

Oral Testimony -  
I had to leave @ 7pm.

Question - the location -  
Would who to see it in  
Victoria or Driggs.

Name - Marilyn Couch -

live part-time in the Big Hole - coming here since  
late 1980's. When not here live in Oregon.

I believe that the location of the LOS State Center  
has become such a challenge not because people question  
~~the~~ value & importance in the community, but because it  
gets to the heart of the land use issue.

Oregon as many of you know passed <sup>many</sup> land use laws  
in the 1970's. In the beginning they were difficult  
for ~~many~~ many to accept, especially developers. Today even  
<sup>most</sup> ~~the~~ developers are glad they exist. They add to the  
beauty of the state - when you leave the urban growth  
boundary you are driving through farmland, forests,  
vineyards, nurseries - not subdivisions, malls, ~~etc.~~ <sup>etc.</sup>  
and to the value of your property.

The Valley, Idaho is at a cross roads - OW P&Z  
Commissioners, County Commissioners, City Councilors &  
many citizens are all working <sup>to</sup> create a blue print  
for ~~the~~ the future of this Valley, for people who live here  
& those who come to recreate here.

This is not easy work in a state & area that  
for so long prides itself on being able to pretty  
much do what they wish with the property they  
own.

I would strongly encourage that all the key players  
come together — <sup>the</sup> LOS <sup>body</sup> Commissioners - Council members -  
VARD-developers & use the location's details of  
the proposed Stake Center as an opportunity to work  
together to come up with solutions that benefit  
all the members of this Valley & support the principles  
of the Comp Plan.

Thank you for your time & Service.

Marilyn Couch

2/14/22

My written testimony addresses more specific details.

lighting - use motion sensors &  
or timers.

Thank you Madam Chairman and members of the Planning and Zoning Commission. My name is Natalie Volcko. I wish to take this opportunity to express my opposition to the application.

As a resident of Victor and a landowner in rural Teton County, the area's pastoral charm was one of my main reasons for making Teton Valley my home. Clearing the proposed facility conflicts with our County's comprehensive plan.

The burdens of the resulting traffic, light pollution, and change in the character of the landscape will be experienced by our entire community on a daily basis while the benefits of an LDS Stake center will only be felt by a limited group. Perhaps we can assist Blackfoot farms in finding a location within the city limits of Driggs or Victor that will have a more utilitarian effect on our community.

We need to be very careful with the precedences we set when allowing exceptions to our comprehensive plan- please ask yourselves how this CUP will effect the lives of ALL Teton Valley community members!



Natalie Volcko

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## Request for hearing

2 messages

**Megan Allen**

Tue, Feb 14, 2012 at 4:01 PM

To: "

Hi Natalie,

Kat mentioned that you are attending the hearing tonight and that you would be willing to bring additional comments. If you don't mind, I would love to get a comment in. We had sent an email to the county but it was rejected. Thanks so much and I hope you're doing well.

To Teton County Planning and Zoning Commission:

My husband and I have concerns regarding the planned location of the new LDS Stake Center. We agree with and support Vard's position on this matter. There is no doubt that the Stake Center is an important and essential new gathering place, but the proposed building location and the subsequent issues surrounding dark skies, connectivity/pathways, traffic and screening are of grave concern. We feel that this building would be more appropriately located within the Victor or Driggs city limits.

Sincerely,

Travis and Megan Allen

Residents Victor, ID

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**Natalie Volcko**

Tue, Feb 14, 2012 at 4:02 PM

To: Megan Allen

Will do, no problem. See you soon! Nat

February 14, 2012

Dear Teton County Planning and Zoning Commission:

I am writing in regard to the proposed LDS Ward and Stake Center on 7000 South. As a resident of Wild Rose Subdivision I have two concerns regarding the proposal:

- 1) Lighting- I am concerned about how the proposed 26 light poles will affect our dark skies. I am also very concerned about any additional lighting affixed to the building itself. While I respect the need for safety, I am requesting that this lighting is kept as minimal as possible while meeting this objective. I doubt that 26 lights each night plus additional attached lighting will be necessary to meet the objective of safety.
- 2) Height- I object to the proposed 70 foot steeple. I respect the LDS' communities' desire to build their ward at this location, but in return would hope that the developers would understand that such a grandiose design is not appropriate in a rural location. I am requesting that respect for the rural environment is kept in mind while planning the architecture of the structure.

Thank you for your consideration. I can be reached at 208.705.0401 or at [kat@citypass.com](mailto:kat@citypass.com) if you have questions or responses to my comments.

Respectfully,

Kathleen Plourde

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



February 14, 2012

Re: Objection to Blackfoot Farms' Request for a CUP and a Height Variance for the Stake Center

Dear Planning and Zoning Commissioners,

I am writing to express my concerns with Blackfoot Farms' request for a Conditional Use Permit and a height variance for the proposed LDS Stake Center at Highway 33 and 7000 South. Their plan is discordant to the guidelines provided by our current Comprehensive Plan, which is in place to help thoughtfully develop our community, create safety and security in the valley, and protect our scenic corridors.

A 30,000 square foot structure on the corner of Highway 33 and 7000 S will be right in a scenic corridor obstructing views of the mountains, one of our greatest assets in this valley. The Comp Plan has designated adequate space within town for zoning that allows this type of building. Half of the land with zoning appropriate for a church is vacant. Our focus should be creating density in our town limits and protecting our impact areas and county land from unnecessary sprawl.

The lights that are proposed as part of their plan will be visual pollution for the residents along 6000 S and 7000 S, who thought they were buying or renting property in a scenic corridor.

A one foot height variance for any building does not scare me, but a 40 foot height variance for anything is preposterous in a town the size of Victor. If Blackfoot Farms were asking for a 3 foot height variance for a steeple that would be located on top of a 30 foot building, appropriately located on land with zoning that allows for a place of worship, I would consider their proposal.

Obviously there are many other defects in Blackfoot Farms' plan, including inadequate preparation for increased traffic, stormwater runoff and transporation, but these issues can be mitigated. What can't be corrected is the loss of a rural landscape so cherished by residents of Teton County. As a local real estate agent, I sell properties to people in love with the unobstructed views of the Teton and Bighole ranges and the starry nights our dark skies bring. It is our responsibility as community members to protect those blessings whenever we can.

Thank you for your time.

A handwritten signature in black ink that reads "J. Dawes". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jennifer Honney Dawes

Proposed Church  
From: James Weber  
Sent: Wed 2/15/2012 3:56 PM  
To: Wendy Danielson

Dear Commissioners,

My family owns land in Teton Valley, Idaho, and love the beautiful valley that is home to a diverse group of people. Regarding the proposed LDS stakehouse, I find it essential for you as commissioners to enforce the height limits/restrictions that are in place for the protection of other landowners in the community who will be affected by this new building. These restrictions are there for a reason!

While the location of such a prominent building should realistically be located closer to the central core of Victor, if the Church wants to build it in their particular location of interest, then they should adhere to the restrictions in that particular area, period.

Property owners and visitors to the valley will have to live with whatever structure is eventually approved, and approval should only be given to a structure that follows the rules, which is what restrictions are there for in the first place.

While the building will surely be a welcoming gathering place for church members in the valley, special thought and consideration should be given to ensure it doesn't turn into an unnecessary eyesore that benefits the church members and their services while turning its back on other residents of the community.

Best,

James Weber

Bozeman, Montana

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**From:** Pat & Ben Boice  
**Sent:** Wednesday, February 15, 2012 4:52 PM  
**To:** Wendy Danielson; Angie Rutherford; Curt Moore  
**Subject:** LDS stakehouse

**Dear Commissioners:**

**I appreciate the opportunity to add my voice to the many you have already heard. My family owns property in the Teton Valley so there is a vested interest, not just a casual observation.**

**It is undisputed that the LDS Church has a strong influence in the Teton Valley area and probably most people respect that. At the same time, there is a growing number of residents who are not members of the Mormon church and the idea of a structure reaching 70' into the beautiful unobstructed views is a bit disturbing.**

**The ordinance for 30' structures must have been put in place with an unobstructed view in mind. If the proposed structure was for a civic building it might be a little bit less divisive, but since it is a church it would seem prudent to abide by the ordinance and not unnecessarily**

antagonize those who don't attend this particular church, or maybe don't attend any church.

