

Patricia Nickell

From: Crandall, Laura L. [LCrandall@usbr.gov]
Sent: Tuesday, February 16, 2010 10:55 AM
To: Patricia Nickell
Subject: Plat proposal for Grouse Landing Subdivision.

Thank you for sending the notice requesting our review for the plat proposal for Grouse Landing Subdivision. Reclamation has no comment on this.

Laura Crandall

Realty Specialist
Bureau of Reclamation
1359 Hansen Ave.
Burley, ID 83318
(208) 678-0461, ext. 11

Stillwater Ranch Home Owners Association
PO Box 2330
Gilbert, Arizona 85299
(480)374-5062

January 14, 2010

Re: Road Sharing Maintenance Agreement

To whom it may concern;

We have been in discussion with Diane Temple of Nelson Engineering regarding a shared road maintenance agreement for the Grouse Landing and Stillwater Ranch Subdivisions. If we can come to terms, we are willing to enter into a shared maintenance agreement for 1500 East once the road has been completed and signed off by Teton County.

Sincerely,



Robert B. Elmer
Stillwater Ranch HOA

Patricia Nickell

From: Faulkner,Paul [paul.faulkner@idfg.idaho.gov]
Sent: Thursday, February 18, 2010 11:24 AM
To: Patricia Nickell
Cc: Schmidt,Steve; Thomas,Terry
Subject: RE: Preliminary Plat Review Grouse Landing

Patricia,

I have reviewed the Grouse Landing project.
It is in the marginal agricultural and moderate density residential/agricultural overlays.
There are numerous subdivisions surrounding it.
We have no comments or recommendations involving wildlife issues for Grouse Landing.

Thanks for the opportunity to review this project.

Paul

Paul J. Faulkner
Idaho Department of Fish and Game
Regional Habitat Biologist
Upper Snake Region
4279 Commerce Circle
Idaho Falls, ID 83401
208-390-0617
paul.faulkner@idfg.idaho.gov

From: Patricia Nickell [mailto:pnickell@co.teton.id.us]
Sent: Monday, February 08, 2010 4:28 PM
To: Thomas,Terry
Cc: Faulkner,Paul
Subject: Preliminary Plat Review Grouse Landing

Terry,

Tomorrow I will be mailing out to Steve Schmidt a copy of a preliminary plat for a development proposal called Grouse Landing. This proposal is *not* within the Teton County wildlife overlay district. Since the proposal is not within the wildlife overlay district, I will not be forwarding any additional maps or analysis to your office. Please feel free to provide general comments and any recommendations as you deem appropriate.

Regards,

Patricia Nickell

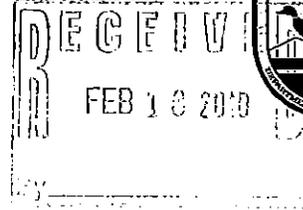
*Planning Manager
Teton County, Idaho
150 Courthouse Drive, # 107
Driggs, Idaho 83422
208-354-2593 Ext. 203 * 208-354-8778 Fax
pnickell@co.teton.id.us*



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Eastern Idaho Field Office
4425 Burley Dr., Suite A
Chubbuck, Idaho 83202
Telephone (208) 237-6975
<http://www.fws.gov/idaohoes/>



Patricia Nickel
Teton County Planning & Building Department
150 Courthouse Drive, Rm 107
Driggs, Idaho 83422

FEB 16 2010

Subject: Grouse Landing Subdivision
File # 2010-SL-0198

Dear Ms. Nickel:

The Fish and Wildlife Service (Service) is providing you with a list of endangered, threatened, proposed, and/or candidate species, and designated critical habitat which may occur in Teton County, Idaho. You requested this list in a letter dated February 8, 2010. Please refer to the species list (SL) number shown above in all correspondence and reports.

Non-Federal Lands and Section 7

Section 7 of Endangered Species Act of 1973, as amended (Act) requires Federal agencies to assure that their actions do not jeopardize any listed species and provides a process for exemption of take for Federal agencies. Although your project is located on non-Federal lands, if there is a Federal action (funding, permitting, or direct action) associated with your project, the Federal agency is required to consult with the Service if the action may affect a listed species. Section 7 regulations also allow for applicants to be involved in the consultation process. For instance, a Federal agency may designate you or another non-Federal entity to represent them in an informal consultation.

The enclosed list fulfills the requirements for a species list under section 7(c) of the Act. If the project decision has not been made within 180 days of this letter, regulations require that you request an updated list. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/consultations/s7hndbk/s7hndbk.htm>. Section 7 consultation information specific to Idaho listed species can also be found on the Snake River Fish and Wildlife Office website at <http://www.fws.gov/idaaho/agenices.htm>.

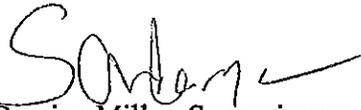
Voluntary Agreements for Species Conservation on Private Lands

The Act includes provisions for the conservation of listed species on both Federal and non-Federal lands. A private landowner may wish to enter into an agreement with the Service under section 10 of the Act for activities that benefit listed, proposed, and candidate species. Voluntary agreements such as Safe Harbor Agreements or Candidate Conservation Agreements contribute to the conservation of listed, proposed, or candidate species while allowing for management

activities on non-Federal lands. In addition, Section 9 of the Act prohibits the "taking" of any listed species without an exemption (issued by the Service) for that take¹. For private landowners, that exemption is developed through the permit process of Section 10 (through a Habitat Conservation Plan) of the Act. More information on the various mechanisms for take exemption available to private landowners under the Act can be found at <http://www.fws.gov/idaho/Landowners.htm>.

If you have any questions about your responsibilities under the Act, or require further information, please contact Ty Matthews of the Eastern Idaho Field Office at (208) 237-6975 x 115. For information on conservation opportunities under section 10 of the Act, contact Kendra Womack at the Snake River Fish and Wildlife Office at (208) 685-6951. Thank you for your continued interest in endangered species conservation.

Sincerely,


6/ Damien Miller, Supervisor
Eastern Idaho Field Office

Enclosure

¹ Take of threatened or endangered animal species is defined as; harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering.

