the BYU-Idaho Outdoor Learning Center. The Outdoor Learning Center has provided many students and others the ability to learn in a natural outdoor environment, and to obtain access to public lands located in Teton County and surrounding areas. BYU-Idaho has invested significant resources in the Outdoor Learning Center in order to achieve its educational objectives.

BYU-Idaho now asks that the Planning Commission include provisions in the Development Code to ensure that this important facility and others like it can provide outdoor, experience-based education to students and others, as contemplated by the Teton County Comprehensive Plan.

### **The Objectives of the BYU-Idaho Outdoor Learning Center**

BYU-Idaho seeks to use the unique location of the Outdoor Learning Center near federal and state public recreation areas to introduce students and others to the learning opportunities available outdoors. BYU-Idaho tries to utilize the outdoor resources for its teaching mission in a variety of ways, including through the Outdoor Learning Center, its Recreation Management degree, its Outdoor Resource Center, and through other programs.

The Outdoor Learning Center is an outdoor, hands-on learning center designed to create deeply significant leadership, learning and recreational experiences for many young people and others, including those students whose area of focus is recreation management and therapy. The Outdoor Learning Center partners with campus organizations and academic departments to provide these experiences.

One significant part of the Outdoor Learning Center is its partnership with the Recreation Management academic area within the BYU-Idaho Department of Health, Recreation and Human Performance. That academic area awards Bachelor of Science degrees and minor degrees in Recreation Management and Therapeutic Recreation. The Outdoor Learning Center helps this academic area provide opportunities for leadership training through adventure education. This academic area combines the unique natural resources of our region with the experiential teaching philosophy of BYU-Idaho in order to prepare students for future careers and experience in outdoor recreation. This provides students with opportunities for personal growth, and develops strong resource protection and service ethics. Students in these programs go on to become leaders in their careers, which frequently involve making the outdoors accessible to youth and adults.

The Outdoor Learning Center includes a dedicated ranch, ropes courses, principle-based learning activities, and cabins to create learning experiences. The Outdoor Learning Center partners with academic departments and other campus organizations in their educational goals. That means that the staff and student leaders at the Outdoor Learning Center coordinate learning experiences focused on the principles chosen by the group utilizing the Outdoor Learning Center facilities.

The Outdoor Learning Center also hosts summer experiences for high school age students from across the country. This program, which is currently called “Adventures for Youth” or AFY, provides these students a week-long experience in the outdoors, combined with adventures on public lands.

Another way that BYU-Idaho encourages outdoor education and access to the public lands is through the Outdoor Resource Center located on the BYU-Idaho campus in Rexburg. The Outdoor Resource Center in Rexburg provides all of the types of equipment needed for people to get outdoors and enjoy the area’s natural resources, in exchange for low rental price. This

includes rafts, tents, kayaks, skis, boats, snowshoes, canoes, climbing gear, hiking gear, clothing, boots, cooking gear, safety equipment, and nearly any other piece of equipment needed to access the outdoors. This Outdoor Resource Center is available to the public, as well as to BYU-Idaho students and faculty. The Outdoor Learning Center often utilizes the equipment at the Outdoor Resource Center for its programs.

BYU-Idaho also allows public groups, including Teton School District 401, to utilize the Outdoor Learning Center for their educational and non-profit purposes.

### **The Pressing Need for Educational Experiences in the Outdoor World**

While the Outdoor Learning Center has been introducing youth to the outdoors since 1979, there has recently been national attention on the need for nature experiences of this type. In 2005, Richard Louv published his book “Last Child in the Woods: Saving Our Children from Nature-Deficit Disorder,” which explored the question of how lives could be improved if our days and nights were as immersed in nature as they are in technology. Louv, Richard, *Last Child in the Woods: Saving Our Children from Nature-Deficit Disorder* (2005). Richard Louv was awarded the prestigious Audubon Medal for raising this issue of the costs of children’s isolation from the natural world, and for leading a movement to remedy the problem. Louv wrote:

Every child needs nature. Not just the ones with parents who appreciate nature. Not only those of a certain economic class or culture or set of abilities. *Every child.*

<http://richardlouv.com/blog/> (February 28, 2012).

The October 2016 issue of *National Geographic* also raised this same issue, in the article “Can the Selfie Generation Unplug and Get Into Parks,” by New York Times writer Timothy Egan. *National Geographic*, October 2016. In that article, Egan explains that younger generations are not visiting national parks in the same proportion as prior generations. Many national conservation leaders are concerned that the next generation may not have the same level of commitment to stewardship and preservation of natural places that prior generations have had. In the article, the Director of the National Park Service states that “[y]oung people are more separated from the natural world than perhaps any generation before them” and “[t]he national parks risk obsolescence in the eyes of an increasingly diverse and distracted demographic.”

The same concerns have also been expressed and addressed in our local area. Recently, a meeting on how to address “nature deficit disorder” in eastern Idaho was held jointly with the State of Idaho Department of Fish and Game, the U.S. Forest Service, Idaho Falls Department of Parks and Recreation, the Theodore Roosevelt Conservation Partnership, and Tight Line Media. See Trevellyan, K., “Unstructured Play,” *Post Register* at A1 (September 28, 2016) (“Local officials are concerned children aren’t spending time outdoors”). That article stated

that at this meeting, “Many were concerned that if children don’t engage in outdoor activities – hiking, camping, angling – it will create a lapse in interest for future generations, and an indifference toward nature at large.”

One of the criticisms posited by this movement is that local land use planning has not adequately incorporated locations for youth and the public to enjoy natural spaces. Teton County should reflect this important need in its land use planning, and in its new development code. The Outdoor Learning Center operated by BYU-Idaho meets this important need to bring youth into the outdoors, and similar uses should be encouraged in Teton County.

### **The Comprehensive Plan Encourages Preservation of Natural Resources for All Users**

The Vision stated in the Comprehensive Plan provides that Teton County will strive to “[p]reserve natural resources and a healthy environment, which are essential for creating viable economic and recreational opportunities for all users.” Comprehensive Plan – A Vision and Framework 2012-2030 (“Comp. Plan”) 1-8. The Vision is also that Teton County will “[c]ontribute to our strong sense of community by providing quality facilities, services, and activities to benefit the community.” Comp. Plan 1-8. The Outdoor Learning Center promotes the accomplishment of these purposes.

The Teton County Comprehensive Plan focuses on education and recreational opportunities, utilizing and promoting Teton County’s unique access to public lands.

Our future vision is for a Valley with a vibrant economy and high quality of life. This requires ***educational opportunities***, ***recreational opportunities***, cultural amenities, ***public land access***, and ***protection of natural resources*** and scenic vistas. Therefore, the Framework Map also depicts a recreational trail and pathway system that rivals the best in the nation, scenic vista protection along the primary transportation routes, a valley-wide recreation program and centers and support for multimodal transit. Providing a variety of ***high quality educational opportunities***, diverse cultural amenities, well maintained transportation routes and ***public access to the surrounding forests*** and the Teton River are key aspects of the Framework’s goals and policies.

Comp. Plan 1-9 (emphasis added).

