

To: Planning and Zoning Commission & the County Planning Administrator
pz@co.teton.id.us

Comments for the April 8 P&Z Outreach Meeting

First, thank you all for your work and the opportunity to provide input.

I have read the preliminary report regarding the P&Z Commission's analysis of Teton County's Land Use Code, and I am pleased to know that there are 5 areas of substantial agreement. I do not disagree with any of those goals. Therefore, I will comment on other aspects of the code writing process.

Our current County Code specifies that decisions that are made must be aligned with the County Comprehensive Plan. We now have a new Comp Plan, and we need to adopt code that supports it, without picking and choosing which parts to support. I doubt if any one individual agrees with all of it, but a lot of effort went into building as much consensus as possible into the final Plan. Please respect that and recommend new code that aligns with the Comp Plan.

Teton Valley has become a recreational and lifestyle community, in addition to being the agricultural community that it has always been. Many people are attracted to our valley—either to visit or to live—because of our natural resources, our recreational opportunities, and our rural character. Everyone wants to see enhanced economic development, and that hinges on the previous three things. Yet you left out Natural Resources on the graphic on page 2 of your report. Natural Resources should stand as an equal, alongside Agricultural Heritage and Recreation. Economic development will emerge only if we protect agriculture and our natural resources, while promoting recreational opportunities.

Here are a few pertinent quotes from the Comp Plan (though there are many others):

Economic Development Goal #3: “Recognize that tourism and lifestyle are fundamental components of our economy and are dependent on healthy natural resources.

Natural Resources + Outdoor Recreation Goal #1: “Conserve our public lands, trail systems and natural resources (air, water, wildlife, fisheries, wetlands, dark skies, viewsheds, soundscape, soils, open space and native vegetation).

Natural Resources + Outdoor Recreation Goal #8: “Respect sensitive habitat and migration areas for wildlife.”

Please ensure that the new code continues to adequately protect our natural resources, including our spectacular views; wetlands and waterways; uncontaminated groundwater; dark skies; and wildlife of all types, along with healthy habitat and migration corridors that they need to survive. Our current code contains protections for our environment such as the Wildlife Habitat Overlay, Wetlands & Waterways Overlay, and the Scenic Corridor Overlay. The code contains additional protections by way of the Nutrient-Pathogen

Evaluation, Natural Resources Analysis, Outdoor Lighting regulations, and guidelines for the Management of Wildlife Habitat Land that is designated as open space. Perhaps some of those can be simplified, but please do not remove the intent of these regulations and overlays. We need them for a healthy economy and a thriving community.

Regarding the Zoning Code:

I strongly urge you to consider base densities other than our current 1 per 2.5 acres or 1 per 20 acres. I believe the intent of the zoning map in the Comp Plan is to think outside of the box of our current densities. I think our county's development would be much better served if we had a bigger variety of zoning/density choices, without resorting to Planned Unit Developments. (Regarding PUDs, I have always thought they are inappropriate in the rural county and should be a tool for the cities and perhaps the areas of impact.) Please consider 5 acre, 10 acre, 60 acre, or other creative options.

Regarding Commercial/Manufacturing/Industrial Zones:

Our county is not yet populated enough to justify much additional zoning for commercial/manufacturing/industrial in the rural county. Please proceed very carefully on these decisions. There are certainly some agricultural-related uses that should be considered in the rural county, but most other commercial/manufacturing/industrial uses can be accommodated in or very near the Cities.

Sincerely,
Alice Stevenson
Rural County Resident

To: Teton County Planning and Zoning Commissioners
Jason Boal, Planning Administrator

First of all we would like to compliment all of you on your hard work to date. This is a tough job and you have a long road ahead of you. With a bit of luck and with a firm grasp of the community's vision, as laid out in the comprehensive plan, at the end of this road a well thought out land use code will emerge. We think that the best way to comment on the work so far is to address the foundation and goals one by one.

The 3 foundation topics, Agriculture Heritage, recreational opportunities, economic development all seem to be universal to this community. We would add to this foundation list, natural resource heritage. In our opinion the natural diversity in Teton Valley is a major building block for our economic well being.

Goals with substantial agreement:

2: Usable options: We agree that a large lot split may be a good idea. We have always thought that there should be a "by right" possibility in carving off a piece of land to sell. The devil is in the details. If the frontage of the proposed parcel is long enough on a county/state road, and the parcel size is large enough to keep the rural feel ie. 50 -60 acres. a large lot split could be a simple administrative decision.

3: The county should eliminate the PUD. Within the growth areas of the cities it might make sense, but it has been a major failure in the rural parts of the county. We feel that the existing overlays are important. True there is always work that can be done to make them better, but their concept is valid. Do we want to protect the valley's ground water? Of course we do. The nutrient pathogen study requirement is important. It helps protect one of the valley's most important resources. If there exists a new and better way to ensure ground water safety then use that. In our opinion the way to "exempt" a piece of ground from overlay requirements is if it is large enough ie 100 acres or more. With those dimensions there are multiple options for fulfilling the intent of the overlay. These acreage numbers are arbitrary but the concept is valid. Again the devil is in the details.

