Kathy Spitzer, Prosecuting Attorney
Teton County Courthouse
89 N. Street, Ste. 5, Driggs, ID 83422
(208) 354-2990 phone
(208) 354-2994
kspitzer@co.teton.id.us

August 10, 2012

To: Board of County Commissioners
RE: Comprehensive Plan legal opinion

The proposed Comprehensive Plan – a Vision and Framework 2012-2030 (hereafter "the Plan") complies with Idaho law. A Comprehensive Plan is a policy document and not a regulatory document. Idaho Code §67-6508 is the controlling legislation that sets out the criteria that the Plan must follow. Each criteria is met as further described below.

[x] Process
It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan ..
The Planning and Zoning Commission, along with Planning and Zoning staff, consultant groups, committees, sub-committees have gone above and beyond the statutory mandate to conduct a comprehensive planning process. Chapter 3 of the Plan briefly describes the incredible community outreach and extensive process that the Plan has undergone over the past 2 years.

[x] Jurisdiction
The plan shall include all land within the jurisdiction of the governing board.
The Plan includes all the land within the unincorporated area of Teton County, Idaho.

[x] Consideration of Past, Present & Future
The plan shall consider previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives, or desirable future situations for each planning component.
Throughout the Plan previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives, or desirable future situations are heavily considered.

[x] 16 Components
The plan with maps, charts, and reports shall be based on the following components as they may apply to land use regulations and actions unless the plan specifies reasons why a particular component is unneeded.
15 Components are addressed at length. I have listed page numbers where each component is addressed, the list of page numbers is not exhaustive as all 15 components are analyzed throughout the Plan. The last component, National Interest Electric Transmission Corridors, is not applicable and this is adequately noted in the Plan.

(a) Property Rights -- *An analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in chapter 80, title 67, Idaho Code.*
p. 9-12, 23

(b) Population -- *A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex, and income.*
Appendix p. 9-12

(c) School Facilities and Transportation -- *An analysis of public school capacity and transportation considerations associated with future development.*
p. 53, 44-47, 53, 64-66
Appendix p. 28

(d) Economic Development -- *An analysis of the economic base of the area including employment, industries, economies, jobs, and income levels.*
p. 18, 33-35, 48-51, 55-58
Appendix p. 12-24

(e) Land Use -- *An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. A map shall be prepared indicating suitable projected land uses for the jurisdiction.*
p. 26 -31
Appendix p. 24-28
Framework Map

(f) Natural Resources -- *An analysis of the uses of rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.*
p. 20-21, 39-43, 51 - 52
Appendix p. 28-32

(g) Hazardous Areas -- *An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snowslides and avalanches, and floodplain hazards.*
Appendix p. 32

(h) Public Services, Facilities, and Utilities -- *An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. The plan may also show locations of civic centers and public buildings.*
p.22, 44-45, 52-53, 64-66
Appendix p. 32-34

(i) Transportation -- *An analysis, prepared in coordination with the local jurisdiction(s) having authority over the public highways and streets, showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights-of-way, terminals, future corridors, viaducts and grade separations. The component may also include port, harbor, aviation, and other related transportation facilities.*
P. 19, 50, 59-60
Appendix p. 34-37; 39-42

(j) Recreation -- *An analysis showing a system of recreation areas, including parks, parkways, trailways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs.*
p. 20, 39-43, 51-52, 61-63
Appendix p. 37-38

(k) Special Areas or Sites -- *An analysis of areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance.*
p. 26-30, 61-63
Appendix p. 38

(l) Housing -- *An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, the siting of manufactured housing and mobile homes in subdivisions and parks and on individual lots which are sufficient to maintain a competitive market for each of those housing types and to address the needs of the community.*
Appendix p. 38

(m) Community Design -- *An analysis of needs for governing landscaping, building design, tree planting, signs, and suggested patterns and standards for community design, development, and beautification.*
p. 19, 25-30, 45, 52-53, 61-63, 64-66
Appendix p. 38-39

(n) Agriculture -- *An analysis of the agricultural base of the area including agricultural lands, farming activities, farming-related businesses and the role of agriculture and agricultural uses in the community.*
p. 23, 46-47, 53, 67-68

(o) Implementation -- *An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.*
p. 48-54, 69-76

(p) National Interest Electric Transmission Corridors -- *After notification by the public utilities commission concerning the likelihood of a federally designated national interest electric transmission corridor, prepare an analysis showing the existing location and possible routing of high voltage transmission lines, including national interest electric transmission corridors based upon the United States department of energy's most recent national electric transmission congestion study pursuant to sections 368 and 1221 of the energy policy act of 2005. "High-voltage transmission lines" means lines with a capacity of one hundred fifteen thousand (115,000) volts or more supported by structures of forty (40) feet or more in height.*
Not applicable as noted on p. 39 of the Appendices.

