

Kristin Rader

From: Joy Sawyer-Mulligan <[REDACTED]>
Sent: Friday, July 01, 2016 4:43 PM
To: PZ
Subject: Mountain Legends Concerns:

TETON COUNTY
PLANNING & ZONING

JUL 01

RECEIVED

Dear Members of the P&Z committee:

I read recently the public notice posted in our local newspaper re: the resurrection of the Mountain Legends subdivision proposal. I write with grave concern about the short and long-term impact of such a densely packed, many-unit subdivision in an area of the valley that is rural in nature, part of an established wildlife corridor, and well worthy of a staunch defense against development.

With Snow Crest, just north of the Mountain Legends parcel as a negative model--black pavement scarring a formerly uninterrupted sage-and-barley field (also riparian), and massive, hulking dwellings called "cabins" cheek-by-jowel--it is clear that the approval of a subdivision like Mountain Legends would be in direct and explicit opposition to the principles of the Comprehensive Plan's guidelines of preservation of rural character and open space.

I will certainly be in attendance at the hearing on July 12 to help make clear the issues here and the logic of the opposition to the development's finding approval. I hope that behind the human voices represented at that meeting and in letters to you, you will hear the needs of the voiceless--the wildlife and the land-- entities forever diminished (or destroyed entirely) by development such as that proposed by whoever is behind Mountain Legends.

Thank you for your thoughtful approach to what is ahead.

Respectfully,

Joy Sawyer-Mulligan
Alta

P.S. Below are two photos taken on Dry Creek--just one property separated from the proposed development (and not my property). I wish I had some of the elk herd that roams this space each winter, but I've never had my camera when I've seen them.



JUL 01 2017

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200 334 2871
www.tetonwater.org

200 334 2871
200 334 2871
200 334 2871

To: Kristin Rader

Re: Concept Review approval hearing for Peacock Property LLC proposed subdivision

Dear Kristin,

I am writing to you on behalf of Friends of the Teton River, to comment on the “Mountain Legends Ranch” concept application proposed for the 197.05 acre property owned by Peacock Property LLC .

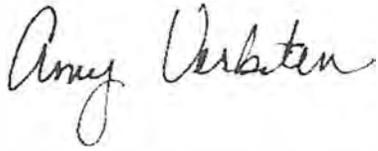
Friends of the Teton River works for clean water, healthy streams, and resilient fisheries in the Teton River watershed. As such, we at times comment on proposed land use changes that we believe may have an impact on drinking water, flood protection, stream channels, and/or fish and riparian wildlife protection.

We believe that the proposed Mountain Legends subdivision should be required to perform a Nutrient Pathogen Evaluation, because the subdivision meets the following criteria as described in Article 9, Appendix A of the Teton County Land Use Code:

- **The proposed development is within an area where the concentration of nitrate-nitrogen in groundwater is five mg/l or higher.** Data collected by Friends of the Teton River in 2012 and 2016 indicates that several properties with addresses on Grand Teton Road and Deer Springs Road showed nitrate-nitrogen levels of at least 5 mg/L. The proposed subdivision is within the same area as these addresses, and likely up-gradient from a groundwater flow perspective. It should be incumbent upon the developer to demonstrate that plans for sewage treatment will not further increase the concentration of nitrate-nitrogen in the area.
- **There is evidence that groundwater comes within ten feet of the ground surface on the proposed development parcel some time of the year.** There is a swale/low area running through the middle of the property. It should be incumbent upon the developer to demonstrate that groundwater does not come within ten feet of the ground surface in this low area during the springtime, when standing water is seen on the surface in similar areas on adjoining properties.

Please let me know if you have questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Amy Verbaten". The signature is written in a cursive style with a large, looped initial "A".

Amy Verbaten, Executive Director
Friends of the Teton River
(208)354-3871 x 13
amv@tetonwater.org

Well Address	City	Test Results	Additional Info
Yellow Rose Dr.	Alta	2	Wyoming
W. Teton Hideaway	Alta	2	Wyoming
Leigh Lane	Alta	2	
Greenville Rd	Alta	0	Wyoming
N Bustle Creek Rd	Alta	5	Wyoming
Alta North Rd	Alta	2	Wyoming
E. Ski Hill Rd	Alta	0	Wyoming
Perimeter Drive	Alta	0	Wyoming
E Bustle Creek Drive	Alta	2	Wyoming
	Alta	0.5	
Bates Rd.	Driggs	0.5	faucet
S. Main St.	Driggs	0.5	B-1
Bates Rd.	Driggs	0.5	Filtered
Little Ave	Driggs	0.5	
Aspen Meadows Dr.	Driggs	2	
S. Deer Springs Rd	Driggs	2	
Buttermilk Drive	Driggs	0	
West Ridge Ranch	Driggs	5	
Ski Hill Rd.	Driggs	0	
Deer Springs Rd.	Driggs	5	
Wild Cat Canyon Loop	Driggs	2	
S. Stateline Rd.	Driggs	0	
Rigby Rd	Driggs	5	
E. 1000 S.	Driggs	2	
Table Rock Dr.	Driggs	0.5	
Honeybee Lane	Driggs	0.5	
Mt. Washburn	Driggs	0.5	
Mt Davidson	Driggs	0.5	
Grand Teton Rd.	Driggs	5	
Cobblecrest	Driggs	0	
E 3500 N	Driggs	0.5	
S 385 E	Driggs	0.5	
Middle Teton Rd	Driggs	2	
E 2000 South	Driggs	0	Darby Canyon PWS
N Hwy 33	Driggs	2	
Old Rightaway Rd	Driggs	0.5	
Talon Cr	Driggs	0	
Fall line dr	Driggs	5	
Brand Street	Driggs	0.5	
W 4000 N	Driggs	2	
W 1000 S	Driggs	0.5	
S 5000 S	Driggs	0.5	
S Agate	Driggs	0	
S Agate	Driggs	0	
S 500 W	Driggs	0	
S 500 W	Driggs	0	
N 5500 W	Driggs	0	
S Bates	Driggs	0.5	
S 1333 W	Driggs	0	
Mtn Meadows Dr	Driggs	2	
Grand Teton Rd	Driggs	5	
Teton High School	Driggs	0	
Packsaddle	Driggs	0.5	
S 70 West	Driggs	0	
South 500 West	Driggs	5	
S Aspen Drive (Packsaddle Estates)	Driggs	0	
Butler Lane	Driggs	2	

Deer Springs Lane	Driggs	2	
N Highway 33	Driggs	5	Wyoming
South 3500 West	Driggs	0	
South 2000 East	Driggs	0	
Wildcat Canyon Rd	Driggs	2	
Deer Springs Rd	Driggs	2	
Fall Line Drive	Driggs	0.5	
Targhee Ranch Subdivision	Driggs	0.5	
Black Bear Drive	Driggs	2	
North State Line Rd	Driggs	2	
Clearview Drive	Driggs	0	
Table Rock Drive	Driggs	2	
Mt Davidson Drive	Driggs	0	
Mt Meadow	Driggs	5	
Wildcat Canyon Loop	Driggs	2	
Targhee Ranch Subdivision	Driggs	0	
Westend Woodrush Lane	Felt	5	
	Swan Valley	0.5	
E. 1000 N.	Tetonia	0	
River Rim Ranch Rd.	Tetonia	0	
Cache Vista Dr.	Tetonia	0.5	
8000 W.	Tetonia	0	
W. 13000 N.	Tetonia	5	
Blue Ridge Ln.	Tetonia	5	
Fischer Lane	Tetonia	2	
Fischer Lane	Tetonia	0.5	
N. 500 E.	Tetonia	2	
W. 4000 N.	Tetonia	2	
W. 7000 N	Tetonia	0	
N 3000 W	Tetonia	0	city water
N 3000 W	Tetonia	2	
N 1965 E Staghorn Dr	Tetonia	2	
Brown Drake Ct	Tetonia	2	
River Rim	Tetonia	2	
Leigh Creek Estate Rd	Tetonia	0.5	
Beaver Blvd	Tetonia	0	
Renegade Dr	Tetonia	0.2	
N 2250 E	Tetonia	2	
N 700 W	Tetonia	0	
Badger Creek Rd	Tetonia	0	
Apsaroka Ln	Tetonia	0	
Wolverine Way	Tetonia	0	
Moonlight Ln	Tetonia	2	
Quartz Drive	Tetonia	0.5	
Rammell Mt Rd	Tetonia	2	
W 6000 N	Tetonia	2	
N 500 W	Tetonia	2	
W Highway 33	Tetonia	2	
W Highway 33	Tetonia	2	Cabin
W 8750 N	Tetonia	2	
W 8750 N	Tetonia	0	
Broken Arrow Rd	Tetonia	0	
N 6600 W	Tetonia	0.5	
N 500 W	Tetonia	2	
Thistle Creek	Victor	2	
S. 5000 W.	Victor	0	
Bald Eagle Dr.	Victor	0	
E. 4500 S.	Victor	2	
E. 5500 S.	Victor	0	

Country Club Dr.	Victor	1
Thistle Cr. Dr.	Victor	0.5
E. 4000 S.	Victor	5
E. 5000 S.	Victor	0
S. 1000 W.	Victor	0
Oliver Rd.	Victor	0
S. 4500 W.	Victor	2
W. 4500 S	Victor	0
Diamond T Trl	Victor	3
S 500 W	Victor	0.5
Steller End	Victor	2
S Hwy 33	Victor	2
Avalanche Rd	Victor	5
S 60 E	Victor	5
Sweet Home Dr	Victor	0
village way	Victor	0
Larkspur Meadows	Victor	0.5
Riverbend Ln	Victor	5
S 500 W	Victor	0.5
S 700 W	Victor	0
S 600 W	Victor	0
Running Horse Trail	Victor	0.5
W 7000 S	Victor	0.5
Sorenson Creek	Victor	0
W 7000 S	Victor	0
Mustang Trail	Victor	5
Thistle Cr Dr	Victor	2
Storm View Loop	Victor	0.5
E 4500 S	Victor	5
9500 South	Victor	0
South Highway 31	Victor	0
West Birch Street	Victor	0.5
Sorenson Creek Rd	Victor	0
West 4000 South	Victor	0.5
S 500	Victor	0
Taylor Ridge Lane	Victor	0.5
Running Horse Trail	Victor	0
W 9600 S	Victor	0.5
Shadowmoon #321	Victor	0
Line View Ln	Victor	2
		0.5

Total at 10 mg/L or greater	Total at 5 mg/L or greater	Total >2,<5 mg/L	Total <2 mg/L
0	18	47	93
0%	11%	30%	59%

June 30, 2016

Teton Co. Planning Department
 150 Courthouse Drive
 Room 107
 Driggs, Idaho 83422

TETON COUNTY
 PLANNING & ZONING

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Dear Ms. Rader,

I received your notice regarding Peacock Properties application to develop a 76-lot subdivision in the mail yesterday. Although I appreciate your invitation to submit comments, the fact that the notice comes on the cusp of a long holiday weekend (visiting family staying through Monday) limits my ability to adequately study the proposal prior to your July 5th deadline. Despite this reality, I do have several questions that I would like addressed that do not require extensive study of the specific plan or Teton County codes.

- 1) The map you mailed us demonstrates that there are already well over 100 approved but undeveloped building lots that are accessed via 2500 N., Stateline Rd. and 5000 N. You are now preparing to add another 76 lots, essentially doubling the ultimate "build out" number. My question: Is this a funded project or unfunded liability on Teton County Idaho and its taxpayers?

An Example. Although, significant expansion of a number of County services will be required at build out, I will posit an obvious significant and expensive requirement. N. Stateline Rd (and Feeders), which is currently maintained by Teton Co. Wyoming, is a dirt/gravel road (beyond 2500 N.) that cars, farm/construction equipment, bikes, and dog walkers share. It is narrow, has several steep hills, blind dips and driveways etc. Fortunately, despite frequent lack of compliance with posted signage, traffic load is still low enough that no significant accidents have occurred (although we have all had near misses). Since Teton Co. Idaho has approved build out of Snow Crest, Mountain Ridge, Surprise Valley (and multiple other subdivisions) and presumably now Mountain Legends Ranch, I hope you can direct me to a comprehensive road improvement plan that includes estimates of the number of vehicle trips at complete build out, what roads and feeders will need specific upgrades and the cost of same. Such a plan would ensure the safety (most importantly), convenience and pocket books of all users.

Equally importantly, where is the funding coming from? I lived and worked in Boise, ID for 25 years and was confronted with a similar situation (rural roads accessing new proposed subdivisions). I have included as an appendix how this challenge was addressed (specifically) including the projected costs of road improvement over an estimated 20-year build out (prepared by the Ada Co. Highway District). You will see that the funds are supplied by a

Page: 2

special impact fee on the developments and in the case of Cartwright Rd, the developers were required to do a 1.6 million dollar upgrade.

In short, no tax dollars or standard impact fees were used. This development plan was proactively funded and not an unfunded liability that would fall on Ada Co. taxpayers after the developers had sold their lots and met their personal/corporate financial needs.

This is an example of thoughtful, responsible zoning and planning; infrastructure kept up with demand and was financed by those who profited from the sale of lots and built homes in the new subdivisions. It is my sincere hope that the Teton Co. Idaho Commissioners and Planning and Zoning have performed similar due diligence.

If for some reason you do not have such planning and financing specifically worked out no further build out should proceed (until such a plan is completed and approved). To move forward with an additional 76 new lots without such a plan is to put hope over reason and to throw fiscal responsibility to the wind.

