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**FROM:** Teton County Planning & Zoning Commission  
**TO:** Teton County Board of County Commissioners  
**CC:** Teton County Prosecuting Attorney  
**RE:** Code Studio Contract & HUD Consortium  
**DATE:** October 16, 2014

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The Teton County Planning and Zoning Commission has large concerns about the sub-standard performance regarding Code Studio and the Teton Valley Code portion of the HUD Grant (Exhibit A). Below is a timeline of work provided by Code Studio since January 2014:

- January 2014: Teton County proposed a modified scope of work and schedule to ensure Driggs, Victor, and the County received a product that would benefit these communities as well as the GWYC (Exhibit B).
- February 2, 2014: Code studio provided a revised scope of work (Exhibit C).
- April 2014: There were items in the original scope of work that were missing, and Code Studio was notified of these deficiencies (Exhibit D) by Teton County P&Z Administrator Jason Boal. This was a shared sentiment from all the communities in Teton County. There was support from Fremont County to go in a different direction if there was not a change in course by Code Studio.
- April 29, 2014: Code Studio reaffirmed its commitment to Teton Valley on a conference call. This commitment was made based on a revised schedule and scope of work (Exhibit E). It is not clear if this revised schedule was actually agreed upon by Code Studio and Fremont County.
- April 25, 2014: Code Studio had scheduled a conference call with Teton County P&Z, which they canceled.
- April 30, 2014: Code Studio produced a schedule for Key Deliverable (Exhibit F).
- May 29, 2014: There was a combined meeting (Driggs, Victor, and County P&Z).
- July 2014: The July trip to Teton Valley was canceled by Code Studio (7/7/14), and a video conference was scheduled with Teton County P&Z. The video conference never materialized.
- July 14, 2014: Code Studio provided a Revised Schedule (Exhibit G). The schedule eliminated individual codes for each community in favor of the Model Code, which each community can adopt or adjust as they see fit.
- August 19, 2014: Code Studio met with Teton County P&Z, discussed the timetable (Revised Schedule), and promised they were on track.
- September 19, 2014: County Districts were due; they arrived on October 9, 2014.
- September 2014: Code Studio canceled their visit in September (9/22/14-9/26/14).
- October 24, 2014: We are expecting to receive the revised County Districts from Code Studio.

As this brief timeline shows, Code Studio has repeatedly reduced the scope of their work and missed deadlines. As the end of the HUD Grant approaches, we feel it is imperative that the lack of performance is adequately documented and discussed. Even though the timelines and scope were repeatedly adjusted, there does not appear to be any adjustment to the amount of money set aside for the project. Code Studio is doing less (a lot less if you compare Exhibit A and D) and still receiving the same amount of funds. Code Studio was under contract and has a legal obligation to produce what was promised. At this point in time, the pattern for whittling down the scope of work is obvious, and we would like to see it corrected before the grant funds are no longer available.

Exhibit A

## **PROFESSIONAL SERVICES AGREEMENT**

This professional services agreement is between FREMONT COUNTY, IDAHO ("County") acting by and through the FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS ("Board") and CODE STUDIO, a Texas corporation.

The parties agree as follows:

### **SCOPE OF WORK**

County engages Code Studio to perform the following consulting services:

#### **Phase I: Model Code Understanding**

##### **Task 1.1: Model Code Project Kick-Off**

Code Studio will work with County's advisory committee to schedule a kick-off meeting to discuss project goals, schedule, outreach and local coordination. Code Studio and the advisory committee will discuss public outreach approach, frequency and timing of events, and availability of materials. Code Studio and the advisory committee will identify stakeholders and testing locations, presentation responsibilities, ongoing web updates, and other necessary resources. Code Studio and the advisory committee will discuss current planning capacity and the current status of planning efforts across the region.

##### **Task 1.2: Stakeholder Outreach**

Code Studio will identify and synthesize issues and opportunities through stakeholder interviews and stakeholder focus groups. Stakeholders will comprise representatives from each of the communities surrounding Yellowstone National Park and Grand Teton National Park, as identified in cooperation with the Advisory Committee. The interviews will include elected and appointed officials, and focus groups such as members of the development community, neighborhood and civic representatives, disadvantaged populations, business leaders, and county and city staff. Focus groups will be conducted in person, some interviews may occur by telephone.

##### **Task 1.3: Issue Identification**

Code Studio will describe in a white paper the applicable local, regional, and statewide plans and policies, along with relevant and applicable state and federal enabling legislation. Code Studio will also identify fiscal barriers that limit planning at various levels of government, with a focus on the differences between enabling authority in the four counties. The white paper will also cover administrative and planning capacity issues in local government in the region. The report will summarize stakeholder outreach issues and describe tools and authority available to various levels of local government.