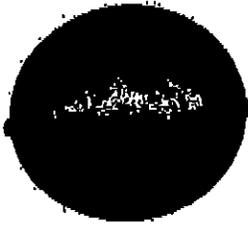


TETON COUNTY, IDAHO
SPECIES LIST 2010-SL-0198

LISTED SPECIES	COMMENTS
Canada lynx (<i>Lynx canadensis</i>)	LT
Grizzly bear (<i>Ursus arctos</i>)	LT
<hr/>	
PROPOSED SPECIES	
None	
<hr/>	
CANDIDATE SPECIES ¹	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

LE - Listed Endangered
LT - Listed Threatened
XN - Experimental/Non-essential population
PT - Proposed Threatened
C - Candidate

¹Candidate species have no protection under the Act, but are included for your early planning consideration. Candidate species could be proposed or listed during the project planning period, and would then be covered under Section 7 of the Act. The Service advises an evaluation of potential effects on candidate species that may occur in the project area.



Teton County Fire Protection District

**P.O. Box 474
625 N. Airport Road
Driggs, ID 83422**

**Bret Campbell
Asst. Chief / Fire Marshal**

**(208) 854-2760 Office
(208) 354-2764 Fax**

**To: Teton County Planning, Zoning, and Building Department
Date: April 21, 2009**

Preliminary Plat Hearing – Grouse Landing

Fire protection plans shall strictly comply with:

- 1. The requirements as specified by law in the 2006 International Fire Code.

18.01.50 - ADOPTION OF THE 2006 INTERNATIONAL FIRE CODE

Pursuant to the authority provided by Section 41-253, Idaho Code, the Idaho Fire Marshal hereby adopts the 2006 edition of the International Fire Code as the minimum standard for the protection of life and property from fire and explosion for the state of Idaho.

- 2. The requirements as specified by resolution in the Teton County Fire Protection District Resolution for Subdivisions, Resolution 3.

RESOLUTION NUMBER 3

Section 1.6 Subdivision Approval. Subdivision approval is conditioned on compliance. No subdivision or Planned Unit Development applications shall be approved unless they comply with the Fire Protection Requirements of Chapter II of this Resolution as determined by the Fire Marshal.

The Fire District is currently reviewing the applicant's fire protection plan, agency approval is given for the preliminary hearing.

**Bret Campbell
Fire Marshal**

cc: Nelson Engineering

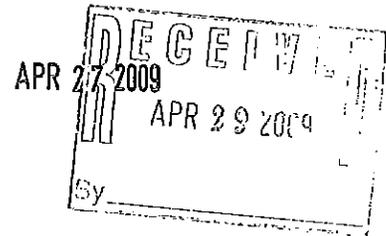


United States Department of the Interior
FISH AND WILDLIFE SERVICE

Eastern Idaho Field Office
4425 Burley Dr., Suite A
Chubbuck, Idaho 83202
Telephone (208) 237-6975
<http://www.fws.gov/idahoes/>



Patricia Nickell
Teton County Planning & Building
89 North Main, Ste 4
Driggs, Idaho 83422



Subject: Proposed Construction of the Grouse Landing Subdivision in Teton County,
Idaho. File # 2009-SL-0334

Dear Ms. Nickell:

The Fish and Wildlife Service (Service) is providing you with a list of endangered, threatened, proposed, and/or candidate species, and designated critical habitat which may occur in the area of the proposed construction of the Grouse Landing Subdivision in Teton County, Idaho. You requested this list by letter dated April 22, 2009 and received in our office April 23, 2009. Please refer to the species list (SL) number shown above in all correspondence and reports.

Non-Federal Lands and Section 7

Section 7 of Endangered Species Act of 1973, as amended (Act) requires Federal agencies to assure that their actions do not jeopardize any listed species and provides a process for exemption of take for Federal agencies. Although your project is located on non-Federal lands, if there is a Federal action (funding, permitting, or direct action) associated with your project, the Federal agency is required to consult with the Service if the action may affect a listed species. Section 7 regulations also allow for applicants to be involved in the consultation process. For instance, a Federal agency may designate you or another non-Federal entity to represent them in an informal consultation.

The enclosed list fulfills the requirements for a species list under section 7(c) of the Act. If the project decision has not been made within 180 days of this letter, regulations require that you request an updated list. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

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Voluntary Agreements for Species Conservation on Private Lands

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agreements such as Safe Harbor Agreements or Candidate Conservation Agreements contribute to the conservation of listed, proposed, or candidate species while allowing for management activities on non-Federal lands. In addition, Section 9 of the Act prohibits the "taking" of any listed species without an exemption (issued by the Service) for that take¹. For private landowners, that exemption is developed through the permit process of Section 10 (through a Habitat Conservation Plan) of the Act. More information on the various mechanisms for take exemption available to private landowners under the Act can be found at <http://www.fws.gov/idaho/Landowners.htm>.

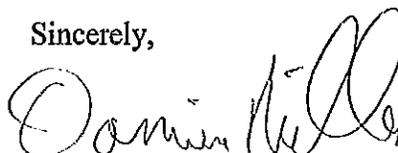
Grizzly bear (*Ursus arctos*) formerly appeared on species lists for Clark, Fremont, and Teton counties in southeast Idaho. In a decision published in the March 29, 2007 Federal Register, the Service concluded that protections for the Yellowstone grizzly bear Distinct Population Segment (DPS) under the Act, as amended, were no longer warranted. This DPS is no longer an endangered or threatened population pursuant to the Act. Grizzly bear populations in Bonner and Boundary counties in northern Idaho continue to be protected as threatened under the Act.

For more information on grizzly bears, and living and recreating in grizzly bear country, please visit the Service's Mountain-Prairie Region Grizzly Bear Recovery Home Page at: http://mountain-prairie.fws.gov/species/mammals/grizzly/fact_sheets.htm.

Also, please be aware that the Fish and Wildlife Service appointed Damien Miller as supervisor of the Eastern Idaho Ecological Services Field Office in Chubbuck, Idaho replacing Deb Mignogno. In the future, please address all correspondence to Mr. Miller.

If you have any questions about your responsibilities under the Act, or require further information, please contact Sandi Arena of the Eastern Idaho Field Office at (208) 237-6975 x 34. For information on conservation opportunities under section 10 of the Act, contact Kendra Womack at the Snake River Fish and Wildlife Office at (208) 685-6951. Thank you for your continued interest in endangered species conservation.