In addition to the multiple road issues, your notice confirms that you will be addressing the challenges of hundreds of new private septic systems and wells on our water quality (Dry Creek, drainage), EMS, Fire etc. (the later two presumably funded by standard impact fees/property taxes). I also suspect but do not see specifically addressed in your flyer, that you will be in negotiations with Teton Co, Wyoming with respect to future plans for improvement, maintenance and financing of North Stateline Rd.

I first saw Teton Valley, ID in 1967 and started recreating here on a regular basis in 1984. My wife and I were fortunate to be able to move to the Valley in 2009. It is a special place and I understand why others want to be able to experience this wonderful valley as I do. They should be able to do so but the development should be clearly thought out and proactively financed or the very things that brought all of us here will be lost and the infrastructure quality and passed on costs will further degrade our quality of life.

My concerns and questions noted above are practical and specific and have been successfully addressed in other Idaho County's. I look forward to your response.

Sincerely,
KC. Murphy MD. Diane Murphy
[REDACTED]

Addendums on next page:

Page: 3

1) Ada CO. Highway District Plan for road improvements for Cartwright Ranch and Hidden Springs Development. The two developments were initially accessed via rural/dirt roads (Cartwright Rd. Pierce Park Lane, Dry Creek Rd and Seaman's Gulch Rd.)

2) A picture of the Teton Valley Winter Elk Herd in our alfalfa field last January. This is located about 300 yards from the Mountain Legends Ranch Development. The herd typically moves over to the Mountain Legends land later in the month. We typically and ironically often name our developments after animals or natural features we eliminate or displace in order to build ("Moose/Elk Meadows Ranch" etc.). This is not a reason to halt development but it is something to keep in mind as you carry the heavy responsibility (your public service legacy) of maintaining the many unique features that make this valley such a special place. KCM.



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Cartwright Road Reconstruction

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General Description

Cartwright Road from the intersection of Dry Creek Road to Pierce Park Lane will be reconstructed over the next six months to create a wider, safer road. The developers of Cartwright Ranch are doing the estimated \$1.6 million project, which was required by Ada County Highway District.

The road will be closed during construction, which starts on April 14, 2008 and will end in early October.

Cartwright will be expanded from a 22-foot-wide road to a 32-foot-wide road with two, 11-foot-wide vehicle lanes and two, 4-foot-wide paved shoulders, which will greatly increase safety for cyclists, pedestrians and stalled cars. The new road will also have one-foot-wide gravel shoulders.

Extensive earth moving forced the road closure. The Cartwright hill between Dry Creek and Pierce Park will be reduced by about 15 feet and the grade reduced from 12-to-14 percent to 10 percent. The Cartwright/Pierce Park intersection will also be rebuilt to eliminate the current, sharp angle and create a more traditional T-shaped intersection.

A second segment of Cartwright Road, the section from the future 36th Street extension to the entrance of the Owyhee Motorcycle Club, is also likely to be widened as part of this project. The current road section ranges from 20 to 25 feet in width and will be reconstructed to the 32-foot-wide section mentioned above, two, 11-foot-wide vehicle lanes, two, 4-foot-wide paved shoulders and two, 1-foot-wide gravel shoulders. This second phase of the work would eliminate the last of the narrow sections of the road and has received preliminary approval from the impacted property owner. The second phase will likely occur in the summer.

The road work is being done in advance of the construction of the Cartwright Ranch Planned Community, which is located on Cartwright Road almost mid way between Dry Creek Road and Pierce Park Lane. The planned community eventually will have 620 homes. The subdivision will be capped at 275 units until the nearby extension of 36th Street to Cartwright Road is made and that project has not been scheduled. (Until the second segment of Cartwright Road improvements is completed, the subdivision will be limited to 200 homes.) Cartwright Ranch was originally approved as Neville-Nordling Ranch subdivision in June 2001 but was subsequently modified extensively and approved by ACHD and Ada County in early 2008.

Chanon Romo
208.387.6275
cromo@achdidaho.org

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Cartwright Ranch is estimated to generate 5,477 vehicle trips a day at build out of the subdivision. As part of the project, two roads will be extended west into Hidden Springs: Hidden Springs Drive and Farm View Drive.

Funding for the road improvements comes from the West Foothills Overlay District, which collects a special impact fee on developments in the area and includes Hidden Springs as well as Cartwright Ranch. No tax dollars or standard impact fees paid by development are being used.

Time Frame

Start Date: April 7, 2008

End Date: Early October, 2008

Impact on your Commute

Through early October, motorists will need to detour to Hill Road and Seamans Gulch to access the Hidden Springs area.

Title VI and the Americans with Disabilities Act | Non-discrimination

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Ada County Highway District | 1175 Adams St. Garden City, Idaho 83714
© 2008 787.6100 | 708.387.6091 | Monday thru Friday 9 a.m. to 4:00 p.m.

For questions or problems with this Web site contact the [Webmaster](#)

FINANCIAL

Exhibit five identifies estimated costs for needed roadway improvements based on 1997 construction and right-of-way indices provided by ACHD. These costs were increased by 40% when projects were located in the foothills area. This increase reflects the estimated costs for additional earthwork and drainage/structural needs. Where roadway improvements were needed on existing residential streets, construction costs were increased by 50% to reflect the cost of mitigation and/or traffic calming measures. Where operational improvements were identified, cost estimates were based on \$200,000 per intersection affected.

The strategy is to have foothills development pay for those roadway improvements directly attributed to such development, including mitigation and traffic calming. Improvements on the regional circulation system, i.e., arterials south of Hill Road may, perhaps should, be paid for by regional growth (including a share from the foothills). ACHD adopted Interim Foothills Overlay Assessment Districts on January 28, 1998. The purpose of the new assessment districts is to provide a stream of revenue for roadway construction in the Foothills necessitated by increased usage resulting from development. Each new dwelling in the Foothills will pay an additional road assessment specifically for the purpose of paying for upgrading classified roadways (collectors and arterials) to the appropriate standard and number of lanes.

The Foothills Overlay Assessment Districts coincide with the three planning areas (West, Central, and East Foothills) established by the *Boise Foothills Policy Plan*. The overlay assessment will be different in each District due to different roadway costs and the proposed number of dwellings. The overlay assessments were adopted on an interim basis, pending further legal and technical review, as well as the adoption of a Foothills Transportation Plan by the City of Boise, Ada County and ACHD.

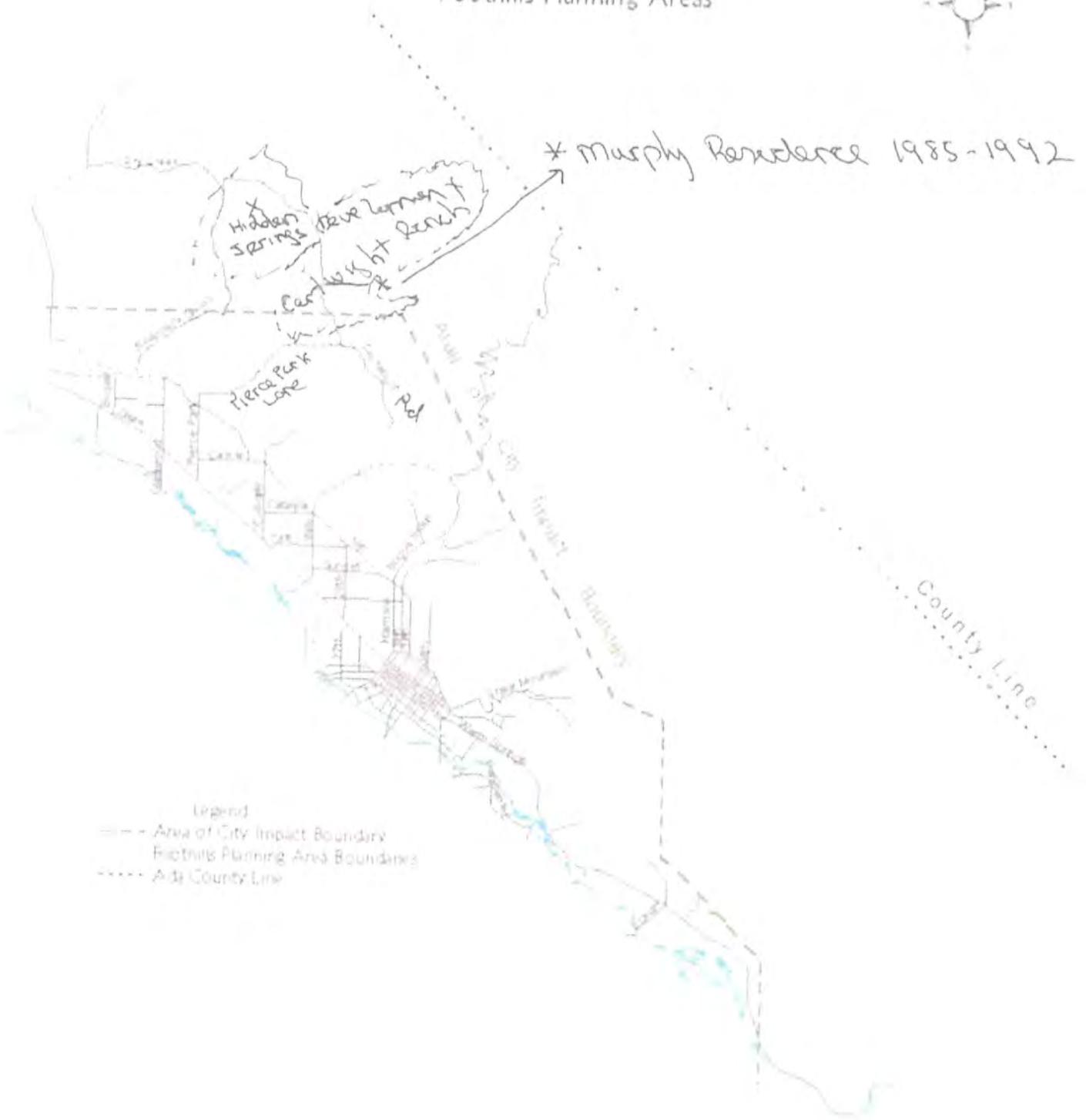
Exhibit 5

COST ESTIMATES FOR ROADWAY PROJECTS
SERVING THE FOOTHILLS AREA
NEEDED IN THE NEXT 20 YEARS

	Based on 1997 numbers
WEST	
State Street: Gary Lane to Downtown Boise	\$1,800,000
Pierce Park Lane: Hill Road to Cartwright Road	2,146,000
Cartwright Road: Dry Creek Road: SH 55 to 36th Street	3,729,000
36 th Street: Hill Road to Bogus Basin Road	4,945,000
Hill Road: Seaman ↔ Gulch Road to Gary Lane	400,000
Seaman ↔ Gulch Road: Hill Road to Dry Creek Road	736,000
EAST	
New Collector: North of Warm Springs Avenue	\$3,400,000
New Collector: Warm Springs Mesa	840,000
TOTAL	\$17,996,000

— Roads that feed into Hidden Springs Development
+ Cartwright Ranch due to present

Area of City Impact Boundary and Foothills Planning Areas



- Legend
- - - Area of City Impact Boundary
 - Foothills Planning Area Boundaries
 - Adams County Line





Kristin Rader

From: Worthington Georgina [REDACTED] >
Sent: Friday, July 01, 2016 6:29 PM
To: PZ
Subject: Mountain Legends proposed subdivision

TETON COUNTY
PLANNING & ZONING

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To the P and Z,

In winter I cross country ski across the land of the proposed subdivision and in summer I walk all over these meadows.

An abutter of the proposed Mountain Legends subdivision, I have lived next door in Teewinot since 2006. For the last four winters we have had elk graze right in front of our house.

Last year I counted 153 of them. When I ski over to Dry Creek, I can see their paths. There are so many tracks, it looks as if an army has marched right through the proposed subdivision. I also see badgers, foxes, coyotes, deer and the occasional wandering moose. There are songbirds (larks, bluebirds etc.) as well as eagles and many raptors of different species. In the fall I have even come across bear scat along Dry Creek.

Beyond question, this land, the so-called "Mountain Legends," is a haven for wildlife and a winter home for the elk. Where will all these magnificent creatures go? What will happen if they lose their habitat?

We must protect these vulnerable animals.

Sincerely,

Georgina Worthington

Mountain Legends Subdivision
A Dozen Wrongs Don't Make a Right

In this area there are already poorly planned subdivisions. Snow Crest, Surprise Valley, and Teewinot are just a few examples. These subdivisions create lots that are too dense for the rural character which become barren unfarmable weed fields. Does the county need more zombie subdivisions? Does the county want more weed problems? Does the county want less farmable land? Does the county want property values to stay depressed due to this over-abundance? Don't continue this madness! Wouldn't larger parcels, which are in short supply, be more desirable in the market and in keeping with this area's rural character? No development would be even better. Who will want to move to the Valley after we have ruined it? The future of our Valley's economy is in the marketability of our scenic beauty and this subdivision is not in keeping with Teton Valley's 2020 Vision. Don't kill the goose that laid the golden egg.



From State Line Rd of Mt Legends: Scenic Ag Land

Teton Valley's Own Elk Refuge



running near Mt Legends property

Illustration 1: The Elk Herd

The Mountain Legends property hosts a large elk heard each winter. Wildlife corridors are important to the future of our Valley and Mountain Legends is ground zero for a major elk thoroughfare.