Inc. 1910 Planning and Zoning Department

60 S Main St | PO Box 48 - Driggs, ID 83422 | Ph: 208-354-2362 | Fax: 208-354-8522 | www.driggs.govoffice.com

July 10, 2012

Planning Commission
c/o Angie Rutherford
Planning Department
Teton County, Idaho
150 Courthouse Drive
Driggs, ID 83422

RE: Teton County Comprehensive Plan – Draft 120710 – City of Driggs Comments

Dear Chairman and Commissioners:

The Driggs City Council appreciates being provided the opportunity to comment on the draft Teton County Comprehensive Plan and requests that the following concerns and suggestions be considered at your July 10 public hearing and July 11 deliberations.

Overall, the City Council applauds the effort that has gone into the plan, and the general land use recommendation that is its product – namely to focus growth in the existing population centers: the cities of Driggs, Victor, Tetonia, and the townsite of Felt. The Driggs City Council feels that the Framework Plan could be improved by considering and acting on the following:

1. **Town Neighborhood** – the City of Driggs supports Angie Rutherford's revised description below, which allows the city to advance density and commercial/industrial uses (via annexation and city zoning) when and where it is desirable for the city and each neighborhood.

   Town Neighborhoods are located within the area of impact and immediately adjacent to the cities of Victor, Driggs and Tetonia. These areas are in close proximity to electric, phone and other dry utilities as well as public water and sewer services, although that does not imply that these services would be available as a public utility. The unincorporated town of Felt is also considered a Town Neighborhood area although public water and sewer service is not available. In general, further development and densification of Felt is not supported by its residents; however, the desire for a small public park and decreased speed limits were voiced by many. Town Neighborhoods currently include a mix of developed and undeveloped property and have easy access via automobile, bicycle or pedestrian access to town services and amenities. While the intent of this plan is to encourage growth in existing population centers such as our cities, less dense residential uses near the cities would be more desirable than in the far reaches of

the County. In the Areas of Impact, applicable plans and ordinances must be mutually agreed upon by the city and the county and thus will be negotiated further with each city. While the applicable land use plan for the Areas of Impact must be negotiated with each city, the desired future character and land uses for Town Neighborhoods include:

· Single-family, detached housing in low densities consistent with non-municipal services.

· Parks, greenways, and neighborhood amenities

· Safe and convenient street and pathway connections to towns

· Pedestrian amenities and complete streets

2. **Industrial/Research**
    a. Remove Heavy Industrial, these uses will have incompatible noise, dust, vibration and appearance impacts on the surrounding low density residential neighborhoods. Industrial activities should be limited to light industrial uses that are fully enclosed, with screened outdoor storage, and appropriate setbacks to ensure compatibility with the neighborhood.
    b. Remove "Business development centers". As is, could be interpreted as office complexes, retail, or any other commercial activity that would be more appropriately located in the city. If it is light industrial, then it would be covered under the light industrial category (suggest adding it to the definition of light industrial).
    c. Industrial Area North of the airport does not have access to city water or sewer at this time.
    d. Industrial Area East of 1000E was the subject of a Neighborhood Plan adopted by the county in 2010. The findings in that process were that the many residents and residential property owners were not in favor of more industrial uses in this area, but appreciated some live/work options. Suggest reviewing and incorporating elements of the 1000E Neighborhood Plan. Note – the Spring Creek label obscures the boundaries of this area.
3. **Rural Neighborhood** – suggest deleting the term "Medium density", since density is covered by the first bullet in the list of desired future characteristics.
4. **Mixed Agriculture / Rural Neighborhood** –
    a. The city will not be serving city water to the South of Teton Creek and desires to protect and maintain the "visual separation and distinct edge between the city and the more rural area to the south".
    b. The city is concerned with the use of the term "Medium density residential". Suggest using the same relative description used in Rural Neighborhood, or otherwise defining what actual range of density this refers to (either by number or graphically).

c. Also suggest that the Scenic Corridor overlay be used to limit density to Low within this area.

5. Waterway Corridors - Along Teton Creek, this category covers some of the densest projects in the county, including approved commercial/hotel at Teton Creek Resort; and Powder Valley and Stoneridge that are not in the floodplain, but have some 'riparian areas' associated with canals. Note that it also seems to be 'under' the area Driggs Town Neighborhood and 1000E Industrial area. Is this intentional? Suggest adding text to describe the intended boundary of this overlay in greater detail (particularly North of Ski Hill Rd).

Please contact me at City Hall if you have any questions regarding these comments from the City of Driggs.