Sincerely,



Damien Miller, Supervisor
Eastern Idaho Field Office

Enclosure

¹ Take of threatened or endangered animal species is defined as; harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering.



TETON COUNTY PLANNING & BUILDING
TETON COUNTY, IDAHO
SPECIES LIST 2009-SL-0334

LISTED SPECIES	COMMENTS
Canada lynx (<i>Lynx canadensis</i>)	LT – Threatened
Gray wolf (<i>Canis lupus</i>)	XN - Experimental/Non-essential population
<hr/>	
PROPOSED SPECIES	
None	
<hr/>	
CANDIDATE SPECIES ¹	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C

- LE - Listed Endangered
- LT - Listed Threatened
- XN - Experimental/Non-essential population
- PT - Proposed Threatened
- C - Candidate

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U.S. Fish and Wildlife Service
Mountain-Prairie Region, P.O. Box 25486
Lakewood, Colorado 80228
phone 303/236-7905, fax 303/236-3815
website: <http://mountain-prairie.fws.gov>



Tips for Residents in Grizzly Country

To reduce the risk of problems with bears on or near your property, we urge you to follow this list of simple precautions. Avoid attracting bears to your residence. Please do your part so people and bears can live together.

Garbage should be stored where bears can neither smell nor gain access to it: either in a bear-resistant container or inside a building bears can't get into. Use outside garbage cans for non-food items only. Haul garbage to an approved disposal site as often as possible, but at least once a week, to avoid build-up of odors.

Fruits trees attract bears, especially when wild foods are scarce. Electric fencing is the most effective way to keep bears out of orchards. Pick all fruit from trees and the ground as soon as possible; do not leave fruit through the fall.

Vegetable and flower gardens also attract bears. Gardens should be located away from forests or shrubs, which bears use for security and travel. Bears will dig up carrots and bulbs, so electric fencing is a good idea.

Composting is not recommended, because the odors attract bears. If you do compost, use an electric fence or enclosed, bear-resistant composter. Don't put meat, grease, or bones in a compost pile.

Livestock and poultry feed, along with pet food, should be stored in bear-resistant containers – such as a 55-gallon drum with a lid that seals – preferably inside a sturdy building that bears can't get into. Reduce spillage of oats and pellets by feeding from buckets or other containers, and don't leave leftover livestock food out overnight.

Dogs and other pets should be kept inside at night. If possible, feed pets inside. If you must feed pets outside, feed only during the day in amounts that will be consumed immediately. Don't leave bowls and pet food out overnight.

Sheep and pigs are easy prey for bears. Sheep should be closely herded. Consider electric fencing for pigs, or not keeping pigs. Do not bury dead livestock – bears will dig them up! Haul them to a landfill or rendering plant.

Bears love honey as well as bee larvae found in hives. You can protect the hives with electric fencing or by elevating the hives on platforms supported by metal poles that bears can't climb.

Bird feeders can also attract bears. Feed suet only during the winter months, and suspend hummingbird feeders out of reach of bears – at least 10 feet off the ground and 4 feet away from any tree trunk or pole.

Closely supervise children when they are playing outdoors. Make sure they are home before dusk and not outside before dawn. Talk with children about bears and teach them what to do if they encounter one.

If bears get into garbage or other food, REMOVE THE ATTRACTANT IMMEDIATELY. Avoid giving bears a repeated food reward. Bears that associate people and places people live with easy food rewards can become dangerous, and may eventually have to be killed.



TETON COUNTY OFFICE

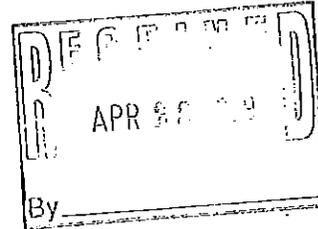
820 Valley Centre Drive
Driggs, Idaho 83422
208.354.2220
fax 354.2224
www.idaho.gov/phd7

Promoting the Health of People & Their Environment

28 April 2009

Teton County Planning and Zoning
89 North Main Street, Suite 4
Driggs, ID 83422

Nelson Engineering
30 North 1st East
Driggs, Idaho 83422



RE: Grouse Landing (formerly Carrington Crossing)

Eastern Idaho Public Health District approves the Subdivision Application and Preliminary Plat (dated 19 Feb 09) for Grouse Landing Planned Unit Development. The Sanitary Rules/Regulations and Health Certificate appropriate for this development will be provided following our review of the final plat.

Due to the small lot sizes and the proposed location of fire ponds, it will be necessary to accurately pre-identify well and drainfield locations. Currently, the Master Plan (dated 19 Feb 09) and Improvements Plan (dated 21 Apr 09) are not consistent in drainfield and well locations on some lots. Please ensure well and drainfield locations shown on all plans are accurate and meet minimum separation distance requirements.

The minimum separation distance between a drainfield and permanent surface water for a design group B soil is 200 feet. Some lots do not allow for this separation between drainfields and fire ponds. Although the developer has provided information that would support a reduction in separation distance to not less than 100 feet between drainfields and fire ponds, this would not be our recommendation for a new development. Given the amount of open space available, we recommend the lots and/or fire ponds be repositioned to allow a minimum of 200 feet of separation between any drainfield and permanent surface water.

Please give me a call if you have any additional questions.

A handwritten signature in black ink, appearing to read 'M. Dronen'.

Michael Dronen, EHS
Eastern Idaho Public Health District



TETON COUNTY OFFICE

852 Valley Centre Drive
Driggs, Idaho 83422
208.354.2220
fax 354.2224
www.idaho.gov/phd7

Promoting the Health of People & Their Environment

18 March 2010

Teton County Planning and Zoning
89 North Main Street, Suite 4
Driggs, ID 83422

Nelson Engineering
30 North 1st East
Driggs, Idaho 83422

RE: Grouse Landing

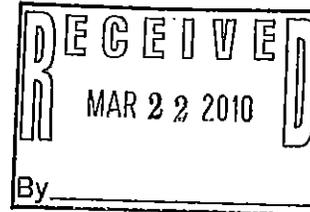
Eastern Idaho Public Health District approves the subdivision application and preliminary plat (dated 19 Feb 09) for Grouse Landing Planned Unit Development. The sanitary rules/regulations and health certificate appropriate for this development will be provided following our review of the final plat. As noted in our approval letter dated 28 April 2009, this preliminary plat approval includes a recommendation the development provide a standard separation distance of 200 feet between individual drainfields and the proposed fire pond.