Approve this subdivision and you will have replaced scenic beauty, agricultural land and the home of 100 elk with more weeds and even lower property values.

Sincerely,
 Tom & Suzanne Arden
 Teton

TETON COUNTY
 PLANNING & ZONING

JUL 01 2010

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Kristin Rader

From: Howie Garber [REDACTED]
Sent: Saturday, July 02, 2016 10:15 PM
To: PZ
Subject: Proposed Mt. Legends subdivision

TETON COUNTY
PLANNING & ZONING
JUL 02 2016
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Dear Teton County Planning,

I am property owner at 1623 Mt. Moran Road (Teewinot subdivision.) Regarding proposed Mt Legends subdivision: This proposed subdivision is directly across from my home. I appreciate that this proposal will include 2.5 acre lots which will maintain property values in the area. Because Teewinot HOA pays for plowing and maintaining road and because of likely increased traffic, it is important that proposed subdivision have their own independent access road. (and not Grand Teton rd) I would like to know proposed set backs of new homes.

This will certainly impact my view and property values. A larger question is : Does Teton Valley truly need another subdivision. There are so many subdivisions that currently have no homes built. There are so few places left in the west that have the kind of open space and views of Teton Valley. It would seem important for planning commission to preserve these increasingly rare qualities.

Thank you kindly,

Howie Garber
[REDACTED]

HOWIEGARBER | IMAGES

www.HowieGarberImages.com
[REDACTED]

Kristin Rader

From: Kim Redd <[REDACTED]>
Sent: Saturday, July 02, 2016 10:24 PM
To: PZ
Subject: Comments re: Concept Review for Peacock Property LLC RP05N46E084500 and RP05N46E078250
Attachments: Letter from the Redds to TCPD re Peacock Property LLC.docx; RecordedSubdivisions Teton Valley.pdf

We own property within 300 feet of the Peacock Property RP05N46E084500 /RP05N46E078250 (Mountain Legends Ranch) for which Peacock Property LLC has submitted an application for a proposed subdivision. We are deeply concerned about the negative impacts this particular subdivision will have on the scenic and natural wildlife corridor surrounding the Dry Creek natural area. Attached is our letter outlining the concerns along with photos of the area. Please contact us at 970-222-8420 if you have questions or need additional information. Thank you for your consideration.

--Kim and Larry Redd

TETON COUNTY
PLANNING & ZONING

JUL 02 2016

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Teton Valley Property Owners: 53 acres
 Parcel Numbers: RP05N46E056300
 and RP05N46E083000

Larry and Kim Redd

July 1, 2016

Teton County Planning Department
 150 Courthouse Drive, Room 107
 Driggs, ID 83422

TETON COUNTY
 PLANNING & ZONING

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RE: Public Hearing for Peacock Property LLC
 Zoning District: A 2.5
 Legal Description: RP05N46E084500 and RP05N46E078250

Many communities are implementing a range of policies to preserve farmland and open space, including clustering residential development and guiding development to areas with existing infrastructure. Planners have argued that policies to manage density are the most important local policy focus for communities in the coming years.

This brings us to the question of whether higher density development, on the order of 2.5 acre lots on a 197 acre property adjacent to a *scenic natural wildlife corridor* as proposed by Peacock Property LLC, is appropriate for this area of the Teton Valley. The proposed 76 lot subdivision is higher density than those in the surrounding area and brings into question the infrastructure needed to support this density of housing and the impact on the wildlife and natural areas adjacent to the northern border of the subdivision. The parcel of the Peacock Property in question is adjacent to the Dry Creek wildlife corridor on the north and Stateline Road on the east. The impact of this higher density housing area which borders the Dry Creek scenic wildlife corridor will be significant.

Currently the Dry Creek corridor supports a very diverse combination of vegetation, native animal species, and pristine riparian area. In addition, this is a wildlife migration corridor for elk, deer and Sandhill Cranes. Moose also inhabit the 53 acre property just to the north of the aforementioned Peacock Property parcel. When looking at this area from the aerial photograph, you can see the encroaching development along this scenic corridor and the critical need to maintain a buffer for this area.

Some of the impacts from this development include the building of roads throughout the area, water wells for 76 lots, septic systems for 76 lots, utilities for 76 lots, as well as new traffic from construction vehicles and equipment, and longer term, smoke from wood burning fires in 76 homes. The negative impact on the wildlife and natural areas will be significant and long lasting. Increasing the size of the lots as well as providing an additional buffer area on the northern border of the property will at least help to reduce damage to this area of Teton Valley. Ideally, this parcel should be part of a wildlife corridor to help preserve this natural, pristine geographic area of the valley.

As stewards of Teton Valley, the long term impact of human development is in the hands of the Teton County Planning Department. How far should higher density development be allowed to encroach into scenic and natural corridors? What are the long term effects of these developments on the valley? When is it just too much? Please see the attached documents, including the subdivision map for Teton Valley which demonstrates the extent of development overtaking the scenic areas of the valley. We respectfully request your thoughtful deliberation about the long term impacts of higher density housing developments and how they may be lessened through sound planning and development.

Thank you for your consideration of this matter.

Sincerely,

Larry Redd Kim Redd

Larry and Kim Redd



From our property, looking east/southeast across the Dry Creek natural area. See 4 more pages of photos and descriptions of the Dry Creek natural area.



Dry Creek, which runs throughout the year.





Native flowers flourish throughout the Dry Creek area,



as do aspen, willows, and native grasses.



Multiple species of birds, including owls are living and breeding in the Dry Creek natural area.



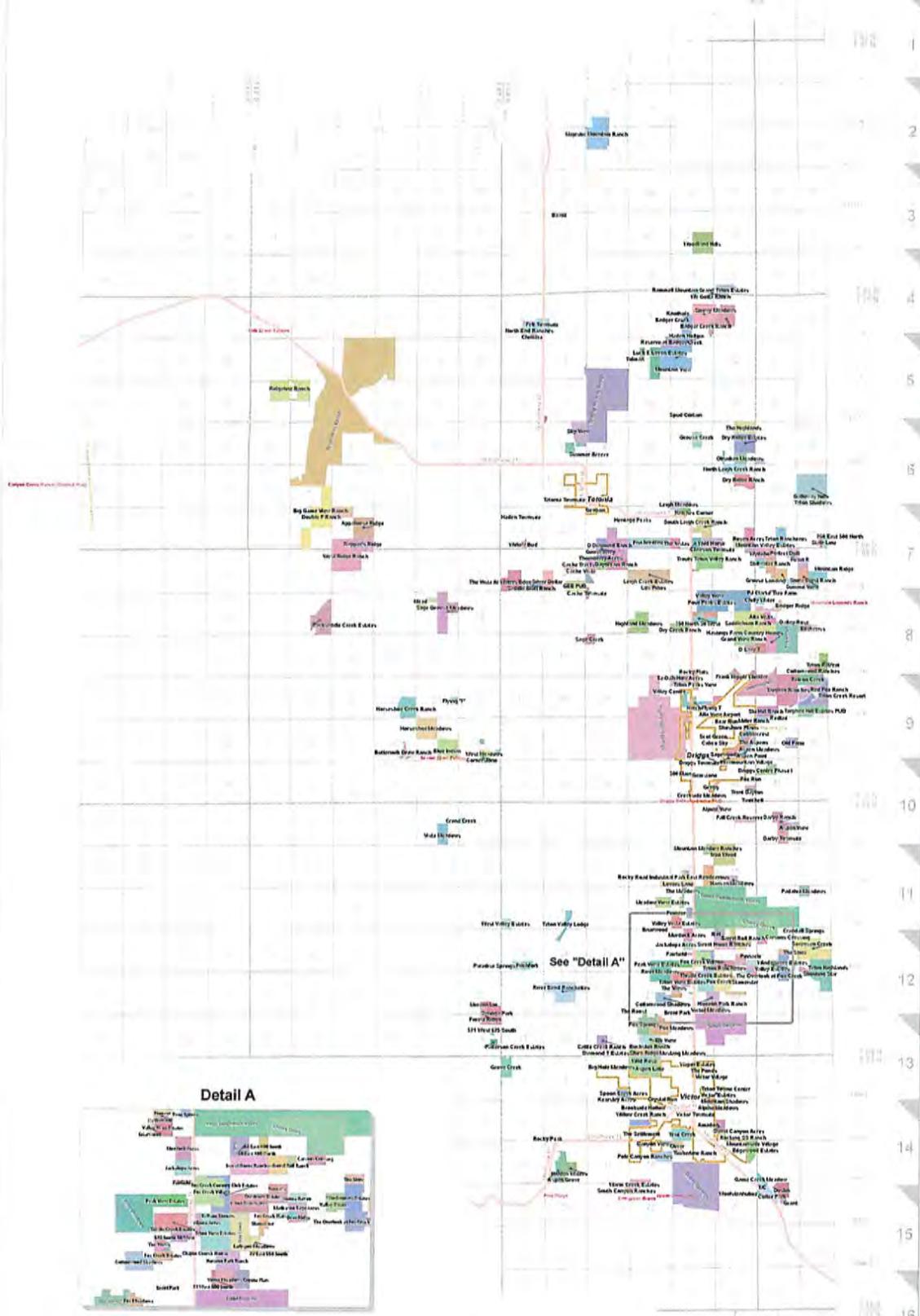
A young owl in flight.



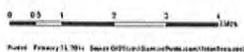
Another view of the Dry Creek corridor looking east/southeast (top photo) and due south (bottom photo). The Peacock Property is on top of the bench along the full length of the bottom photo. The Dry Creek wildlife and riparian corridor extends from the wooded area, along the bench and continues west. Animals migrate and birds fly along the bench. The whole area is a wildlife corridor.



1001 10th St. 1001	Upper Canyon 100
1011 10th St. 1011	Lower Canyon 101
1021 10th St. 1021	Upper Canyon 102
1031 10th St. 1031	Lower Canyon 103
1041 10th St. 1041	Upper Canyon 104
1051 10th St. 1051	Lower Canyon 105
1061 10th St. 1061	Upper Canyon 106
1071 10th St. 1071	Lower Canyon 107
1081 10th St. 1081	Upper Canyon 108
1091 10th St. 1091	Lower Canyon 109
1101 10th St. 1101	Upper Canyon 110
1111 10th St. 1111	Lower Canyon 111
1121 10th St. 1121	Upper Canyon 112
1131 10th St. 1131	Lower Canyon 113
1141 10th St. 1141	Upper Canyon 114
1151 10th St. 1151	Lower Canyon 115
1161 10th St. 1161	Upper Canyon 116
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1381 10th St. 1381	Upper Canyon 138
1391 10th St. 1391	Lower Canyon 139
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1501 10th St. 1501	Upper Canyon 150
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1881 10th St. 1881	Upper Canyon 188
1891 10th St. 1891	Lower Canyon 189
1901 10th St. 1901	Upper Canyon 190
1911 10th St. 1911	Lower Canyon 191
1921 10th St. 1921	Upper Canyon 192
1931 10th St. 1931	Lower Canyon 193
1941 10th St. 1941	Upper Canyon 194
1951 10th St. 1951	Lower Canyon 195
1961 10th St. 1961	Upper Canyon 196
1971 10th St. 1971	Lower Canyon 197
1981 10th St. 1981	Upper Canyon 198
1991 10th St. 1991	Lower Canyon 199
2001 10th St. 2001	Upper Canyon 200



■ Preliminary Subdivisions
■ Vacated Subdivisions

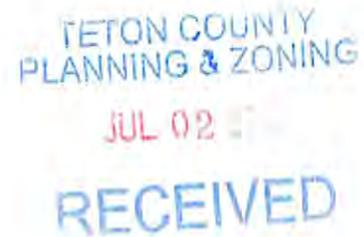


Printed February 13, 2018. Source: GIS/Planning and Development Services, Teton County.



TETON COUNTY SUBDIVISION MAP





July 2, 2016

Teton County
89 N Main St #6
Driggs, ID 83422
pz@co.teton.id.us
commissioners@co.teton.id.us

Dear County Commissioners and Planning and Zoning Commission,

I am writing to you in regards to the proposed development: Mountain Legends (RP05N46E084500 and RP05N46E078250), a 197.05 acre parcel located between State Line Road and N 1500 E in Driggs.

I have been a wildlife biologist in the Greater Yellowstone region for 15 years. My work focusses on large mammal ecology and conservation, including long-distance migration, road ecology and the impacts of human recreation on wildlife. I work closely with colleagues that are experts in human development patterns and land use practices that affect wildlife and biodiversity. I provide recommendations to decision makers for appropriate mitigation actions to help reduce the impacts of the human footprint on wildlife, locally and across the west.

Human development and associated infrastructure are some of the top threats that wildlife face locally and across the globe. While we can see the obvious impacts of direct mortality from things such as wildlife-vehicle collisions, human development can also cause wildlife mortality and loss of local populations through fragmentation and reduction of native habitat, production of an unnatural soundscape, pollution of waters and the introduction of non-native species. Human development changes the landscape irrevocably and it needs to be planned carefully to reduce the impact on wildlife, especially in areas like Teton County that depend upon the native landscape for economic gain. Extensive research on the topic of land development has demonstrated over and over that development leads to loss of native habitat, loss of native wildlife and loss of the original character of the land. In a community like Teton County—a gateway to the world’s most famous National Parks—the loss of wildlife is an economic blow in the form of compromised tourism and lost harvest opportunities.