4: In concept this is fine, but how can you "fit that individual parcel" without knowing what it's existing attributes and potential attributes are? Doesn't this lead back to the overlay concept?

5: How can the county afford to receive public dedications? The idea is valid, but financially how would this work?

Areas of contention:

1: As we have mentioned previously we strongly support the concept of wildlife overlays. As we understand it Idaho Fish and Game has no regulatory power over private ground. The county and our land use codes need to be in place to protect and enhance the valley's wildlife. Property rights are important, but at the same time do

you think that wildlife is affected by boundary lines? We do not understand the sentence "It is important to understand how preserving habitat affects the wildlife's impact on public safety and land owners"? What does this mean?

2: This goes back to our idea of a "by right" lot creation. Again we urge the commission to aim high and not lower the bar to the point where we get a mediocre land use code.

3: Scenic corridor: This is a tough one but the bottom line is we do not want to become "anywhere" USA. The feeling that a visitor gets when entering the valley is important in terms of their potential interest in the valley. What makes a visitor want to spend time in Teton Valley? Certainly the views from our highways play a part in their decision to stop and get out of their car. Think of areas in the valley between Driggs and Victor where the view sheds have been severely compromised. Do we want those areas replicated along valley roads?

4: Open space: This has always been a hard one to pin down as it is very subjective. What do you mean by the sentence " It may also include a hierarchy of open space where land in agriculture production, preserved habitat or dedicated easements are given a higher value than a maintained field or a privately owned lot that utilizes a building envelope to preserve portions of the lot." What would a higher value be? How would that determination be used?

Zoning code analysis: We are unclear about what was discussed in creating the anticipated zones. As we understand this all the zones in the county would stay the same but added monikers would be introduced to the existing zones, Foothills, Mixed Ag/rural, mixed Ag/wetland, rural neighborhood, and town neighborhood. What has been discussed in defining these terms? Can a town neighborhood be anywhere in the county? And if so how does this protect the county from sprawl? The same goes for rural neighborhood. If we have "neighborhoods " throughout the county how does that protect the agricultural and rural character of the valley?

Commercial zones: The bottom line that was clearly identified in the comprehensive plan is that commercial growth should be encouraged in the cities. We have heard that there have been suggestions that commercial nodes should be identified in the county, for example in the area of Hastings Road and route 33. We are strongly against this concept for many reasons. Certainly certain uses need to be in the county ie, nurseries, recreational lodges etc. There is plenty of land for commercial growth in and around the three towns. Commercial sprawl is one of the biggest threats to any community's sense of place and uniqueness. Economic and commercial development is an important conversation at this time because of what has happened in the valley. Again keep the bar high as that will pay off in the long run. Economic development is a loaded gun and needs to be handled carefully. What does that term mean? It means different things to different people and can be a real challenge to define.

Again we thank you for your work on all these important issues and look forward to having open community land use code discussions .
Sincerely.

Mary and Sandy Mason
Tetonia, ID

From: Jim & Kimberly Kleine
Sent: Sunday, April 06, 2014 3:20 PM
To: PZ
Subject: Teton County land use planning

Dear Planning and Zoning Commission:

We are writing the commission to express our concerns for how land use planning will go forward in Teton County. We have read various papers and know that there is some contention about how to proceed with a Comprehensive Plan for Teton County.

Please consider the following in your deliberations:

1. We know that there is lots of emotion when property use and property rights are discussed in this valley. If there were only a few people living in this valley then the impact on one another in the use of our property would not be as important as it is with several thousand people now living here. We need to develop a plan that respects the rights of each property owner to use his property in a manner that is legal and respectful of the rights of others living nearby. No one has a property or other right to allow their property to become a health or safety hazard or eyesore that others are forced to live with.

2. We need to acknowledge that the driving force for the continued growth and sustainability in this county is the beauty of place and the many recreational opportunities available. We work in an area where we are in constant contact with visitors to this area.

We can assure you that while we have answered thousands of questions about where to go to see the many attractions in the Jackson and Teton County area, we have yet to be asked a question as to the location of a farm or ranch. In deciding how to address land use and development in Teton County you must find ways to preserve the beauty of place while allowing development that encourages people to make this area a destination as a part of their recreation and travel plans.

3. Some property owners apparently feel that a request to consider how development of their property impacts wild life is unfair and an intrusion on their property rights. If you are not moved with the sighting of a majestic wild animal then you ought to reexamine why you live here. Visitors to this area want to see and observe wild life. We don't think that people should be stopped from using their land in beneficial ways but the setting aside of a few acres to preserve a valuable community asset should be given the important consideration it deserves.