I strongly urge you to consider the overall impact on The Valley and it's residents and abide by the ordinance in this instance.

Respectfully,

Patricia Boice  
Idaho Falls, ID

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**From:** Herb Heimerl  
**Sent:** Thursday, February 16, 2012 2:21 PM  
**To:** Jay Mazalewski  
**Cc:** Kathy Spitzer; 'Melissa Heimerl'; beach huntsman; Dawn Felchle  
**Subject:** FW: Blackfoot Farms LLC Traffic Study

I had not given this much thought but I am now very concerned about the impact on 6000S (I live on 6000S West of the Hwy near Beach Huntsman-see below). This is an enormous development and Beach is correct that its service area is north and our road is the only E-W thorough fare so the impact will be great. RUILUPA certainly does not preclude the requirement to conduct proper traffic studies nor does it preclude conditioning the development on improving our road or at least helping to maintain it. Jay – please let me know your thoughts and what your recommendations to the BOCC will be in this regard. In addition, maybe you can help Beach and Melissa and I formulate some well articulated engineering type of comments for the BOCC in this regard. My guess is your report will help us in this regard. Can we schedule a meeting with you for next week some time wed or thurs?

**Herbert Heimerl | Heimerl Law Firm, PC**

----- Forwarded message -----

**From:** Dave Hensel  
**Date:** Wed, Feb 15, 2012 at 6:27 PM  
**Subject:** RE: Blackfoot Farms LLC Traffic Study  
**To:** beach huntsman, Bruce, Ryan, Jenifer, Matthew, Shawn, Darryl  
**Cc:** Jay  
Mr. Huntsman,

Thank you for your time last night and your letter today. I concede your point, Mr. Woolstenhume's response did not really answer my question regarding 6000 S. (nor obviously your concerns). The planning and zoning committee did recommend approval of the applicant's request for a cup to the board of county commissioners (BOCC). I guess that is the bad news. The good news is that the BOCC will be holding another hearing on the application prior to a final decision on the cup request. I would encourage you to bring your concerns to their attention and I would also urge you to go in and talk with the county engineer Jay Mazalewski (354-0245). It has been my experience that traffic studies often do not seem to reflect the impacts that common sense says will occur, rather they look at wait times and traffic flow patterns. I am sure Mr. Mazalewski is aware of the condition of 6000S. and would be happy to listen to your concerns and explain the county's traffic study requirements.

Again, thank you for taking time to bring your concerns to our attention. I apologize that we were unable to address those concern's to your satisfaction, but do want to reassure you that you still have an opportunity to have them addressed.

David Hensel

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**From:** beach huntsman  
**Sent:** Wednesday, February 15, 2012 4:52 PM  
**To:** Dave; Bruce; Ryan; Jennifer; Matthew; Shawn; Darryl  
**Cc:** Jay Mazalewski  
**Subject:** Blackfoot Farms LLC Traffic Study

**Subject:** Blackfoot Farms LLC Traffic Study  
Teton County Planning and Zoning Board,

Hello. I attended last night's P & Z meeting regarding the Blackfoot Farms LLC CUP. My thoughts on the process are mixed. On one hand I was proud to see small-town democracy in action, on the other I felt that some issues were a bit forced (especially towards 11 pm) and unfairly addressed.

My greatest disappointment is in regards to the traffic issue. I am appalled that absolutely no traffic studies have been done on the frontage road or 6000 South. Imagine 300 cars leaving the church via one stop sign entering Highway 33... the congestion will naturally flow north and south- along the un-paved frontage road. Hundreds of cars will be driving this muddy road and transporting mud/gravel onto the highway through at least 2 additional entrances (6000 S. and 8000 S). The applicants focused on the 7000 South upgrade. The LDS architect (from Idaho Falls) mentioned improving the West side of 7000 South. Is he not aware that this is a dead-end road? When consulting a map- 6000 is the **only** east-west route in the valley between Victor and Driggs. Residents from the whole west side will use this road as their primary route to church activities. In response to this point, Mr Woolstenhume diverged to a completely irrelevant point about the Fox Meadows subdivision (even if that road did go through there, it is not the shortest route and would not be used). 6000 South is in terrible condition and already overused. There are two tight 90 degree corners that are extremely dangerous for heavy traffic passing in both directions. But don't just take my word for it, **we most sincerely request that in the Final Traffic Study the following be conducted;**

- 1) Obtaining the members residence and # of vehicles to be attending church events.
- 2) Finding the most logical route they will drive... not the one that the church recommends that they take- but the realistic path that people will use.
- 3) Figure the said use's impact to road and residents (dust, ruts, lights, noise, safety, snow plowing, bridge wear, etc), including present use.
- 4) Figure cost to upgrade and maintain said route(s).

I highly respect the dedication to the county that all of the board members commit. It is a service that I am sure is greatly under appreciated.

Thank you for reading my comments,

Brigham Beach Huntsman  
Manager- Fox Creek Ranch

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From: Mae Kramer  
Sent: Friday, February 24, 2012 5:20 PM  
To: Angie Rutherford  
Cc: Sue Huether  
Subject: Variance for Steeple

To whom it may concern:

I am a full-time resident of Teton County, ID. I would like to register my strong opposition to granting a variance for the erection of a 70 foot steeple on the LDS Church facility to be built at 7000 South on Highway 33 as requested by Blackfoot Farms.

Basically, I feel we have zoning regulations for a purpose and this high a steeple is intrusive, excessive, and unnecessary. Not only that, Highway 33 is a scenic corridor and the vistas along that corridor ought to be preserved. I see absolutely no reason why the steeple cannot be limited to the 30 ft. allowable height limit. A 30 ft. steeple is just as much a religious symbol as a 70 foot one. It is time to begin enforcing the regulations that have been put in place for the good of all.

Thanks and please deny this variance.

Mae Kramer

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Dear County Commissioners,

As an informed and concerned citizen of Teton County, I write to express my disapproval of the proposed Teton County Stake Center. As my elected officials, the Board of County Commissioners is the appropriate audience to whom this letter should be addressed, and it is without hesitation that I express my vehement opposition to this proposal.

My wife and I moved to Teton Valley in 2005. We decided to settle in this valley in large part because we were drawn to the small town charm and interconnected community atmosphere. In that relatively short period, we have become very involved in this community. This town has provided us the opportunity to both make lifelong friends and to experience a quality of life unmatched in most areas of the country. As such, we are representative of a younger, more conscious generation that values the longevity of such a unique place. I feel that it is extremely important to work towards a sustainable way of life and to express the importance of responsible development. Please understand that I do not advocate the prevention of all development. Rather, I am a fervent promoter of developing the community in ways that benefit the vast majority of the constituents. Therefore, it is my belief that additional rural development outside of the city limits does not achieve this goal and will devalue the precious open space and agricultural foundation of our home.

As a concerned citizen, I attended the P&Z meeting on 2/14/12. As a result of this meeting, I became very aware of how important it is to voice my concerns and recommendations to the Board. The attorney notified those in attendance that we would be "sued as a community" if we opposed the Community Stake Center. I do not have to point out the inherent irony in the community being sued in order to mandate the construction of a "community center."

I am not a real estate agent, but by doing a cursory level search on the web, I was able to find at least 4 other locations of the same size within a more reasonable location. For example, there has been a 5-6 acre lot within city limits for sale for over 6 years. After checking with the listing agents, they were able to confirm that there has not been an offer, or even a phone call made by the church regarding this location. So if the church has “exhausted all possible locations” they must have missed this one somehow. It is obvious why the proposed 5 acre piece of land off of 7000 has been chosen; it is located right next to the main artery of this valley. However, to arrive at the proposed location from all directions you will be traveling down dirt roads that are already over used and under maintained. On a side note, the church made it very clear that they are not willing to provide pathways to and from this location. It was stated that “if the church is further than a block away, we drive”. What then happens to the families, athletes, and tourists that use the current bike path on a regular basis? A simple cost/benefit analysis lends itself to the notion that the community will lose much more than it stands to gain with this proposal. This is underscored by the fact that alternative locations exist in which the community will not have to lose anything in order to “gain” whatever it is we might as a community.