The principles contained within the “Natural Resources and Recreation” portion of Teton County’s Vision statement are consistent with the purposes of the BYU-Idaho Outdoor Learning Center. These include:

- Enhance and preserve our access to public lands and recognize the need to accommodate different user groups in a way that minimizes user conflict and area damage.
- Recognize that tourism is a fundamental component of our economy and is dependent on healthy natural resources.
- Preserve and improve recreational opportunities as well as natural resources
- Create and sustain economic development through promotion of recreational opportunities and natural resources

Comp. Plan 4-9. The Comprehensive Plan also lists other guiding principles relevant to the Outdoor Learning Center:

- Encourage diverse and affordable activities for all ages
- Encourage the development of quality education facilities - primary, secondary and post-secondary
- Explore new funding options (e.g. Recreation District, grants, private donations) to develop and support affordable activities for all ages (e.g. Recreation Center, 4-H, etc.)

Comp. Plan 4-11. The Comprehensive Plan also encourages Teton County to work with non-profit groups, such as BYU-Idaho, "to expand services and facilities."

- Encourage partnerships and working relationships with non-profit groups in order to expand services and facilities

As part of the Comprehensive Plan process, Teton County also solicited the opinions of youth in the area. The principles provided by the youth group as part of the Comprehensive Plan are particularly relevant to the Outdoor Learning Center. These principles incorporated by the youth group include:

- Encourage the development of art, culture, and recreational facilities
- Encourage challenging, relevant, hands-on, diverse classes and experience
- Facilitate a more vibrant economy and encourage local business
- Encourage the preservation of, and access to, natural resources
- Provide more educational resources

- Provide productive, engaging, affordable, and positive entertainment
- Provide opportunities for youth involvement and leadership in the community

Comp. Plan 4-15. These principles are the same as the values and direction of the Outdoor Learning Center. The Outdoor Learning Center provides an experience-based education, access to natural resources, productive and affordable entertainment, and opportunities for youth involvement and leadership.

The Comprehensive Plan states that it is important to accommodate different user groups, while enhancing access to public lands. Goal 2 of the Natural Resources and Outdoor Recreation group was to “Enhance and preserve our access to public lands and recognize the need to accommodate different user groups in a way that minimizes user conflict and damage to natural resources.” Comp. Plan 5-20. The Outdoor Learning Center seeks to do this by providing a staging facility for youth to take important excursions into public lands.

The Comprehensive Plan also states that it is important that the interests of all user groups is also emphasized. Goal 3 of the Natural Resources and Outdoor Recreation group was to “Provide and promote exceptional recreational opportunities for all types of users (including but not limited to biking, skiing, fishing, off-highway vehicle use, target practice, hunting, trail users, equestrians, boating and non-motorized flight) as a means for economic development and enhanced quality of life.” Comp. Plan 5-21.

A key part of the Comprehensive Plan is that Teton County should promote and market uses that “package” the natural environment for outsiders and tourists:

Recreational tourism is a niche segment of the outdoor recreation product that Teton County is offering tourists. It is essentially comprised of *packaging special itineraries, activities and experiences that focus on the natural environment of the region.* The region is very well suited to pursue this segment, as the destination features outdoor recreation, world class scenery and high quality experiences in nature. Therefore, *these types of recreational tourism experiences should be promoted and marketed.*

Comp. Plan, 6-5 (emphasis added). To be consistent with the Comprehensive Plan, the proposed Development Code needs to include provisions that would encourage land uses that feature “outdoor recreation” and “high quality experiences in nature” such as that offered by the Outdoor Learning Center.

### **The Need for Protection for Outdoor Camps and Educational Facilities**

The idea that Teton County should promote uses that encourage the enjoyment of the area’s outdoors and public lands by youth and students is not a new idea. Rather, Teton County and

its surrounding valley has long been a center for outdoor learning and outdoor recreational experiences for youth.

For example, the National Outdoor Leadership School (NOLS) has chosen a location near Driggs for one of its outdoor leadership training locations. NOLS is a leader in wilderness education and teaches students of all ages outdoor skills, leadership, and environmental ethics through wilderness expeditions. NOLS has also used the Outdoor Learning Center facilities for some of its activities.

Another example is the Treasure Mountain Camp operated by the Grand Teton Council of the Boy Scouts of America has been providing education and access to outdoor experiences to thousands of young men since 1936. Treasure Mountain is used by the Boy Scouts of America as one of its premier locations for the BSA National Youth Leadership Training (NYLT) program.

The Darby Girls Camp located in Darby Creek Canyon has been in operation since at least 1951 providing outdoor experiences for thousands of youth. West Piney Lodge in the Pine Creek Canyon has also been providing educational outdoor experiences for thousands of youth since 1953.

These uses bring large numbers of people to Teton County each year. However, all of these uses are located just outside of Teton County. Treasure Mountain and Darby are located on national forest land within Teton County, Wyoming. West Piney Lodge is located on national forest land in Bonneville County, Idaho.

The draft Development Code is not consistent with the Comprehensive Plan, which provides that these types of outdoor recreational experiences should be “promoted and marketed.” The draft Development Code also does not seem consistent with Teton County’s rich history of hosting this type of outdoor recreational experience in the past.

While the proposed Land Use Development is an impressive body of work, it is difficult to understand how the Land Development Code applies to these important uses. The draft Land Development Code would conflict with the Comprehensive Plan if it fails to promote land uses that focus on outdoor recreational experiences and education for youth and the public. The current process presents an opportunity to amend the draft Development Code to better promote these outdoor values.

### **The Draft Land Use Development Code Should Be Clarified to Protect Outdoor Camps and Educational Facilities**

The proposed Development Code does not include provisions that are tailored to this important purpose of getting youth into the outdoors for education in the natural environment. Instead, this type of use is covered only as part of other uses.

It appears that outdoor camps and recreational facilities for education and training of youth would fit into three potential uses listed in the draft Land Development Code.

First, this type of camp may be considered a “Guest / Dude Ranch” use which is a use that is allowed in the Foothills zoning district, subject to the limits of 10.7.2, which are:

A ranch that provides multi-night accommodations for guests, provides a 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 actively solicit nightly accommodations. A guest/dude ranch may have limited availability for special activities such as a wedding or social gathering.

Development Code § 10.7.2. While this definition of a “Guest / Dude Ranch” use would allow the Outdoor Learning Center, it should be expanded to clarify that a “Guest / Dude Ranch” may also provide outdoor educational experiences, as well as recreational activities. The proposed Land Development Code should be revised to the following:

A ranch that provides multi-night accommodations for guests, provides a recreational/agricultural/educational activity or immediate access to recreational/agricultural/educational activities, has dining facilities on-site, barns, associated buildings, corrals, pastures, and livestock related to a working ranch, working farm and/or the recreational or educational 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 actively solicit nightly accommodations. A guest/dude ranch may have limited availability for special activities such as a wedding or social gathering.

This change is consistent with the Comprehensive Plan, by including outdoor education experiences, as well as outdoor recreational and outdoor agricultural experiences in the “Guest/Dude Ranch” category.

Second, this type of camp may be considered an “Outdoor Recreation” use, which is

A commercial facility, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation includes the following.

1. Drive-in theater.
2. Campground, travel trailer park, RV park.
3. Extreme sports facility such as BMX, skateboarding, or roller blading.
4. Horse stable, riding academy, equestrian center.
5. Outdoor amusements such as batting cage, golf driving range, amusement park, miniature golf facility, or water park.
6. Outdoor theater.
7. Shooting range.
8. Racetrack.

Development Code § 10.7.3. These enumerated items are only examples of “Outdoor Recreation” uses, and the draft Code does not limit “Outdoor Recreation” to these enumerated uses. However, the Use Table provided in Section 10 of the draft Code does not make it clear whether non-enumerated uses would be allowed as conditional uses, limited uses, or allowed uses. That should be clarified in the draft Code, so that an outdoor camp for recreation experiences for youth, utilizing the natural resources of the area, could be classified as an allowed use under the draft Code.

