

October 23, 2010

My name is Donetta Anderson. I own property adjacent to the South of the proposed Heritage Peaks subdivision.

First, I would like to mention that Heritage Peaks started this process with their initial application in 2004. There have been numerous hearings set and canceled over the last 6 years. I have made at least 6 trips to the valley from SLC. I presented my comments 1 time out of these trips. As stated there have been many cancellations while I have been en route from SLC, some cancellations made 2 hours before the time of the hearing, and one was cancelled at the last minute during a terrible January blizzard. I wrote a letter dated February 17, 2009 which is in the file, detailing this unbelievable 6 year process. **I hope you all read it.**

I should mention why I have been adamant about attending this hearing. I have lived on or near this property for over 60 years. There are very few people who are intimately acquainted with this property. I believe that the history of this wetland property, which I can present, is equal to or more important than the wetland delineations. Hydrologists all agree that the delineation process describes 20 years, at best. I have studied the delineation done on this property and I believe it greatly underestimates this wetland area.

I know that the subdivision proposal has been greatly changed and IMPROVED since the first application made by Heritage Peaks; however, there are always issues with any proposed building in wet areas. Wetlands are constantly changing as everyone knows, depending on wet years and drought years and many other factors. In the last 25 years, South Leigh has completely changed its course in several areas running through our property. These are just natural changes—trees falling, downed trees being washed or moved, and a hundred other reasons. About 20 years ago, Spring Creek changed course and nearly cut through the highway before it was repaired by the state highway department. That makes you wonder what would happen if a house was in the way. What kind of damage does that do to the surrounding area and environment? **The specific location of homesites must be carefully considered.**

The other critical detail is that this is a very important wildlife corridor here. This property is home to moose, deer, sandhill cranes, swan, geese, and even cougars. Moose often leave their yearling calves back in this area because it is so protected. Any construction inside this corridor would totally change the wildlife patterns. **With this letter I am submitting a CD with some of the animals that live in this wonderful area.**

I also have some interesting pictures of the high water on this property that are attached to this letter. One is a picture of one of the test holes on Mr. Roberts property and what it looked like when it flooded this spring. Another is a picture of the Spring Creek flood plain. The importance of the flood plain has been dismissed as unimportant by some former members of the P&Z. This picture gives you an idea of the extent of this wetland.

There is water from 3 different creeks that run through this 20 acre piece of property: (1) Spring Creek, (2) drainage from North Leigh, (3) and also water from South Leigh. There is also a spring that runs through this property year round. The major point to make about this property is that where the water doesn't run—it subs, I will bring to the hearing a visual explanation of this property. It helps to see how much of this property is wetland.

It is very difficult to predict where the water is going to be over the next several years and what any construction might do to affect the water systems. The road constructed by Mr. Roberts, and approved by the Corps of Engineers, somehow limited the amount of water that flows through the ditch which waters the Fullmer property to the west. It is very difficult to even determine the size of a culvert through the road because often the spring run off washes it out.

One last important point, and one of the major reasons I wanted to come to this hearing is this: At the previous hearings there was several comments made by the board about the wetland corridor having changed due to changes in farming and irrigation over the last number of years. I want to assure you that this is not true. This corridor has escaped the changes which would change the wetlands, simply because it is WETLANDS. For the most part, it is not farmed ground. It is pasture land, the same as it has been since it was homesteaded 100 years ago. The disruption of this area would be a mistake. Disturbing these wetland areas that have never been disturbed can create problems no one can possibly predict.

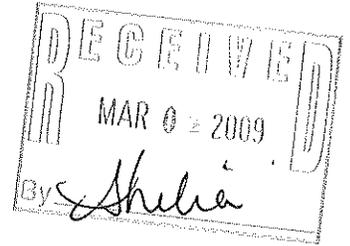
I would like to state, since I am sure there will be mention made about our cabin, two things. One – our cabin is on the outside of this riparian corridor, not on the inside. Two, when we built our cabin 25 years ago, this was an un-zoned county, yet we still had to put our drain field 300 feet out into the field to the south.

Thank you for considering my comments,

Donetta Anderson



February 17, 2009



Board of County Commissioners
Teton County Courthouse
Driggs, Idaho 83422

Re: Heritage Peaks Subdivision

To the Board:

My name is Donetta Anderson. I own property adjacent to the proposed Heritage Peaks Subdivision.

I am writing to inform you of the long and manipulative process this proposed subdivision has taken. I am certain the laws and ordinances of Teton County are not meant to protect and endlessly prolong the application process which has happened in this situation. As a neighbor to this project I have a right to due process. My opinion is that I have been deprived of that right as this project has been going on for 4 years and has been granted an extension for another year.