The soil at Grouse Landing has been classified as design group B. The standard separation distance between drainfields and permanent surface water for a design group B soil is 200 feet. Some lots do not allow for 200 feet of separation. Although the developer has provided information that would support a reduction in separation distance to not less than 100 feet between individual drainfields and the fire pond, this would not be our recommendation for this new development. Given the amount of open space available, we recommend the lots and/or fire pond be repositioned to allow a minimum of 200 feet of separation between any drainfield and permanent surface water.

Please give me a call if you have any additional questions.



Michael Droneh, EHS
Eastern Idaho Public Health District

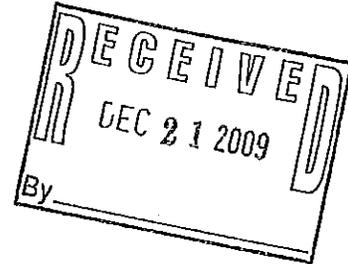




REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
IDAHO FALLS REGULATORY OFFICE
900 NORTH SKYLINE DRIVE, SUITE A
IDAHO FALLS, IDAHO 83402

December 16, 2009



Regulatory Division

SUBJECT: NWW-2009-00260-I02

Mr. and Mrs. Thomas and Mary Ulrich
281 West Harvest Run
Idaho Falls, Idaho 83403

Dear Mr. and Mrs. Ulrich:

This is in response to Teton County Planning and Building Department's letter of April 22, 2009, requesting our comments on your proposed residential subdivision known as Grouse Landing. Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army permit be obtained for the discharge of dredged or fill material into waters of the United States. This includes most perennial and intermittent rivers and streams, natural and man-made lakes and ponds, and wetlands, as well as irrigation and drainage canals and ditches that are tributaries to other waters. Activities regulated under Section 404 include excavation and mechanized landclearing activities which result in the discharge of dredged material and destroy or degrade waters of the United States.

Based on the information provided, it appears the proposed project will not involve work in areas subject to our jurisdiction and a Department of the Army permit will not be required. If you have any questions concerning these regulatory matters, please contact me at 208-522-1676. A copy of this letter is being sent to: Ms. Patricia Nickell, Teton County Planning and Building Department, 89 North Main Street, Suite 4, Driggs, Idaho 83442.

Sincerely,

James M. Joyner

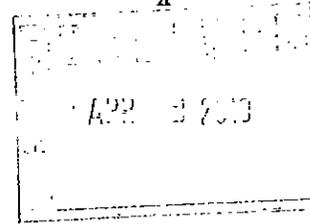
James M. Joyner
Regulatory Project Manager



Valley Advocates for Responsible Development

April 2, 2010

Teton County P&Z
150 Courthouse Drive
Driggs, ID 83422



Re: Grouse Landing Preliminary Plat

Dear Commissioners:

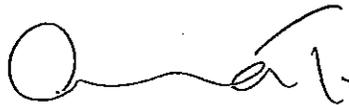
It has been a while since this commission has reviewed a Planned Unit Development (PUD) application filed under the 2007 ordinance. Historically many of the meaningful provisions in this ordinance were often overlooked, and applications were approved that did not meet the true form and intent of the PUD: Assured protection and maintenance of meaningful open space in exchange for flexibility of design and density. With this in mind, I would like to submit the following comments:

- **Configuration of Open Space:** One of the requirements in the ordinance is that lots be clustered with contiguous open space that preserves natural swales and landforms. Here, it would make the most sense to eliminate the 3 lots at the far SE end of the open space and also the road traversing the drainage through the property. Area maps clearly show that the lands to the South and East are open. By eliminating the road and these 3 lots, there is a contiguous swath of open land that is no longer bisected by houses and a road. As a result, the drainage is also better protected. (See T.C.C. 9-7-6-C-1, 9-7-6-C-2, 9-7-9, 9-7-7, 9-1-3-E, 9-7-6-H, 9-2-2, and 9-7-2-A, D, and F)
- **Open Space Management Plan (OSMP):** The application states that the OSMP is to leave the land in the Conservation Reserve Program (CRP). I consulted with our local U.S. Department of Agriculture office here in Driggs and confirmed that CRP contracts will no longer be honored for lands with roads or lots in them. According to the conservation specialists, a CRP contract for this 40-acre parcel with 15 lots recorded on it will simply be rendered void. Once the road goes in for this PUD, the contract is rescinded and the landowner must pay back *all the money* they have been given under the contract *including penalties*. This policy is already in effect for Fremont County, and is currently being codified by the conservation committee here in Teton County. The OSMP should take this into account and plan accordingly for land management. (See T.C.C. 9-7-6-D-1, 9-7-6-D-2, 9-7-6-E, 9-7-6-H, and 9-7-2-C)

- **Development Agreement:** This agreement was hard to understand. It seems like construction may potentially begin upon recording and take up to 8-years to complete? The ordinances require a firm starting date, finishing date, and plan for freestanding phasing of infrastructure. The county now has a thorough development agreement template that would resolve a lot of the vagueries to the benefit of both the landowner as well as the county. (See T.C.C. 9-3-4-A-5-B, 9-7-10, 9-3-5-B-4, 9-3-5-E-1, 2, and 3,)

One other thing must be mentioned here: There are several developments in the immediate area of Grouse Landing, most of which were platted during the recent "boom," and are almost completely empty with no homes. Immediately abutting Grouse Landing are Stillwater Ranch and Elkridge subdivisions. Stillwater Ranch was recorded in 1981, and only 2 of the 21 lots have been built upon in 29 years. Elkridge was recorded in 2003, and only 1 of the 7 lots has been built upon to date. There are countless other developments in the area with no lot sales, or no homes. **This begs the question:** *Is it a good idea to plat 15 more lots when there are 7,000 vacant recorded lots in our valley and we have arguably anywhere from a 70-year to a 300-year oversupply of inventory just like this PUD that is already on the ground?*

I say this with concern not only for the community at large, but for the bottom line of the landowner as well. Thank you for the opportunity to submit these comments.