##### **Task 1.4: Best Practice Presentation**

Code Studio will discuss best practices to land development regulations that address conditions unique to the Greater Yellowstone region and how they may be voluntarily implemented through certification in the GY-Framework. Code Studio will condense this information into a presentation to include a discussion of rural, suburban, and urban places and how a flexible,

model code could help achieve the planning goals in the GY-Framework. Case studies would be shared where model codes have been adopted elsewhere and how regulations could be written to advance the needs and goals of community members identified in the focus groups. Once Code Studio finalizes this initial presentation, Code Studio will annotate it for delivery by others, and make it available for local presentations throughout the region.

## **Phase II: Teton Valley Vision**

### **Task 2.1: Document Review**

Code Studio will review relevant information in order to gain familiarity with Victor, Driggs and Teton County, Idaho. Specifically, Code Studio will study existing land development regulations, ordinances, previous studies and plans, current and historical maps, transportation and demographic information to prepare for the project.

### **Task 2.2: Kick-off Meeting/Open House**

Code Studio will travel to Teton County for a two-day kick-off event. During this trip the team will:

- Meet with staff and members of a locally-established Vision Committee to review the schedule, scope of work, public process, charrette space and data needs.
- Meet with key stakeholders to learn firsthand about the issues and opportunities, strengths and weaknesses of Victor, Driggs and the surrounding County.
- Tour the County to allow team members to gain familiarity with the area. The tour will focus on good and bad examples of development. Photos will document the tour.
- Conduct a public meeting to introduce the planning process and planning team. The public meeting will provide input early in the process, and identify conflicts and areas of concern before beginning the visioning charrette. The meeting will also serve as an initial opportunity to educate the community on the Greater Yellowstone Framework for Sustainable Development.

### **Task 2.3: Initial Analysis & Critique**

Code Studio will prepare a series of base maps that analyze existing conditions of the study area. Code Studio will also critique the existing regulations, measured against development as described in the Greater Yellowstone Framework for Sustainable Communities. Summaries of input from the first public meeting and stakeholder interviews will also be prepared for presentation to staff and members of the Vision Committee.

### **Task 2.4: Charrette Planning/Logistics**

Code Studio will work with staff to finalize the charrette format and studio space, organize public meeting space, and technical meetings, and finalize charrette travel arrangements. The team will prepare a poster and handout for community-wide distribution, prepare a Facebook page and set up a Twitter page to swiftly communicate about the project and process.

### **Task 2.5: Visioning Charrette**

Code Studio, supplemented by urban design economic, transportation and computer visualization experts, will travel to Teton County for a six-day planning and design charrette. The charrette will focus on sustainable development patterns for Victor, Driggs and Teton County. During this trip the team will at minimum:

- Meet with staff and members of the Vision Committee to review the results of the initial analysis and synthesis.
- Conduct a public meeting to start the charrette.
- Facilitate a public hands-on design session to obtain input regarding the strengths and weaknesses of the area, and its potential future.
- Set up and staff a drop-in design studio. The charrette studio will be open to the public for the duration of the charrette.
- Hold a pin-up session where draft materials will be presented in an open house format to the general public.
- Meet with key stakeholders and local agency technical experts (city, county, state and federal).
- Present initial vision -- design principles, plans and illustrations -- to general public at the end of the charrette week.
- Debrief with staff and members of the Vision Committee to identify further refinement and next steps.

**Task 2.6: Charrette Documentation**

Code Studio will work off-site to refine draft concepts and illustrations begun during the charrette. Code Studio will prepare a charrette report covering the process, concepts and illustrations.

**Phase III: Teton Valley Code Drafting**

**Task 3.1: Prepare Initial Draft Code**

In close cooperation with legal counsel and staff, Code Studio will draw from the charrette vision to prepare a code for Victor, Driggs and surrounding Teton County, Idaho. The code will implement the local vision as well as the principles of the Greater Yellowstone Framework for Sustainable Development.

**Task 3.2: Staff/Committee Review**

Code Studio will travel to Teton County for a two-day working session. This working session is intended to convert the internal draft code into a public review draft. During this trip the team will at minimum meet with staff and members of the Vision Committee to review the internal draft code.

**Task 3.3: Public Review Draft**

Editorial revisions will be made based on input from staff and members of the Vision Committee and a public review draft delivered.

**Task 3.4: Open House**

Code Studio will travel to Teton County for a two-day trip. During this trip the team will at minimum:

- Meet with staff and members of the Vision Committee to review the public draft. Meet with key stakeholders to review the public draft.
- Conduct a public open house to introduce and receive input on the public draft.

**Task 3.5: Final Draft Code**

Code Studio will make final editorial revisions based on input from staff, members of the Vision Committee, stakeholders, and the general public. Code Studio will prepare and deliver a final draft ready for the formal adoption process.

**Task 3.6: New Code Consideration**

Code Studio will assist Victor, Driggs and Teton County with consideration of the new code. This may include facilitation of public hearings or workshops.