Sincerely,

Doug Self, AICP
Planning & Zoning Administrator

Inc. 1910

CITY OF DRIGGS

100 Years

60 S Main St | PO Box 48 - Driggs, ID 83422 | Ph: 208-354-2362 | Fax: 208-354-8522 | www.driggs.govoffice.com

Mayor Daniel Powers

Teton County Planning and Zoning Board

Board Members: Recently it has come to my attention that you are considering adding Heavy Industrial Zones to areas just South East of the City of Driggs, and to the North of the Airport in Driggs. The American Planning Association defines Heavy Industry as:

Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Based on that definition I would think that any area adjacent to the City of Driggs or its impact area would be inappropriate for such uses. Further, we would ask that any activity in the Driggs area of Impact be governed by the City of Driggs Comprehensive Plan. As a general comment, I would point out that significant area exists for light industry of the type you propose in your Industrial/Research/Live-Work Zone within the City of Driggs, and that even zoning of this type should be very limited outside our Area of Impact.

Sincerely,

Dan Powers
Mayor
City of Driggs

VICTOR STAFF REPORT

Date: July 2, 2012
To: Victor City Planning & Zoning Commission
From: Bill Knight
Presenter: Bill Knight
Re: County Comprehensive Plan Land Use Framework vis. Impact Area
STFcomplaoi7_3_12

We have been in discussions with the County Planning Commission and staff on the subject of the draft comprehensive plan land use map and framework (the general uses allowed within the subject area) as relates to the Victor Area of Impact (AOI). You have received the email threads over the last several days. The map is the existing AOI. The discussion continues as I am writing this. Your presence is needed at our meeting

Background Information:

In 2010 we concluded the present Victor Area of Impact agreement which was an expansion of the previous agreement as to area and its governing plan and zoning. The city's objective was to bring into the area of impact the two large developments that posed an existing demand on city services and was certain to increase demand over build-out. Teton Springs (700 units proposed) and Teton Reserve (180 units) were the two developments of concern.
The county's and city's driving concern was the reduction in urban sprawl fueled by competing densities outside the cities and the inclusion of these developments into the city's boundaries. Both developments are connected to city sewer. The elimination of the county planned unit development option within the AOI's eliminated much of the driving force behind outside city boundary development.

The AOI was concluded after two years of negotiation and was only agreed upon by the county if their (or some other) existing low-density A2.5 zoning was in place. This allows for one unit per 2.5 acres which is typical of rural residential zoning where septic systems are the rule. The city agreed to this with the qualification that only a contiguous to the city's boundary development application would qualify for annexation.

Executive Summary:

The county's draft plan provides for land uses through a Framework Plan and Map with Town Neighborhood plan for the areas of impact. Relevant parts of the plan provide for: "Town Neighborhoods currently include a mix of developed and undeveloped property and have easy access via automobile, bicycle or pedestrian access to town services and amenities. While the

intent of this plan is to encourage growth in existing population centers such as our cities, less dense residential uses near the cities would be more desirable than in the far reaches of the County. In the Areas of Impact, applicable plans and ordinances must be mutually agreed upon by the city and the county and thus will be negotiated further with each city. The procedure for evaluating applications in the Area of Impact will be determined by the Area of Impact Agreement with each city. ***Desired future character and land uses for Town Neighborhoods include":***

- Land uses in the Areas of Impact must be negotiated per an area of impact agreement with each city
- Residential densities lower than the adjacent Cities and that are compatible with City future land uses
- A variety of housing types, including attached housing and possibility of live-work units in strategic locations
- Parks, greenways, and neighborhood amenities
- Safe and convenient street and pathway connections to towns
- Pedestrian amenities and complete streets
- Limited neighborhood commercial

Discussions with County Planning Director Angie Rutherford indicate that the thinking behind this is for the county to provide intermediate-density development around the cities as an option to the low-density uses typical throughout the exurban county areas. The county is codifying their land use map with the above schedule of uses, subject to "applicable plans and ordinances to be mutually agreed upon by the city and county and thus will be negotiated with each city."
In other words, the county is specifying the above uses as allowable within (any part of the AOI) the AOI but subject to specific negotiated agreement.

Recommended Action:

Staff sees some divergence from previously agreed to principles of city center-out development whereby only parcels that are contiguous to the city's boundaries may use city zoning and be annexed. The new proposal would conceptually allow development anywhere within the AOI as intermediate density development.

Staff further sees an inherent contradiction in the proposal in that the uses would be codified within the Framework plan and map but then subject to specific plan and ordinance negotiations between the city and county. This would likely result in a comprehensive plan amendment assuming the city didn't agree to that specified in the Framework.