Third, this type of camp may be considered a “Retreat Center” use, which is a use that is allowed in the Foothills zoning district, subject to the limits of section 10.7.4, which are:

A facility used by small 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 meal or overnight accommodations

Draft Code § 10.7.4. This definition of “Retreat Center” in the proposed Development Code was revised from the definition of “Retreat Center” found in the current Zoning Regulations. The current version of this definition in the proposed Development Code has the following additions and deletions:

A facility used by small groups of people to congregate temporarily for such purposes as education, meditation, spiritual renewal, meetings, conferences, ~~or~~ social gatherings, seminars, or

~~weddings and which may provide meals, housing 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 meal or overnight accommodations. Housing for participants may be in lodges, dormitories, sleeping cabins (with or without baths), or in such other temporary quarters as may be approved, but kitchen and dining facilities shall be located in a single centrally located building or buildings.~~

The definition of “Retreat Center” in the draft Code eliminated the last sentence, which makes it clear that housing in sleeping cabins is allowed, with dining facilities at a centrally located building. The definition should not be changed from the current Zoning Regulations in this way. Instead, the definition of “Retreat Center” in the proposed Development Code should be revised to the following:

A facility used by small 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 meal or overnight accommodations. Housing for participants may be in lodges, dormitories, sleeping cabins (with or without baths), or in such other temporary quarters as may be approved, but kitchen and dining facilities shall be located in a single centrally located building or buildings.

With this change, the “Retreat Center” use could be used by the Outdoor Learning Center to encourage its valuable educational purposes.

To be most consistent with the Comprehensive Plan, the proposed Development Code should include a specific provision allowing uses that encourage educational experiences for youth in the outdoor environment conducted by non-profit organizations. For that reason, the Development Code should include a category of “Outdoor Education Center” as an allowed Recreational Use in the Land Use Table found in Section 10.2. This use should be defined in Section 10.7 as follows:

#### Outdoor Education Center.

A facility used by a non-profit association or education enterprise to provide educational or recreational opportunities in a natural outdoor environment. Housing for participants may be in lodges, dormitories, sleeping cabins (with or without baths), or in such other temporary quarters. The Outdoor Education Center does

not include a commercial restaurant, café, or bar that caters to the general public. An Outdoor Education Center may have limited availability for special activities such as a wedding or family or social gathering.

There may be other ways that the proposed Development Code could be improved to encourage and promote the types of outdoor recreational uses that the Comprehensive Plan seeks to encourage. BYU-Idaho encourages Teton County to consider further changes to the Development Code that would encourage the types of uses covered in the Comprehensive Plan.

### **Attempts by BYU-Idaho to Resolve Impacts Expressed by Neighbors**

Of course, the significant need for outdoor public locations for education does not mean that neighboring residential uses should be adversely impacted. Some of the neighbors of the Outdoor Learning Center have expressed their concerns that the exuberance of those using the Outdoor Learning Center can be distracting. While BYU-Idaho tries to introduce students and others to the beauty and learning available in the natural world, it does not want to cause any harm to other neighboring landowners.

In the past, BYU-Idaho has tried to be responsive to those concerns, and has taken a number of operational steps to mitigate any impacts of its property use on neighbors. BYU-Idaho is also currently taking additional steps to address these concerns, and will continue to address these issues if they arise in the future. These steps are explained further in a letter of today's date submitted to the Teton County Planning Administrator in response to her letter dated September 7. BYU-Idaho refers to that letter for details regarding its responses to the neighbors' concerns.

### **Conclusion**

It is important that uses like the Outdoor Learning Center be permitted within Teton County. The Outdoor Learning Center introduces youth to the outdoors, and provides them experiences that are not available in a classroom setting. The Teton County Comprehensive Plan seeks to promote and market this type of facility that offers these types of experiences. The draft Land Development Code should be consistent with the Comprehensive Plan, by making it more clear that this type of outdoor facility and use should be both allowed and promoted.

Sincerely,



Lee Radford

KLR/car

OCT 05 2016

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October 5, 2016

TO: Teton County Planning & Zoning Commission [pzi@co.teton.id.us](mailto:pzi@co.teton.id.us)  
Teton County Board of County Commissioners [commissioners@co.teton.id.us](mailto:commissioners@co.teton.id.us)  
Teton County Planning Administrator [kowen@co.teton.id.us](mailto:kowen@co.teton.id.us)

RE: **Draft Land Use Code**

I oppose adoption of the current Draft Land Use Code. While there are some positive aspects to the Draft Code as it now stands, there are critical issues that need to be addressed and/or revised.

The following portions of the Draft Land Use Code require revision; these arguments are the basis for my strong objection to adopting the Draft Code as it now stands:

1. Section 3.6.1 – The Draft Code provides *new and more lax land split and fast track land division options*. Teton County currently has 7,000 vacant lots and many illegitimately created lots from fast track land divisions.
2. Housing Density – In the current Draft Code, housing densities are *doubled from 20 acres to 10 acres* in most of the rural areas of the County [see the interactive Draft Zoning Map]. On lands between the three cities, subdivision up to 4 lots would be allowed without a public hearing.
3. Section 13.3.7 and 13.3.8 – The Draft Code *substantially decreases wildlife protections*, as a result of a decrease in the area covered by the revised wildlife overlay, the new housing density exemptions, and waivable study requirements.
4. The Draft Code does not address the critical need to *provide a useful/functional mechanism for revising existing undeveloped subdivisions*. The *Build-out Scenarios* presented to the Planning & Zoning Commission on February 9, 2016, document 7,000 vacant lots already platted. Teton County planning staff estimates that the new Land Use Code can entitle over *18,000 more lots outside of the cities*, in addition to those 7,000.

Teton County is a unique, truly remarkable region, nestled within one of the world's most intact ecosystems. I believe that each of us has a profound responsibility to protect its integrity. Let's not allow irresponsible development to destroy this treasured landscape.

Thank you, in advance, for your consideration of and attention to these objections.

Sincerely,

  
Kathleen May  
Victor, Idaho



## Valley Advocates for Responsible Development

October 5, 2016

TETON COUNTY  
PLANNING & ZONING

OCT 05 2016

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Teton County Planning & Zoning Commission  
150 Courthouse Drive  
Driggs, ID 83422

Re: Draft Land Use Code

Dear Members of the Commission:

First, a hearty thanks for your years of hard work on the draft Land Use Code. Your dedication is greatly appreciated, and we thank you for your years of service on this and other important planning & zoning matters.

You will find that the comments offered here are conceptual in nature. Our observation of the draft Land Use Code is that it is the product of over 2 years of internal Planning & Zoning Commission (PZC) deliberation, a process that has offered few opportunities for public input on the myriad policy decisions contained within. Though the Comprehensive Plan puts forth a grand policy vision, it often lacks specificity. The lack of specificity is intentional so that the community can achieve consensus on broad policy before undertaking specific implementation efforts prior to code drafting. Pre-coding implementation efforts include a series of rigorous, issue-specific studies and analyses (many of which are specifically identified in Chapter 6 and mentioned later in this letter) so that the code writing process is iterative and methodical. The Comprehensive Plan's lofty goals and policies are a collection of great ideas that require a great deal of formulation before they are manifest in code. This requires the public engagement in a manner that is topical, accessible, and within Comp Plan parameters. We believe that a good planning effort - particularly code drafting - requires the engagement of experts, stakeholders, and the general public early and often.