**Task 3.7: Code Publishing**

Code Studio will make final revisions, if any, based on the local adoption proceedings, and provide both digital and hard copies to Victor, Driggs and Teton County.

**Phase IV: Model Code Drafting****Task 4.1: Advisory Committee Update**

Code Studio will update the Advisory Committee on the experience to date following the preparation of code for Victor, Driggs, and surrounding Teton County. The response to this update will provide guidance to the team regarding the model code, and how it might differ from the end result for the Victor, Driggs, and surrounding Teton County.

**Task 4.2: Working Draft Model Code**

Code Studio will prepare an initial draft model code based on the local work in Victor, Driggs and surrounding Teton County. The draft code will implement the Greater Yellowstone Framework for Sustainable Development throughout the region. The draft will include annotation where authority varies among the relevant state, county and city jurisdictions.

**Task 4.3: Model Code Handbook**

Code Studio will prepare a companion handbook to accompany the model code. This handbook will ensure that future users of the code understand the steps necessary to tailor the code to their community, and implement it effectively.

**Task 4.4: Advisory Committee Meeting**

Code Studio will meet with the Advisory Committee to receive comments on the working draft model code and companion handbook. The presentation will include materials intended to be used to educate the general public in later phases of the project. The Committee will be the first test of the effectiveness of those materials.

**Task 4.5: Peer Review**

Code Studio will ask consulting professionals with experience in western environments to review the model code draft, and comment on how it might be improved. Code Studio will pay any costs associated with these consulting professionals.

**Task 4.6: Working Draft Revisions**

Code Studio will consider for inclusion in the working draft the revisions the Advisory Committee and peer reviewers suggest. Code Studio will make revisions to the working draft model code and handbook as needed. This version of the code and handbook will serve as the basis for testing in a series of pilot communities in the next phase.

**Task 4.7: Training**

Code Studio will work with local professionals to train them on how to tailor the code in communities throughout the region.

**OPTIONAL Phase V: Technical Support**

**Task 5.1: OPTIONAL Audit of Existing Regulations**

At County's discretion, Code Studio will prepare an audit of one or more pilot community's existing regulations, and their ability to achieve the kind of development envisioned in the Greater Yellowstone Framework for Sustainable Development. Appointed and elected officials in the pilot community will review this critique to ensure a sound understanding of what the model code can bring to the community.

**Task 5.2: OPTIONAL Tailor Model Code**

At County's discretion, Code Studio will tailor the model code to fit the unique circumstances of one or more pilot communities. Code Studio will prepare this initial draft for further consideration by the community.

**Task 5.3: OPTIONAL Technical Support**

At County's discretion, Code Studio will provide technical support during adoption or tailoring of the model code to pilot communities.

**COMPENSATION**

See exhibit A.

**RIGHT OF CONTROL**

County agrees that it will have no right to control or direct the details, manner, or means by which Code Studio accomplishes the results of the service performed hereunder. Code Studio has no obligation to work any particular hours or days or any particular number of hours or days. Code Studio agrees that its other contracts or services shall not interfere with the performance of its services under this agreement.

**INDEPENDENT CONTRACTOR RELATIONSHIP**

Code Studio is an independent contractor and is not an employee, servant, agent, partner, or joint venturer of Board or County or any agency thereof. County shall determine the work Code Studio is to complete, but Code Studio shall determine the legal means by which it accomplishes the work specified by County.

**FEDERAL, STATE, AND LOCAL PAYROLL TAXES**

On behalf of Code Studio or the employees of Code Studio, County shall neither withhold nor pay federal, state nor local income taxes, nor payroll taxes of any kind. County shall not treat Code Studio as an employee with respect to the services performed hereunder for federal or state tax purposes. Code Studio understands that it is responsible to pay, according to

law, its income taxes. Code Studio further understands that it may be liable for self-employment (Social Security) tax and/or other tax to be paid by Code Studio according to law.

### **SKILLS AND EXPERIENCE**

Code Studio represents that it possesses the skill and experience necessary and all licenses required to perform the services under this agreement. Code Studio agrees to comply with all applicable laws in the performance of the services hereunder.

### **FRINGE BENEFITS**

Because Code Studio is engaged in its own independently established business, Code Studio is not eligible for, and shall not participate in, any employee pension, health, or other fringe plans of Board or County and is not entitled to any compensation other than that listed in "Exhibit A."

### **EFFECTIVE DATE**

This agreement will run from 18-MAR-2013 to 1-MAR-2015.

### **SCHEDULE**

The parties will adhere to the schedule shown in "Exhibit B." Said schedule shall accomplish all work up to and including the work described in tasks 1.1 through 4.7 ("Exhibit A"). The parties agree that all work will be completed no later than February 15, 2015.

### **INDEMNIFICATION**

Code Studio agrees to indemnify, defend, and hold harmless County, and their officers, agents and employees, from and against any and all claims, losses, actions, or judgments for damages or injury to persons or property arising out of or in connection with Code Studio's and/or Code Studio's agents', employees', or representatives' acts and/or performance of activities under this agreement.