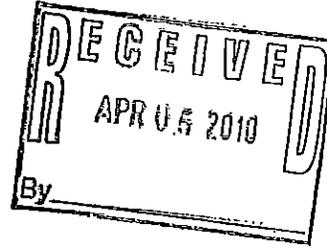
Anna Trentadue
VARD Program / Staff Attorney



Valley Advocates for Responsible Development

April 2, 2010

Teton County P&Z
150 Courthouse Drive
Driggs, ID 83422



Re: Grouse Landing Preliminary Plat

Dear Commissioners:

It has been a while since this commission has reviewed a Planned Unit Development (PUD) application filed under the 2007 ordinance. Historically many of the meaningful provisions in this ordinance were often overlooked, and applications were approved that did not meet the true form and intent of the PUD: Assured protection and maintenance of meaningful open space in exchange for flexibility of design and density. With this in mind, I would like to submit the following comments:

- **Open Space Management Plan (OSMP):** The application states that the OSMP is to leave the land in the Conservation Reserve Program (CRP). I consulted with our local U.S. Department of Agriculture office and confirmed that CRP contracts will no longer be honored for lands with roads or lots in them. According to the conservation specialists, a CRP contract for this 40-acre parcel with 15 lots recorded on it will simply be rendered void. Once the road goes in for this PUD, the contract is rescinded and the landowner must pay back *all the money* they have been given under the contract *including penalties*. This policy is already in effect for Fremont County, and is currently being codified by the conservation committee here in Teton County. The OSMP should take this into account and plan accordingly. (See T.C.C. 9-7-6-D-1, 9-7-6-D-2, 9-7-6-E, 9-7-6-H, and 9-7-2-C)
- **Configuration of Open Space:** One of the requirements in the ordinance is that lots be clustered with contiguous open space that preserves natural swales and landforms. Here, it would make the most sense to eliminate the 3 lots at the far SE end of the open space and also the road traversing the drainage/rolling sage lands (the land that is presumably in CRP). Aerial maps of abutting properties clearly shows that there is a swath of wide-open, rolling sage lands that runs through the properties to the East, continues right through the southern half of this property, and on through the lands to the South. (SEE Attachment A) This sage land creates a clear, distinct boundary through the middle of the property. By eliminating the road and these 3 lots, there is a

contiguous swath of open sage land that is no longer bisected by houses and a road. (See T.C.C. 9-7-6-C-1, 9-7-6-C-2, 9-7-9, 9-7-7, 9-1-3-E, 9-7-6-H, 9-2-2, and 9-7-2-A, D, and F)

- **1500E Access:** With only 2 homes built along 1500E, this road is not plowed and there is currently no way to get in to see this property. What is the plan for plowing and maintenance this 0.6 miles section of road? Will this be another cost to the road and bridge department?

- **Revenues will not cover the service costs of this development:** Using the applicant's own valuation estimates and the custom-built Fiscal Impact Planning System (FIPS) created by the Rural Planning Institute, I generated the following data:
 - This PUD will create a **\$2,000-5,000 annual deficiency** in annual county operations and maintenance costs.
 - It will create a **\$38,000-40,000 deficiency** in capital improvement costs, even with impact fees.
 - Using the applicant's 8-year build out estimate, this development will create a **net deficiency of approximately \$26,000** in operations and maintenance by the year of build-out in 2018. (SEE Attachment B)

There are several developments in the immediate area of Grouse Landing, most of which were platted during the recent "boom," and are almost completely empty. Immediately abutting Grouse Landing are Stillwater Ranch and Elkridge subdivisions. Stillwater Ranch was recorded in 1981, and only 2 of the 21 lots have been built upon in 29 years. Elkridge was recorded in 2003, and only 1 of the 7 lots has been built upon to date. Driving along 5000N to get into this PUD, the road is lined with countless signs to almost totally vacant, snowed-in subdivisions: Stillwater Ranch, Wydaho, Magestic Meadows, Perfect Drift, Dreamcatcher Estates, Rosen Acres, Mountain Valley Estates, Wild Horse Subdivision, the Clawson Townsite, and Trouts Ranch.

This begs the question: Is it a good idea to plat 15 more lots when there are 7,000 vacant recorded lots in our valley and we have arguably anywhere from a 70-year to a 300-year oversupply of inventory just like this PUD that is already on the ground and has proved to be very expensive to service?

I say this with concern not only for the community at large, but for the bottom line of the landowner as well. Thank you for the opportunity to submit these comments.

A handwritten signature in black ink, appearing to read 'Anna Trentadue', with a stylized flourish at the end.

Anna Trentadue
VARD Program / Staff Attorney

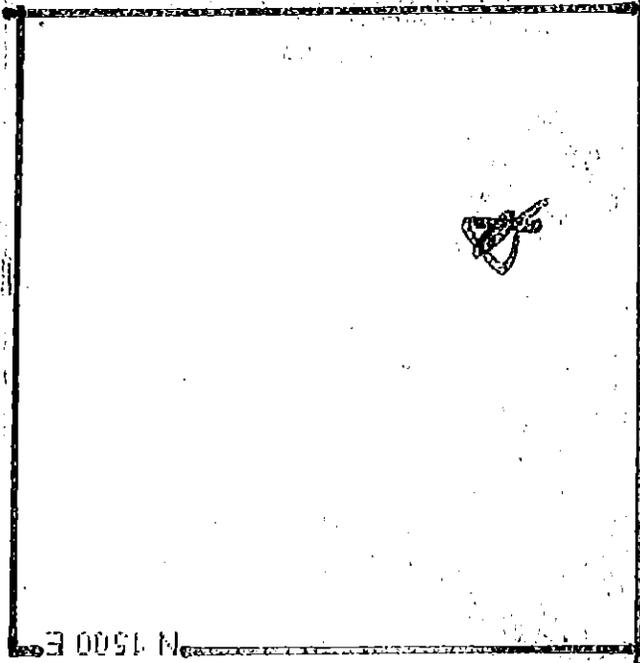
Surprise Valley Subdivision

Summit View Subdivision

STAGHORN DR

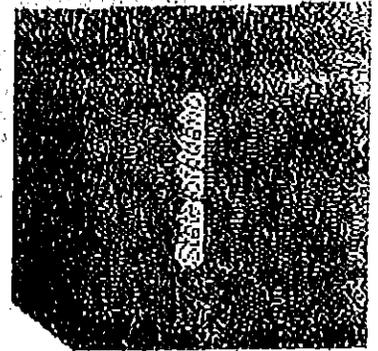
Elkridge Subdivision

N 2000 E



Stillwater Ranch Subdivision

STILLWATER LOOP



X = Sage Land

Teton County, Idaho

Project Profile

Project Name	Grouse Landing
Number of Dwelling Units	15
Distance out County Roads	1-3 Miles
Daily Vehicle Miles Traveled	292
Value of One Lot with a Dwelling Unit	\$350,000

