

Teton County Idaho - Commissioners Meeting Agenda
MONDAY, July 8, 2012

LOCATION: 150 Courthouse Drive, Driggs, ID 83422 (208-354-8775)

Individuals addressing the Board will approach the podium and state their name for the record.
If you have handouts, please provide the Clerk or staff with that document in advance for copying.

***** PLEASE SILENCE ALL CELL PHONES *****

- 9:00 AM **Meeting Called to Order** – Chairman Park
Pledge of Allegiance & amendments to agenda if any.
- “Morning Mic” – Public Q & A** *See Reverse Side for Speaking Etiquette*
(If no one volunteers to speak, the Board will conduct Administrative Business)
- 9:30 **Contract Planner Report** – Stephen Loosli
- DEPARTMENT BUSINESS**
- Planning, Building & GIS – Angie Rutherford, Planning Administrator
1. Canyon Creek Development Agreement Amendment
- Emergency Management – Greg Adams, Coordinator
- 11:00 **Board of Equalization** – Public Hearings
- 11:00 Peterson Enterprises Inc. – Teton Springs (Victor)
 11:10 Martin Schulz – Horseshoe Creek Ranch (Driggs)
 11:15 Donald Frakes IRA – South Leigh Creek Ranch (Tetonia)
 11:20 Wells Fargo Bank – Driggs
 11:30 Shooting Star Subdivision (Victor) – Assessor Bonnie Beard
- Tax Cancellation Request (Teton Reserve) – Brady Bowman
- BREAK**
- 1:00 **Law Enforcement Center** – Arden Smith, Ormond Builders
- Continuation of Public Hearing from June 20, 2013**
Road Vacation Application – Cushman Family Trust have submitted an application to vacate a portion of W 2000 S located in Section 11, Township 4 North, Range 44E in Teton County, Idaho
- DEPARTMENT BUSINESS cont.**
- Public Works – Jay Mazalewski, Engineer
1. Solid Waste
 2. Road & Bridge
- Administrative Business** *will be dealt with as time permits*
Approve Available Minutes
Discuss Correspondence & Sign Documents
Other Business
1. FY 2013 Quarterly Update
 2. Resolution 2013-0708 Budget Transfers for 3rd Quarter FY 2013
 3. FY 2014 Budget
- Committee Reports
 Claims
- Executive Session** per IC § 67-2345(1)(d) indigent

Adjourn

Dawn Felchle

From: Stephen Loosli <stephen.loosli@gmail.com>
Sent: Wednesday, July 03, 2013 2:08 PM
To: Kelly Park; Sid Kunz; Kathy Rinaldi
Cc: Angie Rutherford; Dawn Felchle; Lee Einsweiler
Subject: Planner's Report to BOCC

Dear Commissioners,

I have had several weeks to meet with both you, the commissioners, and with the P&Z members. A number of issues are worth discussing with you. In no particular order, they follow.

Confusion over Code Studio

Repeatedly over the last months, both in the press and in public comments, comments have been made that misrepresent the relationship between Code Studio and Teton County. These misrepresentations have been used to imply that the Board is wasting money or adding unnecessary complexity to a process already agreed to and funded by the HUD grant.

A little background is in order so that we are all factually accurate.

The notice of the grant was published in early July, 2011, with a deadline five weeks later. Given the complexity of the grant submission requirements, it was a full time effort for my team to complete it by the deadline. That team included me, Fremont grant writer Wanda Adams, Yellowstone Business Partnership executive director Jan Brown (and her staff), and an intern I hired from a local college. Initially, we were considering just Fremont County and Teton County, ID, hoping to use the option of "self-defined rural area." However, we quickly discovered that a majority of jurisdictions from a U.S. Government "micropolitan" area had to join the consortium as a prerequisite and that Teton, ID, was part of the Jackson micropolitan area and that Fremont was part of the Rexburg micropolitan area. This required an expansion of the consortium to include Teton, WY, and Madison, along with the cities of Driggs, Victor, Rexburg, St. Anthony, Ashton, and Island Park. In other words, the group got BIG and unwieldy.

The primary goal of Fremont County in driving this whole process from the outset was the creation of a regional model development code that would unify the various counties into a "best practices" system. For this purpose, the single largest budget amount was set aside for this part of the work. My team then decided that an actual implementation opportunity would be even better and Victor quickly offered to be that test case, suggesting that Driggs and Teton, ID, would be immediate beneficiaries as they worked so closely together. Victor's condition for being the test case was that we would contract with their preferred vendor, Code Studio, for this process.

So, Code Studio was preselected as the vendor and asked to prepare a scope of work that met two goals: the immediate code needs of Victor (and to some extent, Driggs and Teton, ID) and the subsequent creation of a model code that could be used in whole or part by any consortium member.

It is absolutely critical that I point out that Teton County, ID, offered to be part of this consortium only under the condition that no matching money was required. Nearly every dollar of the match came from Fremont County, which continues today as the lead consortium member. At that time, the Teton BOCC further indicated that they were in the middle of a new comprehensive plan process and could not move in to code development

until that was complete. That being understood, Code Studio would focus on the cities initially and wait for the county to catch up.

The contract with Code Studio is between them and the entire HUD grant consortium, NOT with Teton County. Essentially, we (grant team) offered a gift to Teton County of prepaid services, under a set of conditions imposed by HUD and the will of the consortium. Teton County did not document any kind of request for proposal, never interviewed Code Studio, and never entered into a contract with them. Teton, ID, is under no obligation to accept the "gift," if they don't choose. Free gifts are occasionally not worth accepting if the attached strings are too burdensome. As an example, that is why Idaho Statute clearly states that the gift of land or roads to a county must be approved by the BOCC to be valid. The later expense of maintenance for the free gift could be debilitating to the budget.

By the way, I am astonished at the now strong advocacy for the Code Studio contract from some who were earlier suspicious of it and the insertion of the HUD consortium in Teton County affairs. Although, maybe I shouldn't be.

Presently it appears to me that you have decided to accept the offered vendor and their scope of work under a set of conditions of your own. I believe Code Studio is fine with that and I am fine with that.

My opinion on why I have been engaged

Typically, the above issue is combined with questions about my role in the process. I have tried to explain to any that would listen what I think it is, but I am going to simplify here. I invite any clarifications from you if I am wrong.