Staff has concerns that the city is being asked to relax its previously city center-out AOI agreement to a county focus on intermediate density within the AOI, or what amounts to a potentially periphery-in development pattern. Development of that described above could

occur, say, two miles out from the city and pose the problems of annexation it has experienced in the past. Annexation is, after all, the purpose behind allowing city dependent higher density to occur within the AOI and this requires that it be contiguous in order to avoid legal difficulties.

Staff Recommendations:

We are scheduled to being a revamping of the county and city codes at the end of this month with consultant Code Studios. Staff sees no reason the essential elements of the present AOI agreement can't be retained until a more formal and comprehensive analysis of the entire development landscape can be examined with any recommended changes. *Staff would suggest that the Town Neighborhood higher density development be principally governed by city-centered development outward from the city's boundaries and that the AOI would then be characterized by single-family detached housing of a low density compatible with non-municipal services.*

Of importance is the Area of Impact Agreement on file with the county and agreed to by both parties. Under 8-1-5, B, it reads: ***Amendments to either the City or County comprehensive plans or zoning ordinances pertaining to the Impact Area, as well as requests for zoning changes within the Impact Area shall be reviewed and approved by both the City and County.***

bk

July 5, 2012

Teton County Idaho
Planning & Building Department
150 Courthouse Drive
Driggs, Idaho 83422

Re: Victor Area of Impact/County Comp. Plan Framework

Dear Angie;

Per your request for comment on the Teton County draft comprehensive plan and specifically, the Framework Map and associated Land Uses, we offer the following in response to our discussion with the Victor Planning & Zoning Commission:

The City of Victor Mayor and Planning and Zoning Commission, the latter by unanimous resolution, support the county's proposed land uses as indicated in the communication of July 3, restated as follows:

1. Single-family, detached housing in low densities consistent with non-municipal services.
2. Parks, greenways, and neighborhood amenities.
3. Safe and convenient street and pathway connections to town.
4. Pedestrian amenities and complete streets.

The above are consistent with our current deference to the county's A2.5 zoning. While we are not actively seeking higher intensity development in the area of impact(AOI) at this time, it remains the case that several large developments exist within the AOI which exert demands for city services and have the potential to exert a significantly greater service demand in the future. Both developments are connected to the Victor segment of the Victor/Driggs sewer transmission system and both developments are candidates for annexation.

Sincerely,
/s/ Bill Knight

Victor Planning Director

TETON COUNTY COMPREHENSIVE PLAN
A VISION AND FRAMEWORK
2012-2030

JULY 19, 2012
REVIEW

JAN GALLUP

PLANNING CONCEPTS

Overview

The Teton County Comprehensive Plan addresses the following objectives to provide a sustainable future:

- Establish a vibrant, diverse and stable economy.
- Create and maintain a well-connected, multi-modal network of transportation infrastructure to provide convenient and safe mobility for all residents, visitors and businesses.
- Preserve natural resources and a healthy environment, which are essential for creating viable future economic and recreational opportunities for all users.
- Contribute to our strong sense of community by providing quality facilities, services and activities to benefit the community.
- Maintain, nurture and enhance the rural character and heritage of Teton Valley.

Evaluation

The county and city comprehensive plans are compatible. Both are concerned with economic growth, development within or near cities, preservation of the environment, and maintaining a rural character. The county is promoting “smart-growth” principles of development, which includes clustering with open space, multi-use housing with neighborhood commercial areas and reduced right-of-way widths. The county plan addresses various modes of transportation to a greater extent, hoping to provide connectivity between cities and neighborhoods as well as recreational areas.

Framework Map

The impact area boundaries are correct; however, the annexed portion of the city should be designated on the map.

Land Use

The section annexed into the city of Tetonia and the southern impact area are classified as Wetland Corridors, which will have the most restrictive regulations for development. Projected roads in this area, shown on the Tetonia Comprehensive Plan Transportation Map, may be intrusive under county standards.

Economic Implications

The plan states: “. . . future research and development and other related industries, is tied to its ability to attract and retain highly educated professional employees and entrepreneurs.”

- Can Tetonia attract this type of economic expansion?
- Where do low to middle income employees fit in the county’s economic structuring?

Interconnected Pathway System

Tetonia could benefit as the hub for the Rail Trail in Teton County.

EASTERN IDAHO
Public Health
DISTRICT

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

7 August 2012

Angie Rutherford
Teton County Planning & Building Department
150 Courthouse Drive
Driggs, Idaho 83422

Re: Comprehensive Plan Review

Dear Ms Rutherford:

Thank you for the opportunity to review and comment on the draft Comprehensive Plan for Teton County. After a thorough review, I have found the plan to be consistent with all land development rules and regulations considered by Eastern Idaho Public Health District. At this time, I have no additional comments to provide concerning this draft plan.

Implementing the final Comprehensive Plan may require changes to existing zoning and subdivision codes, as well as, various county policies and guidelines. I look forward to working with you and your office in making the appropriate changes to these directives.