Let’s not forget that the land for this proposed structure was sold by one member of the church to another member, and much of the surrounding land is still owned by the original seller. This means that the current land owners involved with the church stand to gain a great deal once they start to sell and develop the additional pieces of land. With the construction of stake centers come playing fields, most of which are only used by members of the church. How is the community going to benefit from this? Currently during Music On Main, which is a great event for this community and brings a tremendous economic boost to the downtown area, we are unable to even park vehicles in the church parking lot. This evident disconnect between the church and the surrounding community speaks volumes about the supposed benefits we can expect as a result of this Stake Center.

Finally, if we approve the variance of the proposed 70ft. steeple, it will send off enough light pollution to be seen from all locations in the valley. There is a reason the existing height limitations are capped at 35 feet. It is because we live in one of the most picturesque and visually appealing places in the world. As a community, we have unimpeded views of the surrounding mountains, and I see no reason why this should be jeopardized. There are plenty of other Stake Centers across the country that do not have steeples. If another entity came to this valley that was not part of a church would we approve a CUP of this magnitude in a rural location? I would certainly hope not. If we approve this variance, it would appear that we would be paving the way towards a drastically different community, devoid of the natural aesthetics we all cherish. It is a slippery slope seen all across the country. I implore you to prevent this from happening.

In closing, I suggest that we have a traffic study conducted by an independent company, not paid for by the church. During the P&Z meeting it was stressed that this location will be of minimal use, mainly on Sundays. After this was noted, member after member of the church spoke on how many church activities are conducted on a daily and weekly basis, and how this new structure would even allow for more. Have we looked at the impact of a building this size located so close to the headwaters of the pristine and treasured Teton River? Please protect our valley and vote a resounding “no” on this project.

Thank you for your time and consideration on this extremely important matter.

Will Frohlich

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**From:** A Olerud  
**To:** [pzadmin@co.teton.id.us](mailto:pzadmin@co.teton.id.us)  
**Sent:** Thursday, March 01, 2012 6:36 PM  
**Subject:** LDS Height variance

I'd like to be counted as opposed to allowing a height variance for the LDS stake center.

Too tall is too tall whether it's a batch plant or a place of worship. 70' is too tall in any zone in this valley, especially in the scenic corridor.

Please don't allow this to happen.

Thank you,

Andy Olerud

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**From:** Alice Boney  
**Sent:** Friday, March 02, 2012 10:31 AM  
**To:** Angie Rutherford  
**Subject:** LDS CUP application

Dear Teton County commission and planning and zoning members:

I am against granting a CUP to Blackfoot Farms for this use along Hwy 33. The definition of a conditional use permit does not include such a permanent structure as this church. The impact will be irreversible and the location is NOT appropriate.

Thank you for representing me and my concerns.  
Alice Boney

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**From:** Shawn Hill  
**Sent:** Sunday, March 04, 2012 7:57 PM  
**To:** Bob Benedict; Kelly Park; Kathy Rinaldi  
**Cc:** Curt Moore; Angie Rutherford; Matthew Eagens  
**Subject:** Victor Meetinghouse CUP Comments

Hello Commissioners

As Matt and I were not able to support the Victor Meetinghouse CUP due to our finding that the project did not conform to the Comprehensive Plan, we felt that we should provide further explanation. Our comments are attached.

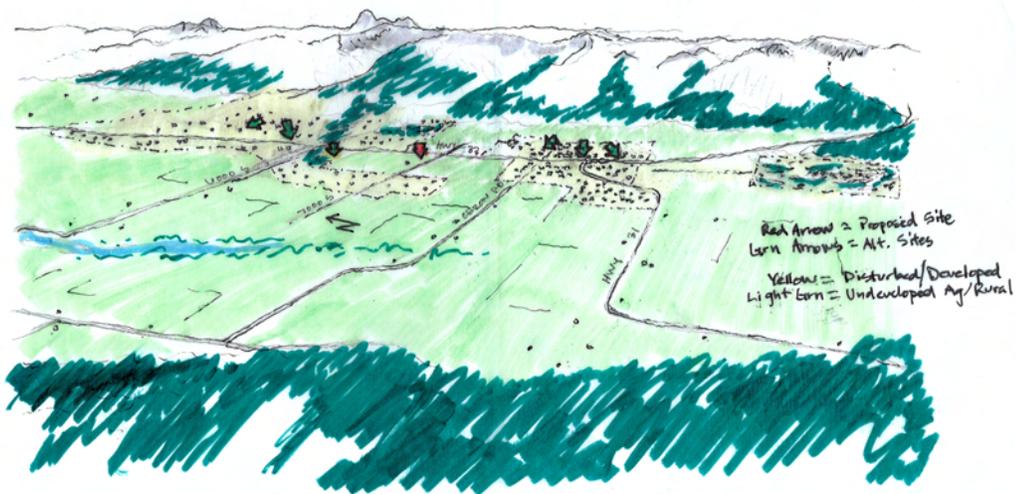
Thank you.

-Shawn Hill

Dear Commissioners:

In the vote held on February 14, 2012, we were not able to make the findings necessary to support the Conditional Use Permit for the proposed Victor LDS Meetinghouse. Our inability to support the request was based upon the finding that the proposed conditional use is not in compliance with nor supports the goals, policies, and objectives of the Comprehensive Plan.

Many Comp Plans seek to preserve rural character. Few actually accomplish this goal. The difference between the two largely lies in incremental and seemingly benign land use decisions made on a routine basis such as the granting of Conditional Use Permits. Preserving rural character is something that unfortunately results in inconvenient situations for the community, its elected representatives, its appointed boards, its developers, and its people. Paying lip service to our rural character is easy, actually protecting it can often be quite difficult. The Comp Plan has been adopted to allow our community to ensure that its values are represented in the built and natural environment, and to ensure that such values will guide land use decisions such as this Conditional



View from Pine Creek Summit

Use Permit. Unfortunately, maintaining the rural character envisioned in the Comp Plan has often proven awkward, as applications are received for the site *proposed*, thus placing the community at a disadvantage because it cannot have the proper discussion on whether the proposed site *is* the proper location for a given use configured in a given way.

The proposed use includes a monolithic 20,000 SF building, 135,000 SF of impervious surface, substantial outdoor lighting, and other impacts inconsistent

with the rural character of surrounding lands. It is assumed that the applicant will not be flexible on the building configuration, the amount of impervious surface, the lighting proposed, and other key project characteristics, so “conditioning” the impacts of these characteristics is therefore assumed to be unacceptable to the applicant. As such, the community is left to consider the project with the assumption that these key characteristics will not be mitigated. It goes without saying of course that these assumptions can be proven incorrect if the applicant is willing to change building configuration, the amount of impervious surface, outdoor lighting, and other problematic project characteristics.

The location of the project presents the most issues in terms of conformity to the Comprehensive Plan. Other nonconformities with the Comp Plan also relate to the building design. However, location remains the key issue. Other locations within the general area, including the City of Victor, will likely not present these issues. The Comp Plan issues with the project in its current location are as follows:

### **Chapter 17 Community Design**

- **Policy #1: Encourage preservation of the scenic vistas, open space, mountains, forests, night skies and wetlands.** The proposed use is in the middle of agricultural lands that comprise a rapidly diminishing open space buffer between Victor and the Fox Creek/Chapin area to the North. This is a key scenic vista between these two developed areas, and the location of this use will likely hasten an undesired melding of these developed areas. Furthermore, the property lies within a collection of agricultural tracts with a common owner. The exploration of other suitable locations on the 155-acre Blackfoot Farms property should occur with an eye towards maximizing open space and preserving agricultural lands. The sagebrush-covered area near the intersection of 6000 S and 500 W could be a viable alternative (see below). Furthermore, the siting of the proposed use at the location near 7000 S and 500 W will likely hamper any future planning efforts for the vast stretch of open land between Cedron Road and 6000 S. The opportunities for a blank slate in Teton Valley are few and far between, and it would be unfortunate if the proposed use creates an existing condition that the community will have to plan around in the future. The ability of Blackfoot Farms and surrounding property owners to develop in the future is not being contested here; rather, the opportunity to maximize the preservation of open space consistent with the Comp Plan through a comprehensive, property-wide development plan will be better achieved if the area around 7000 S is to remain agriculture/rural residential until a comprehensive development plan can be prepared.