I believe that the BOCC (majority) has engaged me as its agent to guide the County through the likely contentious process of amending its zoning ordinance and subdivision ordinance. I further believe that I have been authorized to tackle any issue within that broad scope needed to get to the final product. This is an outcome-based contract - an actionable work product, in phases, must be delivered.

This process isn't simple, isn't easy, isn't cheap, isn't quick, and isn't conflict-free. Just the opposite, in fact. It is complex, difficult, expensive, time-consuming, and fraught with conflicts. Given the outcome of the Comprehensive Plan process, a large segment of Teton County citizens feel disenfranchised, suspicious, and angry. Whether or not you think that is rational is irrelevant, because it is reality. More on this topic in a moment.

The County has a new Plan and it wants a new Code. However, the one DOES NOT just lead to the other, contrary to some statements. Here is just one example. The Plan on page 5-6 says that land in Waterway Corridors will have the following desired future character and land uses:

- Agriculture
- Low to lowest residential density in the County
- Conservation and wildlife habitat enhancement
- Scenic quality preservation
- Public access points to river recreation
- Overlays and development guidelines to protect natural resources
- Little to no (or very limited) commercial activity

Well, that is fine and good and it is what a Plan is supposed to be. But HOW are these things accomplished? What density is "low" or "lowest?" Which, of dozens of tools, will be used to preserve scenic quality? How will new public access points be obtained and improved? These questions, when answered, build a bridge from Plan to Code.

Commissioners, the final legislative decision for all of this rests with you. We can waste a lot of time in building a Code from the ground up and arrive at your desk at the end, just to find that you reject part or all of it. That is not productive. The other approach is for you to establish guidelines and directives that build on the Plan and lead us to the types of bridges you want to see. I believe that is what you are doing by engaging me.

I see myself as your guide on this adventure, paid to get you the best bridges from Plan to Code, then developing the Code to execute the vision of the Plan. I also believe that you wish me to bring back to the trek those that feel the Plan process was fraudulent and, as a result, don't respect the Plan or anything that might come from it.

Concerns about inclusion

I don't think it has gone unnoticed by anybody that farmers, ranchers, large landowners, and others generally dislike the Plan and are skeptical - at best - of the rest of this process. I receive calls every week from citizens who are gravely concerned that they have been ignored, disregarded, even disrespected in the Plan process. I wasn't there for that process, so I can't and won't opine on the rationale for such complaints. What matters is that they feel that way.

In discussions last month, I suggested to you that the PZC be expanded to 11 members. Initially, I thought that Title 2 was in the domain of the PZC for first-look. It appears that it isn't, but rather in the BOCC's domain. I strongly advise you to move forward with a code amendment of Title 2 to allow for 11 members and that upon successful passage, you assign four new members that achieve the balance of community voices you are seeking. There is no reason to replace members, as that will just add to the divisions already present.

I have heard a variety of arguments against the proposed expansion, and frankly find them without merit. The benefits far, far outweigh any argument.

The first excuse is that four more members will cost more money. Cost will be insignificant - the meeting stipend, mileage and photocopies. Given the serious need to get this work done, such an argument is just a diversion.

Second, that four more members will make the PZC unwieldy. I have managed with great effect a diverse PZC of 11 members for almost two years in Fremont County through this exact process. It worked very well. In fact, you yourselves serve on committees - judicial, EIPHD, etc. - that are just as big or bigger and the work gets done.

Third, that the new members won't have the knowledge of the older members, causing decision-making to be tougher. So what? Everybody has to learn that way; every brand new elected official, every committee member, every employee, every student. It is ridiculous to suggest that willing citizens ready to serve are prevented from doing so because they didn't think to go to PZC training in high school.

The sole reason I can see to NOT expand the PZC is that the commission will have decision-making voices that some in the community don't want there. And that is no reason at all.

Here is why you want to add more members. This Code impacts everybody, whether today or tomorrow. Representative voices from the whole community must be active participants in the process or the result will not be accepted. Then we will have wasted a lot of time and money.

Here is what could happen if all voices aren't represented. A new development code will be written, one way or another. Presuming it is adopted by ordinance, it will become the law. However, a large slice of the community won't respect it or support it. It doesn't matter whether that slice is landowners

or VARDers or some other group. The code will become/remain a political football used to divide, not unite. Investors will remain uncomfortable with the regulatory environment and economic growth will be stymied. What might appear as a victory to one side or the other won't be. One reason that bigger communities seem to have fewer planning and zoning conflicts is that their development codes are centrist, long-standing, reliable, predictable, invest-able, and stable. That is what I hope to get for Teton County, and it is achievable, but the political grandstanding does not help.

Continual contract renegotiation

Last night, the PZC and I worked out a framework of work and scheduling that divides the various zones between Code Studio and me. The draft is generally acceptable to me and I am comfortable if you are. However, I am your agent and I work at your will and pleasure. (As a note, I do not have a digital copy of the PZC proposed scope of work - perhaps Angie does?) I am optimistic that this will be the last time that structural changes need to be made to our agreement, other than progress amendments.

You will have noticed that I haven't been billing many hours, but that is about to change and change dramatically. The PZC proposal is nearly as aggressive in time frame as the one I previously submitted to you and has 6-1 support from them. Work will ramp up this month and we will finally be underway.

General political/philosophical divisions

Lastly, I have promised you I would tell you my observations and so I will (Kathy R made similar observations on May 28th, so credit to her as well). Clearly, there is a divide in the Board. I think it is safe to say that Kathy just doesn't like this approach that Kelly and Sid have taken on planning issues. While that is fine and workable because a 2-1 vote still gets things done, that divide extends through staff, P&Z members, and into the community. As a result, every perceived mistake or misstep by one side is used by the opposing side as further support to harden positions and to not yield.

There are two common behaviors at work in this process that tend to create division, rather than unification.