### **TERMINATION**

Upon thirty (30) days written notice either party may terminate the obligation to provide services under this agreement in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. Upon receipt of the written notice to terminate, the defaulting party shall have ten (10) days to cure the default to the satisfaction of the terminating party. Substantial failure shall include failure to make progress as per Exhibit B and the failure to make timely payment for services.

### **NONWAIVER**

Failure of either party to exercise any of the rights under this agreement, or breach thereof, shall not be deemed to be a waiver of such right or a waiver of any subsequent breach.

### **CHOICE OF LAW**

This contract shall be deemed fully executed and performed in the State of Idaho. Any dispute arising out of or relating to this agreement shall be decided in accordance with the substantive laws of the State of Idaho without giving effect to its conflict of law principles.

### **VENUE**

THE PARTIES EXPRESSLY AND UNCONDITIONALLY CONSENT TO THE JURISDICTION OF THE COURTS OF THE STATE OF IDAHO AND WAIVE THE DEFENSE OF FORUM NON CONVENIENS.

### **ARBITRATION**

In the event of any dispute, claim, question, or disagreement arising from or relating to this agreement or the breach thereof, the parties hereto shall use their best efforts to settle the dispute, claim, question, or disagreement. To this effect, they shall consult and negotiate with each other in good faith and, recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to both parties. If they do not reach such solution within a period of 60 days, then, upon notice by either party to the other, all disputes, claims, questions, or differences shall be finally settled by arbitration administered by the American Arbitration Association in accordance with the provisions of its Arbitration Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction hereof.

Within 15 days after the commencement of arbitration, each party shall select one person to act as arbitrator and the two selected shall select a third arbitrator within ten days of their appointment. The party-selected arbitrators will serve in a non-neutral capacity. If the arbitrators selected by the parties are unable or fail to agree upon the third arbitrator, the third arbitrator shall be selected by the American Arbitration Association. The three arbitrators shall act as a panel in settling any and all disputes between the parties.

### **ENTIRE AGREEMENT**

The entire agreement between the parties is contained within the four corners of this document and can only be modified or amended in writing by the parties. This written agreement supersedes any and all prior agreements or understandings between the parties whether written or oral.

### **ENFORCEABILITY**

The agreement is enforceable only by the County, or its assignees, and Code Studio. No other party is authorized to enforce any rights or remedies pertaining to this agreement.

### **SEVERABILITY**

If any part of this agreement is held unenforceable, the remaining portions of the agreement will nevertheless remain in full force and effect.

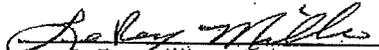
**ATTORNEY FEES**

The prevailing party shall recover reasonable attorney fees from the losing party in any action to enforce this agreement or to declare forfeiture or termination of this agreement.

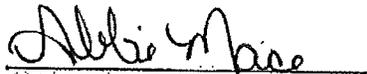
IN WITNESS WHEREOF, the parties hereto have duly executed this agreement as of the date below.

DATED this 18 day of March, 2013.

**FREMONT COUNTY COMMISSION**

  
LeRoy Miller, Chairman

ATTEST:

  
Abbie Mace, Clerk

**CONTRACTOR**

  
Lee D. Einsweller, President  
Code Studio, Inc.

**Exhibit A**  
**Consulting Fees and Deliverables**

	<b>Not to Exceed</b>
Labor	\$ 238,200.00
Consultants (Charrette Team)	\$ 45,600.00
Travel Costs*	\$ 41,200.00
<b>Totals</b>	<b>\$ 325,000.00</b>
Optional Technical Assistance (upon request)	\$ 100,000.00

<b>Task</b>
<i>Phase I: Model Code Understanding</i>
1.1: Model Code Project Kick-Off
1.2: Stakeholder Outreach
1.3: Issue Identification
1.4: Best Practice Presentation
<i>Phase II: Teton Valley Vision</i>
2.1: Document Review
2.2: Kick-Off Meeting/Open House
2.3: Initial Analysis & Critique
2.4: Charrette Planning/Logistics
2.5: Visioning Charrette
2.6: Charrette Documentation
<i>Phase III: Teton Valley Code Drafting</i>
3.1: Prepare Initial Draft Code
3.2: Staff/Committee Review
3.3: Public Review Draft
3.4: Open House
3.5: Final Draft Code
3.6: Adoption
3.7: Adopted Code
<i>Phase IV: Model Code Drafting</i>
4.1: Advisory Committee Update
4.2: Working Draft Model Code
4.3: Model Code Handbook
4.4: Advisory Committee Meeting
4.5: Peer Review
4.6: Working Draft Revisions
4.7: Training
<i>Phase V: OPTIONAL Technical Support</i>
5.1: Optional Audit of Existing Regulations
5.2: Optional Tailor Model Code
5.3: Optional Technical Support

**Schedule**

\*All consultant travel will be reimbursed at published federal rates upon presentation of travel vouchers detailing lodging, per diem, and transportation costs.