- Policy #2: Encourage the preservation of the county's rural character.** The development of a monolithic 20,000 SF building, 135,000 SF of impervious surface, and outdoor lighting on a 5-acre site in an area predominantly agricultural in character will have deleterious effects on the county's rural character. Rural character is cited in both Chapter 17 and Chapter 8 (Economic Development) as an important means by which economic value will be preserved in the land. More importantly, the ability

to preserve rural character is a compelling governmental interest in that it allows our community to chart its own destiny, determine what it will look like in the future, and to preserve the community's "economic vitality and quality of life." Many communities with strong agricultural heritage along the Wasatch Front and on the Snake River Plain have found themselves growing into one another and succumbing to suburban sprawl, where once distinct communities stood separated by farmland and imbued with small town characteristics. Teton Valley has manifested its desire to not follow suit, and the proposed use will be contrary to this purpose.



- **Implementation #1: Encourage the preservation of the mountain, forest, rural, and small town atmosphere and appearance of the county by control of land use and structures.** The proposed use contains a monolithic 20,000 SF building in the middle of agriculture lands nearly equidistant between the existing, developed communities of Victor and Fox Creek/Chapin. Development of this intensity (i.e. 20,000 SF with 135,000 SF of impervious surface) must be located within a built environment containing similar intensities in order to preserve small town atmosphere. Development in agricultural lands must be of a similar scale and intensity as agricultural/rural residential development, which is typically defined as small residential structures, medium to large agricultural structures, and an amount of land necessary to support the existence of both. Should the proposed use be developed, the ability to preserve rural and small town atmosphere is not only compromised in this application, but may severely hamper future efforts of preservation. Once the distinction between Victor and Fox Creek/Chapin is blurred, it may be lost forever.
- **Implementation #4: Encourage the efforts of citizens to preserve the rural environment of the County.** The public review process for the proposed use has brought forth many community members who have made known their desire to help the proposed use find a home in a proper location. In particular, the City of Victor Zoning Administrator, in the public hearing held before the Planning & Zoning Commission on February 14, 2012, described the willingness of the City to accommodate the proposed use within City limits. Teton Valley contains significant amounts of vacant, partially-developed areas that may benefit from the proposed use being located within these areas, but a community dialogue must be nurtured in order to ensure that the proposed use can be located where the rural environment is not adversely affected. In order to promote the good intentions of the citizenry of Teton County, a citizen advisory board comprised of area realtors, planners, church leaders, Victor City and Teton County officials, and community stakeholders may assist Teton County citizens in preserving the rural environment and finding a suitable home for the proposed use.

## **Chapter 5 Property Rights**

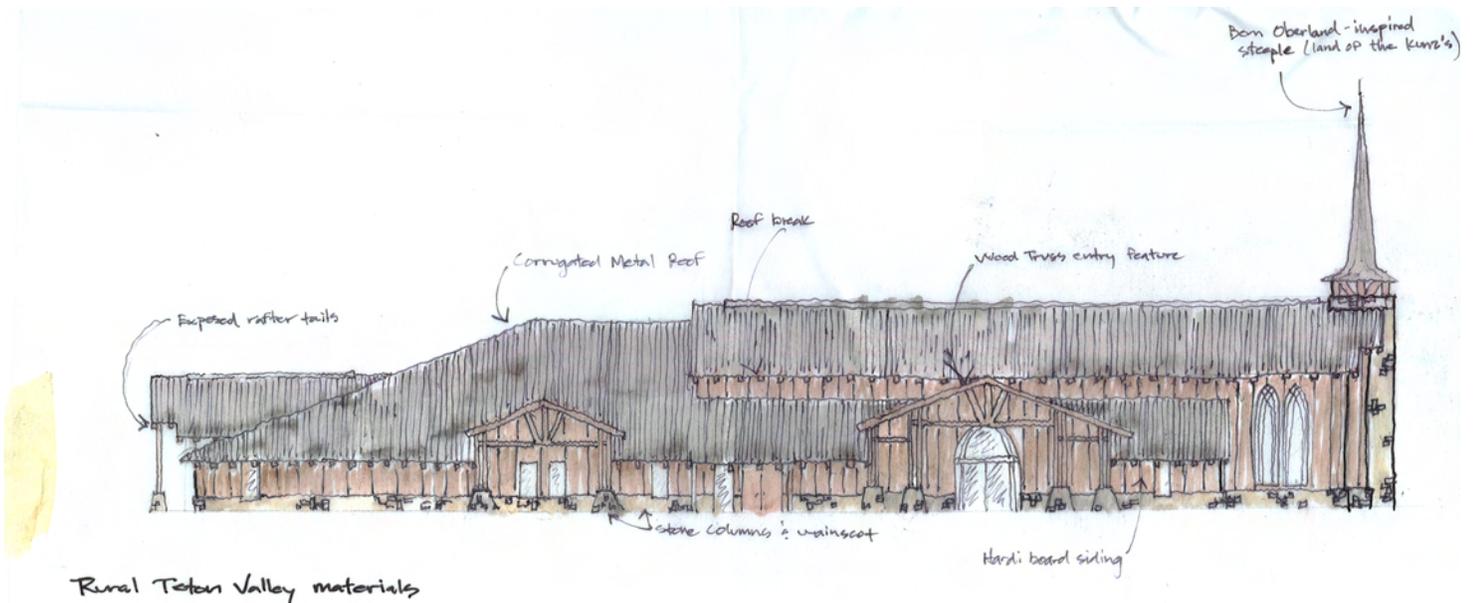
- **Policy 2: The Teton County Comprehensive Plan acknowledges the right and responsibility of Teton County to reasonably regulate land use.** Slipshod development harms everyone's property values. Reasonably regulating land typically means the government protecting the community from the adverse impacts of development. Included in these types of impacts are those that compromise the community's ability to preserve desired character. This principle has been recognized by the courts as being within the realm of reasonable regulation. The Comp Plan vigorously advances the preservation of open space, rural character, small town atmosphere, and scenic vistas as necessary to maintain the social,

environmental, and economic well-being of the County. To ignore the preponderance of these public interests in balancing the interests of private property owners would not only harm the general public, but individual landowners, as the policies contained in the Comp Plan seek to preserve their social, environmental, and economic interests as well.