The first is associative credibility, defined as giving credibility to a person, thing, idea, etc., simply because a trusted entity vouches for its credibility. This is commonly seen in consumer products. As an example, I have never heard of Outdoor Products, but they sell their goods at Walmart. Because I trust Walmart, I extend some trust to Outdoor Products. It is also extremely common in politics. Because Glen Beck or Chris Matthews said so, some now believe so - with no further consideration or evaluation. At the local level, because my neighbor, John Doe, told his acquaintances that the BOCC was acting in some nefarious way, many of those acquaintances accept that as fact and share on down the social chain the same allegation.

The second behavior, known as confirmation bias, gives great weight to the the first. Confirmation bias describes the behavior of believing anything that fits already held beliefs, even if they are unsupported by evidence. It confirms suspicions, causing them to seem more and more valid. If someone thinks that aliens are visiting Earth and that the Government covers things up (recent news doesn't help on this one!), any alien story will find fertile soil. No matter what they are told, they will have a difficult time giving up on aliens. Locally, this behavior supports the great divide in the County. People are certain that you are out to get them, one way or another. When your actions or intentions are misrepresented, it can become impossible to correct assumptions.

Why? Because someone they trust told them so and because they are suspicious of your motives. Tough crowd.

About the only hope is to educate and to point to facts and figures to show them what is really going on. But it is a delicate process because people are very possessive of their theories, even if they can be proven wrong. Contention needs to be eliminated and a respectful environment needs to be established.

Conclusion

I want to do a good work for Teton County. I have no horse in this race, I own no land in the County, I have no friends or family advantaged or disadvantaged, one way or the other. But I am having difficulty getting my feet under me. Every time I turn around, the ground moves again. My efforts are constantly second-guessed because a whole section of the community feels they owe no allegiance to this process. Every plea for cooperation and participation might fall on deaf ears. Where the landowners felt the process was fraudulent, now certain special interest groups possibly do. This does not help.

Bluntly, Commissioners, it starts with you. Somehow, somehow, you have got to come to acceptance on this and then let it play out. I need the ground under me to be solid, for the sake of the entire County. This is one of those moments where we can get it really right, but everybody has got to get on board. I'm not talking about 100% agreement, but I am talking about active, democratic processes of full participation, negotiation, give and take, and, ultimately, acceptance.

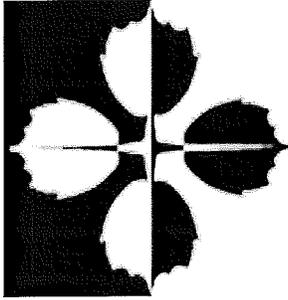
I love the complete title to the movie, Dr. Strangelove (I also love the movie!) - Dr. Strangelove or: How I Learned to Stop Worrying and Love the Bomb.

Commissioners, let's stop worrying and love the process.

Thanks,
Stephen G. Loosli

email: stephen.loosli@gmail.com

phone: 208.557.9898



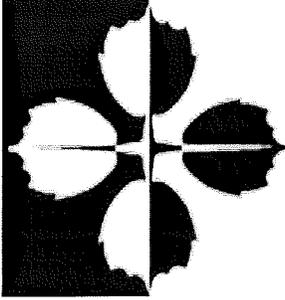
Stephen Loosli

Report 07/01/2013 03:34 PM

Created by Stephen Loosli on 07/01/2013 03:35 PM

All Active Projects
 All Users
 Time Interval: 06/01/2013 — 06/30/2013

Total hours	06:04	
County Planner	06:04	
Default Task List	06:04	
Media	00:28	
Stephen Loosli 06/04/2013 11:17 AM — 11:45 AM	00:28	Interview with TVN
Meetings	02:36	
Stephen Loosli 06/05/2013 09:00 AM — 10:00 AM	01:00	Conference call with Lee Einsweiler of Code Studio discussing coordination of efforts. Agreed to communicate regularly on a schedule to be determined. CS is moving ahead with cities and areas of impact first, then back to Teton Co. when we're ready.
Stephen Loosli 06/10/2013 07:41 PM — 07:44 PM	00:03	Call with Chairman Kelly Park
Stephen Loosli 06/11/2013 04:50 PM — 04:53 PM	00:03	Call with Commissioner Sid Kunz
Stephen Loosli 06/11/2013 05:00 PM — 06:30 PM	01:30	Meet with the Teton PZC in roundtable format to deliver prepared comments and enter into general Q&A
Prep Time	02:00	
Stephen Loosli 06/11/2013 09:30 AM — 11:30 AM	02:00	Prepare comments for Teton PZC, review Title 2.
Research	01:00	
Stephen Loosli 06/05/2013 10:30 AM — 11:30 AM	01:00	Spent time on Senate Bill 1138, researched back history and legislative intent, spoke to Rep. Loertscher. Also researched Teton Co. Code as regards P&Z duties, etc.



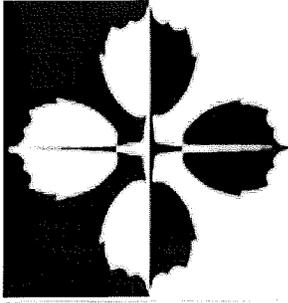
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Invoice Number #INV-20130701-4
Date 07/01/2013
Due Date 07/15/2013

Teton County, Idaho
Chairman Kelly Park
150 Courthouse Drive
Driggs ID 83422
USA

INVOICE

Item	Description	Price/Unit	Qty	Price
County Planner	Total hours: 06:04 -- Default Task List -- - Media - 00:28 - Meetings - 02:36 - Prep Time - 02:00 - Research - 01:00	\$50.00	6.07	\$303.50

Total \$303.50

Thank you for your business.



FROM: Planning Staff, Angie Rutherford
TO: Board of County Commissioners
RE: Planning Department Update
DATE: July 3, 2013
MEETING: July 8, 2013

NEED BOCC ACTION:

Canyon Creek Ranch- Pony Creek Ranch, LLC is seeking approval for a plat amendment application that would amend the Canyon Creek Ranch Master Plan from 350 lots to 22. See attached Staff Report. It is staff's recommendation that you approve the plat amendment. We will need to call the applicant.

FOR YOUR INFORMATION:

Quarterly Report: Wendy Danielson has compiled the quarterly permit statistics. We have issued 60 building permits, 17 for new homes so far this fiscal year. We have issued 28 planning and zoning permits.

Reporting period: June 17 – 28

Planning

Long-range Projects:

Recreation and Public Access Master Plan- The selection committee has ranked the SOQs and will be contacting the firms to proceed.