Unfortunately, the proposed development at Mountain Legends has not sufficiently accounted for the native wildlife that utilizes this area. The current development, as planned, creates a matrix on the landscape that will be impermeable to many of the native species that depend on this landscape. The lack of planned open space and the lack of clustered housing will likely lead to loss of important wildlife from the area. Large mammals, such as the locally wintering elk herd, are unlikely to navigate through such dispersed development. A loss of foraging habitat will likely lead to a reduced elk population, a changed native landscape and ecological processes and will reduce the habitat that can support this game herd.

Directly adjacent to the proposed development and less than 0.10 kilometer from the edge of Mountain Legends, important Songbird/Raptor Breeding and Wintering Habitat (as defined in the County’s Natural Resource Overlay) will likely be impacted under the current plan. Short-eared owls and Northern Harriers utilize the meadows adjacent to Dry Creek for breeding grounds. The creek itself provides

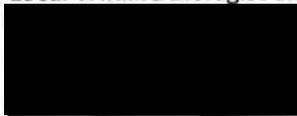
forage, water and cover for animals using the riparian corridor and the surrounding meadows (including the proposed Mountain Legends development).

It is difficult for me to see how the developers have sufficiently addressed the impacts that the proposed subdividing of nearly 200 acres into 2.5 acre parcels will have on wildlife and habitat. Creating subdivisions that do not sustain the wild character of the valley is not to the benefit of this community. I urge you to reconsider the Mountain Legends development as currently proposed by Peacock Properties LLC. The development proposal will have significant impacts on our wildlife and the habitat this wildlife depends upon.

Thank you for your consideration,

Renee Seidler

Local Wildlife Biologist and Conservationist



TETON COUNTY
PLANNING & ZONING

JUL 06 2016

RECEIVED

July 4, 2016

Re: Mountain Legends Concept Review

Dear Ms. Rader:

As an abutter and valley resident, I have strong views on the Mountain Legends project’s preliminary concept submission to the Teton County Planning and Zoning Commissioners. In light of the County’s carefully developed Comprehensive Plan, the Commissioners should reject this development plan and the owners should be required, at a minimum, to resubmit a significantly revised plan. Optimally, to reject it outright.

When reviewing this proposed development consisting of 76 two and one-half acre “cookie cutter” lots, my first thought was: what do the people of the county want in relation to land-use policies and does the proposal for this development reflect the sentiment of the public? Do we have any data around this? Do we have any information that in some way portrays public opinion around issues relating to land-use -- a survey, anything?

To this end, I found the following section in our current land use code that states that for a development such as Mountain Legends to be accepted, criteria for approval at both the concept plan level and for the preliminary plat requires that the developer’s plan be consistent with and in conformance with the existing Comprehensive Plan:

Teton County Idaho Code Title 9 (Revised 5/16/13), Pages 23,24

9-3-2(B-4)

4. Consideration for Approval: In determining the acceptance of a proposed subdivision or PUD, the County shall consider the objectives of this Title, in addition to the specifics required in the checklist for this phase, and in a general way at least the following:

a. The conformance of the subdivision/PUD with the comprehensive plan. Title 9 Revised 05/16 2013 Teton County Idaho Page 23 of 87 9-3-2 (B-4)

I then read through the existing Comprehensive Plan – “A vision and framework. 2012 – 2030, Final Version PDF,” a document of 75 pages in length. As you are well aware, the County Commissioners approved this document in 2013, and in reading through this document over the weekend, I became familiar with the wishes, desires, and aspirations

of the citizens of our County as they relate to a host of issues, including subdivision development, wildlife protection, and other areas of importance to our community. In a sense, I found data around the "voice of the customer" or – the "voice of our community."

Below, please find segments from this 2012 plan which reflect the will of our citizens through an extensive public outreach effort over a two-year period (2010 – 2012). These passages represent the most recent data we have that reflects the views of our citizens, and, in my view, it is important for all involved not to marginalize this input nor these findings from the current Comp Plan. Not only because it is a requirement to pay attention to the Comp Plan, but it is also the right thing to do. Sometimes, there is simply a right and a wrong in decision making, and in reading through all of the points from the Comprehensive Plan shown below and looking at other data, including financial and legal in this situation, the wrong decision would be to move this project ahead. The right decision for the community, especially as voiced in the statements below, is to reject this project outright.

Any interpretation of subdivision regulations involves understanding its literal terms in the context of the 2012 Comprehensive Plan, i.e. in the context of the intent of the people. When reviewing this petition, the Planning and Zoning board should interpret the regulation allowing 2.5 acre lots in the context of this Comprehensive Plan, which seeks to protect wildlife habitat and agriculture while discouraging dense development. Thus, even assuming that this proposed development meets the literal terms of the applicable code, the Planning and Zoning board should use its discretion to reject dense development proposals such as this one, because it impinges upon an environmentally sensitive area and is flatly contrary to the intent of the 2012 Comprehensive Plan.

In addition to including excerpts from the 2012 comprehensive plan as illustrations of its intent, I also am sending to you in a separate email, as part of my submission, a link to a dropbox folder of wildlife photos taken either on the proposed property or within 300 feet of the proposed property or along the riparian corridor, which is a sanctuary for flora, fauna, and dozens of species. In this drop box folder, you will see photos of Great Horned Owls, Sharp Tailed Grouse, elk – individual and a herd of 100 wintering on the property under consideration, coyote, Sandhill Crane, Short-Eared Owl, moose, Great Grey owl, Swainson's Hawk, Harrier Hawk, Snowshoe Hare, Meadowlark. In addition to these, there are those not pictured, such as Bald and Golden Eagles, Curlews, Mule Deer and many other species. I'm not the greatest photographer, but be assured that each of these photos was taken from our property or either on the property of this proposed subdivision or yards away.

Thank you and all involved for allowing me and others who will be affected by this project to express our thoughts on paper as well as in person on July 12th.

Respectfully,

John Unland

1933 E 4000 N

Driggs, ID 83422

Listed below are sections from Teton County Idaho 2012 Comprehensive Plan: A Vision and Framework: 2012-2030 that are relevant to this project: These sections and comments are taken directly from the plan and are sourced with their respective page numbers.

1. Almost everybody in the community agrees that additional, poorly-planned subdividing of land will not help the Valley's economy or character. Poorly planned growth is contributing to falling housing prices, the continuation of high foreclosure rates and unsustainable costs to taxpayers to maintain infrastructure. In addition to economic hardships, poorly planned growth also contributes to environmental degradation including habitat fragmentation, pressure on natural resources, and increased reliance on fossil fuels which contributes to climate change. Most agree planning guidance is warranted. (pg.10)
2. As a result of these conditions and a somewhat flexible regulatory environment, thousands of lots were created in subdivisions that now lie empty. The overabundance of undeveloped, platted residential lots (over 7,000) make economic recovery even more difficult by saturating an already weak real estate market. There has been a decline of investment into the community and many storefronts lie empty. The County government is financially limited due to Idaho's tax cap and an abundance of entitled developments with no means for mitigating the fiscal impacts to the roads, schools, emergency services and weed management."
3. And so most residents of Teton Valley would agree that what we are doing now under the current 2004-2010 Comprehensive Plan has not worked and it is in the

interest of the community to revise the Plan and set forth new guidelines for development. (pg.10)

Goal NROR 8: Respect sensitive habitat and migration areas for wildlife.

Policies

4. **8.1:** Teton County recognizes that wildlife and wildlife habitats provide economic, recreational, and environmental benefits for the residents and visitors of Teton County. Land development decisions will strongly weigh the needs of wildlife to protect the inherent values that they provide.
5. **8.2:** Work with landowners, the Idaho Department of Fish and Game, other state and federal agencies, non- governmental organizations, and other natural resources professionals to utilize wildlife habitat and species information and other tools (such as Western Governors Association Crucial Habitat Assessment Tool and the Wildlife Overlay Map), including new information as it becomes available, to make land use and site planning decisions.
6. **8.3:** Minimize the cumulative impacts of development on wildlife and wildlife habitat.
7. **8.4:** Protect and/or improve the diversity of native vegetation.
8. **8.5:** Protect and improve riparian and aquatic habitats.
9. **8.6:** A Wildlife Impact Mitigation Plan shall be developed for any development project which impacts an important habitat or which presents concerns of detrimental human-wildlife interaction. Requirements and performance standards for the mitigation plan shall be clearly established in the Zoning and/or Subdivision Ordinance and shall be the basis for approval of the plan. (pg.42)

Where Do We Want to Go?

10. Conserved and enhanced functional habitats

Tools

11. Subdivision and Zoning Ordinance

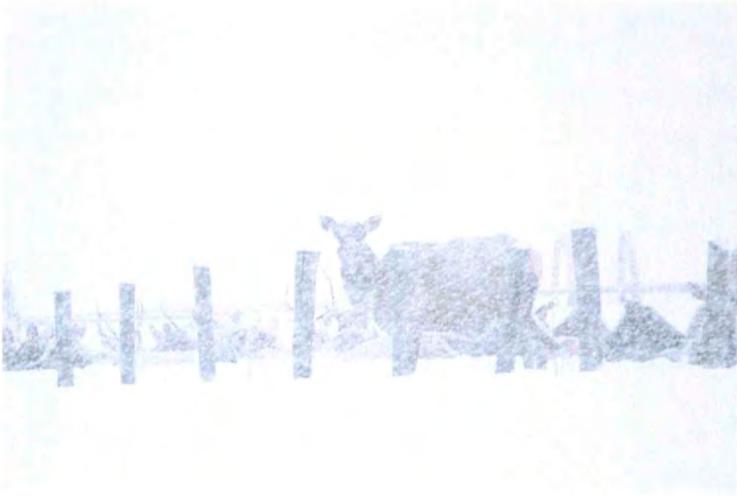
Key Actions

12. Revise ordinances to further protect water quality and quantity, require screening where appropriate, protect key habitat areas and viewsheds reflect the land use framework along all natural waterways.

13. Revise ordinances to specify low development density in sensitive wildlife habitat, riparian areas and wetlands. (pg.61)
14. Reduce impacts in riparian, wetland, floodplain and other sensitive or hazardous areas by strengthening the wildlife habitat and natural hazard overlay standards. (pg.61)
15. Create/amend ordinances and programs to promote Large Lot Subdivisions. Subdivisions (pg. 67)
16. Vacate non-viable subdivisions. (pg. 68)
17. Amend County Code to strengthen penalties for weed violations. (pg. 68)

Where Are We Now?

18. Development that disconnects and threatens wildlife migration corridors and sensitive habitat. (pg. 62)











Kristin Rader

From: Todd Dompier [REDACTED]
Sent: Tuesday, July 05, 2016 10:38 AM
To: PZ
Cc: Cassie DOMPIER
Subject: MOUNTAIN LEGENDS RANCH NOTIFICATION

TETON COUNTY
PLANNING & ZONING
JUL 05 2016
RECEIVED

Teton Planning and Zoning Commission
Attention: Kristin Rader

This is in regard to the proposed development "Mountain Legends Ranch"as a resident neighbor directly affected by the proposal (Teewinot subdivision Lot 6, Block 8), I am against this new subdivision due to the inadequate access road(s) necessary to accommodate that many new homes. Currently proposed, the main service route would be on Grand Teton Road.....this road is already has a high traffic rate, requiring periodic maintenance from Teewinot Home Owners Association dues and it would diminish the overall quiet atmosphere residents wanted when they bought property in Teton Valley. Having another 76 lots use this road will be detrimental to the quality of life enjoyed now. This division was vacated back in 2012 and surrounding home owners were against the subdivision then; I don't think any attitudes have changed against a sprawling subdivision that is that big in nature. I understand a land owner wanting to develop the land and to enjoy a profit from this proposal. However, the large quantity (76 lots) of this subdivision goes against the small, quiet nature of its surroundings and would not be an improvement to the area. I urge you to deny this proposed development based on the general welfare concerns of surrounding citizens.

Sincerely,

Todd Dompier
Teewinot homeowner

JUL 05 2016

RECEIVED

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

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P.O. Box 2720
Boise, ID 83701
Telephone: 208-388-1200
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Michael C. Creamer
Amber N. Dina
Bradley J. Dixon
Thomas E. Dvorak
Jeffrey C. Fereday
Marlin C. Hendrickson

Brian J. Holleran
Kerli H. Kennedy
Don E. Knickrehm
Neal A. Koskella
Debra K. Kristensen
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
Kimberly D. Maloney
Kenneth R. McClure
Kelly Greene McConnell
Alex P. McLaughlin
Melodie A. McQuade
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller

Judson B. Montgomery
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.
Michael O. Roe
Jamie Caplan Smith
P. Mark Thompson
Jeffrey A. Warr
Robert B. White

Angela M. Reed, of counsel

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

July 5, 2016

Via E-Mail

Teton County Planning and Zoning Commission
c/o Kristin Rader
89 North Main Street, #6
Driggs, Idaho 83422

Re: Mountain Legends Concept Plan

Dear Commissioners:

This letter is on behalf of John and Linda Unland with regard to the Mountain Legends concept plan ("Mountain Legends") before the Teton County Planning & Zoning Commission (the "P&Z") on July 12, 2016. The Unlands are opposed to Mountain Legends in its current form, and expect that many of their neighbors share similar concerns. Based on these concerns, we request that the P&Z reject the concept plan and require a new design. Please place this letter in the record for the concept plan hearing.