The issues discussed in this letter may be familiar to you. In October 2015, Valley Advocates issued a six-part informational series called *Decoding the Code*, where we attempted to distill the weighty policy issues that, from our perspective, form



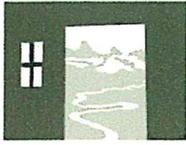
## Valley Advocates for Responsible Development

the seminal elements of the Land Use Code. This letter reiterates much of the discussion in the *Decoding the Code* series, which we intended to help facilitate the necessary public discourse for weighty topics like density, natural resource protection, scenic resource protection, development design, infrastructure, and other fundamental issues.

Though we recognize the Planning & Zoning Commission (PZC) prefers comments aimed toward certain specific code provisions, the comments offered here are directed toward the major policy positions embedded within this voluminous document. In order to frame our forthcoming comment, we believe that it is necessary to unpack some of the most critical policy issues in the course of registering our comment to the public record. With that in mind, our comments are as follows:

1. **Land Divisions are over-prescribed.** The Comprehensive Plan lists several Key Actions in the Agricultural & Rural Heritage section of Chapter 6, which are as follows:
  - Create/amend ordinances and programs to promote Large Lot Subdivisions;
  - Consider amending the Subdivision Ordinance to allow Family Lot Splits and/or a Short Plat process;

These key actions flow from Chapter 5 Policies and Chapter 6 purpose statements (under the headers of “Where Are We Now?,” “Where Do We Want to Go?” and “Tools”). It is clear that these Key Actions are intended to preserve “agricultural and rural lands and a distinct rural character” and promote “continued multi-generational agricultural heritage.” However, as drafted in the draft Land Use Code, Land Division options allow for an expedited process for lots that are only slightly larger than what is required under the current underlying zoning in most of the county. These options appear to be available to all non-agricultural uses, and the minimum lot size required (e.g. 20 acres in rural zones, 3.75 acres in the Agriculture Rural Neighborhood) is far less than what is required for most bona fide agricultural operations. We also note that Land



## Valley Advocates for Responsible Development

Division and Short Plat options are exempt from several key public noticing requirements currently required of all subdivisions. Oftentimes, public noticing is the only means by which property owners are alerted to potential development adjacent to or near their properties. Current noticing requirements are minimal as is; we've observed that even the most vigilant of valley citizens have difficulty staying abreast of proposed development near their homes. At a minimum, we recommend that existing noticing requirements are carried forth in the new code.

2. **Subdivision regulations are subjective.** Predictability is a virtue in any land use code, and the Comprehensive Plan certainly embraces predictability when it comes to the preservation of natural resources, protection of agricultural heritage, management of public facilities and services, and the promotion of steady economic growth. However, the draft Land Use Code defers many key decisions regarding open space design, habitat preservation, scenic lands, protection of important agricultural lands, fiscal impacts, and market sustainability to subdivision approval. Many of these decisions are to be based on the studies required in Article 13 - if they are required at all. In the event that these studies are required, it is unclear if a proposed subdivision will garner approval or denial based on the findings of a given study. For example, some subdivisions require a Public Service/Fiscal Impact Analysis, but it is unclear what the approval outcome for development will be if a development is shown to have a negative fiscal impact. Will the county tolerate any impact? None? What happens when developer-commissioned studies put forth dubious findings? Questions such as these abound and, if experience is any indicator, will subject the citizens of Teton County to more protracted, tedious, and opaque development decisions - and could possibly usher in a new era of all-night hearings.

3. **Density should reflect the intent of the Comprehensive Plan.** On the eve of the PZC's Comp Plan recommendation in 2012, the commission held a lengthy debate on the specific language in Policy ED 4, which states as follows:



## Valley Advocates for Responsible Development

“Accommodate additional population by supporting development that is economically responsible to the County and the community.”

The crux of the issue was a recommendation put forth by the Comprehensive Plan Economic Development Committee, which stated that potential lot supply in Teton County should be eliminated by 75% in order to stabilize the local real estate market. The PZC rephrased the recommended 75% figure to “accommodate population growth” knowing full well that this term could effectively mean a 100% elimination in a county with 9000 vacant lots given the county’s typically nominal population growth. Either way, it was recognized that Teton County would likely require significantly reduced density in order to meet the goals and policies put forth in the Comprehensive Plan’s Economic Development, Agriculture & Rural Heritage, and Natural Resource & Recreation sections.

In the Rural Agriculture, Foothill, and Wetland Agriculture areas, the Comprehensive Plan recommends “low” densities throughout. In the Mixed Ag/Rural Neighborhood, the plan recommends “low” to “medium.” Though the plan stops short of quantifying densities in these zones, we believe it is safe to say that “low density” is equal to or less than the density currently prescribed for most of those areas - 20 acres. The draft Land Use Code, however, *doubles* density to 10 acres in most areas. Though we appreciate that this density is achievable only by providing 75% open space, we believe it is inconsistent with the clear policy intent of the Comprehensive Plan. The issue here is lot supply, not open space. We also appreciate that the P&Z seeks to avoid disagreement from landowners who perceive a decrease in value from reduced zoning. However, we maintain that recommended densities in the Comprehensive Plan should be followed not only to maintain consistency with the plan, but to also stabilize real estate markets over the long term. This, we believe, is necessary to ensure economic and environmental sustainability for Teton Valley.



## Valley Advocates for Responsible Development

Finally, we recognize that the draft code significantly reduces potential density from what is possible under the existing code. The planning staff's analysis shows that the existing code allows over 33,000 lots, while the proposed code reduces this figure to just over 17,000. In both cases, this is in addition to the existing 7,000 vacant lots in Teton County, and in both cases, this far exceeds the population growth threshold set forth in the Comprehensive Plan. However, in our opinion, we wish to pose a more fundamental question: what is the desired character of Teton Valley? Under the draft code scenario, it appears the effective population of the county would exceed 50,000, which is roughly the population of Idaho Falls. Maintaining a small-town character, perhaps more than anything, will impact the Comprehensive Plan's economic development, natural resource protection, agricultural heritage, transportation, and community facilities goals. We believe that any discussion about density should be informed by a robust community discussion about the carrying capacity of Teton Valley, and how increased lot supply will impact the cherished character of our valley and the quality of life we enjoy.

**4. Wildlife Protections should not be weakened.** The current Natural Resources Overlay (referred to as the Wildlife Habitat Overlay in Title 9) was developed with the input of the Idaho Department of Fish & Game (IDFG) and many local wildlife/natural resource experts. This is especially true with the current Natural Resources Overlay map, which has been carefully prepared to protect indicator species and species of special concern in Teton County. Our comments with regard to wildlife protections are twofold:

- A. We believe the current Natural Resources Map should **not** be replaced with the proposed Wildlife Habitat Protection Map. The Wildlife Habitat Protection Map is the vegetative cover map sourced from IDFG's 2012 *A Summary of Key Fish & Wildlife in Teton County, Idaho*, and though vegetative cover is important for wildlife habitat, it is only one of many characteristics that comprise wildlife habitat. Moreover, we understand that IDFG's map was not intended to be a zoning tool, but merely a high-level indicator of



## Valley Advocates for Responsible Development

certain types of vegetation cover. The existing Natural Resources Map was created through a collaboration of regional and local experts, and we recommend that the county continue to use it with updates from the most recent data available.

- B. We recommend against the density exemption for the wildlife habitat assessment. After consultation with many local and regional wildlife experts, we've learned that blanket exemptions may be damaging to wildlife habitat. Currently, Title 9 offers no exemption for decreased densities, and we recommend the continuation of this practice.