Permits:

Subdivision- River Rim Ranch will go in front of the Planning & Zoning Commission July 9.

OTO/BA- There are five one-time-only applications under review. There are two boundary adjustment applications under review. One boundary adjustment was recorded since last report.

Temporary Use Permit- One TUP is under review for an ongoing Flea Market at the Spud.

Code Compliance: Tom Davis has spent 2 hours on code enforcement since last report.

Cabin near Packsaddle Creek Estates- Our department and other agencies continue to try to bring this cabin into compliance. It is a very complex situation.

Mobile Home at 711 E 5500 S- We continue to work with representatives of this property to gain compliance, but have not made much progress.

Teton View Estates- We continue to get complaints about the Teton View Estates subdivision and the improper storage of materials and vehicles on multiple properties

within the subdivision. There is also an issue Fox Creek Drive and gravel in the road to block passage. It seems as though this issue has been resolved.

594 W 3500 S- Neighbors are complaining about equipment and construction material storage on this property. We have not had time to investigate.

822 E 750 S- Neighbors are complaining about improper storage on this property. We have not had time to investigate.

Buildings without Building Permits- We have found a few homes that do not have building permits associated with them. We are looking into these situations.

Building

Permits: Tom Davis has spent approximately 14.5 hours on plan review for building permits.

Under Review- There are currently ten building permits under review, two for new homes, one of which is for a modular home setting permit.

Building Permits Issued- Since last report, four new building permits have been issued, one for a new home.

Active Building Permits- There are 43 active permits (building permit issued, but the home has not received a certificate of occupancy).

Number of Inspections- Tom spent 26.5 hours completing 20 inspections since last report.

Certificates of Occupancy Issued- One new CoO have been issued since last report.

Law Enforcement Center: Tom Davis worked on the LEC 16.5 hours since last report.



STAFF REPORT
CANYON CREEK RANCH PLANNED UNIT DEVELOPMENT

1. PLAT VACATION APPLICATION- PHASE I
2. MASTER PLAN AMENDMENT APPLICATION:
SIGNIFICANT CHANGES, DECREASED SCALE OR IMPACT

Prepared June 20 for the July 8, 2013
Board of County Commissioners Meeting

OWNER: Pony Creek Ranch, LLC **APPLICANT:** Herb Heimerl

REQUESTS: Pony Creek Ranch, LLC, formerly Idaho Ranch Subdivision, LLC, is requesting a significant plat amendment that would decrease the scale or impact of the project. The applicant is also applying to vacate the previously-platted Phase I.

CODES: Teton County Subdivision Ordinance Section 9-7-1 Vacations of Plats, Easements, Rights-of-Way; Lot Consolidations and Amendments to Recorded Subdivision Documents.

LEGAL DESCRIPTION: Part of Sections 21, 28, 33, and 34, Township 6N, Range 43 East, BM.

LOCATION: The project is located on the western boundary of Teton County, adjacent to Madison County, approximately three and a half miles south of HWY 33.

PROPERTY SIZE: 1,760- acres. A former portion of the project in Madison County is no longer under consideration.

ZONING: Canyon Creek Ranch was approved as a Planned Unit Development which sets unique zoning and development standards within the development.

PLANNING STAFF RECOMMENDATIONS:

Staff recommends approval of the Phase I Final Plat Vacation and approval of the proposed plat amendment.