Payment will be made within 30 days of presentation of consultant invoices for work performed. Invoices may be based upon percent complete for specific tasks that span multiple months.

**Exhibit B**  
**TENTATIVE SCHEDULE for Code Development**

**Sponsored by a HUD Regional Planning Grant**

**In conjunction with Code Studio, the cities of Driggs and Victor and Teton County, ID**

This schedule is subject to change as needed

- Late Spring, 2013:**                    **Presentation of Development Regulations Analysis**
- During the winter of 2012-2013, Code Studio will conduct a “gap analysis” to determine if there are inconsistencies between comprehensive plan(s) and development regulations for each jurisdiction (Teton County, ID plus Victor and Driggs).
  - A Public Open House, facilitated by Code Studio, will provide an opportunity for members of the public to learn how the current codes and comprehensive plans relate and to provide input for consideration in the process of revising the code.
  - Code Studio will also provide a presentation on the overall effort to Elected Officials and solicit input on their priorities.
- Summer, 2013:**                    **Visioning Charrette**
- A six-day “Design Charrette” involving Code Studio and design professionals will explore design options for the future. There will be opportunities throughout the sessions for interested members of the public to participate.
- Summer-Winter, 2013:**           **Code Drafting**
- Code Studio will use the information developed during the Design Charrette to develop draft code for Teton Valley including the unincorporated County, Driggs and Victor.
- Winter, 2014:**                    **Public Review of Draft Code**
- Public session(s) will share the Draft Code and solicit public comment on it.
  - Code Studio will revise Code based on public feedback.
- Spring-Summer, 2014:**           **Adoption Process**
- The Cities and County, Planning & Zoning Commissions, and Elected Councils will undergo the formal adoption processes including two public hearings for each jurisdiction. Public comment will be taken for each public hearing.
- 2014-2015:**                    **Code Studio Develops Model Code for Greater Yellowstone Region**
- Using the information gathered in the Teton County pilot project, Code Studio will develop a “Model Development Code” for the entire Yellowstone Region. Other jurisdictions may take pieces of the model code and adapt and adopt them for their own use.

Exhibit B



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**FROM:** Planning Staff, Jason Boal  
**TO:** Teton County Planning & Zoning Commission  
**RE:** Teton County Development Code Revision  
**DATE:** January 15, 2014

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**This is a PROPOSED process for Teton County Development Code Revisions:**

There are two major parts of the Development Code (Titles 8 & 9) revision:

- 1) Reviewing/changing the text of the Development Codes (this may include additions, deletions, and revisions)
- 2) A revision of the Teton County Zoning Map

The benchmarks for the process are as follows:

**1. Project Kick-Off and Orientation (December 2013)** This phase is where the Teton County Planning & Zoning Commission (P&Z) will familiarize themselves with the Comprehensive Plan, the existing Development Codes and other zoning examples available.

**2. Issue Identification (January-March 2014)** During this phase P&Z will review the Comprehensive Plan's Action Items to determine which items are of the highest priority moving forward. This will include scoring a list of action items from the Comprehensive Plan and discussing the "rankings" to create a master list.

**3. Existing Development Codes Analysis (January-March 2014)** At the same time P&Z is identifying issues they will be analyzing the current Development Codes. This will include a thorough evaluation of the current code and related regulations: the subdivision regulations, zoning district, overlay zones and uses. The analysis of the Comprehensive Plan and the current codes will result in a report that will be reviewed by Code Studio, then presented to the BoCC and the public.

**3b. Public Outreach (March-April 2014)** It will be key to work closely with the public throughout this whole process of revising the Development Code. However, once P&Z has create the specific report in step #3 specific outreach meeting will be scheduled. P&Z will work with citizens and stakeholders to identify their main issues and problems associated with the current Development Codes, through a variety of outreach methods, including interviews and community meetings.

**4. Outline of new Development Code (May-June 2014)** The organization, implementation tools and format of the new Code will be determined, based on a review of similar models and the findings from the previous phases. An outline will be prepared that includes:

- an overview of the organization of the Code
- descriptions of all zoning districts
- recommendations for revisions to related ordinances (subdivision, urban design, etc.)
- examples of what outcomes are desired from the Code that highlight the action items from the Comprehensive Plan.

This outline will also be reviewed by Code Studio prior to a presentation to the BoCC and to the public.

**4b. Public Outreach (July-August 2014)** As in 3b. It will be key to work closely with the public throughout this whole process of revising the Development Code. Once P&Z has create outline in step #4 specific outreach meeting will be scheduled. P&Z will work with citizens and stakeholders to identify any additional ideas that may need to be included into the new code, through a variety of outreach methods, including interviews and community meetings.