	Cost Per Dwelling Unit	Property Tax and Other Revenues Per Dwelling Unit
Annual Operations and Maintenance for All County Services	\$1,651	\$1,279
Capital Facilities County Total for All County Services	\$5,185	\$2,453

	Cost-Benefit Per Dwelling Unit
Annual Operations and Maintenance Cost-Benefit	-\$372
Capital Facilities Cost-Benefit	-\$2,733

Cost-Benefit of Grouse Landing

	Operations and Maintenance Annual Cost-Benefit	Capital Improvements One-Time Cost-Benefit
Road Fund	-\$1,157	-\$31,075
General Fund	-\$4,199	-\$6,655
Special Revenue Funds	-\$228	-\$3,258
Total Cost-Benefit	-\$5,584	-\$40,988

Teton County, Idaho

Project Profile

Project Name	Grouse Landing
Number of Dwelling Units	15
Distance out County Roads	1-3 Miles
Daily Vehicle Miles Traveled	292
Value of One Lot with a Dwelling Unit	\$490,000

	Cost Per Dwelling Unit	Property Tax and Other Revenues Per Dwelling Unit
Annual Operations and Maintenance for All County Services	\$1,651	\$1,471
Capital Facilities County Total for All County Services	\$5,185	\$2,649

	Cost-Benefit Per Dwelling Unit
Annual Operations and Maintenance Cost-Benefit	-\$180
Capital Facilities Cost-Benefit	-\$2,536

Cost-Benefit of Grouse Landing

	Operations and Maintenance Annual Cost-Benefit	Capital Improvements One-Time Cost-Benefit
Road Fund	-\$1,157	-\$31,075
General Fund	-\$1,770	-\$3,711
Special Revenue Funds	\$230	-\$3,258
Total Cost-Benefit	-\$2,697	-\$38,044

Teton County, Idaho

Project Profile

Project Name	Grouse Landing
Number of Dwelling Units	1
Distance out County Roads	1-3 Miles
Daily Vehicle Miles Traveled	19
Value of One Lot with a Dwelling Unit	\$350,000

	Cost Per Dwelling Unit	Property Tax and Other Revenues Per Dwelling Unit
Annual Operations and Maintenance for All County Services	\$1,651	\$1,279
Capital Facilities County Total for All County Services	\$5,185	\$2,453

	Cost-Benefit Per Dwelling Unit
Annual Operations and Maintenance Cost-Benefit	-\$372
Capital Facilities Cost-Benefit	-\$2,733

**Cost-Benefit of
Grouse Landing**

	Operations and Maintenance Annual Cost-Benefit	Capital Improvements One-Time Cost-Benefit
Road Fund	-\$77	-\$2,072
General Fund	-\$280	-\$444
Special Revenue Funds	-\$15	-\$217
Total Cost-Benefit	-\$372	-\$2,733

Year of Build Out	Total Units Built	O&M Cost-Benefit Per Unit Using The FIPS Calculator	Cumulative O&M Cost-Benefit At the Year of Build-Out
2011	2	\$ -372	\$ -744
2012	4	\$ -372	\$ -2,232
2013	6	\$ -372	\$ -4,464
2014	8	\$ -372	\$ -7,440
2015	10	\$ -372	\$ -11,160
2016	12	\$ -372	\$ -15,624
2017	14	\$ -372	\$ -20,832
2018	15	\$ -372	\$ -26,412

NOTE: This is based on the cost-benefit per dwelling unit of a \$350,000 instead of the applicant's high-end estimate of \$490,000. I opted to use the lower valuation instead because it is closer to the county's average appraisal value of \$375,000.

Wendy Danielson

From: Kathy Sims [scubafun@mindspring.com]
Sent: Thursday, April 29, 2010 9:38 PM
To: Patrick Vaile
Cc: Wendy Danielson; ksims@hallmanwingate.com
Subject: Comments on Grouse Landing PUD

We are in receipt of the notice letter regarding the Preliminary Plat Application for Grouse Landing Planned Unit Development. We own property in Stillwater Ranch, immediately adjacent to the West of the proposed development, and likely the property which is most impacted by the proposed development. We have reviewed the proposed Master Plan/Facilities Map for Grouse Landing and have the following comments which we would like the Planning and Zoning Commission and Board of County Commissioners to take into consideration:

1. Grouse Landing proposes 15 one-plus acre lots. While the overall development is 40 acres, with large amounts of acreage reserved for open space, the lots themselves are quite small when compared to the surrounding properties. Properties in Stillwater Ranch, which appears to be the closest development to Grouse Landing, are all three-plus acres. The small lots could detrimentally impact the value of other properties in the immediate vicinity. Additionally, the proposed development is squeezed onto approximately one-half of the 40-acre parcel, resulting in the appearance of an even higher density development.
2. We are unable to thoroughly research local zoning rules, because we do not reside in the area, but have reviewed information we were able to locate online and it appears that the proposed development is located in an A-2.5 zoning district. Our review of Title 8 indicates that the minimum lot size for this zoning district would be 2.5 acres. Even though the proposed development is intended as a Planned Unit Development, the high density is inconsistent with the surrounding area.
3. The Master Plan/Facilities Map shows the road for the development is located a short distance up the street (1500 East) from the drive for Stillwater Ranch (Stillwater Loop). We believe locating the development's street (Grouse Run) immediately across from Stillwater Loop would be more favorable and safer.

We purchased our lot in Stillwater Ranch a few years ago with the hope that we would be able to build sometime in the future. The lot was chosen specifically for the unobstructed view of the Tetons and the CCRs adopted by Stillwater Ranch. While we understand that we cannot control the development of adjacent properties, our belief was the worst case scenario would be development of 2-5 acre lots, or even larger agricultural acreage lots, consistent with the surrounding area, reducing the possibility of future homes being built that could block or infringe upon our view. We did not envision 15 one-acre lots located immediately in line with our view – the building envelopes for 9 of the 15 lots will be directly in our line-of-sight and could potentially block that view.