VICINITY MAP

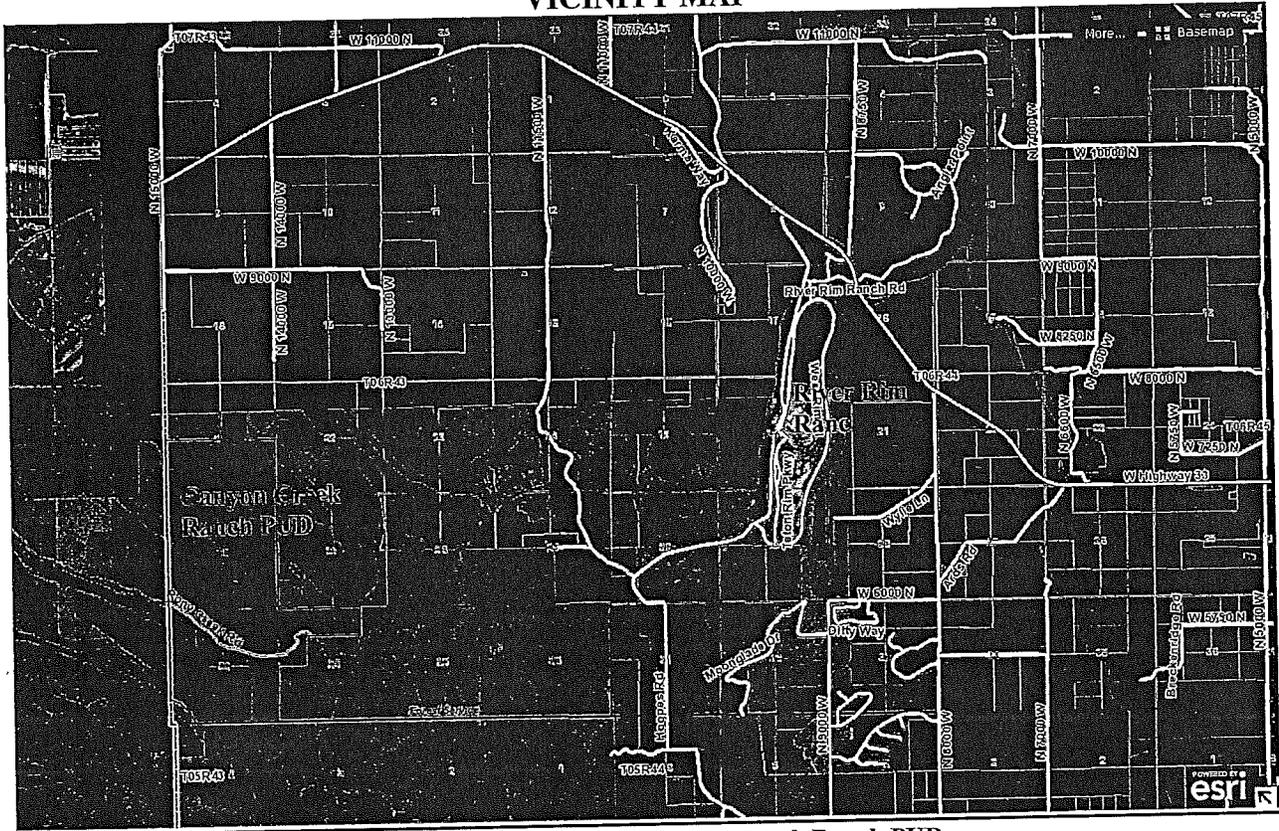


Figure 1: Vicinity Map of Canyon Creek Ranch PUD

BACKGROUND INFORMATION

Canyon Creek Ranch is a large PUD originally approved in 2009 on the Teton-Madison County border. Originally approved for 350 lots, the applicant is now proposing 22 lots, ranging in size from 20 acres to 163 acres. The average lot size of the proposed master plan is 78 acres. The applicant proposes five phases: Phase I would have a completion date of December 31, 2019. Phase V would have a completion date of 2023.

HISTORY

In 2009, Canyon Creek Ranch PUD was approved by the Teton County Board of County Commissioners. It was proposed as a second-home community with most of the density (350 dwelling units) focused along three draws. After the market collapse, the developer began to rethink the project and proposed other amendments. None of the previous proposals, all of which offered some modest decrease of density, were approved. The Planning and Zoning Commission, and the Board of County Commissioners expressed concerns about wildlife and access. In April of 2012, the applicant submitted a significantly downsized project, similar to the current proposal. The current proposal would reduce the number of lots from 350 to 22. Lots would range in size from 20 acres to 163 acres, with the average size as 78 acres. The main access would be via Pony Creek Road and road improvements would be needed to access the entire subdivision. The project is proposed to be built in five phases with all phases completed by 2023. The new proposal does not include any development or request for entitlements from Madison County. The proposal would keep all structures out of critical natural resource management areas. There would be a 300' building setback requirement from US Forest Service Boundary.

STAFF ANALYSIS

It is staff's analysis that this application reduces the impacts to the County by eliminating a large number of potential dwelling units in a remote area of the County. The high density development in this area was approved despite concerns from the Idaho Department of Fish & Game. The impacts of such development might have had implications to big game breeding and migration as well as sharp-tailed grouse lek sites. The decreased impact of the reduced density will likely decrease the potential stress on wildlife that use this area. Additionally, the adjacency to the Forest Service could cause dense development to add stress to wildlife using the National Forest.

The shift from communal water and sewer systems to individual well and septic will need appropriate agency approval upon final plat. The Fire Marshal has approved the preliminary plans for fire protection. The Idaho Department of Fish and Game recommends grazing restrictions within the Access and Natural Resource Management Areas (ANRMA) and clear guidelines about enforcement of ANRMA and Natural Resource Management Areas (NRMA) restrictions. A statement in the CC&Rs for the development prohibit alterations to the ANRMA without County approval and prohibit alterations to the NRMA without a Sharp Tail Grouse lek(s) survey to re-delineate the restricted area.

At present, the County has prescriptive road easement for Pony Creek Road and the road to the South of Pony Creek. At final plat, the developer, per the development agreement will provide an access ROW for the road, dedicated to the County. Additionally, a thirty foot snow machine accesses easement adjacent to the Pony Creek Road will be recorded. Either of these, the ROW and/or the snow mobile easement, may be vacated if the subdivision is vacated.

CONSISTENCY WITH THE APPLICABLE POLICIES OF THE TETON COUNTY COMPREHENSIVE PLAN

The 2012-2030 Comprehensive Plan enumerated a vision and set of policies for the Valley.

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

Goal ED 2: Preserve our rural character and heritage and promote local agricultural industries.

This proposed amendment reduces density, and while no acreage will be designated "open space," the area in the access and natural resource management easement will not have structures.

2.1 Encourage development and land use proposals that support prime economic values of rural character and heritage.

This proposal increases the "ruralness" over the previously-approved plan.

2.2 Promote local agricultural industries and businesses.

This policy is not supported.

2.3 Promote smart growth strategies that help preserve rural character by enhancing existing communities and directing development towards them.

This proposal does not support this policy, but is less detrimental to this policy than the previously-approved plan.

2.4 Encourage and attract businesses that are economically and environmentally friendly, and promote stewardship and accountability in business.

This proposal does not affect this policy.

2.5 Encourage development that adheres to environmental standards.

Canyon Creek Ranch, by all evaluations, is located in pristine habitat and has high ecological value, especially considering its proximity to the National Forest. The question before the PZC, however, is whether this proposal improves the situation over what is currently approved or not. The reduced number of lots could decrease the impacts to the environment by reducing potential new homes, traffic, and general activity in the area.

- 2.6 Encourage policies and resources which enable farms to adapt to changing paradigms.
This policy is not supported.

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

Decreasing the impacts to the environment in the Canyon Creek area will benefit natural resources. Additionally, an access and natural resource management area, that encompasses the most sensitive habitat, will have building restrictions.

- 3.1. Encourage economic development through the promotion of recreational opportunities and natural resources.

This policy is not supported.

- 3.2. Conserve Teton County's natural resources in order to enhance economic development.

As a gateway into Teton County, the lack of high density development and inclusion of critical habitat protection is an improvement over the previously-approved plan.

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

A decrease in density should decrease the cost of services to the County in the form of emergency response calls, additional children in the school system, and added use of infrastructure.

- 4.1 Assess the public service requirements of new developments and weigh their off-site impacts against projected changes in revenue before approving new developments.

There is a large cost of services to support a resort community 20 miles from Driggs. However, the proposed amendment would decrease those costs of services by decreasing the number of potential units in this location.

- 4.2 Support local retail by placing adequate residential density in close proximity to businesses.

This policy is not supported.

- 4.3 Consider the economic impact of supply and demand in residential development.

The proposed reduction of supply may help address Teton County's over-supply of residential building lots.

- 4.4 Utilize a variety of regulatory and incentive-based tools to reduce density in sensitive areas and encourage density in areas where services exist.