**5. Code Drafting (July- December 2014)** The outline developed above will be conveyed to Code Studios for their assistance in drafting a new Teton County Development Code. We anticipate it being an iterative process, working from the outline to more detailed code language and illustrations. This process will break the code drafting into 3 “Modules” that will be presented to P&Z individually. They will be asked to review and comment on the modules as the coding progresses. Drafts should be annotated to highlight the differences between existing and revised standards, explain the reasoning behind specific changes, and identify issues or questions that still need to be addressed. As part of this task, draft sections of the Code will be “test-mapped” by applying new district regulations or standards to specific projects and/or locations within the County. Drafts will be adjusted as necessary based on the results of the test mapping process.

Both new and revised sections will need to be packaged into a single coherent and readable document, with consistent format, table numbering and cross-references. The complete draft will go through public and commission/board review prior to adoption.

**5b. Public Outreach (July-December 2014)** As P&Z receive the different “Modules” back from Code Studio they will schedule public meetings to gain the public input on the code section as it is written. By reviewing these “Modules” individually it will be easier to obtain public input on the specific sections and it will allow the public hearing process to move forward smoother as well, due to the familiarity of the code.

**6. Development Code Revisions, Adoption and Implementation (January- April 2015)** The new Development Code text will be adopted in advance of the zoning map, but will not be applied until the map is adopted. The Code will go through the public hearing process before the P&Z and the BoCC.

**7. Draft Zoning Map (April- June 2015)** The Zoning Map will be updated with the use of the County’s Geographic Information System (GIS) to compare proposed map changes to existing land uses, lot sizes and other conditions. A goal of the process is to minimize the creation of nonconformities (uses that would have been allowed under the previous standards but not under the new ones) and to match new or revised districts to existing or approved land use patterns, consistent with the Comprehensive Plan.

**7b. Public Outreach (May-July 2015)** As with previous steps It will be key to work closely with the public throughout this whole process of revising the Development Code. Once P&Z has devised a Land Use Zoning Map in step #7, specific outreach meeting will be scheduled. P&Z will work with citizens and stakeholders to identify concerns and input to any new or different zoning designations. This will happen through a variety of outreach methods, including interviews and community meetings.

**8. Zoning Map Revisions, Adoption and Implementation (June- August 2015)** The review process will involve presentations to the public, and then an official public hearing before the P&Z C prior making a recommendation to the BoCC.

Exhibit C



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**FROM:** Planning Staff, Jason Boal  
**TO:** Teton County Planning & Zoning Commission  
**RE:** Teton County Development Code Revision  
**DATE:** January 9, 2014

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**Process for Teton County Development Code Revisions (Code Studio's suggested revisions in red):**

There are two major parts of the Development Code (Titles 8 & 9) revision:

- 1) Reviewing/changing the text of the Development Codes (this may include additions, deletions, and revisions)
- 2) A revision of the Teton County Zoning Map

The benchmarks for the process are as follows:

**1. Project Kick-Off and Orientation (December 2013)** This phase is where the Teton County Planning & Zoning Commission (P&Z) will familiarize themselves with the Comprehensive Plan, the existing Development Codes and other zoning examples available.

**2. Issue Identification (January-March 2014)** During this phase P&Z will review the Comprehensive Plan's Action Items to determine which items are of the highest priority moving forward. This will include scoring a list of action items from the Comprehensive Plan and discussing the "rankings" to create a master list.

**3. Existing Development Codes Analysis (January-March 2014)** At the same time P&Z is identifying issues they will be analyzing the current Development Codes. This will include a thorough evaluation of the current code and related regulations: the subdivision regulations, zoning district, overlay zones and uses. The analysis of the Comprehensive Plan and the current codes will result in a report that will be reviewed by Code Studio, then presented to the BOCC and the public.

**4. Public Outreach (March-April 2014)** It will be key to work closely with the public throughout this whole process of revising the Development Code. However, once P&Z has create the specific report in step #3 specific outreach meeting will be scheduled. P&Z will work with citizens to identify their main issues and problems associated with the current Development Codes, through a variety of outreach methods, including interviews and community meetings.

**5. Outline of new Development Code (May-June 2014)** The organization, implementation tools and format of the new Code will be determined, based on a review of similar models and the findings from the previous phases. An outline will be prepared that includes:

- an overview of the organization of the Code
- descriptions of all zoning districts
- recommendations for revisions to related ordinances (subdivision, urban design, etc.)
- examples of what outcomes are desired from the Code that highlight the action items from the Comprehensive Plan.

This outline will also be reviewed by Code Studio prior to a presentation to the BOCC and to the public.

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Both new and revised sections will need to be packaged into a single coherent and readable document, with consistent format, table numbering and cross-references. The complete draft will go through public and commission/board review prior to adoption.

**7 . Development Code Revisions, Adoption and Implementation (January- April 2015)** The new Development Code text will be adopted in advance of the zoning map, but will not be applied until the map is adopted. The Code will go through the public hearing process.