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

Sincerely,

Michael Dronen, EHS
Eastern Idaho Public Health District

IDAHO DEPARTMENT OF FISH AND GAME
UPPER SNAKE REGION
4279 Commerce Circle
Idaho Falls, Idaho 83401

C.L. "Butch" Otter / Governor
Virgil Moore / Director

August 9, 2012

Angie Rutherford
Planning Administrator
Teton County, Idaho
150 Courthouse Drive
Driggs, ID 83422

Dear Angie:

Thank you for providing the Idaho Department of Fish and Game with a draft copy of the Teton County Comprehensive Plan for 2012-2030.

We applaud your efforts to develop this important land use planning document.

Communities that plan for providing healthy natural resources and wildlife habitat will reap diverse and abundant wildlife populations. In so doing, they will aid the quality of life that county residents enjoy and benefit local economies.

The new Teton County Comprehensive Plan is the result of essential conversations between community members. I thank you for skillfully hosting this public discourse.

As such, the new plan is a vital visioning and policy document. It represents the interests and perspectives of the people of Teton County and their desired future outcomes.

It is not the place of The Idaho Department of Fish and Game to judge the appropriateness of your vision for Teton County. However, there are at least two areas in the Teton County planning process where I believe the Idaho Department of Fish and Game can assist you.

The first is to help all understand fish and wildlife populations in the valley and how they use the land. This, by definition, is a dynamic process. The Department and its conservation partners are constantly refining our understanding of the County's wildlife and habitats. As we gather new information, we wish to share it with you and help you keep your wildlife overlay current.

The second area where I believe the Department can be of service is to help you review changes to zoning codes and ordinances which naturally follow the development of a county comprehensive plan. As your draft plan states:

The Comprehensive Plan provides a general and long-range policy for the County, while the Zoning Code serves as a legal ordinance with binding provisions on how land can be developed.

At the appropriate time, we can help determine the potential benefits and impacts of draft codes and ordinances on wildlife and their habitats.

We wish you the very best as you continue this important endeavor, and be assured we are monitoring your progress.

Thank you for considering Idaho's treasured wild critters.

Sincerely,

Steve Schmidt
Regional Supervisor

Cc: Tom Bassista, IDFG
Gary Vecellio, IDFG
Daryl Meints, IDFG
Dan Garren, IDFG
Terry Thomas, IDFG
Paul Faulkner, IDFG
Doug Petersen, IDFG
Lauren Wendt, IDFG

FALL RIVER
RURAL ELECTRIC COOPERATIVE
www.fallriverelectric.com
1150 N 3400 E
ASHTON, ID 83420

August 13, 2012

TETON COUNTY
PLANNING & ZONING
AUG 14 2012
RECEIVED

Teton County
Planning & Building Department
150 Courthouse Drive
Driggs, Idaho 83422

Subject: Teton Counties Comprehensive Plan – A Vision and Framework 2013 – 2030

Dear Teton County Commissioners:

Fall River Rural Electric Cooperative is a non-profit cooperative serving 16,708 meters and over 12,023 members of the Cooperative. The Cooperatives service territory Includes West Yellowstone, Island Park, the Teton Basin, rural services in the Ashton area, and as far south Rirey. Fall River provides service in three states, and seven counties. Teton County constituents represent approximately 40% of the Cooperatives owners with 6,366 meters and 5,056 members. These members elect board of directors to represent their interests and therefore the Cooperative is locally owned and controlled.

Fall River recognizes the need to actively manage and reassess future growth in Teton County, and given the extended recession, this review is timely. The Cooperative also appreciates the county's invitation to review the draft comprehensive plan and submit comments.

Teton County staff was very accommodating, and provided Fall River with answers to many questions we had concerning this process and the plan. They dedicated their time to assist us in evaluating the proposed plan, and did so in a short amount of time. Specifically, Angie Rutherford was willing to talk with Fall River in person and to answer questions, plus providing additional information that was extremely helpful in gaining a better perspective of the proposed changes.

Fall River reviewed the plan on a very limited time frame. Fall River received a letter and information pertaining to a draft comprehensive plan in early July seeking the Cooperative's comments on the draft plan. The letter was dated July 3 and Fall River received it on July 11.

An invitation was extended to reply by August 14' with subsequent public hearings scheduled for August 23 and 24th. Given the short amount of time to respond, three concerns were immediately identified. These comments may not be all inclusive of the concerns the Cooperative may have. We realizes there has been afforded additional time, if needed, and an opportunity to verbally address the Commissioners during the public hear dates. Representatives from the Cooperative will participate in those hearings.