1. Overview

The Mountain Legends concept plan is an unfortunate throwback to the development patterns of previous decades, when subdivisions were approved too easily in Teton County with little regard to whether they made fiscal sense, were financially capable of constructing and maintaining the necessary infrastructure, or whether they negatively impacted Teton County's natural resources. As a result of unfortunate decisions made at that time, Teton County has many thousands of platted, unbuilt lots and dozens of subdivisions like Mountain Legends that have little or no prospect of ever being completed.

In fact, the developer has previously platted this property in a pattern similar to Mountain Legends, and the plat failed and was vacated. There is nothing to suggest this version will fare any better. The Teewinot subdivision, a similar development in the immediate vicinity, has

Teton County Planning and Zoning Commission
July 5, 2016
Page 2

nearly fifty undeveloped lots more than 40 years after it was platted (84 lots platted, 35 constructed, platted in 1972).

Fortunately, Teton County learned from the experiences of the last decade, and has adopted stronger regulations that allow the County to deny what is likely to be another failed subdivision. The staff report does a good job of outlining concerns and conditions relative to the approval criteria, and the Unlands generally support the staff's comments and recommendations with modifications as set forth in this letter.

No doubt the County will hear the developer claim that Mountain Legends is an "entitlement by right" primarily due to the A/RR 2.5 legacy zoning that the property holds. The project appears designed to rely as much as possible on whatever rights the applicant has to build at the maximum density while providing the minimum in virtually every respect, from lot size to access, from amenities to fire protection, from open space to natural resource protection. However, the County does not need to roll over to this approach. Even under the relatively lenient standards of the concept plan phase, the developer has simply provided no evidence the development can meet several of the ordinance criteria. Rather than push the development forward with conditions, as the staff has suggested, the P&Z should send the developer back to the drawing board to design something that is more compatible with the surroundings and frankly more likely to be successful.

At very least, the P&Z should follow the staff's recommendation and require the developer to perform a full set of studies so the County can understand the complete impacts of this development. We are confident that, when all the facts are laid on the table, the County will find Mountain Legends does not meet its criteria and deny the development in its current form.

The following sections outline the Unlands' key concerns with Mountain Legends: (1) Meeting the minimum criteria for lot size, access and addressing; (2) transportation impacts; (3) fiscal impacts; (4) water quality impacts, (5) natural resource impacts and (6) open space, agricultural protection and amenities.

2. Conformance with lot size, access and addressing requirements

The Unlands support the staff's comments regarding the exclusion of road rights-of-way from lot size calculations and other changes required to make the lots comply with access and addressing requirements. In addition, we understand that the Teewinot subdivision plat reserves a 1/2 right-of-way for an as-yet unbuilt Nez Perce Road in part along the boundary of the Mountain Legends subdivision. Mountain Legends does not make any provision to accommodate right-of-way for the other half of the road section and includes the land from what should be reserved right-of-way in the lot calculations. This adjustment should be made in the lot calculations.

Teton County Planning and Zoning Commission
July 5, 2016
Page 3

3. Transportation Impacts

Several of the acceptance criteria for the concept plan require consideration of impacts on the transportation system. These include:

- Conformance with the Comprehensive Plan. Teton Code Code Section 9.3.2.B.4.a. Applicable Comprehensive Plan policies include:
 - Goal T1, Policy 1.3: New development will provide adequate transportation facilities to accommodate needed services. (Comp. Plan at 5-14)
 - Goal T2, Policy 2.1: Improve overall year round mobility within Teton County through options for multimodal* transportation. (Comp. Plan at 5-15)
 - Goal T3, Policy 3.3: Support development that is transit, pedestrian and bicycle friendly. (Comp. Plan at 5-15)
 - Goal T4, Policy 4.3: Coordinate and integrate land use and transportation planning and development to ensure that they mutually support overall community goals. (Comp. Plan at 5-17)
- The availability of public services to accommodate the proposed development.

The Unlands have numerous concerns about the transportation plan for Mountain Legends. Both Stateline Road and E 1500 N are deficient in their construction and maintenance to support the additional traffic and it seems very likely the development will degrade the level of service on Stateline Road. The developer should be required to perform a full traffic study addressing the project's impacts. The Unlands are skeptical an update relying on years-old data could be adequate. The developer should be required to demonstrate the validity of the transfer of the access easement between the two parcels, as we understand that other similar transfers have been found to be illegal. In addition, we see no evidence to support a conclusion that the shotgun lot pattern proposed would ever permit multi-modal transportation, unlike a clustered option. The design is also the opposite of pedestrian and bicycle friendly as all traffic is funneled onto a single access road with no connectivity, meaning the road will be crowded and circuitous with no provision for bike or pedestrian facilities.

4. Fiscal Impacts

Based on the history of the Teewinot subdivision, the absorption rate of lots from Mountain Legends is likely to be extremely slow – probably less than one home per year. Slow absorption means that tax revenue to the County is likely to rise very slowly for this development, meaning that even a small increase in the services required may have a negative impact on the County's finances. Given this strong evidence of paltry demand for the project, the P&Z should not allow

Teton County Planning and Zoning Commission
 July 5, 2016
 Page 4

the project to move forward to preliminary plat without some showing of fiscal and financial viability. Even if the project is allowed to move forward, the fiscal study should reflect the specific demand in this neighborhood.

The phasing plan, if there is one, also needs to be considered in the fiscal analysis of the project, and the fiscal viability of the development should be addressed phase-by-phase. Particular attention should be paid to the fact that, even if infrastructure is built, there may be very few homes to pay for maintenance, so those costs could fall to the County.

Even if the lots are absorbed quickly, there could be problems. The staff report states the overall density of this project is less than assumed in the Capital Improvements Plan, which raises an additional flag for the fiscal viability of the project. The fiscal analysis should take this into account.

5. Water Quality Impacts

The Comprehensive Plan and Code strongly require protection of water quality. For example:

- Goal NROR1, Policy 1.5: Ensure adequate wastewater treatment. (Comp. Plan at 5-20)
- Goal NROR1, Policy 1.6 Encourage the conservation of high water quality in rivers and streams. (Comp. Plan at 5-20)

The project relies on individual septic tanks and water wells for 76 lots only 2 ½ acres in size, which is marginal from the standpoint of protecting water quality. The Unlands concur with the staff's assessment that the property is within 300 feet of a Waters and Wetlands overlay area, which triggers a nutrient pathogen study for the project. In addition, the Friends of the Teton River has taken samples in the area showing groundwater with nitrate levels above 5 mg/L, which separately triggers the NP study requirement. The data is in the P&Z's record.

6. Natural Resource Impacts

The Comprehensive Plan requires consideration of the impacts of development on wildlife and other natural resources in several policies:

- Goal NROR 8, Policy 8.1: Teton County recognizes that wildlife and wildlife habitats provide economic, recreational, and environmental benefits for the residents and visitors of Teton County. Land development decisions will strongly weigh the needs of wildlife to protect the inherent values that they provide. (Comp. Plan at 5-25)
- Goal NROR8, Policy 8.3: Minimize the cumulative impacts of development on wildlife and wildlife habitat. (Comp. Plan at 5-25)

Teton County Planning and Zoning Commission
 July 5, 2016
 Page 5

- Goal NROR8, Policy 8.5: Protect and improve riparian and aquatic habitats. (Comp. Plan at 5-25)

Despite these strong statements, the project provides no evidence that wildlife values will be protected. The provision of “building envelopes” by itself does nothing to ensure the continued viability of the wildlife habitat in the area, particularly in the vicinity of Dry Creek.

As discussed in the staff report, the project is within 300 feet of a Waters and Wetlands Overlay, which triggers a natural resource study. The Unlands and their neighbors are providing extensive evidence of the natural resource value of Dry Creek, which clearly extends onto the Mountain Legends property.

The point here is the development has provided nothing to show it protects wildlife values. This gives the P&Z no basis to move forward without more evidence.

7. Open Space and Agricultural Protection and Amenities

The Comprehensive Plan requires protection of viable agricultural areas, coordination of open space protection and provision of amenities in rural neighborhoods:

Desired future character and land uses for the Rural Neighborhoods include:

- *A transitional character in between that of Town Neighborhoods and Rural Areas*
- *Medium density single family neighborhoods with large open spaces and provisions for clustering*
- *Amenity-based neighborhoods*
- *Safe and convenient street and pathway connections within these areas and, when practical, to Towns*
- *Well-defined open space areas that connect to provide corridors*
- *A clear distinction between residential development and open space/agricultural areas*

Comprehensive Plan at 5-4 (emphases added).

Additional Comprehensive Plan policies also support these goals:

Teton County Planning and Zoning Commission
 July 5, 2016
 Page 6

- Goal ED2, Policy 2.3 Promote smart growth strategies that help preserve rural character by enhancing existing communities and directing development towards them. (Comp. Plan at 5-11)
- Goal ARH1, Policy 1.1: Ensure that planned growth maintains Teton Valley's rural character. (Comp. Plan at 5-31)
- Goal ARH1, Policy 1.3: Ensure that open spaces are managed responsibly. (Comp. Plan at 5-31)
- Goal ARH1, Policy 1.5: Support the preservation of open space, farmland, natural beauty, and critical environmental areas. (Comp. Plan at 5-31)

The applicant states only that building envelopes provide the means to meet the Comprehensive Plan's goals. However, nothing in the Mountain Legends plan shows "large open spaces", "provisions for clustering", "amenity based neighborhoods", "convenient street and pathway connections", "well-defined open space areas that connect to provide corridors" or any "clear distinction" between "residential development" and "open space/agricultural areas". The applicant's reference to building envelopes appears just to be lip service with no real plan or intent to pull together a cogent open space or natural resource protection plan. Some level of planning should be required before the project is accepted for preliminary plat review. The P&Z should not guess that the applicant will be able to meet these requirements.

8. Conclusion

The Unlands respectfully submit the applicant has failed to meet the minimum requirements for the County to accept the project for processing of a preliminary plat. The project should be rejected until the following issues are addressed:

- All of staff's proposed conditions are met, including a traffic impact study, fiscal impact study, NP study, landscape study and natural resource study;
- The applicant
 - provides for reservation of right of way for a future public road extension adjacent to the Teewinot subdivision and removes that land from the lot size calculation;
 - demonstrates some basis for the fiscal viability of the project;
 - makes a minimum showing that the project can protect wildlife and natural resource values;
 - provides a sketch plan demonstrating a viable agricultural and open space protection plan for the property, including appropriate separation between residential and open space uses.

Teton County Planning and Zoning Commission
July 5, 2016
Page 7

Thank you for your consideration of these comments. I am unable to attend the hearing, but the Unlands look forward to addressing the Commission on July 12.

Sincerely,


Gary G. Allen

cc: John & Linda Unland

Kristin Rader

From: Ron Steckler [REDACTED] >
Sent: Tuesday, July 05, 2016 12:34 PM
To: PZ
Subject: Mt. Legends ranch sub division

TETON COUNTY
PLANNING & ZONING

JUL 05 2016

RECEIVED

I feel that this development is bad for wildlife on the area. Many deer, elk and moose call the corridor home.

[REDACTED]
Ron Steckler
3202 Alta Vista Dr.
Driggs, Idaho

Kristin Rader

From: John Hansford [REDACTED]
Sent: Tuesday, July 05, 2016 12:45 PM
To: PZ
Subject: Proposed Mountain Legends Ranch

TETON COUNTY
PLANNING & ZONING
JUL 07 2016
RECEIVED

My name is John Hansford, I live at 3540 Black Bear Dr, Driggs, in the vicinity of this proposed subdivision. I am writing in opposition to this for a variety of reasons.

First

This is a very well used wildlife corridor especially in the winter. Elk, moose, deer and many other wild animals winter there. I will send pictures under separate email of the elk herd that wintered there last winter.

Second

The developer is proposing to use our access road, Grand Teton Rd as the main thoroughfare to the development. This road is wholly inadequate for an additional 75 homes with attendant deliveries etc. UPS as it is, speeds through the neighborhood endangering people and pets. The county NEVER patrols this road.