**5. Scenic Resources should be protected comprehensively.** Though we appreciate that the Scenic Corridor will largely remain intact, the Comprehensive Plan puts forth several Key Actions with respect to the protection of scenic resources:

- Inventory and assess scenic values and views, priority areas, and beautification areas.
- Identify viewshed corridors and develop techniques to protect them.

Again, we note that the "scenic corridor" carries forth from the old code to the new, but we believe the Comprehensive Plan, through several goals, policies, and the aforementioned key actions, recommends an inventory of all scenic vistas in the valley and techniques to protect them. Like many Rocky Mountain basins, our valley is broad with a flat, sparsely-forested valley floor. Viewsheds extend for miles and techniques oriented toward landscape-level scenic overlays could be used in Teton Valley as in many other peer communities. We recommend that a scenic resource inventory be completed per the Key Actions put forth in the Comprehensive Plan, thereby paving the way for effective, predictable, and consistently applied scenic resource protections.



## Valley Advocates for Responsible Development

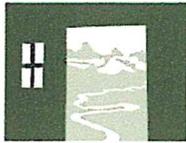
**6. The draft code contains no new tools to address zombie subdivisions.** The overabundance of subdivision lots is a central issue in the Comprehensive Plan, and in an effort to achieve the plan's economic development, natural resource, agricultural heritage, and community service/facility goals, the vacation and replatting of subdivisions is discussed at length. In 2011, Valley Advocates assisted Teton County with a streamlined process to encourage the vacation/replatting of vacant subdivisions, which has been successful in eliminating many "paper" plats - subdivisions where no infrastructure has been installed or is held by a single owner. The Comprehensive Plan seeks to build on this progress with the introduction of new tools through the specific Key Actions:

- Mitigate the economic impact of non-viable subdivisions.
- Incentivize vacation of non-viable subdivisions in or near migration corridors or sensitive habitats.
- Vacate non-viable subdivisions; amend County Code to strengthen penalties for weed violations.

The Comprehensive Plan also goes on to state the following:

*"Subdivision impact fees and the provision and timing of infrastructure should be reexamined with these subdivision vacation and replat regulations in mind. New provisions should be added to the [Land Use] Code. Other Code criteria may center on whether the County can economically provide services to subdivisions that have not begun development. Subdivisions that meet certain criteria could be replatted to meet the goals Chapter 6. Implementation of this Comprehensive Plan, including reduced lot sizes and open space conservation, according to a replat Code provision."*

Though we appreciate that the existing language regarding replatting/vacation procedures has been carried forth in the draft Land Use Code, there appear to be no new tools that would further incentivize the elimination or reshaping of existing subdivisions.



## Valley Advocates for Responsible Development

Current tools have eliminated nearly 10% of the existing vacant lot supply, and the current inventory of these lots now stands at just over 7,000. Clearly, more work ought to be done on this front, and we believe that further study should be done on this issue.

Again, we commend you for your work on this project, which is oftentimes thankless. In making your recommendation to the Board of County Commissioners, we would encourage you to identify the topics within the Land Use Code that, in your view, require special attention. Your work has been an important step in the Land Use Code overhaul, and we thank you for positioning this all-important issue for a robust community discussion.

Respectfully,

Shawn W. Hill  
Executive Director

## Kristin Rader

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**From:** Teton Valley Code  
**Sent:** Wednesday, October 05, 2016 3:52 PM  
**To:** Kristin Owen  
**Subject:** Teton Valley Code Comment Form Submission

Message from Teton Valley Code Comment Form

**Name:** Barbara and David Agnew

**Email:** [REDACTED]

**Phone:** [REDACTED]

**Which Jurisdiction?:** kowen@co.teton.id.us

**Type of Comment?:** Code

**Chapter:** None

**Comments:**

Subject: Draft Land Use Code

Oct. 5, 2016

Dear Planning and Zoning Commissioners,

We are not in favor of any changes to the current A-20 zoning. The proposed changes would at least double the density of the now available A-20 lots. The proposed changes would not protect the property values or views that so many people have bought land and built homes upon, which they did based upon current A-20 zoning. For example, if an A-20 lot in front of a person's home was split into two lots, a new home could be built directly in front of their home, blocking their view and destroying the scenic value they have invested in. As we see it, this proposal is a "giveaway" to large landowners and developers.

We do not understand how Planning and Zoning could take three years to develop this proposal, and then expect to read and analyze all public comments and input fairly in a few weeks. We think your results will be shortsighted and will not reflect public concerns such as ours.

Thank you. Barbara and David Agnew

2861 West 4000 North

Tetonia, ID 83452

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OCT 05 2016

**P&Z Land-Use Code Draft: Carl Jordan comments, 10-05-2016**

**I. General.** Code Studios departed from conventional code composition in ways that I find unfamiliar, confusing, awkward, annoying, and unwarranted—as if they were being paid simply to be different beyond the production of form-based content. My discussion of five such departures follows.

1. **Shall and may.** Legal construction should be consistent and unambiguous. Conventional drafting verbs are: *shall* for mandatory, prescriptive and absolute; and *may* for permissive, discretionary. That keeps it simple, simple **may** also include bear-traps.

The verb *may* is commonly understood in context. But *shall* is one of our most-litigated words in the legal lexicon and has therefore been all but purged from Federal rules—although it remains ubiquitous in contracts, statutes, ordinances, rules and regulations, and even the U.S. Constitution. That is because *shall* can be ambiguous, does not always mean *must*, and therefore has often been replaced by *must*, *will*, *is*, *may*, or the phrase *is entitled to*.

(The Fifth Amendment is such an example: *No person shall be ... deprived of life, liberty, or property, without due process of law.* See [http://www.abajournal.com/magazine/article/shall\\_we\\_abandon\\_shall/](http://www.abajournal.com/magazine/article/shall_we_abandon_shall/) )

So, Code Studios got that part right, and their draft of the Lighting Ordinance substituted *must* for *shall*—but not consistently. Besides retaining *shall* serendipitously, their draft used *cannot*, *do not*, *may not*, or *will not* for *shall not*; and used *may* arbitrarily where discretion was both intended and not intended. Code Studios' intent was undoubtedly a recognition of the legal ambiguity of *shall*—but out of litigation avoidance, not user friendliness as suggested by staff. But their execution was slipshod.

Code writers in other jurisdictions also get it, so are sure to **include definitions of shall and may**. For example, the Athens, Georgia Code Part III Code of Ordinances does it twice. §1-1-2 General provisions, Rules of Construction states: *The word "shall" is mandatory; the word "may" is permissive.* And more expansive is the §7-4-3 sign definition: *The word "shall" is mandatory, not discretionary. The word "may" is permissive.*

Retention of the operative verbs *shall* and *may* **remains my preference**. But I have no objection to the replacement of *shall* with *must*; but your code has also used *is*, *will*, and *may* as replacements, and it is probably too late to turn back. But that also opens the door to sloppy drafting, as noted in VARD's letter of February 24, 2016, *Comments on the "2-5-16" draft of the Best Practices Manual*, as follows:

***Tighter language.** Overall, the proposed policy language is very loosely written. For example, the draft often uses "should" "perhaps," and "may" when the proper and less ambiguous term is "shall". Statutory language and the Attorney General handbooks provide good examples of succinct writing.*

Thus, if Teton County is hell-bent to purge the ambiguous *shall*, **please do it very carefully**; be sure that *may* is also used unambiguously and only where intended; and that *will* refers only to the future, not to an obligatory present.