## **Chapter 8 Economic Development**

- **Policy 3: One of the county's prime economic values is the attraction of a rural, small town lifestyle, magnificent views, clean air and water, and abundances of outdoor recreational opportunities. Development and land use proposals that support and balance these values with desirable growth should be encouraged.** As analyzed in the Community Design section of this letter, the preservation of a rural, small town lifestyle is compromised when development brings forth a character that is inconsistent with this value. Rural, small town lifestyle in the historical context of the rural Intermountain West places churches at the center of the community, as this location allows activities within them to integrate into civic life. The Community Design section of the Comp Plan states "development should encourage interaction among the diverse population." This statement speaks volumes to the "rural, small town lifestyle" deemed necessary to support economic value within the community. The proposed use at its current location isolates it from the rest of the community, causing the dispersal of community activity that is often associated with large, suburban development and not the small town lifestyle the Comp Plan envisions.
- **Implementation 3: In the interest of character preservation, chain businesses and other development shall be required to design buildings and other facilities that blend with local architecture.** The applicant has stated that their proposed building design is identical to those built in diverse locations such as Rexburg and Kansas. The popular Teton County maxim of "eight months of winter, four months of relatives" captures the difference of our environment from that of the rest of the world. The architectural tradition of the rural county is heavily influenced by elements such as wood lap siding (or durable hardi-board as a contemporary interpretation), corrugated metal, steep roof pitches with simple roof forms, exposed rafter tails, and more recently, stone accents and wood trusses. These elements are not only a condition of our unique environment, but an expression that we are not Anywhere USA, and that the visitors who support our local economy will instinctively know that our community is special. In order to conform to this provision, the building design should be modified to incorporate the local architectural tradition. It should be noted that if the proposed use were located in a city or an existing developed area, this architectural requirement could be relaxed because it would exist in a diverse built environment. However, the proposed location is in a highly visible area of the rural county that does

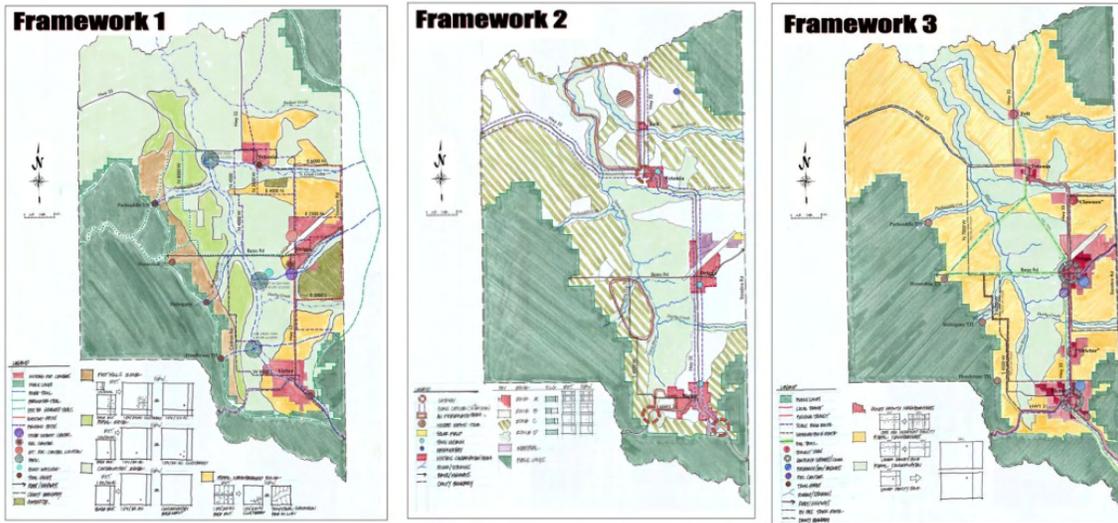
not contain the architectural diversity of the cities, and will thus compromise the character of rural Teton Valley.



In addition to these areas of concern, we would ask you consider the following:

**The City of Victor should be further consulted for the proposed use.** The City Administrator has indicated the City is willing to explore locations within the Victor City limits. The County should also seek detailed comment from the City to determine if the proposed use is consistent with the City's goals.

**The proposed use is in an area which may be in conflict with the ongoing preparation of the Comp Plan update.** The three proposed frameworks identify the location of the proposed use as being in a rural residential zone or open space corridor. When not in direct conflict, the frameworks at least present the same issues as those faced with the current plan. It is understood that the Comp Plan rewrite is ongoing and in no way binding, however it contains much information about the community's desire for future development. Moreover, the current Comp Plan was intended to serve only until 2010, when a new vision would chart the course for future development. As we are obviously in a post-2010 era, and the applicant would be well-served to incorporate any relevant information from the ongoing update.



Thank you for the opportunity to comment. Good luck in your consideration of the proposed Conditional Use Permit.

Respectfully,

Shawn Hill

Matt Eagens



# Valley Advocates for Responsible Development

March 5, 2012

Teton County Board of County Commissioners  
150 Courthouse Drive  
Driggs, Idaho 83422

RE: P&Z recommendations and updated application materials for upcoming hearings

First off, I'd like to say that the respectful, productive tone of the public comment at the February 14<sup>th</sup> P&Z hearing for the LDS meeting house was a compliment to our entire community. It was a shining example of Teton Valley's ability to engage in thoughtful discourse and debate. It set the bar high for future public hearings.

While we at VARD still believe that this meeting house is a valuable community asset that should be centrally located within a town, the focus of this comment letter is about *process*. Several years ago, this Board adopted a policy that County Commissioner hearings would not be held until at least one month after the P&Z minutes were adopted, thus giving the public the ability to review and comment on what was actually recommended by P&Z and what is now up for final hearing by the Board of County Commissioners. This also gives the applicant time to update his or her application materials. Overall, the public process then benefits from more meaningful and relevant comment on the adequacy of these recommendations, as well as gives the P&Z the opportunity to correct any errors or omissions in their final recommendations.

I wish that I could provide more specific comments on the current state of this application and the recommendations by P&Z, but as of today, *which is the day that comments are due*, I do not have any information available to me. It is very hard to submit comment without the benefit of updated materials or the hearing minutes outlining the very lengthy and very detailed conditions of approval that were recommended by P&Z. Only the prior application materials are presently available, and this particular application has changed over time, making it hard to submit relevant comment. At the February 14<sup>th</sup> P&Z hearing, the applicant presented for the first time an amended lighting and landscaping plan. Then, the P&Z recommended further changes to these proposed plans, both of which strike at the heart of the dark skies and visual impact concerns expressed by many members of the public. P&Z also passed additional recommendations regarding the bike pathway and traffic mitigations, both of



## Valley Advocates for Responsible Development

which are also not contained in the new materials or on record. In reviewing the updated traffic studies and comments by the county engineer, it is unclear whether an updated traffic report will be submitted and whether it will address the public's comments made at the hearing regarding 6000S and 50W.

We are talking about the construction of a facility that is designed to last 100 years, so access to public process regarding citing and impacts is absolutely critical. Having the final public hearing on the CUP two days after there will (hopefully) be a final decision on the height variance, and without the benefit of minutes or revised application materials, does not leave room for meaningful public comment. Considering the significant public interest in this proposal, why leave P&Z's recommended conditions to potential misunderstanding? If P&Z (acting as the Board of Adjustment) denies the height variance, will the application need to be amended? When will the public be able to view and comment on both the recommendation as well as changes to the landscaping, lighting, traffic, and other conditions?

While the public made good, thoughtful use of their 3 minutes of allotted time to comment at the February 14<sup>th</sup> hearing, it would not be a good idea to require the public to look at all new materials and comment in 3 minutes or less at what may be the final hearing on this application. **The public process would greatly benefit from (1) P&Z minutes that clearly outline what has been recommended for approval, (2) a final decision on the variance issue, and (3) revised application materials showing what is currently being proposed in light of application changes and P&Z recommendations.**

I recognize that these types of land use issues are definitely not easy to grapple with, and involve considerable staff time and county resources. So once again, thank you for all of your hard work and careful consideration in the service of our community.

Sincerely,

Anna Trentadue  
VARD Program Director / Staff Attorney

## MEMORANDUM

To: Teton County Planning and Zoning Commission  
Teton County Board of County Commissioners

From: Blaine Huntsman

Date: March 3, 2012

Re: LDS CUP and Variance Applications

We have owned a home, and more recently a ranch, in Teton Valley for over 25 years. I was born and raised Mormon, and have a long lineage of Mormon ancestors. Although I have not been a practicing Mormon for many years, I have closely studied the Mormon scriptures during my lifetime, and have been very interested in and have studied Mormon history later in life. I do not know of a revelation or scripture that a church steeple must be of a certain height, or that not having a steeple on a church building affects a Mormon's ability to worship. In fact, at least two of the wardhouses I attended as a youth or young adult had no steeple. Neither of the wardhouses in Victor or Driggs have 70 foot steeples, and many contemporary Mormon meetinghouses have shorter steeples or no steeple at all.