Third

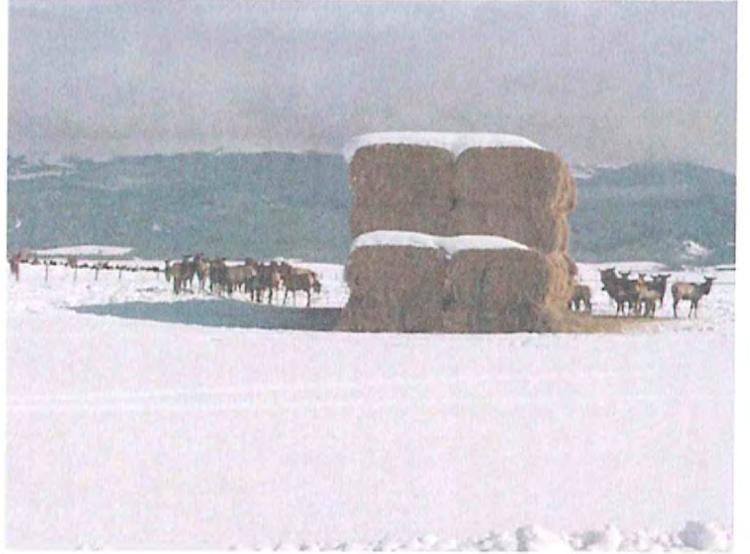
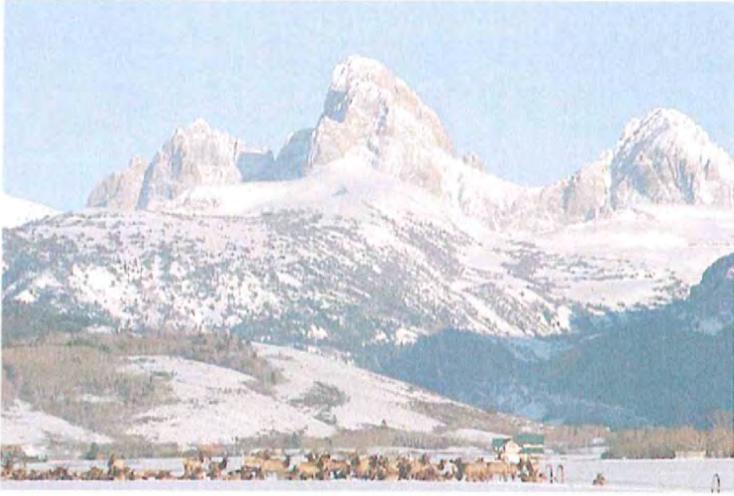
The additional septic introduction to this sensitive area would be destructive to the ecosystem, not to mention the water requirements for so many homes. This whole area contributes to the headwaters of the Teton/Snake/Columbia watershed and introducing so many more homes at this critical headwaters is irresponsible to say the least. I urge the county to deny the applicant his motion. If granted, I would fully expect the developer to be responsible for PAVING AND MAINTAINING Grand Teton Rd to the development. I would also expect the developer to be responsible for using the most current and eco friendly systems for cooperative water supply and sewage/septic use. These responsibilities I would fully expect the county to insist upon.

Respectfully submitted.

John Hansford

Photos to be sent under separate email.

Sent from my iPad
John Hansford



Kristin Rader

From: [REDACTED]
Sent: Tuesday, July 05, 2016 12:50 PM
To: PZ
Subject: Mountain Legends Ranch Subdivision comments

As home owners in Alta Vista Subdivision, we oppose this mega subdivision. Especially sense this is a wildlife corridor many elk, deer, and moose call this home. Grand Teton road is not designed to handle this increase in traffic. Please consider this to be out extreme disapproval of such a project for our community.

Steven Tobiasson,
Ronald Steckler
Lot 20
3202 Alta Vista Drive

Kristin Rader

From: Lynn Sandmann <[REDACTED]>
Sent: Tuesday, July 05, 2016 12:38 PM
To: PZ
Subject: Mountain Legends Application

TETON COUNTY
PLANNING & ZONING
JUL 05
RECEIVED

Dear Commissioners,

I am a homeowner in neighboring Teewinot subdivision. I have several concerns about this development.

First the access from Grand Teton Rd which is a dirt road maintained by the county. To call it a gravel road is an overstatement. The county works very hard to keep it passable and does good job in winter plowing for school bus access. But as seasons change and mud seasons arrive, all semblance of a real road disappears for weeks. Puddles, pot holes and mud are the rule. Increased car and truck traffic will not help the situation. Do impact fees cover the increased damage to this road that will occur as construction of infrastructure begins? This doesn't even take into account the increased traffic if any home construction actually takes place. As has been mentioned in other letters, Teewinot is has been in existence since the 70's and is still nowhere near built out.

Another area of concern is weed control for these acres. When the former development plan was vacated, the area immediately reverted to wild, weedy land. It took the developer two seasons before he reinstated a farming program for the vacant land. We all struggle mightily to keep our not very full subdivisions under control. What kind of control will this nascent neighborhood have?

Finally, I concur with Linda Unlands observations about the rich wildlife resource this land abuts. Please take into consideration the value for the county and all our lives in general .

Thank you,

Lynn (Carolyn) Sandmann

JUL 05 2016

RECEIVED

July 5, 2016

To the Teton County, Idaho Planning and Zoning Commission,

Once again our neighborhood finds itself in danger of losing our rural setting with the new proposal from Mountains Legends Subdivision.

Mountain Legends proposed 76 house sites on two non-contiguous parcels totaling 197 acres connected only by a farm road easement will destroy the character of this neighborhood where we have made our home year round since 1987, nine months short of 30 years. The subdivision Bridger Ridge, which is north of the west parcel of Mountain Legends and west of the north and east parcel, so in the middle of ML, has the smallest lot of 9 acres and up to the largest being 20 acres. Many of the existing homes to the south and west are on sites with multiple acres and multiple lots.

Mountain Legends should never have been allowed and should not be able now to join these separate parcels with the connection of a farm road easement.

Their proposed open space farm ground at build out is no more than the house sites backyards which will render it not only unlikely to be farmed because of its unprofitable and difficult farming procedures of the odd shaped spaces but also of the inconvenience and annoyance to the future home owners.

Since the original development was vacated this and surrounding properties have been a winter refuge for up to 125 elk. The riparian area of Dry Creek bordering the north parcel of ML is home to moose, elk, deer, and numerous species of birds.





The pressure of an additional 76 wells, septic systems, and traffic will be a detriment to the wildlife, the aquifer, and the existing human neighborhood.

We hope you will take a serious look at limiting this proposal and maintain the strictest regulations and required studies to the environment with regard to the threat this represents to everything and everyone who already live within this neighborhood.

Thank you for your time and consideration about this issue.

Sincerely,
Jan and Don Betts
PO Box 102
Driggs, ID 83422

Kristin Rader

From: Michelle Johnson <[REDACTED]>
Sent: Tuesday, July 05, 2016 3:12 PM
To: PZ
Subject: Proposed Mountain Legends Ranch Subdivision

TETON COUNTY
PLANNING & ZONING

RECEIVED

I am writing this letter in opposition to the proposed Mountain Legends Ranch Subdivision.

WE live directly across from this proposed new subdivision . I am concerned about the density of this and the impact on the land, water and septic use. We have herds of elk wintering on this property which will definitely have a negative effect on their migration and food source.

The proposed plan does not seem harmonious with the surrounding subdivisions.

Who is planning to upgrade and maintain the road with all this traffic?

I ask you to consider not approving this proposal at this time.

Thank you for your consideration

Eric and Michelle Johnson

Kristin Rader

From: Frank Finetto [REDACTED]
Sent: Tuesday, July 05, 2016 3:21 PM
To: PZ
Subject: Fw: Mountain legends Ranch

TETON COUNTY
PLANNING & ZONING

JUL 05 2016

RECEIVED

On Tuesday, July 5, 2016 5:16 PM, Frank Finetto [REDACTED] wrote:

My name is Frank Finetto I live at 2770 Grand Teton Rd in the vicinity of the proposed subdivision. I am apposed to the subdivision in regards to the use of Grand Teton rd. as the main entrance to the subdivision. It is inadequate for the homes we have there now. The road is always full of pot holes and barely maintained, its a dirt road and the increase in traffic and construction would severely compromise what little road we do have. I am also concerned with the elk herd that has been wintering in and on that property for quite some time. I feel that the proposed density is a burden to the neighborhood the water resources and the many new septic fields that are necessary to develop the property in the present proposal. Something on a smaller scale with less impact to the surrounding area seems to me should be considered.

Sincerely
Frank Finetto

Kristin Rader

From: Cavallaro,Rob <[REDACTED]>
Sent: Tuesday, July 05, 2016 3:51 PM
To: Kristin Rader
Cc: Faulkner,Paul
Subject: Mountain Legends Ranch

TETON COUNTY
 PLANNING & ZONING
 JUL 05 2016
 RECEIVED

Dear Kristin,

I am writing on behalf of Idaho Department of Fish and Game regarding the "Mountain Legends Ranch" concept application proposed for 197.05 acres in Teton County Idaho on north Stateline Road.

Fish and wildlife are property of all Idaho citizens. The Department and the Idaho Fish and Game Commission are expressly charged with statutory responsibility to preserve, protect, perpetuate, and manage all fish and wildlife in Idaho (Idaho Code 36-103 (a)). In fulfillment of our statutory charge and direction as provided by the Idaho Legislature, we offer the following comments and recommendations to avoid and minimize impacts to wildlife within the project vicinity. It is not the intention of the Department to support or oppose this proposal.

The Department is concerned about potential effects associated with the proposed development on wildlife resources. The Mountain Legends Ranch lies just south of Dry Creek, which provides high quality wildlife habitat. Recognizing the importance of this habitat, a private landowner protected a portion of this area via a permanent conservation easement in 1996 with Teton Regional Land Trust. This donation has high community value for conserving wildlife habitat and protecting scenic open space. The Department suggests that Teton County should strive to protect the conservation values of all easements as they review development proposals that abut, or lie adjacent to protected lands. It is possible that a high density subdivision could seriously impact this easement and undermine the value of this generous gift to the public.

Dry Creek and vicinity support a variety of wildlife including species with high economic value and species that have special conservation status. The area supports mule deer fawning habitat and winter and transitional habitat for mule deer and elk. The riparian canopy of Dry Creek supports nesting raptors such as great-horned owl, red-tailed hawk and Swainson's hawk. The trees and tall shrub vegetation supports a diverse songbird community and winter habitat for Columbian sharp-tailed grouse, an Idaho *Species of Greatest Conservation Need* (SGCN). The uplands adjacent to the Dry Creek riparian corridor support other SGCNs including short-eared owl, long-billed curlew and sandhill crane.

It is our understanding that part of the county review/approval process includes a fiscal analysis that requires the project applicant to calculate and reveal the costs of the project to Teton County and its citizens. One way to offset some of the costs of development is to provide the public with meaningful open space that protects important public values such as wildlife habitat and water quality. Department staff would be happy to provide more specific recommendations on to best conserve wildlife in the proposed Mountain Legends project area.

Please contact me if you have questions or require additional information.

Rob Cavallaro, Regional Wildlife Habitat Manager

Idaho Department of Fish and Game
4279 Commerce Circle, Idaho Falls, Idaho 83401
(208) 525-7290
rob.cavallaro@idfg.idaho.gov

Kristin Rader

From: Laura Clinton [REDACTED] >
Sent: Tuesday, July 05, 2016 3:55 PM
To: PZ
Subject: Proposed Mountain Legends Ranch Subdivision

TETON COUNTY
PLANNING & ZONING

JUL 07 2016

RECEIVED

To The Teton County Planning & Zoning Commission,

We are residents of the Alta Vista subdivision, and are writing to oppose the subdivision planned by Peacock Property, LLC on the east side of Grand Teton Road. Please see below for our reasoning and rationale for this.

We strongly believe that the grouping and clustering of that many homes will dramatically change the community for the worse. The proposed development area is far too small to develop 76 new properties - doing so in such a confined space will have a negative impact on the surrounding area and our current living conditions.

The road and utility infrastructure cannot handle the activity from that many homes in such a small area. This proposed development will mean we must vigorously monitor the safety of our children and dogs with such an influx of traffic. It would most likely require traffic lights to be installed on E 2500 N. It would appear that no thought or consideration has been given to how such a population increase would impact local services, schools, hospitals, and the levels of congestion in the area. We are very concerned about the short- and long-term costs to the community in this regard, and most certainly our taxes will go up to accommodate the burden of the population increase and all the necessary facilities built to accommodate such an influx of people.

Not to mention the noise and disruption caused by such a scaled development project. One of the reasons we love this area so much is the peace and tranquility it offers. This proposed subdivision will certainly disrupt the quiet, obstruct the view that we paid significantly for, and will impact our property value. We do not want to live in a grouped, clustered community and we feel a proposed subdivision on 76 properties is in too close a proximity to our neighbors and subdivision. Our area is away from the center of town and is comprised of homes adequately spaced, which are not part of a certain enclosed community - something this new subdivision will destroy.

MOST importantly, is the impact to the environment and to wildlife. Moose and elk herds are just two of the animals utilizing this space in the winter time, as well as significant bird life. Wolves have also been known to venture this far out from the mountain range. The mountains and surrounding area are home to thousands of species of animals, and destroying the entire ecosystem for such a large development that local residents are NOT in support of, is entirely unconscionable.

Thank you for your consideration. We will be attending the meeting on July 12 to contribute to the discussion with our neighbors.

Sincerely,

Jerrold & Laura Clinton
 1253 E 3500 N
 Driggs, ID 83422
 [REDACTED]

JUL 05 2017

RECEIVED

Comments on proposed Mountain Legends Subdivision

The other day - June 21st, the first day summer, to be precise - I was sitting on my deck watching the colors of the Tetons change as the sun went down. The reds were just fading to purple when a golden eagle flew right in front of me, its wings barely moving in the still air. When I die, I hope I can remember that moment.

Do you know that golden eagles live where there are large, open fields and sweeping views that allow them to spot prey? They choose places a lot like the fields where developers now want to put up seventy six houses.

The people behind "Mountain Legends" assert the land in question has no natural resources. They haven't been paying attention. Since the 2012 vacation of the original subdivision proposal, a herd of elk numbering well over a hundred animals has taken up winter residence there. I am willing to bet that most Americans have never seen an elk - or a golden eagle, for that matter.

You want natural resources? How about the harrier hawks, the red tails, the Swainson's, the kestrels and the falcons? Want more? In winter the rough-legged hawks arrive. These birds are predators, feeding on an abundance of voles, ground squirrels and other little creatures. I'd call them a natural resource; wouldn't you?

The elk, by the way, have plenty of company. Mule deer and Virginia white tails; even moose come through. Coyotes, foxes, rabbits, skunks, porcupines, badgers: it gets to be a long list.