**8. Draft Zoning Map (April- June 2015)** The Zoning Map will be updated with the use of the County’s Geographic Information System (GIS) to compare proposed map changes to existing land uses, lot sizes and other conditions. A goal of the process is to minimize the creation of nonconformities (uses that would have been allowed under the previous standards but not under the new ones) and to match new or revised districts to existing or approved land use patterns, consistent with the Comprehensive Plan.

**9. Zoning Map Revisions, Adoption and Implementation (June- August 2015)** The review process will involve presentations to the public, and then an official public hearing before the P &Z C prior making a recommendation to the BOCC.

Exhibit D

**Jason Boal**

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**From:** Jason Boal  
**Sent:** Friday, April 25, 2014 11:42 AM  
**To:** 'Lee D. Einsweiler'  
**Cc:** 'Tom Cluff'; 'Heather Higinbotham'; 'Ashley Koehler'; 'Brittany Skelton'  
**Subject:** Code work in Teton Valley  
**Attachments:** Code Studio revised schedule-scope OptionA.docx

Lee, due to rising concerns by the HUD Consortium as well as the communities in Teton Valley, I was asked to revise your scope of work. We are concerned that we only have 9 months left in the grant and we have very little to show for progress. We are at a critical juncture in the grant where we need to evaluate the progress that is being made and make modifications to ensure that timelines are met and that the end product is beneficial to the communities in the four county area as well as the HUD Consortium. To that end, I have revised the "draft" scope of work you provided us in February. I adjusted the timelines and the deliverables slightly. This appears to be a schedule that is agreeable to the communities in Teton Valley, and the Consortium. So the question remains, is this schedule agreeable to you?

As I mentioned we are at a critical point where we should discuss changes if they are necessary. The Consortium feels very comfortable with you hiring a sub-consultant that you are comfortable with to address either the draft codes, or the model code. We are also prepared to start the search for outside help if you don't feel that you have the capacity to meet the attached scope of work. We do not want to lose any of the progress that has been made, but we are uneasy with the progress over the last 6 months.

So, I look to you for input on how to proceed as well some assurances that the course of action you desire will result in a timely and productive process.

Please review the attached scope of work and let us know how you would like to move forward.

*Jason Boal - AICP*

Planning Administrator  
Teton County, Idaho  
150 Courthouse Drive #107 Driggs, ID 83422  
208-354-2593 x204



Exhibit E

**Exhibit B**  
**TENTATIVE SCHEDULE for Code Development**

**Sponsored by a HUD Regional Planning Grant**

**In conjunction with Code Studio, the cities of Driggs and Victor and Teton County, ID**

This schedule is subject to change as needed

**Late Spring, 2013:**

**Presentation of Development Regulations Analysis**

- During the winter of 2012-2013, Code Studio will conduct a “gap analysis” to determine if there are inconsistencies between comprehensive plan(s) and development regulations for each jurisdiction (Teton County, ID plus Victor and Driggs).
- A Public Open House, facilitated by Code Studio, will provide an opportunity for members of the public to learn how the current codes and comprehensive plans relate and to provide input for consideration in the process of revising the code.
- Code Studio will also provide a presentation on the overall effort to Elected Officials and solicit input on their priorities.

**Summer, 2013:**

**Victor/Driggs Visioning Charrette**

- A six-day “Design Charrette” involving Code Studio and design professionals will explore design options for the future of the two Town centers. There will be opportunities throughout the sessions for interested members of the public to participate.

**May/June, 2014:**

**Code Drafting/Additional Visioning**

- Code Studio will use the information developed during the Design Charrette to develop a draft code for Teton Valley including the unincorporated County, Driggs and Victor.
- Code Studio will provide GY Sustainability Framework audit findings to Teton County, ID, Victor and Driggs.
- Code Studio will conduct an additional visioning workshop for the area between Victor and Driggs and the remaining Area of Impact to serve as the basis for new code provisions in this portion of Teton County.
- Code Studio will work with YBP to conduct a 2-day GY Sustainability Framework credit review session for local government certification. The result of this session is intended to guide YBP in modifications to the government certification credit system.

**Summer, 2014:**

**Drafting/Public Review of Draft Code**

- Code Studio will develop a draft code for the Area of Impact for both Victor and Driggs, working with Teton County to ensure consistency.
- Code Studio will prepare model code provisions for the remaining rural portions of Teton County.
- Code drafting will include elements that would be credited towards certification as Sustainable local governments under the GY Framework.
- Code Studio will travel to Idaho to discuss the code drafts with staff and Planning & Zoning Commissions in the various jurisdictions.
- Code Studio will meet with the HUD project Advisory Committee to share the code drafts for comment.
- Code Studio will modify drafts based on comments received.