This proposed amendment is a result of these incentive-based tools.

- 4.5 Limit commercial retail business to Driggs, Victor and Tetonia.

This policy is not supported.

- 4.6 Provide a variety of housing types that are accessible to a socially and economically diverse population.

This policy is not supported.

- 4.7 Encourage creative economic solutions such as live-work opportunities and appropriate home businesses.

This policy may be supported.

- 4.8 Encourage the development of low-density, high-quality neighborhoods adjacent to existing cities.

This policy is not supported.

4.9 Maintain rural areas that encourage farming and ranching and support low density residential development.

The proposed amendment has lower density than the previously-approved plan, however, will not have an effect of farming or ranching in the area.

Goal ED 5: Support the development of a communications Master Plan. *N/A*

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

This policy is not supported.

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

This policy is not supported.

1.2 Identify and implement financing mechanisms to pay for needed transportation maintenance and improvements.

The proposed amendment is not applicable to this policy.

1.3 New development will provide adequate transportation facilities to accommodate needed services.

This policy is not supported.

1.4 Adopt a variety of design standards for all transportation infrastructure.

The proposed amendment is not applicable to this policy.

1.5 Provide/promote off-road transportation corridors to and from Public Lands suitable for both motorized and non-motorized vehicles.

An easement agreement which provides public access to the Forest Service should be required as a condition of approval.

1.6 Educate and inform the public regarding transportation goals, costs and benefits; road construction and maintenance; and plowing schedules and policies.

The proposed amendment is not applicable to this policy.

1.7 When key infrastructure (roads, bridges, pathways, etc) is damaged or destroyed by naturally occurring events, including deterioration due to age and use, it should be replaced within as short a timeframe as feasible to avoid disruption of service to the public.

The proposed amendment is not applicable to this policy.

Goal T 2: Create convenient, safe, timely, financially sustainable and efficient options for multi-modal transportation that satisfies a multitude of needs. *N/A*

Goal T 3: Provide a well-connected transportation network within Teton Valley and within the region. *N/A*

Goal T 4: Develop transportation appropriate for a rural community, respectful of the unique character of Teton Valley. *N/A*

Goal T 5: Support continued improvements to the Driggs Memorial Airport to support Teton County's aviation needs. *N/A*

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

N/A

Goal NROR 2: Enhance and preserve 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.

Public access to National Forest would be either via the existing access (Pony Creek Road), or a winter access via an easement adjacent to the road that will not be plowed, but available to

be groomed for snow machines. These recorded documents would not be provided until Platting of Phase I.

- 2.1 Maintain and improve existing public land and river access.
Jay Pence, USFS, would like to see a road ROW to ensure the public access at the end of Pony Creek is maintained. The developer is willing to record this at the Final Plat of Phase I.
 - 2.2 Support the creation of new public land access when it's consistent with natural resource conservation goals.
The proposed amendment does not support this policy.
 - 2.3 Support the creation of a County motorized and non-motorized summer and winter travel plan which includes access points.
The proposed amendment maintains current accesses and uses, although the accesses would be via a subdivision and subdivision road.
 - 2.4 Consider and accommodate access for different user groups to minimize user conflict and resource damage.
The proposed amendment is not applicable to this policy.
 - 2.5 Seek cooperation of private landowners to improve accessibility to adjacent public lands.
Winter access, which presumably would include a snow machine path, would be via an easement adjacent to Pony Creek Rd. Summer access would be via Pony Creek Rd. through the subdivision.
 - 2.6 Work with state and federal agencies and private landowners to protect environmentally-sensitive areas from resource degradation.
The proposed amendment reduces the impacts to sensitive resource areas by prohibiting structures in those areas.
- Goal NROR 3: 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, non-motorized flight) as a means for economic development and enhanced quality of life. *N/A*
- Goal NROR 4: Balance private property rights and protection of our natural resources.
- 4.1 Ensure that development regulations balance natural resources protection, watershed protection and growth, are clear and predictable, and preserve the economic value of the land.
The proposed amendment is no applicable to this policy.
- Goal NROR 5: Recognize, respect and/or mitigate natural hazards, including but not limited to flooding, earthquakes, landslides, radon and fires. *N/A, although this amendment removes potential future homes from the wildland-urban interface.*
- Goal NROR 6: Promote natural resource protection by a variety of means including financial compensation for willing buyer/willing seller agreements that promote open space acquisition and land and water easements. *N/A*
- Goal NROR 7: On public lands and accesses, balance recreation with protection of natural resources. *N/A*
- Goal NROR 8: Respect sensitive habitat and migration areas for wildlife.
The proposed amendment sets aside an easement for wildlife habitat area. Structures would be restricted from that area.
- 8.1 Teton County recognizes that wildlife and wildlife habitats provide economic, recreational, and environmental benefits for the residents and visitors of Teton County. Land development decisions will strongly weigh the needs of wildlife to protect the inherent values that they provide.

The proposed amendment is an improvement over the previously-approved plan for protecting resources and wildlife habitat.

- 8.2 Work with landowners, the Idaho Department of Fish and Game, other state and federal agencies, non-governmental organizations, and other natural resources professionals to utilize wildlife habitat and species information and other tools (such as Western Governors Association Crucial Habitat Assessment Tool and the Wildlife Overlay Map), including new information as it becomes available, to make land use and site planning decisions.

The proposed amendment is not applicable to this policy.

- 8.3 Minimize the cumulative impacts of development on wildlife and wildlife habitat.
Presumably, the cumulative impacts will be decreased in this proposal vs. what has been previously-approved.

- 8.4 Protect and/or improve the diversity of native vegetation.

This policy is not addressed in the application materials. The acreage in CRP is not addressed, but will presumably stay in CRP through the contract period.

- 8.5 Protect and improve riparian and aquatic habitats.

This policy is not supported.

- 8.6 A Wildlife Impact Mitigation Plan shall be developed for any development project which impacts an important habitat or which presents concerns of detrimental human-wildlife interaction. Requirements and performance standards for the mitigation plan shall be clearly established in the Zoning and/or Subdivision Ordinance and shall be the basis for approval of the plan.

The code is unclear about mitigation strategies to reduce wildlife impacts. Reducing the number of lots and increasing the spacing between houses (increasing lot size) ought to reduce impacts to wildlife.