2. **Code "divisions."** Code Studios splits code titles (?) into articles (not chapters) and divisions (not sections)—another departure from conventional composition

*Article* is ordinarily reserved as the primary heading for foundational documents such as the U.S. or Idaho Constitution, or a Municipal/Corporation Charter.

*Division* is ordinarily an act or process (verb) of creating a primary entity (noun), an **uncommon use** that is rarely capitalized except in the military and sports. See <http://www.memidex.com/division>

*Title* is typically a first-level heading, followed by *chapter* and *section*; but federal code skips the *chapters*. *Article* is often omitted altogether, as in the Codes of Idaho, Teton County (ID), Tetonia, old Victor, and Jackson (and most other political *subdivisions*). Legal publisher **Municode** does not appear to have a uniform placement for *article*, placing it either before or after chapter. (Athens, GA code places *articles* sometimes before, but usually within *chapters*, apparently as needed.) *Division* is occasionally embedded when needed in lengthy, complex codes. (The Atlanta sequence is *title, chapter, article, division, and section.*)

Victor's older Code sequence is *title, chapter, and section*, whereas its newer Zoning Title has adopted the Code Studios format of *article* and *division*. The current Driggs Code is divided by *title, chapter, article, and section*.

Unless an objective is simply to introduce the unfamiliar, to be different, I know of no constructive advantage for Driggs to depart from the current, familiar, conventional headings. And common, oral references to sub-chapters and sub-sections (not *subdivisions*) may continue without ambiguity or confusion.

### 3. **Title-style capitalization.**

Title capitalization is typically referenced by case style, as follows.

- a. **Title Case:** capitalize the first letter of **each major word**, but not words such as *but, for, or, to, as, a, etc.*
- b. **Sentence Case:** just like the capitalization in a sentence—only the **first word** of the title or heading is capitalized, plus any names and proper nouns

Apparently there is no settled convention for news headlines. Title Case is used by the NY Times, Wall St Journal, Time, ABC News, NPR, Forbes, Huffington Post, Planet JH. Whereas Sentence Case is used by the Washington Post, Chicago Tribune, LA Times, USA Today, The Telegraph, Financial Times, AP, UPI, Reuters, BBC, CNN, CBS, Fox, ESPN, Microsoft, JH News & Guide/Daily, Teton Valley News.

Still different is the use of **all-capital** letters for headings/titles, as for current Driggs and Idaho Code. The *Municode* style is similar to Driggs' (all capitals for title, article, and chapter headings), but uses sentence style for section headings.

A safe selection would be the *Municode* style. But I prefer (as in the Driggs Lighting Ordinance) the following: Title Case for the title and first-level headings (*title* and *chapter*), and Sentence Case thereafter; and avoid all-capital letters. That is also preferred by the excellent style guide that I usually rely on:

<http://www.eia.gov/about/eiawritingstyleguide.pdf> (*must be pasted into browser*)

4. **Format.** I find the “portrait” 2-column format to be cumbersome when working on a “landscape” computer monitor—my eye and mind want to go only in **one direction**, not up and down, back and forth. In most instances it is also wasteful of space. I suggest that you return to a single column that conforms to the **Municode** standard that you should be embracing, and eventually subscribe to.

5. **Definitions.** Definitions unique to a single section should be imbedded in that section. That clearly applies to the lighting definitions. Also the seminal definition applicable to riparian buffers, *Ordinary High-Water Mark*, surely belongs in Article 13; also definitions relating to flood control.

## II. Outdoor Lighting Standards.

I very much appreciate your partial retention of the current Driggs ordinance (adopted September 2012). It has worked well, without controversy, and with recognition that wider compliance and enforcement should evolve. I regret, however, that the foundationally important statement of purpose was deleted—should be included, as should the numerous definitions which are specialized and only relevant to lighting. Also, several seemingly small changes have rendered large portions of the County draft irrelevant or incoherent, and the remainder unlikely to have much impact in the near future.

Time and space do not allow for a more detailed discussion here. But as I continue to work with Driggs to assimilate its lighting ordinance into its new code, I ask that you consider coordinated discussions to achieve a common, effective text. Lighting issues relating to public safety, resource protection, dark-sky enhancement, and property trespass are critical components of the Land-use objectives, so require appropriate care.

## III. Signs.

Certain signs are allowed a public R/W encroachment up to 2 feet of a curb or street, but without any public-benefit offset. R/W is valuable public property, the public should get something in return, and private use should not impose undue risks (public liability) upon pedestrians due to obstacles or falling elements (winter ice). At least the encroachment should be with respect to the **distance of encroachment** (as incorporated in the Driggs code), NOT as the residual distance to the curb. Alternatively the public interest may be served if sign size were an inverse function of projection distance. For example, sign size could be reduced by 15% for each foot of R/W encroachment.

#### IV. Protection of environmentally sensitive areas, Article 13.

This section has some good components, particularly stressing buffer quality, but it needs more work. For example, the role of buffers as critical wildlife habit is not referenced, delineation is loose, distinctions between riparian areas and wetlands are confused, and enforcement unimaginable.

**CRITICAL DEFINITIONS:** The definition of riparian is schizophrenic, needing both focus and correction, and buffer reference to “*Ordinary High-Water Mark*” needs far more than a definition located elsewhere. All should be imbedded in context, in Article 13.

*“ORDINARY HIGH WATER MARK. The line on the shore established by the fluctuations of water 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.”*

Indeed, all of those criteria are relevant and may apply, but HOW? Subjectivity is inevitable. But what are those “other appropriate means?” How may this correspond to FEMA maps of 2, 5, 10 etc.-year occurrence events? Evaluation is complex depending if streams are ephemeral, intermittent, or perennial, needing objective measures. Accordingly, an objective protocol should be considered, as used by many other jurisdictions.

Alternatively, a mapped buffer would be even better, and not require specialized regulatory training. That and other ideas are appended below.

**WETLANDS** are a different ecology, so require a separate section. **Riparian areas** are associated with rivers, streams, and bodies of water that **may** involve related wetlands. Whereas wetlands are defined to include marsh, swamp, bog and fen (bogs and fens being types of mires), regardless of stream context, although needing buffers similar to streams.

Wetland identification is technical, and NOT identical to stream-channel identification. Wetlands are listed in USFWS National Wetlands Inventory, but are not definitive. Criteria are far more demanding for Jurisdictional Wetlands delineated by USACE pursuant to CWA §404, and therefore suggest imposing a buffer wider than for NWI entities, not a smaller one.

**Section 13.3.1.c.5** *Waterbodies that appear on maps are not subject to these buffer requirements when an on-site determination reveals the absence on the ground of a corresponding waterbody.*

This provision defeats the entire protective purpose, denies the character of wetlands and ephemeral streams, and deregulates numerous vernal locations. Indeed, NWI mapping is always an approximation, needing specific confirmation or delineation. But the **immediate presence or absence of water or a waterbody is NEVER necessary or sufficient for wetland determination**. And that also applies to **stream determination** for buffer applications. Furthermore, such determination requires geomorphic or hydrology skills ordinarily not “on staff.”

#### V. Alternative code concepts or text relating to water protection.

##### 1. Buffer intrusion allowed.

Construction of one single-family dwelling on an existing lot of record may violate a protected buffer provided the intrusion meets the following criteria:

- a. the dwelling is located within a buildable area;
- b. the total area of development disturbance does not exceed 3,000 SF;
- c. the maximum extent of the buffer intrusion does not exceed 20% of the buffer width, and
- d. the area of buffer intrusion is to the minimum-practical extent.