4. Growth in Teton County seems to have occurred in a random manner. Subdivisions have been built with little planning or forethought. As a result, governmental services are difficult and expensive to provide. In some instances, response times are so long little effective action can be provided in a fire, medical, or criminal emergency. Almost every week we read of complaints about the condition and maintenance of county roads. A limited tax base requires that development be done in a manner that allows for the best use of funds that meets the needs of the most people possible.

5. If possible, spell out terms and conditions that must be met by those seeking to develop property within Teton County. As the current number of undeveloped and never to be developed subdivisions attest, a beautiful area such as ours can create a frenzy to develop in a "hot" market. Developers should be required to spell out how their project will be financed and a date certain for starting and completing should be clearly stated. If necessary, the commission can review and revise conditions. Open ended projects should not be allowed.

The result of boom and bust economic conditions can be seen all over the west. Teton County Idaho has experienced its own share of boom and bust. We are fortunate that we still have a chance to get it right. Members of the Planning and Zoning Commission must serve all members of the community. Place of birth, years of residence, amount of property owned are not factors to consider in planning and zoning decisions.. Your job is to consider what will make our valley a good place to live while providing a level of sustainability for all residents. Your job is to consider what will make our valley a good place to live while providing a level of sustainability for all residents.

We thank you for your consideration and we will be watching your deliberations carefully.

Sincerely,

Kim Day and Jim Kleine
Driggs, Idaho 83422

From: Bell, Brent C.

Sent: Monday, April 07, 2014 1:33 PM

To: PZ

Subject: DRAFTING NEW CODE

Please adapt comprehensive plan and include 7 zones as requested and voted upon by the people of Teton County. One rural zone does not match all needs. Please preserve and strengthen the view corridor and provide wild life migratory routes. Sincerely , Brent C. Bell , Houston Texas



Valley Advocates for Responsible Development

March 28, 2014

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

RE: Comments regarding the Community Report

Dear Commissioners:

We appreciate the time and energy you are all volunteering to this important task. Myself and the other VARD staff thank you for your efforts. The schedule outlined for this code writing work is very aggressive; it will be challenging to maintain it while making some complex and weighty decisions on the form and content of the new land use code. As you work through this process, if there are issues that warrant more time or consideration, we encourage you to feel free to depart from this schedule as needed to establish more time for data gathering and deliberation. Overall, we feel that the document as presented articulates key issues, but the essence and purpose of the Comprehensive Plan should be well integrated into the code writing process.

We realize this community report is intended to be general, based on the current status of these issues and the code writing process, so we will keep our comments brief:

- **Consistency with the Comprehensive Plan.** The actions of this Commission should reflect the goals and consensus as articulated in the unanimously adopted Teton County Comprehensive Plan. We encourage you to take an inclusive approach to the code writing process, but maintain focus on the overarching goals of the Comprehensive Plan in your efforts. This new code should reflect the Comprehensive Plan's clear mandate for recreation development, promotion of a lifestyle community, and habitat protection as intimately linked to Teton Valley's economic viability in the long term. This mandate is generally silent in the present draft of this community report.
- **Acknowledgement of the link between recreation development and economic development.** This report should acknowledge that recreational opportunities are not only important for the valley, they are also intimately linked to our economic viability as a lifestyle community. It is what draws people here, both long-term residents but also visitors who support our local businesses with significant dollars spent. The natural and unblemished intrinsic value of the valley creates and sustains our sublime quality of life. From guest ranches, bike shops, guides & outfitters, hotels, gear shops, and Grand Targhee - these businesses provide jobs and tourism infrastructure. Development of recreation opportunities is also a consistent theme in all four of the primary areas of focus in Teton County's Economic Development Strategic Plan.¹

¹ *Economic Development Plan: Teton County, Idaho.* (May 2013). This plan has been unanimously adopted for implementation by the Driggs City Council, Victor City Council, Teton City Council,
285 E Little Ave, PO Box 1164, Driggs, Idaho 83422