- 8.7 Provide incentives for voluntary habitat buffers, seasonal use restrictions, and aquatic connectivity along key drainages.

This policy does not apply, although the applicant is restricting development in a prime habitat area.

- 8.8 Work collaboratively with other jurisdictions to preserve, enhance, restore and maintain undeveloped lands critical for providing ecosystem connections and buffers for joining significant ecosystems.

This policy does not apply.

- 8.9 Designate and map lands within or buffering Teton River Canyon as an irreplaceable natural area, and work with private landowners and government agencies to protect and conserve the area's ecological resources, including wintering big game and cutthroat trout.

This policy does not apply.

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

Goal CEF 2: Encourage the development and support of high-quality education facilities (primary, secondary and post-secondary) and diverse and affordable activities for all ages. *N/A*

Goal CEF 3: Encourage an environment that fosters community involvement. *N/A*

Goal CEF 4: Adequately fund existing and future public services and facilities. *N/A*

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

- 1.1 Ensure that planned growth maintains Teton Valley's rural character.

Dense development in rural areas does not maintain Teton Valley's rural character. The question is whether this amendment improves the situation over what is already approved.

- 1.2 Encourage vacation of subdivision plats where appropriate and viable.
The existing final plat will need to be vacated in order to proceed with the master plan amendment.
 - 1.3 Ensure that open spaces are managed responsibly.
The large lot configuration of the project will leave land management up to 22 owners instead of one HOA. This could be a positive or a negative, depending on the stewardship of the potential new owners.
 - 1.4 Maintain the County's rural heritage through the scenic corridors.
This policy is not applicable.
 - 1.5 Support the preservation of open space, farmland, natural beauty, and critical environmental areas.
The project improves the situation for critical environmental areas over the previously-approved plan.
 - 1.6 Encourage higher density development in the cities of Driggs, Victor, and Tetonia.
This proposal does not support this policy.
- Goal ARH 2: Balance property rights and rural character. *N/A*
- Goal ARH 3: Support and enhance agriculture and ranching. *N/A*
- Goal ARH 4: Respect cultural heritage sites. *N/A*
- Goal ARH 5: Reduce infestation/introduction of invasive species.
Weeds will need to be managed according to state and local ordinances.
- 5.1 Support on-going efforts to map current noxious weed infestations.
The proposed amendment does not address this policy.
 - 5.2 Continue support of public education and outreach that target noxious weed identification, landowner control responsibilities under Idaho State Law, noxious weed management options and noxious weed management funding alternatives.
This policy is not applicable.
 - 5.3 Continue to offer cost share assistance to willing landowners through the Idaho State Department of Agriculture's (ISDA's) noxious weed cost share grant program.
This policy is not applicable.
 - 5.4 Support current county weed control enforcement policies to better report, police and enforce noxious weed violations under State Law in a fair, timely and consistent manner.
This policy is not applicable.
 - 5.5 High priority will be given to managing invasive species that have, or potentially could have, a substantial impact on county resources, or that can reasonably be expected to be successfully controlled.
This policy is not applicable.
 - 5.6 Address the cause of invasive species infestations and work to reduce initial outbreaks especially on disturbed lands.
Disturbances, especially as construction and build out occur, should be carefully managed to protect against weed infestations.
 - 5.7 Provide public education on appropriate uses of chemical weed control so that it is used in a way that is compatible with surrounding uses.
This policy is not applicable.

CONSISTENCY WITH THE APPLICABLE TETON COUNTY SUBDIVISION CODE

Teton County Title 9, the Subdivision Ordinance, outlines criteria for approval for a plat amendment, significant change- decrease scale, impact. “The purpose and intent also is to reduce the intrusion of development into sensitive natural areas of the county and reduce the governmental costs associated with scattered development by expediting changes to recorded plats that reduce the number of vacant platted lots in the county.”

Subsection 9-7-1 (B-2-c)- Definitions

“Decrease Scale, Impact are changes that substantially decrease the scale or scope of the platted subdivision, and substantially decrease the direct or indirect impacts on the immediate neighborhood, general vicinity of the subdivision or overall community. Substantial changes may include a reduction in the number of lots or parcels.” This project reduces the number of potential dwelling units by 328 in a very remote part of the County. It is staff’s judgment that this is a significant decrease of scale or impacts to the County.

CONSISTENCY WITH THE APPLICABLE STATE OF IDAHO CODE

Idaho State Statute 67-6513, Subdivision Ordinance, requires that all subdivisions do not impose substantial additional costs upon current residents. By decreasing the total number of dwelling units in the County, this proposal does not impose a burden on current residents.

AGENCY & DEPARTMENTAL TECHNICAL COMMENTS

1. The Pony Creek road and pathway easement should be recorded with the final plat of Phase I of the subdivision.
2. Improvement plans for Pony Creek Road may be required during the final plat application. A determination will be made at that time.
3. The Idaho Fish and Game recommends clear enforcement guidelines for the restrictions placed on the ANRMA and ANRMA as well as restricted grazing in the ANRMA.

NEIGHBOR COMMENTS: As of the date of this report, no neighbor comments have been received.

PUBLIC NOTICE:

Public hearings with the PZC were legally noticed onsite, to neighbors and in the legal notices in the paper.

PROPOSED MOTION:

1. Having found that the proposed vacation application for Phase I of the Canyon Creek Ranch PUD is consistent with the Teton County Comprehensive Plan, related development ordinances, and state statute, and that the application has been noticed appropriately per state statute 67-6509, I move to approve the vacation application as presented [with the following changes].