Given the nature of the proposed density which is inconsistent with surrounding properties, and the adverse impact it will have upon our property, we would request that the Planning and Zoning Department and Board of County Commissioners deny the application for Grouse Landing. Alternatively, if the Department and Board seek to approve the application, we would request that you consider requiring revisions to the Master Plan which would decrease the detrimental impacts to our property, possibly shifting the development to the southern portion of the property and lining up the intersection of Grouse Run with Stillwater Loop, and increasing the required minimum lot size.

Thank you for your consideration of our comments regarding the proposed development. Should you have any questions, we can be reached via email or telephone.

Sincerely,
Bill and Kathy Sims
(404) 588-2527 work
(770) 424-6688 home
ksims@hallmanwingate.com or scubafun@mindspring.com

Wendy Danielson

Subject: FW: Grouse Landing PUD application

Wendy

-----Original Message-----

From: Patrick Vaile
Sent: Sunday, May 23, 2010 3:37 PM
To: Wendy Danielson
Subject: FW: Grouse Landing PUD application

Please put in the file.

-----Original Message-----

From: Felix Zajac [mailto:zajac@stanford.edu]
Sent: Sunday, May 23, 2010 3:20 PM
To: Patrick Vaile
Subject: Grouse Landing PUD application

Dear Teton County Board of County Commissioners:

We would like to provide a public hearing comment on the Preliminary Plat Application for Grouse Landing PUD to be discussed on June 17, 2010.

Because of the swale that traverses the property in the NE to SW direction, and given that the access to the property is from N 1500 E (the west) and north of the swale, we believe that to better protect a possible wildlife corridor, to better preserve the natural swale, and to provide more meaningful open space, the three lots and the subdivision road accessing these three lots, including the roadbed buildup or bridge to cross the swale, should be eliminated. Perhaps then the open space at the NW corner could be eliminated and the road relocated somewhat to enlarge the lots north of the swale to give the developer more flexibility in meeting their goals.

Thank you for the opportunity to express our opinion.

Sincerely,

Felix and E. Joyce Zajac
3190 Sorensen Creek Drive
Victor, ID 83455

Wendy Danielson

From: Patrick Vaile
Sent: Wednesday, April 28, 2010 8:20 AM
To: Patricia Nickell; Wendy Danielson
Subject: FW: Grouse Landing PUD

Please make sure she gets sent what she asks for. Thanks.

From: Kathy Sims [mailto:scubafun@mindspring.com]
Sent: Tuesday, April 27, 2010 8:10 PM
To: Patrick Vaile
Cc: ksims@hallmanwingate.com
Subject: Grouse Landing PUD

We have received the notice regarding the preliminary plat application for Grouse Landing PUD. We own property which appears to be immediately adjacent to the western boundary of the proposed development, and may be negatively impacted by the proposed development. Since we are not residents of Driggs, and will not be able to attend the hearing on May 11, would it be possible to forward to us a copy of the proposed site development plan so we can provide comments by the requested deadline on Friday, April 30? Specifically, we would like to know whether the lots will include any requirement for building envelopes which will take into consideration adjacent properties, and if not, would it be appropriate to request that the members of the Planning and Zoning Commission and Board of Commissioners consider this? Additionally, we would like to know whether there is any projected price points at which the lots will be offered for sale. Anything significantly lower than our current value would detrimentally affect the value of our property.

Any information which can be provided via email will be greatly appreciated. I would appreciate it if you would please "reply to all" so I will receive any message at my office as well as home email to ensure delivery.

Thank you for your assistance. Have a great day (hope the Spring weather comes to Driggs soon!)

Kathy Sims
(404) 588-2527 work
(770) 424-6688 home

LAW OFFICES

BIRCH, HORTON, BITTNER AND CHEROT

A PROFESSIONAL CORPORATION

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JON M. DEVORE**
CHARLES R. EBERLE*
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KENNETH E. VASSAR
KATE N. WILLIAMS

OF COUNSEL:
JENNIFER C. ALEXANDER

1127 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA 99501-3399
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* D.C. BAR
** D.C. AND ALASKA BAR
† MARYLAND BAR
◊ VIRGINIA BAR
ALL OTHERS ALASKA BAR

April 23, 2010

TETON COUNTY
PLANNING & ZONING

APR 26 2010

RECEIVED

Teton County
Planning and Building Department
150 Courthouse Drive
Driggs, ID 83422

Re: Preliminary Plat Application for Grouse Landing Planned
Unit Development

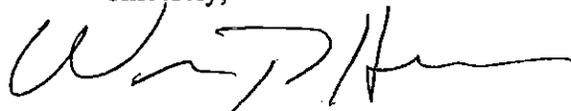
To Whom It May Concern:

As a property owner in the adjacent Stillwater Ranch subdivision, the following comments are submitted regarding the Grouse Landing PUD application. It is imperative that any subdivision or planned unit development of the approximately 40 acres in the SE quarter of Section 6, Township 5 North, Range 46E., B.M. be conditioned upon imposition of residential development covenants, restrictions or servitudes on the platted lots to ensure that future development be limited to residential development consistent with and comparable to the limitations on adjacent subdivisions and developments. Furthermore, virtually all of the recent subdivisions in the Teton Mountains "view corridor" north of Driggs have specifically located building envelopes within each lot to ensure that each residence, existing or prospective, retains its views of the Tetons. A comparable building or residential sitting envelope must be established for each proposed Grouse Landing lot to ensure that adjacent landowners do not have their mountain views blocked or significantly impaired.

These kinds of limitations are needed to ensure that residential property values are maintained and not diminished. This in turn helps secure the County's tax base.

Thank you for your attention.

Sincerely,



William P. Horn

Patricia Nickell

From: Patrick Vaile
Sent: Monday, April 26, 2010 8:20 AM
To: Wendy Danielson; Patricia Nickell
Subject: FW: Grouse Landing PUD application

For the file.

-----Original Message-----

From: Felix Zajac [mailto:zajac@stanford.edu]
Sent: Sunday, April 25, 2010 12:50 PM
To: Patrick Vaile
Subject: Grouse Landing PUD application

Dear Teton County Planning & Zoning Commissioners:

We would like to provide a public hearing comment on the Preliminary Plat Application for Grouse Landing PUD to be discussed on May 11, 2010.