Just over a year ago Georgina Worthington found a young, injured harrier hawk in the fields. Its parents were trying unsuccessfully to encourage it to fly. It was too badly hurt. Although Georgina wrapped it in a hat to take it home, she was still clawed for her efforts. Harriers have knives for talons. She called Idaho Fish and Game agent Rob Cavallero, who came, picked up the bird and took it to Victor to rendezvous with a person from the Wilson Raptor Center. The Center did its best to rehabilitate the young hawk, but found its injuries were too extensive. They ended up sending it to a rehabilitation facility in North Carolina, where it is now said to be recovering well. I relate this story to illustrate that there are many serious people in our area and across this country who agree with John Muir, who said, "In wildness is the preservation of the world."

One autumn morning I could see my breath as I walked out the front door. Half awake, it dawned on me that there was a very large wolf in my yard looking straight at me. I suppose people react oddly in odd situations. I whistled to see if it would come over closer. In my defense I have to say that I was in a position to close the door if I needed to. As it happened, the wolf didn't want any part of me. It turned tail and ran back to the fields of Mountain Legends.

I'll tell you what would be a real mountain legend: if a group of passionate people could halt the building of seventy six houses no one needs in this, the zombie subdivision capital of the Rockies. Let's join in to preserve at least some of our remaining natural surroundings.

John Greenwood
[REDACTED]

JUL 05 2016

TETON COUNTY
PLANNING & ZONING

July 5, 2016

Teton County Planning and Zoning Commission
150 Courthouse Drive #107
Driggs, ID 83422

RE: Proposed Mountain Legends Ranch Subdivision

Dear Commission:

We write today as concerned adjacent property owners.

Our location is 3630 North 1500 East. Our home is the historical George Peacock residence, which was built in approximately 1935, which we have owned since 1993 and carefully maintained and restored. At one time, 1500 East was a dead-end road ending at this location. The area was then solely agricultural with a few farmhouses.

We have been here 23 years, and in this time, the area has changed only a little, with a few additional homes being constructed. These new homes are generally standalone structures on parcels running in the neighborhood of 5, 10, and maybe 20 acres or more. There have been no additional subdivisions of any significance in this timeframe.

The effects of this application are enormous, and cannot be understated. It will, if approved, have lasting negative impacts on this area. We ask that the Commission proceed carefully with the review.

In addition to all the usual issues around this proposed new development, of which the Commission is fully aware, we wish to add three additional points:

1. Wildlife Corridor: Attached are two pictures showing the very large elk herd that winters here. One has to look closely as a hundred or more are in the back of each photo. These were taken in the winter of 2015-16. In the summertime, we often see numerous whitetail deer and red fox in the area of Dry Creek. This area, around Dry Creek, is excellent habitat and I believe meets the Commission's definition of a wildlife corridor.
2. Road Infrastructure: The capacity of the existing roads is a great concern. County road 1500 East as it proceeds through this area is currently a narrow, unpaved road. This route is much like a greenbelt, with runners, cyclists, walkers, equestrians, and of course vehicle traffic and farm machinery. Two approaching vehicles cannot pass without taking caution, requiring that they come to a slow crawl for safe passage. As the road passes in front of our residence, there is a lazy S-curve which includes a sharp rise in the terrain with associated visual obstructions. At the top of the hill there are two tight 90-degree turns in the road as you enter

Teewinot going south. This road would require extensive modifications if the usage were to safely rise to the level of the additional traffic load. Since this is a "resort area," one is not talking about just the owner usage but the additional volume of traffic created by visitors, i.e., friends and family that would be associated with the primary homeowners.

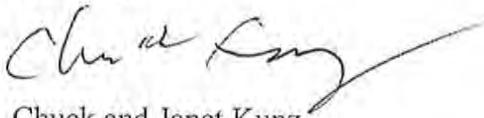
If this application were to be approved, we would hope that access be restricted to Stateline Road, which is clearly designed for heavier use.

3. Technology and Online House Rentals: Another consideration is technology. Airbnb, Inc., and other "sharing economy" websites have the ability to turn any residence into a commercial enterprise. Particularly in a resort area, one can rent their home, extra bed, or guest house for the day, weekend, or month. This will surely affect usage and place an increased burden on all infrastructure in the area. It's also quite possible new homes end up not for new, contributing members of our community, but rather, for housing speculators looking to rent to paying guests with no long-term vested interest in this Valley.

Of course there are all the other matters associated with rural density that the Commission is fully aware of, which we will not address here.

We will attend the July 12 hearing with our neighbors, to stand and address any of the matters we listed in this letter. We very much appreciate the Commission's careful due diligence on this matter.

Kind regards,

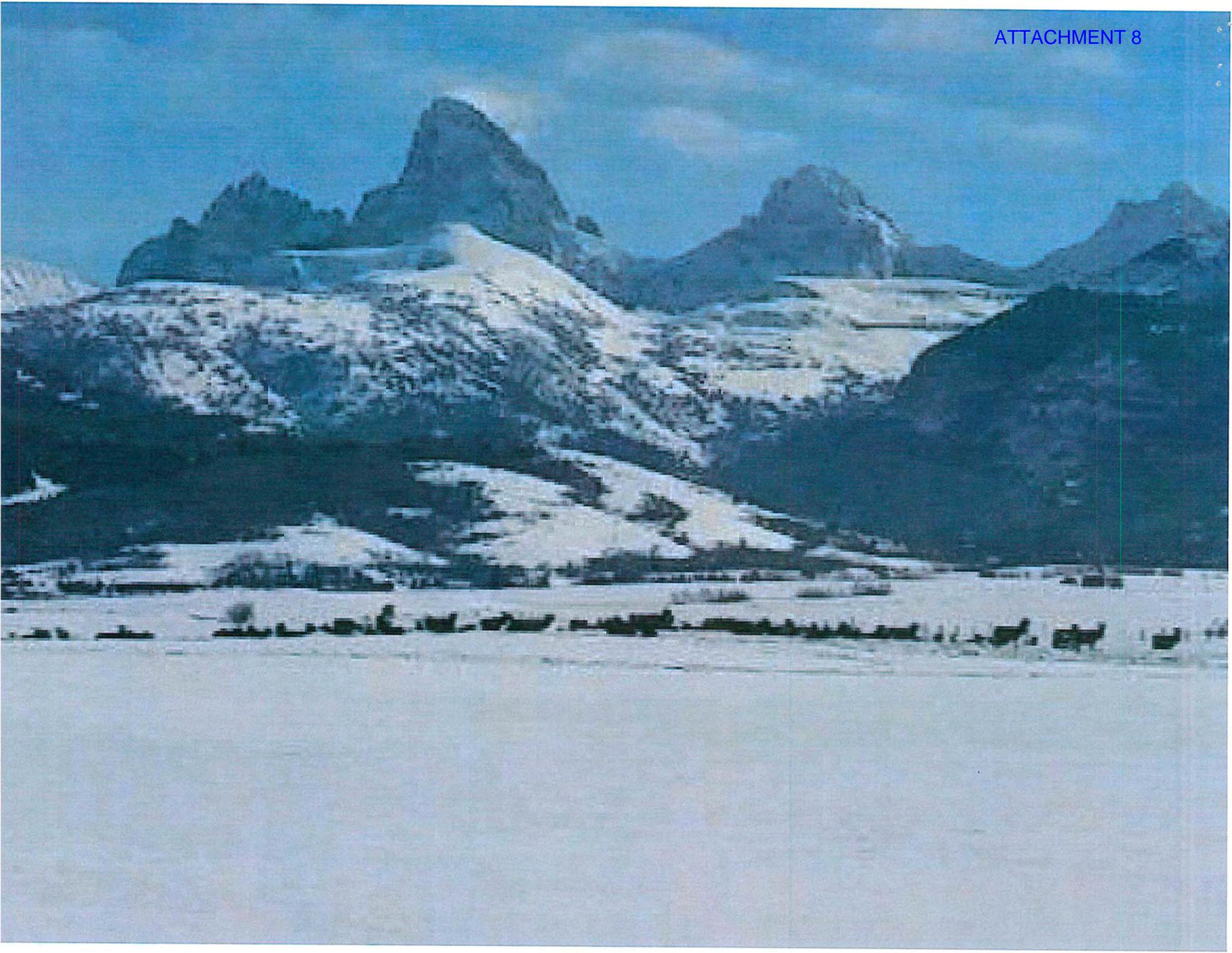


Chuck and Janet Kunz
3630 North 1500 East
Driggs, ID 83422

[REDACTED]
[REDACTED]

Attachments: Two wintertime wildlife photos





JUL 03 2016

RECEIVED

July 3, 2016

To: Kristin Rader, Interim Planning Administrator and Planning and Zoning Commissioners

Concerning: Mountain Legends Ranch Subdivision

Dear Ms. Rader and Commissioners,

My husband, John, and I live full-time on 52 acre parcel of land on the NW corner of the proposed subdivision's north parcel. Our property consists of land on both sides of Dry Creek, which is an incredibly rich riparian/wildlife corridor. Importantly, Dry Creek is part of a designated Wetland and Waterways Overlay and is a mapped Raptor and Songbird Habitat. A portion of Dry Creek that runs through our property is within 300 feet of the proposed northern subdivision parcel.

This riparian zone, not only on our property, but along the length of Dry Creek, is home to a herd of 150 wintering elk; fawning mule deer; sharp-tailed grouse; golden eagles; short eared owls; long eared owls; great gray owls; great horned owls; moose, bears; porcupines; skunks; coyotes; badgers; foxes; Swainson's Hawks; Harriers; Red Tailed Hawks; Rough Legged Hawks; Curlews; Great Blue Herons; Sandhill Cranes; ducks; geese; crows; ravens; magpies; Countless Songbirds – Western meadowlarks, robins, house finches, goldfinches, cassin finches, pine siskins, black headed grosbeaks, red winged blackbirds, brown headed cowbirds, blackbirds, house wrens, swallows, western tanagers, to name a few. We have counted over 20 nests on our corridor alone.

We also have 30 acres in a Wildlife Habitat Improvement Program, in a joint project with the state in which we planted native grasses and native wildflowers. We live in a yurt and a small cabin and have extremely low impact on this riparian habitat. I am a naturalist and an environmental educator by profession and am keenly aware of the

potential impacts on wildlife and the waterway that this proposed subdivision represents.

The wintering elk herd beds down at night along our creek bed and our neighbor, Larry Redd's, creek bed. By day, they head right to the proposed Mountain Legends subdivision land.

There is no doubt that the proposed Mountain Legends subdivision would significantly impact this corridor, its wildlife residents and visiting/migrating wildlife. In reviewing the Project Narrative for this subdivision, there were numerous mistruths and misrepresentations. Significantly, it states that it is "promoting protection of natural resources." I cannot see how this is possible in the proposed plan. It further states that these subdivision parcels are "not located in a sensitive area." How can they believe this to be true? As well, it claims that the subdivision "does not contain unique or sensitive natural resources." In addition, it states that "the site does not have any migration corridors or (again) sensitive areas." I might ask, has the developer spent any time in every season on this property at all? As for his claim of providing "open space", the only allowance that I can see for that is the backyards of the individual lots, which should hardly qualify as open space. Also, I cannot figure out his claim to "agricultural easements", unless he is counting the farmland adjacent to his subdivision, which is owned by someone else. And, finally, I must ask how he can claim that this subdivision would "enhance the rural neighborhood."

In providing this narrative, I feel that the developer is making a very weak attempt to pay lip service to Comprehensive Plan guidelines and, in fact, makes his proposed plan even less credible by doing this so poorly and in such an unsubstantiated manner.

None of this is in keeping with the 2012 Comprehensive Plan. All of this proposed development plan puts us right back to pre 2008 thinking, which is not at all representative of the wishes of the community now. Simply from a responsible and forward looking standpoint, I must ask how another subdivision is going to benefit our community. As stated in the 2012 Comprehensive Plan:

"Almost everybody in the community agrees that additional, poorly-planned subdividing of land will not help the Valley's economy or character.

The challenge to our community is how we are going to clean up the mess of development that has left us with close to 9000 empty lots. We are at a juncture with a new Comp Plan that allows us to change the paradigm going forward, and this proposed subdivision does not represent forward thinking or even logical thinking. How any commissioner or resident could truly believe that another subdivision in this county is going to add value to any of our lives or benefit the natural community in any way seems simply irresponsible from all aspects. Particularly one that has already been vacated and failed once. Importantly, because this valley is wonderfully imbedded in agricultural heritage, the riparian corridors are precious few and provide both water resources and critical habitat to wildlife, which we all also covet. We cannot risk destroying any aspect of this Dry Creek riparian corridor, and I ask you to consider the dire impact this proposed subdivision will have on this precious natural resource and the uniqueness of our valley.

I am including a video of the elk herd emerging from the Dry Creek creek bed and continuing into the proposed subdivision land. I am also attaching numerous photos of the Dry Creek wildlife and its undeniable richness. Once displaced, where will this wildlife go? To discount any of this because of a non-existent wildlife overlay, specifically, speaks only to the short sightedness of previous code and resources that were not available to conduct a review to develop an overlay to begin with.