AND

2. Having found that the proposed amendments to the Canyon Creek Ranch PUD Master Plan are consistent with the Teton County Comprehensive Plan, related development ordinances, and state statute, and that the application has been noticed appropriately per state statute 67-6509, I move to approve the amendments as presented in the application materials [with the following changes] with the following conditions of approval:

BUILDING DEPARTMENT HISTORIC INCOME and UNITS

FISCAL YEAR CALCULATION

BUILDING DEPARTMENT

	2006	2007	2008	2009	2010	Fiscal 2011	2012	2013
Residential	232	307	148	74	34	9	12	17
Commercial	9	6	10	3	1	1	6	1
Other Structures	62	35	29	23	38	16	30	21
Misc. Permits						11	18	21
Total Permits	311	348	187	100	73	37	66	60
Re-activations							8	3
Permit fees	\$526,130.00	\$610,731.00	\$245,000.00	\$63,143.35	\$49,384.80	\$26,334.42	\$45,058.55	\$43,443.99
Residential Impact fees	N/A	N/A	N/A	26 @	19 @	12 @	13 @	17 @
Commercial Impact fees	N/A	N/A	N/A	\$52,154.96	\$38,113.24	\$24,071.52	\$26,077.48	\$34,101.32
				2 @	1 @	2 @	3 @	0
				\$5,339.74	\$84.30	\$1,035.47	\$885.32	

PLANNING AND ZONING DEPARTMENT HISTORIC INCOME and UNITS

PLANNING AND ZONING FEES

	2006	2007	2008	2009	2010	Fiscal 2011	2012	2013
Planning and Zoning Applications	OTO 29 *SUB 48 CUP 8 ZONE CH 0	OTO 26 *SUB 77 CUP 3 ZONE CH 5	OTO 12 SUB 73 CUP 18 ZONE CH 3 MISC 8	OTO 15 SUB 23 CUP 16 ZONE CHG 0 MISC 31	OTO/ BA 13 SUB 8 CUP 1 ZONE CHG 0 MISC 22	OTO/BA 9 SUB 1 CUP 4 ZONECHG 0 MISC 11	OTO/BA 19 SUB 3 CUP 1 ZONECHG 1 MISC 18	OTO/BA 10 SUB 0 CUP 0 ZONE CHG 0 MISC 18
Total Applications	85	111	114	85	44	25	42	28
Income	\$212,041.00	\$317,135.00	\$181,137.00	\$85,357.00	\$21,957.50	\$9,602.4	\$20,358.60	\$3,972.00

*2006 and 2007 data were unavailable to determine the exact number of subdivision related applications processed through the office however we feel these numbers are fairly accurate as they are based on several data bases in the planning and clerks offices.

plat amendment x2, floodplain permit x 5, permitted with conditions, DA amendment, DA Extension, TUP x 5, sign x 2, BA re-submittal

Residential Impact fees collected to date
87 @ \$ 2,005.96 Total \$ 174,518.52

Commercial Impact fees collected to date
8 @ Total \$ 7,344.86

Planning and Building Historic Income

Building Department Fiscal Year 2013													
	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	YTD
Single Family Dwellings	1	0	0	0	0	1	1	3	7	4			17
Commercial	0	0	0	0	0	0	0	1	0	0			1
Other Structures	3	2	0	0	0	0	2	1	6	7			21
Misc. permits	5	3	1	3	3	1	1	2	4	1			21
Total Permits	9	5	1	3	3	2	4	7	17	12			60
Re-activation / extension	0	1	0	0	0	1		0	0	1			3
Total Impact Fees	\$2,005.96	\$0.00	\$0.00	\$0.00	\$2,005.96	\$2,005.96	\$6,017.88	\$14,041.72	\$8,023.84				\$34,101.32
Total Permit Fees	\$5,284.06	\$2,070.47	\$50.00	\$250.00	\$2,036.00	\$1,875.74	\$5,983.57	\$15,750.91	\$10,143.24				\$43,443.99

Single Family Dwellings includes setting permits for manufactured homes

Other Structures = replacement of SFD w/out impact fee, garages, sheds, barns, carports, Ag

Misc. = mechanical, setting, additions, remodels, foundation

7/2/2013



Teton County

Emergency Management &

Mosquito Abatement

Department Report 5/9-6/8/2013

Greg Adams, Coordinator/Director

Teton Creek Grant Project Update

The Army Corps of Engineers has stated that we are on track to receive our permits prior to starting construction around July 29th. FTR is working on an MOU between the land owners, FTR and the County. The Idaho Bureau of Homeland Security came by and did a grant monitoring visit on the 17th of June and were so pleased with our record keeping they are trying to get other Counties to use the system we created to track other FEMA grants. The total amount spent on the project to date, (including our personnel time match) is \$76,349.97. 27% of the project tasks have been completed, along with 29% of our match obligations.

Projects Accomplished

I have been working with our local first responder agencies as well as our neighboring jurisdictions to revise our public safety radio programming. After months of working on it we have it almost complete. With the new programming we will be able to have every first responder's 700 MHz radio communicate across two different digital trunked networks and with Teton County Wyoming on their VHF system through a cross band repeater setup on relay ridge.

Working with all of our first responder agencies and the City of Victor and Huntsman Springs I have led an effort to create Incident Action Plans (IAP's) for the Huntsman Springs Celebrate America Event and the 4th of July parade. These plans outline who will be doing what at the incident including an org chart, how everyone will communicate, and any pertinent safety information. This process includes selecting someone that is in charge of the overall incident response and an operational briefing with everyone before the incident. By making these pre-incident planning efforts, it helps everyone have a better idea of what they are responsible for and how things will be handled which makes the incident run more smoothly.

The Celebrate America event at Huntsman Springs was a huge success even with the weather issues that we encountered. At our command post we were able to coordinate up to the minute spot weather reports in order to help Huntsman Springs make key decisions on what to do. The event was delayed for an hour and a half because of the weather and what it did to the stage, but once we were able to coordinate with the weather service that our location wouldn't be further affected they were able to get the stage put back together and get the show rolling. With the Sheriff's Office, the Ambulance District and 4 SAR volunteers we were able to assist with a few minor injuries and 25 lost children. Even though we had inclement weather there were around 30,000 people that attended the event. There were so many that they had to open up the fairground for parking.

Future Projects

Our region has recently purchased a new fire extinguisher training tool. I would like to put on a two session fire extinguisher class this month for County employees at the courthouse. It should only be about 40 to 60 minutes long and employees could attend either one. Is that alright?

Future Appointments

- 7/17 DIGB6 meeting 12 to 1
- 7/18 Planning for unique evacuation needs training IF 8 to 5
- 7/26 MAD Budget Hearing
- 7/31 Bonneville LEPC
- 8/6 Teton County Radio/LEPC meeting 2:30-5