##### 2. Minimum buildable area required.

All lots modified by lot line adjustments or new lots created from existing lots which contain floodplains, wetlands, or riparian buffer areas must contain a buildable area of a sufficient size to accommodate the uses permitted in the underlying zone, unless the action is for open space or conservation purposes. This requirement shall apply even if the effect is to prohibit further division of lots that are larger than the minimum size permitted in the zoning ordinance.

### 3. Protection of environmentally sensitive areas.

All waters shall be protected by buffers whose distances are measured along slope, consistent with Idaho protocol.

#### **Riparian buffers defined.**

1. Streams included on current Flood Insurance Rate Maps (FIRM) published by the Federal Emergency Management Agency (FEMA): the buffers of such streams shall be undisturbed and coincide with the furthest extent of the 100-year flood event whose boundary is indicated on said maps, including areas designated as Special Flood Hazard Areas (SFHA), but that buffer distance shall extend no less than 100 feet from the floodplain's bank-full origin.

2. Streams not included on current FIRM/FEMA maps shall be protected by a 100-foot undisturbed buffer measured from the stream's Ordinary High Water Mark (OHWM) as delineated according to criteria established by the U.S. Army Corps of Engineers (USACE) for perennial streams (Relatively Permanent Waters (RPWs)) and intermittent streams (Non-Relatively Permanent Waters (non-RPWs)).

Other waters shall be protected by a native-vegetated buffer measured from the Ordinary High Water Mark (OHWM) in accordance with USACE criteria as follows.

Ephemeral streams and irrigation canals: 30 feet.

Irrigation and drainage ditches: 10 feet.

Lakes and ponds: 75 feet.

**Wetland buffers defined.** Wetlands shall be protected by a 75-foot undisturbed buffer. Their delineation shall be determined by the presence of at least two of the three indicators of jurisdictional wetlands established by the USACE—namely hydric soils, determinant hydrophytic vegetation, and supportive wetland hydrology.

#### **REFERENCES.**

OHWN assessment for intermittent streams:

[http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/reg\\_supp/west\\_mt\\_finalsupp\\_aug2014.pdf](http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/reg_supp/west_mt_finalsupp_aug2014.pdf)

OHWM regulatory guidance:

<http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl05-05.pdf>

OHWM and Bank-full field identification:

<http://www.swg.usace.army.mil/Portals/26/docs/regulatory/Streams/BFvOHWM.pdf>

CWA field guide for JD identification and determination:

[http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/cwa\\_guide/jd\\_guidebook\\_051207final.pdf](http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/cwa_guide/jd_guidebook_051207final.pdf)

#### **Submitted by:**

Carl Jordan, [REDACTED], Victor, ID 83455

E-mail: [REDACTED]

Phone: [REDACTED]

**Kristin Rader**

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**From:** Felix E Zajac <[REDACTED]>  
**Sent:** Wednesday, October 05, 2016 4:34 PM  
**To:** PZ  
**Cc:** Kristin Owen  
**Subject:** Comments on Teton County Draft Code

TETON COUNTY  
PLANNING & ZONING  
OCT 05 2016  
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October 5, 2016

Dear Planning and Zoning Commission:

I wish to thank you for the enormous time and effort to produce this draft code. I am sure reaching a consensus with a committee of nine, representing many County constituents of conflicting opinions/interests, must have been challenging, to say the least.

This morning I read all the comments previously submitted. My additional comments are:

1. Short Plat and Full Plat Density and Open Space:

I like the draft.

2. Land Division:

In general, I would prefer making it less advantageous for landowners to use this option.

a) RA, LA, and FH districts: As proposed, a landowner with  $\leq 160$ ac parcel will find that the Land Division process will provide him/her with more available lots than the Plat process. **I suggest that the density be no more than 1 lot per 40 ac**, which would be consistent with the Short and Full Plat densities with any of the two open space options, and would be consistent with the purpose of the Land Division (i.e., .....for a division of **large**, rural, unplatted land in the County into four (4) or fewer lots through a simplified process, meeting specific criteria, in exchange for **decreased density** and minimized impacts to the County.”

b) ARN district: **Do not allow Land Division because large parcels are non-existent**. Or at least make the density consistent with the Short and Full Plat densities (i.e., 6.67ac per lot); otherwise a landowner with  $\leq 26.68$ ac parcel will find it more advantageous to use the Land Division option.

3. One-Time Land Split:

Perhaps this option, coupled with my suggestions for Land Division, will still give flexibility many landowners desire.

Again, thank you.

Sincerely,

Felix Zajac



Victor, ID 83455

TETON COUNTY  
PLANNING & ZONING

OCT 05 2016

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October 5, 2016

Teton County Planning and Zoning Commission  
150 Courthouse Drive  
Driggs, ID 83422

Comments re The Land Development Code PZC Public Review Draft

Mr. Chairman and Members of the Commission:

Thank you for your time and efforts over the past few years in reviewing the Land Development Code template prepared by Code Studio ( <http://code-studio.com/about-us/> ) of Austin, TX.

After weeks of review and consideration, these are just a few of the technical suggestions and questions that I have:

1. The proposed code includes division 1.3.5 Official Zoning Map. The Light Industrial Zone includes two developments. The first is Driggs Centre, which is currently distressed. In Driggs Centre building permits will not be issued because the developer did not complete the development and receive a completion certificate. The second is Rocky Road. Rocky Road does not currently have any lots available for purchase and 13 of the 19 lots are being utilized. The Light Industrial Zone has high demand and short supply. Before adopting the proposed zoning map, the County should expand light industrial opportunities to allow for future growth. This Zone would be an appropriate place for a contractor shop/office and would allow people in the construction industry to advance out of home based businesses and move into a commercial-industrial setting.
2. Article 3 of the proposed code deals with Rural Districts. In Rural Agriculture (RA), Lowlands Agriculture (LA) and Agricultural Rural Neighborhoods (ARN) Zones, the maximum lot coverage is 10,000 square feet. The lot coverage includes homes, barns, outbuildings and impervious surfaces (such as roads, sidewalks, driveways, parking lots and hardscapes). This maximum is not practical in Rural Zones. For example, a landowner with a 4,000 square foot house and a 6,000 square foot barn would already be at the maximum. The Commission should revisit the need for maximum lot coverage, survey the number and size of structures required to operate businesses allowed in the rural zones, and consider whether any maximum coverage should be proportionate to the size of the lot and its use.