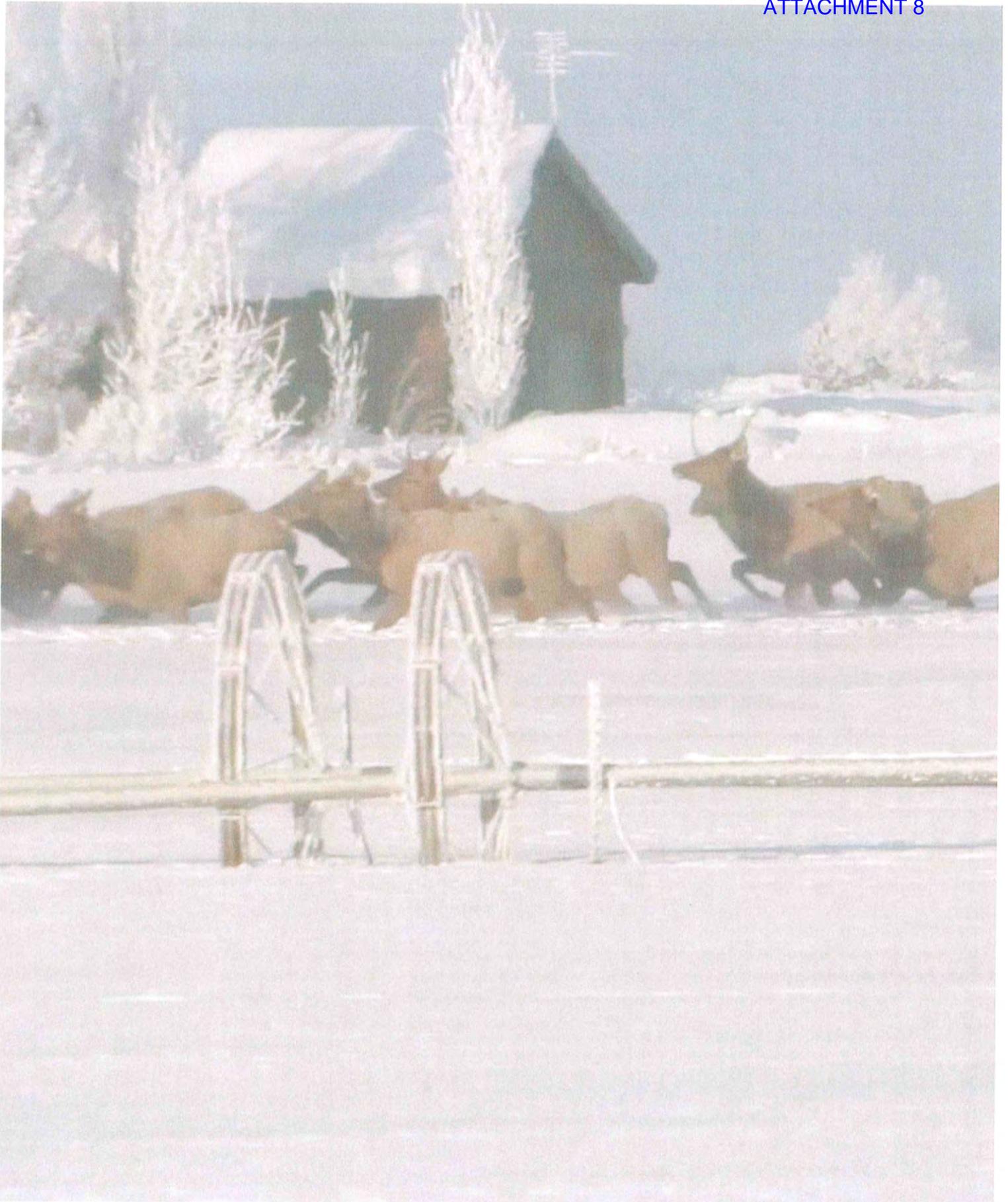
Thank you for your consideration of these comments and for the work you are all doing on behalf of the community, a job that is not always easy nor often appreciated.

Kind regards,

Linda Unland

1933 E 4000 N
Driggs, ID 83422

Video of Elk coming up from near Dry Creek creek bed to the proposed development





Bobcat/Mountain lion tracks



Elk tracks from our creek bed leading up to proposed subdivision land



Dry Creek flows year-round



Dry Creek Riparian/Wildlife Corridor



Raptor prints



3 Moose emerged from Dry Creek Corridor



Dry Creek



Vegetation along Dry Creek



WHIP program native grasses and wildflowers



Meadow bordering subdivision

JUL 05 2016

RECEIVED

Kristin Rader

From: Richard W. Emmons [REDACTED]
Sent: Tuesday, July 05, 2016 2:04 PM
To: PZ
Subject: Proposed Peacock Property LLC subdivision

Attention: Teton County Planning Department; Planning and Zoning Commission; and Board of County Commissioners

We the undersigned are property owners adjacent to the proposed 197.05 acre subdivision by Peacock Property LLC (RP05N46E084500). Our property is located at 1445 E, 3500 N. We wish to record our objections and concerns about the proposed Peacock Property LLC Subdivision. This huge development in our rural area would greatly increase traffic; impact adversely the water supply from the ground aquifer; add considerably to the sewage disposal required for 76 separate septic systems and drain fields; adversely affect the scenic beauty and views of the Teton Mountain Range for we established homeowners; add considerably to the light pollution of the area; adversely affect the wildlife, since elk, moose, and other desirable wildlife currently inhabit this region; and add significantly to the needs and cost of fire prevention, policing, road maintenance, and other governmental oversight responsibilities. Thank you for your consideration of these concerns.

Sincerely, Richard W. Emmons and Barbara Voorhees-

Emmons

Mail address: P.O. Box 1339, Vashon, WA 98070

Phone: [REDACTED] [REDACTED]

E-mail: [REDACTED]

Kristin Rader

From: Michael Heisey <[REDACTED]>
Sent: Tuesday, July 05, 2016 10:13 AM
To: PZ
Subject: Mountain legends subdivision
Attachments: IMG_1735.JPG; ATT00001.txt

Follow Up Flag: Follow up
Flag Status: Flagged

TETON COUNTY
PLANNING & ZONING
JUL 06
RECEIVED

From: Michael Heisey [mailto:[REDACTED]]
Sent: Wednesday, July 06, 2016 8:29 AM
To: Kristin Rader <krader@co.teton.id.us>
Subject: Re: Mountain legends subdivision

Hi Kristin, sorry my email didn't function properly. If you wouldn't mind I would like to say the following.

My name is Michael Heisey, I live in the Alta vista subdivision. I am opposed to the mountain legends subdivision. Building another development in a wildlife corridor that already has plenty of empty lots seems unnecessary and harmful to existing wildlife and resources. Additionally are roads are not sufficient for all the added traffic. Finally adding 76 wells and septic systems can't possibly be safe for our environment and water supply. Sincerely Mike Heisey



Kristin Rader

From: Mary Narrod <[REDACTED]>
Sent: Tuesday, July 05, 2016 4:26 PM
To: PZ
Subject: Mountain Legends Ranch

TETON COUNTY
PLANNING & ZONING
JUL 05 2016
RECEIVED

To whom it may concern,

My name is Mary Narrod and my address is 3595 Black Bear Drive, Driggs, ID 83422.
I am writing in opposition of the proposed Mountain Legends Ranch.

It seems very unreasonable to me that you would even consider such a proposal when there are so many subdivisions that are half empty. What would be the purpose? Let's see the existing subdivisions fill before having another one. I don't think it presents well to tourists and possible future residents to see so many empty subdivisions. It's a visual statement of the economy of Teton county.

There is also the additional consideration of our wildlife. This area is a corridor for moose, deer and a large elk herd. The wildlife need this area especially in the winter.

I hope that you will make good judgment by denying another subdivision in this beautiful valley.

Sincerely,
Mary Narrod

Sent from my iPad



Valley Advocates for Responsible Development

July 5, 2016

TETON COUNTY
PLANNING & ZONING

JUL 05 2016

RECEIVED

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

Re: Mountain Legends Concept Plan

Dear Members of the Commission:

We offer the following comment on the Mountain Legends Concept Plan in the context of the criteria for approval set forth in Section 9-3-2 (B)(4) Consideration of Approval [for Concept Review].

The Mountain Legends Concept Plan does not conform to the Teton County Comprehensive Plan as required by Section 9-3-2 (B)(4)(a). We concur with the Planning & Zoning Staff's concerns and find that the proposed subdivision does not conform to the 2012 Comprehensive Plan, which we believe is a reaction against the type and scale of development proposed in this Concept Review.

The availability of public services to accommodate the proposed development has not been established as required by Section 9-3-2 (B)(4)(b). Most glaringly, Teton County, Wyoming, the entity responsible for maintaining the development's primary access - State Line Road - has not contributed to the review of the Mountain Legends application as an official service provider. Over the years, we have attended many public meetings held with the Teton County, Wyoming Board of County Commissioners and Alta residents, and, almost without exception, the inadequacy of State Line Road is the focal point of discussion. The prospect of a 76-unit development has the potential to degrade the quality and safety of State Line Road even further. In addition, the 76-unit subdivision proposes individual wells and septic systems in an area found to have high Nutrient Pathogen levels. Before a development of this scale can be considered, the carrying capacity of the entire groundwater resource must be evaluated. Finally, a white paper published in 2015 by the Teton County Planning & Zoning Department found that virtually any subdivision of any size will likely result in increased costs to Teton County and its taxpayers. A 76-unit development will certainly burden community services.

Comment 27



Valley Advocates for Responsible Development

The conformity of the proposed development with the capital improvements plan is not clear as required by Section 9-3-2 (B)(4)(c).

Page 9 of the county's capital improvement plan does mention an average density factor of 50-80 units per 100 acres, but as the preceding text to this figure indicates, several large assumptions are utilized to establish this number. For example, residential projections assume that many future dwelling units will be second-homes, thereby decreasing overall impact. However, the applicant's narrative repeatedly touts the housing opportunities purportedly afforded by the development proposal, and thus indicates that a significant portion of the units within the development will likely be permanently occupied –and therefore more impactful – than what is contemplated in the county's Capital Improvement Plan.

The public financial capability of supporting services for the development has not been established as required by Section 9-3-2 (B)(4)(d).

We understand that a fiscal impact analysis will be required upon submittal of the preliminary plat, however, like many other aspects of this development, the Planning & Zoning Commission must seek to understand the initial impact created by the sheer scale of the project before moving forward. We believe this is precisely why this and other considerations are codified at the Concept Review phase. The 2015 Planning & Zoning Department white paper makes clear that any new development will have a significant fiscal impact, and the Planning & Zoning Commission must now consider whether to consider a scale of development that will undoubtedly result in serious fiscal impacts to Teton County taxpayers.

Other health, safety, and general welfare concerns must be addressed as required by Section 9-3-2 (B)(4)(e). We understand that public comment is forthcoming and may be voluminous. The impacts borne by surrounding property owners are substantial and warrant serious consideration.

We conclude that the proposed Concept Plan does not meet these five required criteria and should thus be subject to denial.

Sincerely,

Shawn W. Hill
Executive Director

Kristin Rader

From: Debbie Whipple <[REDACTED]>
Sent: Tuesday, July 05, 2016 4:56 PM
To: PZ
Subject: Mountain Legend Concept Application
Attachments: Elk.jpg; DSC02019.JPG

TETON COUNTY
PLANNING & ZONING
JUL 05 2016
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Teton County Planning and Zoning Committee
150 Courthouse Dr., Rm 107
Driggs, ID 83422

Bob and Debbie Whipple
3246 N. 1500 E.
Driggs, ID 83422

Harry and Belle Niendorf
1370 E. 3500 N
Driggs ID 83422

RE: Mountain Legend Concept Application

Committee Members:

Our properties are on the Southwest Corner across 1500 E. from this proposed development and immediately NW of the the Development off 1500 N. We have received the notice for the Public Hearing regarding this development. We, the undersigned, are **opposed to this development** as currently proposed. The following reasons are why we are concerned:

1. IT is called a rural neighborhood but it appears clustered like an urban development not at all like the existing subdivisions
2. There are migration of elk through this area that should require an impact study. 3 out of the last 4 years we have had a herd of elk along this area. See picture.
3. Harmonious with the surrounding developments: touting "open space" then creating tight clustered building envelopes with "clustering" is an illusion of "open space".
4. Clustering of homes in enveloped building spaces creates concentrated waste that is concerning.

We will be attending the forth coming meetings and await the further "conceptual" plans as they develop.

Sincerely,

Robert and Debra Whipple
Harry and Belle Niendorf

Kristin Rader

From: Michael Mulligan [REDACTED]
Sent: Monday, July 04, 2016 6:31 PM
To: PZ
Subject: Mountain Legends

TETON COUNTY
PLANNING & ZONING
JUL 05 2016
RECEIVED

Dear PandZ Folks,

I hope it is called Mountain Legends because it is just that: that which might have been but does not come to fruition -- a faulty legend, that is.

As a close State Line resident and ranch owner, let me say this is the stupidest, ugliest idea since the creation of the other abomination, Snow Crest -- or is it Snow Pest?

The last thing this valley needs is another crazy development. There are already thousands of unsold lots in endless ugly zombie developments all over the place here. The precious valley is on the verge of being lost forever. Open space -- gone.

Dry Creek is a great wildlife corridor. Indeed, one of the valley's very few resident elk herds winters right on the proposed Mountain Legend abomination.

Thank you, folks, for doing your job and protecting one of the few remaining wildlife corridors in the valley. Thank you for rejecting this notion of 2.5 acre lots.

Teton Valley is close to really being wrecked. Thanks for saving it.



Michael Mulligan
Head of School
[The Thatcher School](#)
5025 Thatcher Road
Ojai, California 93023
[REDACTED]



Comment 29