**Late Fall, 2014: Adoption Process**

- Public session(s) will be held to share the draft code(s) and solicit public comment on it.
- Code Studio will revise Code drafts based on public feedback.
- The Cities and County, Planning & Zoning Commissions, and Elected Councils will undergo the formal adoption processes including two public hearings for each jurisdiction. Public comment will be taken for each public hearing.

**Dec./Jan. 2014-15: Code Studio Develops Model Code for Greater Yellowstone Region**

- Using the information gathered in the Teton County pilot projects, Code Studio will develop a “Model Development Code” for the entire Yellowstone Region. The model code will consist of material from Victor, Driggs and Teton County, case study discussion of the review of drafts, and annotation regarding how to adapt these code provisions to local conditions in other communities. Other jurisdictions may take pieces of the model code and adapt and adopt them for their own use.
- Code Studio will meet with the HUD project Advisory Committee to share the model code for comment.
- The model code will be modified based on comments received.

**January 2015: Grant Work Completed**

**TETON VALLEY SUSTAINABLE DEVELOPMENT CODE**

**Schedule of Key Deliverables**

4/30/14

*Dates after July 15 TBD*

**Model Downtown Code**

- Unified Draft (one code for Victor/Driggs, not all options on map in each community) Friday, May 23
- TRIP Public Open House (focus on Downtown) Monday, June 2
- Staff Comments Friday, June 13
- Revised Draft (separate codes for Victor/Driggs) Monday, July 7
- TRIP Public Open House (focus on Area of Impact) Monday, July 14

**Model Area of Impact Code**

- TRIP Visioning Charrette Saturday, May 31- Tuesday, June 3
- TRIP Code Approach (as part of closing presentation) Tuesday, June 3
- Draft (separate codes, remaining code provisions for Victor/Driggs, includes revised downtown code) Monday, July 7
- TRIP Public Open House (focus on Area of Impact) Monday, July 14
- Staff Comments Friday, August 29 ?
- Revised Draft (separate codes for Victor/Driggs) Monday, September 15 ?
- TRIP Public Open House (focus on Rural) Monday, September 22 ?

**Model Rural Code**

- TRIP P&Z Kick-Off, Approach Discussion Tuesday, July 15
- Draft (Teton County provisions) Monday, September 15 ?
- TRIP Public Open House (focus on Rural) Monday, September 22 ?
- Staff Comments Friday, October 10 ?
- Revised Draft Monday, October 27 ?

**Combined Codes**

- Revised Draft of Combined Codes (separate codes, ready for adoption) Monday, October 27 ?

**HUD Model Code Package**

- Strategy Call with Advisory Committee Monday, October 13 ?
- Draft Code Package Monday, November 10 ?
- TRIP Advisory Committee Review Monday, November 17 ?
- Final Code Package Friday, November 28 ?



Kristin Rader

**From:** Anna Trentadue  
**Sent:** Thursday, October 16, 2014 10:38 AM  
**To:** Jason Boal; Kristin Rader; Dave Hensel;  
**Subject:** Support

Dear Jason, Kristin, Dave, and Cleve -

I am sending this email to you four as the heads of county P&Z and the planning dept. As you know, I have attended all but one of the bi-monthly P&Z code writing work sessions you have been having since January. I have also attended all of the open houses and workshops for the new code.

VARD fully supports your decision to send a letter to the Board of County Commissioners (BOCC) detailed your concerns with Code Studio, the HUD grant, and the code writing process thus far. It is indeed, deeply troubling.

If I may, I have a few suggestions for the letter you are currently drafting:

- As an attorney, I think it is quite worthwhile to recommend to the BOCC that the County Attorney explore what legal options Teton County may have here. From my view, Teton County is a 3rd party beneficiary of the Code Studio service contract and over the past 1.5 years, Teton County has developed what is known in as a “reliance interest” in that contract.
- Billing and payments to Code Studio by HUD appears to be a valid concern here. I recommend that either the P&Z file a Freedom of Information Act (FOIA) request to HUD, or ask that the BOCC/ County Attorney file the FOIA asking for all bills, payments, and invoices by HUD and Code Studio. The last time I saw that HUD grant budget was February 2014. At that time, of the \$313,740 budgeted for Code Studio’s code drafting work, they had already been paid \$88,000 – for what, I am unsure.
- And finally, it seems important to make a written record to HUD about the concerns and issues with the administration of this \$1.6M grant and the apparent lack of any meaningful fiscal oversight by the consortium or HUD. I recommend sending your letter to HUD and also the grant consortium to put them on notice of these concerns; this may spur the accountability that should have been there in the first place.

Since it appears that the new county Land Use Code will now be produced in-house by the P&Z and county staff, please consider us a free resource if you need assistance obtaining any software, software training, or other resources to accomplish this monumental, and important, task. VARD is very thankful for all of your hard work, and are here to help in any way that we can.

Regards,

Anna

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Anna Trentadue  
Program Director and Staff Attorney  
Valley Advocates for Responsible Development (VARD)



Valley Advocates for  
Responsible Development