3. Regarding the Rural Cluster discussed in Division 3.5: It is my understanding that this Division has not been identified on the zoning map. If it is not a part of the current zoning map, then it should be omitted from this version of the code. If it is not eliminated, then additional information should be included to indicate why it has not been used and its intended use and location.
4. Division 3.6.1. covers density and open space. This part is extremely important part of the proposed code and will be a surprise to many landowners. The County needs to provide more public education and get the public to understand and buy-in to this concept if it going to be successful. If this division is not communicated to and accepted by the public, then the Code in its entirety may be held suspect.
5. The next provision that concerns me is 3.7.2.B. Conveyance. This division, which requires a landowner to deed his open space to the County or place it in a conservation easement, reduces flexibility for the future. This provision would not allow for future re-plat, for example. In the past, the County has allowed platting that would allow for growth and amendment. We cannot be certain that this version of the code will be the last version adopted in this County, and we should leave options available to our children and future generations who live in this great place. It would be good to have community involvement in this discussion.
6. Division 3.7.7 regards prohibited uses of open space. Would there be applications when a development wants to promote our Western Heritage when agricultural buildings may be desired in open space?
7. Div. 8.2. covers a detached house. The requirement for a ground floor elevation at 2' min and the requirement for an entrance facing primary street requirements should be deleted from the RA,LA,FH,ARN and RC.
8. Sections 8.18.2, 8.18.7. and 8.18.6 deal with porches and stoops. These sections should be deleted from the RA,LA,FH,ARN and RC Zones.
9. 8.19.1 Residential Garage Parking. This should be deleted in its entirety from the RA,LA,FH and ARN zones. This is more for dense areas where neighborhoods are trying to get a conforming look.
10. 10.1.2 is the Allowed Use Table. It appears that a place of worship is not allowed in any of the RA, LA, FH, Residential Districts, Mixed Use Districts, IL or IH. Is this a typo?
11. Agricultural Uses indicate Livestock Keeping Use Not Permitted in RA(Rural Ag), LA(Lowland Ag), FH (Foothills)and ARN (Agricultural Rural Neighborhood). Is this a typo?

12. Commercial uses appear to be restricted in most of the County RA, LA, FH and ARN Zones. Is it the intent of the PZC to make these Zones this restrictive or was this Use Table not properly prepared?
13. Compare Horse Stable, Riding Academy, Equestrian Center at 10.7.3. E" to Animal Care (Outdoor) at 10.5.6 C.2.C. It does not appear clear to me if the Animal Care 10.5.6 C.2.C includes the boarding of horses? The restriction that "no animal may be kept outdoors between 11PM and 6AM" when considering pasture boarding of horses does not seem appropriate.
14. All Personal Service, except as listed below appears Use Not Permitted in RA,LA,FH&ARN. These Zones are most of Teton Valley. In division 10.5.6, personal services are defined to include:
  1. Animal care.
  2. Beauty, hair or nail salon.
  3. Catering establishment.
  4. Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria.
  5. Copy center, printing, binding, photocopying, blueprinting, mailing service.
  6. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium.
  7. Locksmith.
  8. Optometrist.
  9. Palmist, psychic, medium, fortune telling.
  10. Repair of appliances, bicycles, canvas product, clocks, computers, jewelry, musical instruments, office equipment, radios, shoes, televisions, watch, or similar items.
  11. Tailor, milliner, or upholsterer.
  12. Tattoo parlor or body piercing.
  13. Taxidermist.
  14. Tutoring.
  15. Wedding chapel.
15. Home Business, Home Industry and Home Occupation as defined has restrictions that does not consider seasonal business such as a Taxidermy and business like fiddle lessons that may teach 1 day a week. A closer look at these with outreach to existing Home Businesses for practical application could be considered. Example: 10.9.6. Home Business B.8 "Not more than 6 clients a day are permitted to visit the home business. What if a music teacher for example teaches one day a week?

16. 10.8.6 Commercial Feed Lot is defined as: “Feedlots, animal husbandry, and all of the uses normally associated with the raising, feeding, and selling of livestock, dairies, continuous confined animal management operations, or other types of similar facilities with more than 250 animal units.” This 250 animal units as defined seems to include cattle on pastures or in winter feeding. I think this section should be looked at with more care and the County should develop a definition limited to animals in continuous confinement. Otherwise, many of the operating ranches would be converted to a conditional use.
17. Division 10.8.8. covers Livestock Keeping. The Allowed use table indicates that livestock keeping would only be allowed as a limited use in the RC Zone – which does not exist on the map. In contrast, Commercial Agriculture is allowed in all rural areas. We need to change the use table to allow livestock keeping as a permitted use in all rural areas.
18. Division 13.2.2. is a chart indicating what is required for Site Disturbance: Driveway, Grading, etc. This requirement for plans to grade land or build a driveway may be something that should be looked to measure if it is practical with the resources of both the private and public sector. The Building Permit "Development" includes plans that are more extensive. Did the PZC take the time to look at this from a practical economical perspective?
19. Does the "Required Conformance" contradict the "Nonconforming Use provision"?

#### C. Required Conformance

All buildings, structures, or land, in whole or in part, must be used or occupied in conformance with this Land Use Development Code. All buildings or structures, in whole or in part, must be erected, constructed, moved, enlarged, or structurally altered in conformance with this Land Use Development Code. No building or structure shall be built, altered, or used unless it is located on an “eligible parcel” as defined in this Code (Article 15) and is in conformance with the underlying zoning district in which it is located.

#### 14.9.2. Nonconforming Use

##### A. Defined

Any use of land, building, or structure that does not conform to the use regulations of this Code, but which was lawfully existing (conforming) on or before the effective date of this Code or its amendment.

##### B. Continuance

A nonconforming use may be continued, subject to the

requirements of this Division. The right to continue a nonconforming use is tied to the land and not with the owner.

C. Proof of Lawful Establishment

It is the responsibility of the owner of a nonconforming use to prove to the Administrator that the use was lawfully established and existed on the effective date of adoption or amendment of this Code.

D. Change in Use

A nonconforming use may not be changed to another nonconforming use. A change in tenancy or ownership is not considered a change to another nonconforming use, provided that the use itself remains unchanged.

E. Discontinuance

A nonconforming use may not be re-established after discontinuance for 180 days. Vacancy of the building, regardless of the intent of the owner or tenant, constitutes discontinuance under this provision.

F. Expansion

A nonconforming use may not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure, except for a use allowed within the applicable zoning district.

G. Repair

A nonconforming use may not be rebuilt, altered or repaired after damage exceeding 50% of its replacement cost at the time of damage, as determined by the

A nonconforming use may not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure, except for a use allowed within the applicable zoning district.

building inspector, except for a use that conforms with the applicable zoning district, and provided any rebuilding, alteration or repair is completed within one year of such damage.

20. It is important to understand the definition of Development in this Code includes building driveway, getting a building permit or even grading your lot for landscaping.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures, or the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of mobile homes; mining,

dredging, filling, grading, paving, excavation or drilling operations; the deposition or extraction of materials, specifically including the construction of dikes, berms and levees; or the removal of vegetation . The term “development” does not include the operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or other irrigation or drainage works; or agricultural grading/planting/harvesting activities that are performed or authorized by the owner thereof pursuant to lawful rights and obligations. Per Idaho Code §46-1021

21. The Comprehensive Plan says that a "Form-Base Code" has "not typically been utilized in a rural setting." "Form-based codes typically result in greater control over the visual quality of building architecture and public areas along streets and community gather places." Why was a Form-Base Code used as a template for so much of the proposed code for our rural county?
22. The Comprehensive Plan indicates Key Actions as: "[c]reate an overlay that delineates appropriate area(s) for high-intensity use in the County"; "[i]dentify appropriate commercial uses for the County (i.e. low intensity, low volume with need for large amount of land)"; and "[d]efine appropriate uses in Zones so there is decreased reliance on the Conditional Use Permitting process and more predictability in land use decisions." Has the county done an adequate job of codifying these and the other Key Actions identified in the Comprehensive Plan?

I have had the opportunity to review some of the Code to more detail than other parts. The most important thing I have taken away from my review and interviews with some of the PZC, P&Z Staff and previous P&Z Staff is that we need to take time and input from the public and get the community involved as we did with the Comprehensive Plan to insure we have a Code that will be accepted by the Public.

Again, I appreciate all that serve. I realize that you work hard to provide our community with tools to improve our economy and our way of life.

Sincerely,



Harley Wilcox  
Victor, Idasho