The first concern identified is what appears to be an accelerated timeline to move the draft comprehensive plan forward, with a lack of input from essential services such as Fall River Rural Electric Cooperative until near the end of the process. Fall River appreciated the County inviting us to provide input on the draft comprehensive plan, but while the invitation was greatly appreciated, the Cooperative has concerns with the pace of approval for a plan that envisions such significant changes to the subdivision and zoning ordinances. The executive summary stated "As a grassroots plan, community participation was the cornerstone of the Comprehensive Planning process". This seems like a sound process, however without providing committee members with information about impacts and concerns from essential services, how can committee members be sufficiently informed to participate in and make recommendations? It seems prudent to include a thorough reviews offered by essential services like electric, water, sewer, and phone utilities would be crucial in formulating a well thought out comprehensive plan. The county's invitation to Fall River to submit comments seems to come significantly late in the planning process. Fall River shares the burden in not seeking an audience with the county sooner in the process, and has done its best to respond with this late notification. The Cooperative hopes the comments submitted by Fall River will be evaluated and incorporated.

The Cooperative agrees that now is the time to reassess the practices of the past, and Fall River agrees the boom/ bust cycle we have all just experienced is cause to reevaluate policies and the vision for the future. Fall River has taken similar initiatives to plan for the future. The Cooperative also believes the recession will be extended for several more years, and that this provides the necessary time to make adjustments in doing business without rushing to push a plan into existence without proper review. Fall River has concerns about making such significant changes as those outlined in the comprehensive plan without providing all stakeholders the time and opportunity make a complete evaluation of the possible effects on the county.

Our second concern relates to investments made over the last ten years to plan for and provide electric service based on proposed and approved developments within the county. Fall River has made many such investments to ensure the electrical systems and distribution infrastructure is able to meet the expected developed needs of the Teton Basin under the existing county rules and regulations. The impact of the recession has been fully realized by the Cooperative, and we estimated the return on investments would be delayed by approximately 15 years. These capital improvement investments for the Cooperative were made based on the growth the county was

experiencing with approved subdivisions, planned subdivisions, and then estimated expected growth. With the county's draft comprehensive plan combined with the likelihood of vacated subdivisions, the realization that these infrastructure investments already made by Fall River will generate a return on the investment is greatly diminished. These stranded investments are not caused by the county's policies entirely, and are primarily due to a national economic downturn. However, since portions of these facilities are in use by developments, there is no economical way for us to salvage the investments in infrastructure.

Fall River has an obligation to provide electrical service to anyone who seeks electrical service, and in planning for the future, the Cooperative strives to estimate the needed capacity for at least the next 20 years, and strives to predict electrical needs at a given area for the next 60 years, which is the expected life span of electrical facilities. A list of infrastructure improvements which will not see the expected return on investment include the following projects completed over the last ten years:

WO #	Name	Close Out Cost	FRREC's Contribution
26883	Huntsman Springs FDR 168 UG	254,416.29	254,416.29
26884	Huntsman Springs FDR 170 UG	9,616.31	9,616.31
26885	Huntsman Springs FDR 171 UG	160,422.56	160,422.56
26886	Huntsman Springs FDR 172 UG	50,234.46	50,234.46
29270	River Rim 750	453,274.35	453,274.35
27060	Victor New FDR Fox Creek	215,015.82	215,015.82
23686	Feeder 143 Teton Springs	290,537.02	145,268.51
27110	Victor - Teton Springs Tie	428,920.57	214,460.29
27092	400 N 3 Phase Extension	51,382.90	25,691.45
29997	Felt 4/0 3 Phase Extension	78,942.95	39,471.48
	TOTAL	$1,992,763.23	$1,567,871.51

These costs, if not recovered by providing electrical service to new homes in vacated subdivisions, will be recovered by members in the Teton Basin through electrical rates. Being a non-profit cooperative, these expenditures can and are only recovered through members.

The final concern Fall River has is specific to the subdivisions that have been started, but are not complete. Angie Rutherford provided detailed information that allowed Fall River to review those subdivisions under review by the county. Fall River used the county's list of subdivisions, and added a column to detail the status of electrical facilities within the noted subdivisions. Several of the listed subdivisions have a completed electrical backbone distribution system already in place. While developers are required to pay a substantial portion of the subdivision's backbone distribution system, the Cooperative and its members also contribute to these backbone distribution systems. Therefore, if a subdivision is vacated with an electric distribution system in

place, this becomes a stranded investment with no means to generate the needed revenue to recover the original investment. Subdivisions that have no facilities in them, and those partially completed, are also noted by Fall River in Attachment 1.