The LDS Church's Supplement to Land Use Application states that the absence of such an enormous steeple would "significantly impair the ability of the LDS Church and its members to worship according to their faith, constituting a substantial burden . . .". I simply cannot comprehend how the LDS Church complying with the County's reasonable height restrictions substantially burdens the Church's or its member's religious exercises or freedoms. I have served on boards and worked closely with many fine LDS leaders, including two future presidents and several apostles. I have respected these men for their goodwill, intelligence, their policy making and administrative abilities. I have never known any of them to claim divine revelation for policy decisions. The statement in the Church's submission citing an ecclesiastical policy that new churches be constructed with "traditional" steeples seems to be just that -- a policy. It is not stated in any revelation or scripture I have ever read and can recollect. Of course, I would welcome such sources to the contrary and beg that my ignorance be forgiven.

I attended the February 14<sup>th</sup> meeting and heard many emotional testimonies regarding the proposed church. There were over 100 members present supporting the Church, yet not one could distinctly explain the absolute necessity of a 70 foot steeple. If a tall steeple is absolutely essential, there are plenty of sites in Victor or Driggs that would both welcome and accommodate this.

**From:** Dawn Felchle  
**Sent:** Monday, March 05, 2012 5:03 PM  
**To:** Wendy Danielson; Angie Rutherford  
**Subject:** FW: Waiting for Approved Minutes from PZC before Holding BCC hearing

**Dawn Felchle**  
Assistant to County Commissioners  
Risk Manager  
150 Courthouse Drive  
Driggs, ID 83422  
1-208-354-8775  
[www.tetoncountyidaho.gov](http://www.tetoncountyidaho.gov)

**From:** Stevenson Alice  
**Sent:** Monday, March 05, 2012 4:58 PM  
**To:** Kelly Park; Bob Benedict; Kathy Rinaldi  
**Cc:** Dawn Felchle; Hensel Dave; Spitzer Kathy  
**Subject:** Waiting for Approved Minutes from PZC before Holding BCC hearing

Dear Commissioners,

I am rather dismayed to see that once again a public hearing has been scheduled with the BCC before the public has access to *approved* minutes from the PZC. I had thought the county finally had that all worked out while I served on the PZC in 2010, after discussing it several times and working with the BCC to find a solution. Kathy and Bob will remember at least that recent history about this problem, although it started in 2008. Maybe Dawn can find the various minutes from both BCC and PZC where this was discussed and a decision was made--more than once, since it is a problem that always seems to creep back when someone gets in a hurry.

The issue of needing *approved* minutes from the PZC before a hearing is noticed/scheduled with the BCC first came to a head when MD Nursery was applying for a CUP sometime in 2008 while I was a County Commissioner. There was a time when Sabra Steele noticed an error in the not-yet-approved minutes of the PZC and alerted me about the discrepancy before the BCC hearing. That's when I started advocating that a hearing should not be scheduled with the BCC until the pertinent minutes from the PZC had been approved and available to the public with sufficient time before the deadline for written comments. That meant that hearings could not be scheduled with the PZC one month and with the BCC the following month. The BCC agreed to that process in 2008, though I don't know if we actually made a motion and I'm pretty sure we didn't pass a resolution. And the same decision was reached again in 2010.

Lo and behold, the LDS Stake Center CUP is now scheduled with the BCC one month after the PZC hearing, which means there are not yet approved minutes. If you allow one applicant to speed up the process, then every applicant is going to expect the same treatment. Please reconsider and postpone this agenda item to April.

Thank you for re-considering this problem--and I hope this time an official resolution will be passed or whatever it takes to keep this from happening over and over again.

Sincerely,  
Alice

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Alice J. Stevenson

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To: Board of County Commissioners

From: Brigham Beach Huntsman

Date: Feb. 4, 2012

Hello. I live on and I manage my family's ranch on West 6000S. located a few miles from the proposed Stake Center location. I am the product of six generations of Mormon heritage and have a tremendous amount of appreciation regarding the value of LDS churches upon the individual, family, and community. My great, great

uncle- Mathoni Pratt- was one of the first Mormon bishops in Teton Valley. I am supportive of the new church, however, I believe that the location at 7000 South is one that needs to be reconsidered for a variety of reasons. The visual and environmental impacts of this church will be huge and permanent. The traffic and light that it will produce will be destructive. These concerns need to be addressed before it is too late.

Before I speak to these issues, I must make one thing very clear; **this is about the location of a large structure, period.** It has nothing to do with religion or the freedom to worship. I was at the 7 hour, February 14<sup>th</sup> meeting. The room was packed with supporters. Quite a few testified emotionally regarding the value of church to our community, our American right to worship, the morals instilled upon children, etc, etc... But nobody convincingly addressed why the stake center needs to be on 7000 South. This issue is not about building or not building a church. I think everybody agrees that a new church should and will be built. This Conditional Use Permit strictly pertains to the location.

Teton Valley relies on agricultural and tourism to survive. As a ski guide at Grand Targhee, I hear daily testimonies from tourists who drive over from the massively developed Jackson side. They explain how they fell in love with this valley the first time they drove through. Over the years, hundreds of thousands of people have passed through our valley on their way to Yellowstone, Targhee or the Teton river. Some have stayed, bought homes and raised families here. In my opinion, our valley has a pastoral beauty superior to anyplace else. To me, a 22,000 square foot structure(s) in the middle of a hay field, along our scenic corridor, detracts from and undermines our valley's aesthetic beauty. This proposed church appears to be the same vanilla 'Heritage' design that would be built in Florida or Ohio. Nothing about it reflects the uniqueness or sanctity of our valley.

If this structure is granted permission- where do we stop with others that want to build large commercial structures. To anybody who has driven through Utah or southern Idaho, it appears that once an LDS church goes in, other development and a sprawling neighborhood inevitably follows. I support growth in our valley- but I believe it should be carefully planned and concentrated within the core urban areas. If people are moving here for open space and wildlife- lets not destroy that golden goose.

I believe the lighting associated with this building is excessive. The glow from the parking lot lights will be seen from miles away. When these illuminations go out, the building itself will be lit 24/7. In an area with snow for 4-6 months, this reflected night lighting will be quite noticeable. The proposed site borders what is known as the Greater Foster Slough. This area contains dozens of springs and hundreds of acres of wetlands in the south-central part of Teton valley. The wildlife and waterfowl activity here is immense and contains over a dozen documented species of conservation priority, including the Yellowstone Cutthroat Trout and Bald Eagle. We see hundreds, sometimes thousands of geese, ducks, swans and cranes that will roost on the wetland ponds and creeks within this fertile habitat. We can only imagine the effects this lighting will have on the native bird populations that reside and migrate through the valley. The run-off from this and potential future developments and roads eventually drain into Fox Creek, one of the valley's most productive spawning tributaries that helps support a strong local fishing economy.

But my largest concern here is the traffic this said church will create. The A-W traffic report (Page 4) states 340 people per ward. From what I can gather- this report states that 200 vph (vehicles per hour) will be generated by the Church at 7000S. and Hwy 33. Realistically, the majority of these vehicles will be coming and going within a 10-15 minute peak period. If most are coming from the Dricor area, as stated in the Feb. 14<sup>th</sup> meeting, then can we assume that at the beginning of church, possibly 150 south-bound vehicles on Hwy. 33 will be turning right onto 7000S.? This is in addition to the existing Sunday traffic. Hundreds of cars coming from skiing or summer concerts at Targhee will also be traveling this road. What will this impact be? How many cars will realistically be using the frontage road? Will traffic be completely stopped on the highway during the peak? What will the overflow be on the exits north and south at 6000S. and 8000S?