Because a number of people in the Commission and the Planning and Zoning Board were not in their current positions during this process, I am going to give you the background to this endlessly delayed and ill-advised project.

The application for Heritage Peaks was filed in 2004. I received notice of the plan in February, 2005. The first hearing was set for March 8, 2004. I drove to Teton Valley from Salt Lake for the hearing. This was my first trip to attend a hearing on this matter. The hearing was cancelled at the time of the hearing because there were problems they needed to resolve. They mentioned they would schedule for the next month. I repeatedly cleared my calendar to be available for the hearing for the next several months.

The next hearing was set for July 12, 2005. I attended the hearing and was able to present my position on this proposal. They, Heritage Peaks, were not able to resolve all requirements and issues but were allowed to go to the next phase.

After this, I continued to check with the P & Z to see if the hearing was set as I understood they were not obligated to give me notice after the first hearing. I was concerned the hearing would be set and I would have a conflict and would not be able to travel to the hearing. At one point, my husband and I had a business trip planned to go to California. My husband went alone because I kept expecting the hearing would be set. This went on for several months. Finally in September, 2007 the hearing was set. I drove to the Valley for the third time. The hearing was cancelled 2 hours before the scheduled time.

I might add, I had other people attending the hearings with me to help support my point of view. I finally gave up getting others to come with me. Several of the interested parties live out of town as I do. I determined the only way I could get other people's support was to have them write letters, which I did.

In February, 2008 the hearing was set again. As I understood the situation after talking to District 7, Heritage Peaks had not cleared the plan with them. I didn't expect the hearing to go forward. Since the weather was terrible, blizzards, etc., I called P & Z to see if they expected the hearing to go forward. Everything was set. I called early the morning of the hearing, everything was a go. Apparently Mr. Moulton arrived at the P & Z near noon the day of the hearing to cancel. Of course, that is much too late to stop our drive to the valley. This was the fourth trip to the valley.

I repeatedly called to check on this hearing. I repeatedly drove to the valley for the hearing. This has wasted my time and I believe the time of the county. The concept hearing was held July 12, 2005. The project should have expired July 12, 2007. However, 4 months after the project was dead in the water the county gave Heritage Peaks an extension for another 12 months. This was illegal as county ordinances should have prohibited this extension. The county broke their own rules to grant this extension.

You may be wondering why I am so adamant about being at this hearing. Here are the reasons:

1. I am completely knowledgeable about this property. I have lived on or near this property for 60 years.
2. I know this land to be extremely wet. It is not land which should be developed. It is swamp which lies between Spring Creek and South Leigh with other water sources as well.
3. Part of this subdivision as proposed would lie within a flood plain.
4. The land is a rich and diverse wildlife habitat.

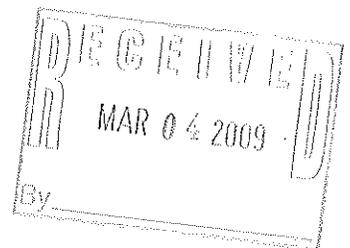
The information I have is vital to the decisions that will be made about this land. Also, I have the right to be there. All the rights do not belong to the developer and his attorney to manipulate as they choose.

NOW, the Heritage Peaks application has been resubmitted with the identical plan they have not been able to get properly approved and they have drawn along for four years. They resubmitted the plan before the new ordinances went into effect, obviously to continue to try to get this ill-advised plan through again. There's something wrong with this picture.

Thank you for your attention to my position.

Donetta Anderson

Cc - Patrick Vaile, P & Z
Cc - Kathy Spitzer, County Attorney
Cc - All members P & Z



HERITAGE PEAKS
Public Comment → PZC

Curt Moore

From: Angie Rutherford
Sent: Friday, October 22, 2010 10:59 AM
To: Curt Moore
Subject: Heritage Peaks Public Comment

Hi Curt,
I received a call yesterday from Earl Hamblin re: Heritage Peaks.
He has comments against the subdivision:

He is concerned about the development in the floodplain and commented that the property is "under water in spring". This property drains North Leigh, South Leigh, Middle Leigh and Spring Creeks. Especially in light of the County being in a law suit for allowing building in a floodplain, Mr. Hamblin would recommend not approving this subdivision.

Mr. Hamblin also mentioned this property includes a large wildlife corridor, most notably for white-tailed deer and he would like to see the corridor protected.

Mr. Hamblin and I discussed that there are building requirements outlined by the National Flood Insurance Program for lots in a floodplain and we also discussed the need for a Natural Resource Analysis for any subdivision in a wild life corridor. I urged him to come to the hearing to comment in person and/or to submit a written comment.

Thanks.

Angie Rutherford
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