Because of the swale that traverses the property in the NE to SW direction, and given that the access to the property is from N 1500 E (the west) and north of the swale, we believe that to better protect a possible wildlife corridor, to better preserve the natural swale, and to provide more meaningful open space, the three lots and the subdivision road accessing these three lots, including the roadbed buildup or bridge to cross the swale, should be eliminated. Perhaps then the open space at the NW corner could be eliminated and the road relocated somewhat to enlarge the lots north of the swale to give the developer more flexibility in meeting their goals.

Thank you for the opportunity to express our opinion.

Sincerely,

Felix and E. Joyce Zajac
3190 Sorensen Creek Drive
Victor, ID 83455

Patricia Nickell

From: Diane Temple [dtemple@nelsonengineering.net]
Sent: Wednesday, April 14, 2010 9:19 AM
To: 'Dave Hensel'
Cc: Patricia Nickell; Patrick Vaile; 'Tom Ulrich'; 'Tom Ulrich'; 'Amanda Ulrich'
Subject: Orphan Lots_Development Agreement Clarification
Attachments: image001.gif

Dave,

Thanks for your time last night. Before we move forward, just wanted to review with you a question I had on the "orphan" lots. In looking at all options, typically, the development agreement will dictate when phases have to be built. If the plat was approved with the orphan lots and as drawn, but say our client, didn't want to construct the road until those upper lots had been built out, what sort of time frame would P&Z/BCC consider for allow those entitlements to remain secure? Have you had this case in the past? Could those entitlements remain in perpetuity until Tom chose to put in the remaining road? Or, would you impose a time frame (say perhaps 10 years) until those entitlements would expire, should the road not be put in?

Another thought, if we did something like, wait until 10 years to build the road, would VARD or any other watchdog group contest it to try to make those entitlements void because the ordinances right now steer towards a two-year timeframe of construction? If we did allow a timeframe of 10 years, would we need to visit amending the ordinances, just so it is allowed and not questioned in the future?

I still need to visit with the fire marshal too, just to make sure we are meeting regulatory requirements, but in the meantime, if you could think through those questions and let me know, that would be great.

We still are reviewing our options, and if you could give some guidance on this possibility, that will help in moving forward.

I will be meeting with Patrick soon to review the open space financial management plan; I am not sure if you would be interested in attending and we could discuss this at that time too.

Thanks again, Diane

Diane Temple
Project Administrator



30 North 1st East • Driggs, Idaho 83422
(208) 354-2087 • (208) 354-2089 Fax

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TETON COUNTY
PLANNING & ZONING

DEC 05 2010

RECEIVED

Terry & Lynda Randall
4571 N., 1500 E.
Tetonia, ID 83452

T 208-456-0377
M 949-370-4631
tar9@me.com

December 4, 2010

Teton County P&Z Commission
89 North Main Street
Driggs, ID 83422

Subject: Final Plat Application for Grouse Landing Planned Unit Development

Dear Chairperson & Commissioners,

We reside on the twenty one acres immediately North of the Grouse Landing Development. We purchased this property in 1999 and contracted with Matkin Excavation for thirty two thousand dollars to construct the initial road and bridge over Hog Canal from 5000 North into our property, now known as 1500 East or Tags Trail. Subsequently, Greg Barlow developed the Subdivision, called Stillwater Ranch and extended Tags Trail into the Stillwater Loop to access the twenty one lots. Currently this road and bridge are maintained by Stillwater HOA and us.

When we chose to purchase our property in 1999, we were struck by the views and the fact that Trout Ranch and the majority of the properties East of ID33 to State Line Road were developments or properties that had multiple acres for each home, reflecting the open space of the Teton Valley.

We believe the concept of clustering of homes in a Planned Unit Development to create open space areas for wildlife and natural plants is a good one, however we believe the proposed PUD crosses the line, taking an area that is rural to an urban development. If you look at the picture from our Southern view of the Snake River and Big Hole Mountains, what you'll potentially have after development of this property is a wall of fifteen homes and potentially fifteen guest houses. The trees you see on our South line are about fifteen feet in height, therefore you might imagine that the roof line of just single story buildings would be another ten or

fifteen feet above, thereby obliterating our view almost entirely.



Therefore we take this occasion to voice our objections to the Grouse Landing development in the following respects; the density of housing units on this acreage, the allowance to permit a guest house on each lot, the creation of an access road from 4000 North to 5000 North without a maintenance agreement and the allowance to reduce minimum setbacks.

We petition the commission to reduce the number of lots allowed on this portion of the property and not permit guest houses. This concentration is far too dense for this rural setting and will completely destroy our view of the Southern mountains. We petition the commission not grant exceptions to the minimum setback requirements in order to at least diminish the impact of clustering and density of homes. The thought of having buildings less than sixty feet apart is nothing less than asking us to accept living in a city or urban atmosphere. Please give us some consideration for living next to a Cluster PUD.

The Ulrich's have chosen not to seek a maintenance agreement for use of our portion of 1500 East, therefore we object to constructing a connection between 4000 N and 5000 N. We see no reason why we should have to bear the cost of maintaining 1500 E for the traffic from Grouse Landing and the associated developments to the South that may choose to travel North to 5000 for travel to Tetonia, Rexburg, State Line Road, etc. We see a few options, Grouse Landing HOA enters into a maintenance agree prior to approval or the access road be initially built to permit only access to Grouse Landing and not permit the connection to Tags Trail until and when the County is willing to accept maintenance of the road. This can be achieved by either rerouting their portion of 1500 E by reducing the number of lots and using the land area associated with lot 12 or by installing a locked gate at the entrance of 1500 E where it joins 4000 N.

And finally, we ask the Commission whether the Health Department in its approval of this request considered the impact of allowing Guest Houses on each lot. If we assumed that each lot owner constructed a four bedroom home with a two bedroom guest house, that would be a potential of ninety bedrooms on just fifteen acres. This seems far to high of a concentration of septic fields. Won't this have a negative impact on our ground water?

Thank you for your further consideration in this matter.

Sincerely yours,



Terry & Lynda Randall



e-mail to: J. Curt Moore-Planner