County staff discussed the possibility of re-platting some of the existing subdivisions. When the Cooperative designs the backbone electrical distribution system, it is common practice to place electrical lines in utility corridors along planned roads. This facilitates access if repairs are necessary, with minimal impact to roads, sidewalks, and property. Placement of transformers is also strategically located to serve three to four residences in an effort to maximize the use of resources, improve the aesthetics by limiting the number of transformers in a given subdivision, and reduce the costs to members. If re-platting is being considered in subdivisions where existing electrical facilities are in place, Fall River would offer to consult with the county, and we hope the county would work with the Cooperative to strive to find an optimal plan that does not impede the Cooperative's ability to maintain electrical facilities and serve its members effectively.

Again, we are pleased to be able to comment on the county's comprehensive plan. If the county has questions about these comments made by Fall River Rural Electric Cooperative, please feel free to contact Bryan Case, General Manager, Any comments may be made at:

1605 North Highway 33
Driggs, ID 83422
bryan.case@fallriverelectric.com
Office (208)652-7431
Direct (208)652-7001

Sincerely,

Bryan L. Case
General Manager/CEO
Fall River Rural Electric Cooperative, Inc.

Attachment 1

Completed Subdivisions				
Started, but not complete subdivisions				
Not Started Subdivisions				
All others = pre 2005				
SUBDIVISIONS	**Distribution Line "Backbone"**	**Year**	**Acres**	**Lots**
Canyon Creek PUD Phase 1		2009		7.00
Canyon Creek Ranch		2009	1798	350.00
Cattle Creek Ranch		2011	141.50	3.00
Evergreen Grove		2005	23	5.00
Grouse Landing		2011	40.00	15.00
Haden Hollow Amended Plat	None	2009	40	5.00
Heritage Peaks	None	2011	17.94	2.00
Milk Creek Estates		2009	68	4.00
Mountain Legacy Ranch	None	2007	197	114.00
Ridgeline Ranch	None	2009	160	56.00
Scenic River Estates		2009	160	51.00
The Roost	None	2010	42.18	3.00
The Willows	None	2009	47.8	25.00
Tolman		2009	19.69	2.00
Trapper's Ridge	None	2009	77.96	25.00
Warm Creek Manor		2009	60	19.00
Appaloosa Ridge	Completed Block 1-2-3	2007	157.3	45.00
Blue Indian		2009	143.78	44.00
Cornerstone West Meadows		2007	10	3.00
Driggs Centre Phase I	Completed	2007	60	64.00
Hay Fields	Completed	2006	40.03	16.00
Huntsman Springs	Pending County Engineer Sign off	2007	1341	997.00
Kearsley Acres	Completed	2008	9.78	2.00
Old Farm	Completed	2008	50	5.00
Reserve at Badger Creek	Completed	2007	69	22.00
River Rim Ranch Div II Mat Pln	Tract A,B, Farm Ranch Lots, Blk 10, Not Complete	2006	4500	550.00
River Rim Ranch, Div. II, Phases IA -	"	2008	5400	
Silver Dollar	Completed	2008	81	27.00

Attachment 1

Targhee Hill Estates PUD	None	2006	101.95	101.00
Teton Reserve		2003	445.98	384.00
Valley Vista	Completed Phase 1	2005	40.28	112.00
Warm Creek Estates	Completed	2006	60	11.00
West Ridge Ranch	Completed	2007	332.81	120.00
Ironwood PUD I		2006	160	113.00
The Vistas at Waters Edge	Completed	2007	134.85	44.00
Buckskin Ranch		2008	53	19.00
Diamond R		2007	42.51	2.00
Game Creek Meadow		2007	22.48	4.00
Obsidian Meadows		2007	48.69	16.00
Pitchfork		2008	32	10.00
Teton Saddleback Vistas		2005	1108	141.00
Alpine View		2005	18.15	7.00
Aspen View		2005	20.47	8.00
Aspen View Division 2		2008	10	4.00
Barrell Roll Ranch		2007	40.99	5.00
Beard		2006	20	3.00
Black Pine		2008	21	8.00
Browns Acres		2005	7.16	2.00
Cache Tracts		2005	40.6	16.00
Carsons Crossing		2008	18.49	9.00
Cattle Creek Ranch				
Cherry Grove		2006	214	35.00
Chilly Water		2007	32.7	13.00
Crooked Creek		2007	26.04	8.00
D Diamond Ranch		2005	200	11.00
Dalley Rose		2009	40.67	18.00
Darby Ranch		2007	80.2	26.00
Deer Ridge		2007	15.38	5.00
Double F Ranch		2007	79.91	29.00
Elk View		2006	20	4.00
Fall Creek Reserve		2007	40	14.00
GEE PUD		2008	38	29.00

SILVER STAR
COMMUNICATIONS

SENT VIA ELECTRONIC MAIL and REGULAR U.S. MAIL

August 14, 2012

Teton County, Idaho
Attn: County Commissioners
150 Courthouse Drive, Room 107
Driggs, ID 83422
commissioners@co.teton.id.us