The Idaho Transportation Department's 'Requirements for Transportation Impact Study' (found on the Teton County Website) states that impact studies should include 'any link or street that experiences a 5% directional increase in traffic' (page 2). 6000S. is the only East-West thoroughfare between Victor and Driggs. When consulting a map, the easiest and most direct route to this 7000S. location is through 6000S., yet this route was not addressed in the A-W traffic study. The increased demand on this road will be significant. It is already in severe disrepair- unpaved, full of potholes, and extremely muddy or dusty- depending on the day. Our ranch

boarders one full mile of this road, our irrigation water passes under this road in 4 locations, there are bridges over the Teton and Fox Creek- all of which will be significantly impacted by this traffic increase.

The A-W report states that ‘the developer will be responsible for all County road improvements and the cost thereof’ (page 10). Does this mean that Blackfoot Farms LLC (or the LDS Church) will be responsible for perpetually improving 6000S. and the frontage road north and south of 7000S? If not, then who?

I believe that the traffic generated from a church here will be a permanent aggravation and safety hazard to me, my family and our community.

Another statistic from the A-W study that I found interesting (and confusing) was the number of cars counted on Jan. 8<sup>th</sup> at 14:00 (page 5). This is a time when, according to the A-W report, there is an overlap between the Victor III and I wards (275 and 220 people, respectfully). With 495 people counted at church, there were 58 vehicles counted in the parking lot?! This implies either an average of 10 people per vehicle, a gross error in counting/reporting, or that there are a huge amount of people walking (something I’m sure even more common in summer). Walking to the 7000S. location, as stated by Church developers, will not happen.

All of these issues of traffic, aesthetics, lights and environmental concerns virtually disappear if this structure is considerately placed within the core of either Victor or Driggs. There appears to be ample space in both towns. For these reasons, I sincerely ask that the BOCC deny the CUP and the LDS church reconsider the building location.

Thank you for your time and consideration.

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## MEMORANDUM

To: Teton County Board of County Commissioners

From: Blaine and Nancy Huntsman

Date: March 6, 2012

Re: LDS CUP and Variance Applications

We respectfully write with a number of concerns about the LDS meetinghouse CUP application. We are very much in favor of a new LDS meetinghouse, but not in the proposed location. I spent many of my best and most productive childhood hours in LDS warehouses and am very sensitive to both the value and importance of such buildings. We also recognize that those on both sides of this issue are people of goodwill seeking to do what is right for our collective community.

Our concerns are summarized as follows:

1. Applicant’s inadequate traffic study: We ask that the Commissioners consider requiring the applicant to provide a more thorough traffic study which encompasses the roads, paths and intersections that will be directly impacted by the location of this project: Highway 33, 7000 South, 6000 South, 5750 South, the county frontage road and the bike path (please see Heimerl Law Firm’s letter regarding the applicant’s traffic study, which we have engaged to analyze the same)
2. The project does not comply with the County’s current Comprehensive Plan.
3. Given the size of this project and its rural location, the project’s environmental impact should to be analyzed.
4. Given the size of this project and its rural location, the community should be given adequate time to conduct its own independent studies.

Applicant’s Inadequate Traffic Study

The applicant's traffic study is insufficient in so many respects, especially for a project of this magnitude and potential impact. Our attorneys have discussed this project and the applicant's traffic study with an independent traffic engineer. These discussions have led us to question not only the assumptions upon which the applicant's traffic study were based but whether the scope of the study is adequate to address relevant safety and road usage concerns.

The independent engineer said that the applicant's traffic study should have specifically included an intersection analysis of the west leg of 7000 South and Highway 33. It is obvious that the usage of the west segment of 7000S would be very problematic, and the level of service at its intersections with the bike path and the frontage road would be brought to a level well below what is acceptable. Notwithstanding the traffic study's conclusions, heavy traffic bursts before and after Church meetings and events will likely overwhelm the three crossings.

We believe that 6000 South should have been included in this study, because it is the only East-West connector North of the project, and the road is in poor condition. Realistically, any member driving on Cedron Road from the West side of the Valley is likely to use 5750 South and 6000 South to reach the meetinghouse. This route is more direct than continuing further south on Cedron Rd. to Hwy 33, and backtracking north an additional mile on Hwy 33. 5750S and 6000S need to be included in the traffic study to assess whether these roads in their current condition can handle the increased traffic. Our strong opinion is that 6000S poorly handles even the current traffic load, given the road's constant state of disrepair.

Additionally, 6000 South is in a low lying area of the Fox Creek Corridor. Fox Creek and several irrigation tributaries cross under the unpaved portion of the road, causing serious erosion. In past spring seasons with high water, wooden planks have been used on parts of 6000S to make the road drivable over soaked road gravel and mud. Currently, the County grading program cannot keep up with maintaining this road. In addition, the Fox Creek Corridor is a migration corridor for big game, especially moose and white tail deer, which are regularly crossing the road. The impact of this project on 5750S and 6000S, given it is the logical route to the proposed meetinghouse for people traveling from the West side of the Valley, must be included in a more comprehensive traffic study.

There are statements in the applicant's traffic study which appear different than representations the applicant made at the hearing. When lighting was discussed at the hearing, for example, the Church's representatives talked about the need to light the area to accommodate meetings every night of the week except Monday because of the multiplicity of meetings. However, the traffic study is based on the expectation that only two meetings on Sunday are of significance. The study fails to adequately address the many non-Sunday meetings mentioned by the applicant at the hearing. Such meetings include Mutual, scouting, funerals, wedding receptions, Relief Society, ward and other stake dances, firesides and on and on. Many of these meetings are attended by young drivers.

We believe the applicant's estimate of number of cars per hour on the frontage road is significantly less than what the actual numbers will be. In addition to our expectation that Church members travelling to and from the West side of the Valley will use 5750S and 6000S, and therefore will use the frontage road, even the applicant's traffic study states that it would be better if the generated traffic went along the county (frontage) road instead of directly onto the highway.

Examples of other concerns we have with the traffic study include the applicant's use of low season traffic counts (winter vs. summer), the lack of analysis of where Church members will be driving from, and the P&Z's waiver of a queuing area. We ask that the Commissioners consider requiring the applicant to provide a more thorough traffic study which encompasses the roads and intersections that will be directly impacted by the location of this project. Highway 33, 7000 South, 6000 South, 5750 South, the county frontage road and the bike path.

#### Non-Compliance with the Comprehensive Plan:

We have had the opportunity to read the comments submitted to the BOCC by Matt Eagens and Shawn

Hill in the document entitled "Victor Meeting House Comments". We strongly support the approach they take in analyzing the project's compliance with the Comprehensive Plan. We agree with the conclusion that the project is in direct conflict with the Comp Plan on a multitude of levels. We also have had the opportunity to read the planning and zoning staff report. We are perplexed as to how they reached the conclusion that this project complies with the Comp Plan. They point to a few sections in the Comp Plan that recognize "property rights" and go on to give it their blessing without consideration of any of the adverse impacts and conflicts with the Comp Plan that the project would so obviously have if built in this location. We respectfully disagree with Matt and Shawn's suggestion that the corner of 6000S would be a better location for the project for the reasons outlined in this memo relating to 6000 South.

#### Importance of Analyzing Environmental Impact:

An independent environmental impact study conducted by a credentialed environmental consultant is essential for a project of this size and impact.

We have owned a home, and more recently a ranch, in the Valley for over 25 years and have spent considerable effort to make the Valley a better place. Specifically, for nearly the past 12 years, we have been restoring hundreds of acres of stream and wetland habitat for the benefit of native trout and for migratory songbirds and waterfowl. We have done this with the help of national and local agencies (e.g. Ducks Unlimited and the Land Trust), and with hundreds and hundreds of labor hours contributed by volunteers in our community. We have matched this with our own resources. The success of this undertaking has been astounding. We've seen the return of robust spawning that has resulted in growing trout populations in the Teton River. In addition, newly restored wetland ponds have proved beneficial to thousands of birds during spring nesting and the fall migration. This habitat restoration benefits the entire Valley with improved fishing and hunting. Our restoration efforts have been on lands adjacent to Fox Creek, the Teton River, and border a mile of 6000 South, which even now is an over-used, under-maintained county road.