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- **Acknowledgement of the Agricultural Land Split Exemption:** In the section of the report which discusses land splits, it would be good to acknowledge the presently existing (although not well known by the general public) Agricultural Land Split Exemption. It is found in Teton County Code § 9-2-2.²
- **Wildlife Habitat Overlays and economic development.** In the section discussing the Wildlife Habitat Overlay, please include an acknowledgement of the relationship between preservation of habitat and cultivation of a lifestyle economy as outlined in both the Comprehensive Plan and the Economic Development Strategic Plan.
- **Code revisions to encourage recreation development.** The current land use code needs improvement in terms of encouraging and fostering rural recreational commercial uses such as guest ranches, nature retreats, research stations, hunting lodges, youth camps, outdoor schools like NOLS, etc. (We acknowledge there is a fine line between these uses and other commercial uses in the unincorporated county that will detract from our rural heritage and undermine our city centers.) This need to refine commercial uses to promote rural recreation development should be acknowledged in the zoning code analysis.
- **Establishment of additional lands zoned for commercial and manufacturing uses.** Please carefully and cautiously consider the need for any additional commercial or manufacturing zoning. The cities sent a clear message during the Comprehensive Plan process that they do not want to see further expansion of commercial uses outside of the cities and would like to focus on infill of existing lands zoned for manufacturing.³ **Here is summary of the existing and commercial and manufacturing zoning in the unincorporated county:**
 - ❖ **Commercial zoning:** In the unincorporated county, there are approximately **112 acres** of undeveloped lands zoned for commercial uses. All of this land is located along Highway 33.
 - ❖ **40% (45 acres)** of this commercial zoning is located outside of the city areas of impact.⁴

and the Teton County Board of County Commissioners. The plan includes four Focus Areas: #1 Business Recruitment and Development; #2 Physical Asset Development, #3 Tourism and Marketing, #4 Protect and Foster Lifestyle Community.

² Teton County Code § 9-2-2: Agricultural exemption: A bona fide division or partition of agricultural land of agricultural purposes, which is the division of land into lots/parcels, all of which are twenty (20) acres or larger and maintained as agricultural lands. This exemption does not apply to a division for residential purposes.

³ Attachment A: City of Victor and City of Driggs comment letters submitted to Teton County during the comprehensive plan process. (2012).

⁴ Source: Teton County GIS program. (2014).



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- ❖ Manufacturing zoning: In the unincorporated county, there are approximately **389 acres** of undeveloped lands zoned for manufacturing. They are located in 3 primary locations: along Highway 33, south of the Teton County transfer station, and north of the Driggs airport.
 - ❖ **18% (70 acres)** of this land that is zoned for manufacturing is located outside of the city areas of impact.
 - ❖ For scale and reference as to how much land this is, Broulim's, which is the largest commercial building in Teton County, is located on 5.3 acres, and that also includes the parking lot in front.⁵
 - ❖ Rather than consider whether additional lands need to be rezoned for commercial or manufacturing uses, we encourage this Commission to consider whether too many lands are already zoned for these uses and need to be re-zoned and/or relocated to better locations.
- **Establishment of allowed uses in commercial zones.** Please exercise caution when considering the establishment of allowed uses in the existing Commercial zones in the unincorporated county. Much of this land consists of large spot zones in unsuspecting locations that can accommodate stunningly large commercial development. For example, there are 25.38 acres of land zoned for commercial uses and 13.5 acres zoned for manufacturing uses at 5000S and Highway 33. In 2007, a large multiplex movie theatre, shopping mall, gas station, and 2 hotels were proposed on this property – which illustrates the vast size and scale of commercial development these large parcels can accommodate. Right now, commercial use of this land is limited to CUPs. If Teton County creates allowed uses in some of these historical spot zones, high impact commercial uses will quickly spring to fruition, drawing commercial industries away from the cities, and raising public ire.

That concludes our comments. Thank you for your time and attention in the service of this community.

Sincerely,

Anna Trentadue
Program Director/Staff Attorney
Valley Advocates for Responsible Development

⁵ Source: Teton County GIS program. (2104).

From: Lee D. Einsweiler
Sent: Friday, April 04, 2014 9:55 AM
To: Jason Boal
Cc: Scarff, Colin
Subject: RE: Teton County Land Use Revisions

JASON:

Very nice start on the issues. Who are the comments from?

Some thoughts:

- Code Studio will be working with the County and both Victor and Driggs on the issue of views, commercial sprawl, etc. during the workshop slated for May 31-June 3. The intent is to tackle the issues in the existing Areas of Impacts from a design and economic development perspective, with a focus on zoning tools. This would be our first cross-over effort, and we need the County to be engaged.
- We are often confronted with tough issues surrounding flexibility, creativity and development review. Where swift development review is desired, then prescriptive standards (which some see as limiting flexibility) are required. If you have more time, then a review process that can consider creative new options is possible, subject to discretionary review (typically by both P&Z and County Commission). Making this spectrum clear to folks is important.
- The lot splits are also a concern to us – looking in from outside, there are plenty of lots available in the County today. We realize this doesn't provide any fiscal relief for an individual owner, but this desire must be balanced with other community-wide character-protecting desires.
- I also thought the Wildlife Overlay was forbidden by recent legislative changes (resulting in use of state-level habitat rules only)? Loosli talked about this a lot . . .

Clearly we also need to discuss your proposed zones and what they would do, at some point. Maybe we set aside some time during the May/June visit to discuss in detail at the staff level.

Anyway – stick with it. This will help folks focus.

LEE

Lee D. Einsweiler
Principal

CODE STUDIO