Teton County, Idaho
Attn: Planning and Zoning Department
150 Courthouse Drive, Room 107
Driggs, ID 83422
pzadmin@co.teton.id.us

Teton County, Idaho
Attn: Planning and Zoning Commission
150 Courthouse Drive, Room 107
Driggs, ID 83422
pzadmin@co.teton.id.us

Re: Comprehensive Plan

Dear County Commissioners and Planning and Zoning Commissioners and Department,

After reviewing the draft Comprehensive Plan for Teton County, Idaho, Silver Star Communications (SSC) would like to submit the following public comments and concerns. To understand the reasons for our concerns, we wish you to more fully understand the regulation requirements we are under to provide service to Teton County residents.

Areas of Concern:

1. Abandonment of subdivided plats in full or portions. Located on pages 23 & 70-71 of the Draft, states the following: *Return platted land to agricultural production where appropriate and viable (page 23). Non-viable subdivisions can be "vacated" through a process where the internal property lines are eliminated and the parcel reverts to its previous configuration. This is an existing tool to bring land back to a rural character. Vacating a subdivision does not mean that the property cannot be developed again in the future. Since there are times when it is not appropriate or desirable to vacate the plat for an entire subdivision or phase of a subdivision, generally because several lots have been improved and homes developed, consideration may be given toward replatting the subdivision. A replat involves preparing a new plat that reflects new lot sizes, streets and utilities that meet current public improvement standards or lot and street patterns that*

PO Box 226
Freedom, WY 83120
307.883.2411 Phone
307.883.2575 Fax
877.883.2411 Toll Free
www.silverstar.com Web

avoid environmentally sensitive areas. Where the original subdivision plat contained undersized lots, increased the open space, or rearranged lots so that higher quality habitat is protected. Replatting can be used with both paper subdivisions and partially developed subdivisions, and can be effective to reduce lots, protect wildlife habitat, or reduce service costs. New regulations should encourage and allow a streamlined review process for property owners wishing to voluntarily vacate a subdivision plat whenever possible (Pages 70-71).

SSC is very concerned about this being done for the following reasons: SSC has been required by the Idaho Public Utilities Commission to work with the developers and has invested large amounts of money with the developer to place cable facilities within these developments to provide service to possible future customers. The cable was designed and built to provide service to a specific number of lots. If all those lots, or a portion of those lots, are vacated, SSC loses all possibilities of recovering that investment. Silver Star Communications has invested in facilities not only within the development but also along County and State Highways to serve the developments. If the development is abandoned, the cost of those facilities then becomes the burden of other customers within the community. Our concern is who will pay these additional facilities costs? Silver Star Communications would like to prevent the Teton County rate base from being negatively affected in an already difficult economy?

2. Replatting of existing development. Pragmatically, one has to wonder what happens to all of the above-ground pedestals and underground facilities? Would the county hold the developer responsible to move utilities according to the new plat? This idea is very disconcerting from an Engineering point-of-view and very expensive to fix. The facilities have been placed on lot lines and dedicated facilities to each lot. When you change lot lines it changes what facilities and access points are needed to serve a lot. Allowing a developer to abandon only a portion of the development creates considerable undesirable impacts and engineering issues related to easements and facility location.

3. Easement issues. If the subdivision is fully or partially abandoned, do the road and utility easements remain in place? If the easements do not remain in place, then SSC would have facilities in trespass serving other customers. Due to the nature of utilities, SSC serves many developments by connecting to facilities that have been placed through existing developments. If the developments are abandoned and have cable facilities that are connected to another development, SSC would need an easement to sustain services to the other developments.

   Should this occur Silver Star Communications' question is: who will pay to remove these facilities or reimburse Silver Star Communications' previous investment?

4. Communications Master Plan, as noted on page 35, states the following; (Identify corridors and policy for future communication lines and cellular towers appropriate to the surroundings. Support a plan that co-locates infrastructure that will serve multiple telecommunications providers. Communication infrastructure should be coordinated through the County Engineer and the Idaho Transportation Department, and conform to a Communications Master Plan).

   SSC is in favor of a Communications Plan and we would ask to have some input on the Master Plan itself. We would ask to be involved in easement and tower locations to provide the best possible coverage and minimize site impacts.

Silver Star has been a part of the community for many years and plans to be for many more. While we agree that Comprehensive Planning is a great thing for directing growth, in moving forward, the concern is how this may adversely affect our existing customers and residents.

Please contact me with any questions.

Sincerely,

Ron B. McCue

Ron B. McCue, President and COO
Silver Star Communications

Cc: Brian Case, Fall River Electric

RBM/blj