We are also concerned that approval of this CUP will encourage other large-scale projects around the LDS meetinghouse, which is a common occurrence in other communities. We are concerned about runoff from the Church's parking lot and potentially parking lots and streets from future projects. Combined runoff puts at risk the fragile springs close to the project site which flow into what is now the Valley's second most productive spawning creek.

Preserving dark skies is another concern, both for our community's collective benefit and for migratory birds whose flight patterns are often directly over the proposed site. Lighting is a concern both because of the project's lighting and from the hundreds of car headlights traveling to and from the meetinghouse.

#### Public Opportunity to Analyze:

We attended the February 14th P&Z hearing, which we assume was challenging for the P&Z Commission, given the length of the hearing and the numbers of people in attendance. We appreciate their contributions to our community. However, we do not understand why the P&Z did not continue the hearing to better absorb the voluminous public comment and input that they received, to further reflect on the presentation made by the applicant, verify assertions made by the applicant that were not in the applicant's written submission, and to determine whether more in depth analysis and studies are warranted given the scope of this project. This project will have an enormous impact in its current location, and deserves the additional time it should take to make a fair and informed decision.

The applicant has had months to prepare its application, while most of the residents directly affected by this project learned of the project only two or three weeks before the P&Z hearing. Given the significant impact of this project in its proposed location, the residents should be given sufficient time to hire professionals to analyze and perhaps conduct at least an independent traffic study.

We respectfully request that the Commissioners deny the CUP application for failure to comply with the current Comprehensive Plan and the criteria set forth in Teton County Code 8-6-1(7), or in the alternative:

1. Require that the applicant to provide a more comprehensive and in depth traffic study, with a list of specific issues to address;

2. Remand the CUP application back to the P&Z Commission to consider such further relevant information; and

3. Continue the BOCC's CUP hearing to give the large number of Valley residents opposing the CUP – as evidenced by the letters submitted to the County -- adequate time to conduct an independent traffic study, an environmental study, and whatever other further analyses the Commissioners would recommend.

We greatly appreciate your time and consideration of our concerns.

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Herbert J. Heimerl III  
*Licensed in ID, WY & NY*

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Melissa Heimerl  
*Licensed in ID & NY*

March 6, 2012

**Letter of Comment Regarding LDS Church Application's  
Traffic Engineering Report**

Dear Board of County Commissioners,

Our firm has been engaged by Blaine and Nancy Huntsman to help analyze the various impacts of the new LDS meetinghouse at its proposed location on 7000 South (the "Development"). One of our clients' primary areas of concern is the Development's traffic impacts. We have read the AW Engineering Traffic Study Report (the "Study") and after conferring with other traffic engineers, we believe that the Study is lacking in scope and depth for a project of this magnitude.

On page 4 of the Study, reference is made to a "preliminary traffic study", and the author explains what the purpose of such a study is. We believe that "preliminary" is the pertinent word here. For example, the Traffic Analysis section is less than a page long and the Recommendation section is a mere half page.

We have had several conversations with Kittelson & Associates, Inc., the engineering firm that the County hired to conduct an independent review of the Study. It appears that after AW revised the Study in response to Kittelson's comments, the Study at least covers the limited scope that it addressed. However, what continues to be problematic is that the Study is in fact too limited in scope.

The Study analyzes a limited number of core issues relative to the traffic impact of the proposed Development. I asked the engineer at Kittelson who reviewed this study whether, if they were engaged to review the traffic impacts of a development of this magnitude, would their study be 12 pages plus attachments. His response was in the negative. He explained that Kittelson was only engaged to review the content included in the Study and not to critique its scope. I asked if they would be willing to critique its scope, and they said that if the County Engineer engaged them in that regard, they would be happy to do so. I have traded calls with the County Engineer to discuss this, and he is out of town this week.

We also had several conversations with Nelson Engineering. Their traffic engineering specialist, Sandy Buckstaff, told us very much the same thing as the engineer

at Kittelson. Sandy stated the following regarding the scope of the Study in a written correspondence to me:

*"Reviewing the site plan and the proposed access to the site, it is clear that the three intersections that will be most impacted by the proposed development are those of Highway 33 and Country Road 7000, the public non-motorized pathway that runs parallel to Highway 33 and County Road 7000, and the gravel frontage road that parallels Highway 33 and County Road 7000. The first of these three has been fairly fully addressed with the recommended mitigation measures (e.g., right-turn lanes, center left-turn lanes, and acceleration lanes). The unaddressed concern with respect to the other two intersections is whether vehicles exiting the project site following Sunday activities will back up in their queues on the west leg of the Highway 33/County Road 7000 intersection to the extent that traffic will block the pathway and the frontage road. The primary movement of concern would be the left turn movement from County Road 7000 onto Highway 33. An intersection analysis, one that examined the queue length on the west leg of the intersection, could determine whether the concern is a valid one or not." (see attached for the complete letter)*

In addition, we are perplexed why the Study did not address the impact the Development would have on 6000 South. This is the only east-west connector that would service the Development to the North, which is the area of the Valley that a majority of the members using the proposed meetinghouse reside, according to the LDS Church. 6000 South is currently in poor condition, in part due to its location in a low lying area in the Fox Creek corridor, and the fact that Fox Creek and its irrigation tributaries erode the road on a regular basis. The road barely services its current traffic load, and there is great concern over the wear that the additional traffic would place on it.

Thank you for your consideration in this matter.

Very truly yours,

Herbert Heimerl

SBJR/P-000-12

March 5, 2012

Mr. Herb Heimerl  
Heimerl Law Firm, PC  
217 Main Street/P.O. Box 499  
Victor, ID 83455

**SUBJECT: Traffic Impact Analysis  
LDS Church—Driggs, Idaho Stake**

Dear Herb:

This letter follows up on our phone conversations of last week and my opportunity to read the traffic impact analysis (TIA) prepared by AW Engineering for the LDS Church—Driggs, Idaho Stake proposed for Teton County Road 7000 north of the incorporated city of Victor. As you and I discussed, I am reluctant to interject myself into the discussion of the project, primarily because the development review process to this point seems to have served its purpose reasonably well, such that:

- Areas of the original TIA that could be viewed as not sufficiently in depth or relying on data that was not of most recent vintage were identified (by the independent transportation engineering firm, Kittelson & Associates, Inc., hired by Teton County to review the TIA),
- Those identified areas of the TIA were appropriately amended, and
- Recommended conditions of approval incorporating measures intended to mitigate the impacts associated with the proposed development were developed by the County Engineer.

I believe, in general, that the recommended conditions of approval incorporating mitigation measures put forward by the County Engineer (which include those proposed by the applicant) are appropriate.

Having said that, I also believe additional useful information that might aid the decision-makers (i.e., the County Commission members) with respect to the traffic impacts related to the proposed project could be developed.

Reviewing the site plan and the proposed access to the site, it is clear that the three intersections that will be most impacted by the proposed development are those of Highway 33 and Country Road 7000, the public non-motorized pathway that runs parallel

to Highway 33 and County Road 7000, and the gravel frontage road that parallels Highway 33 and County Road 7000. The first of these three has been fairly fully addressed with the recommended mitigation measures (e.g., right-turn lanes, center left-turn lanes, and acceleration lanes). The unaddressed concern with respect to the other two intersections is whether vehicles exiting the project site following Sunday activities will back up in their queues on the west leg of the Highway 33/County Road 7000 intersection to the extent that traffic will block the pathway and the frontage road. The primary movement of concern would be the left turn movement from County Road 7000 onto Highway 33. An intersection analysis, one that examined the queue length on the west leg of the intersection, could determine whether the concern is a valid one or not.

I trust this letter has accurately summarized our discussions and may give you a little better understanding of the traffic issues associated with the proposed development. If you have additional questions or wish for me to provide additional information regarding this matter, please feel free to contact me by phone (307-733-2087) or e-mail (sbuckstaff@nelsonengineering.net).

Sincerely,

A handwritten signature in blue ink that reads "S. Buckstaff, Jr." in a cursive style.

Sinclair Buckstaff, Jr., PE