

AN ANALYSIS OF 2004-10 COMPREHENSIVE PLAN POLICIES IN RELATION TO THE  
SCENIC RIVER ESTATES PUD VACATION APPLICATION.

May 17, 2012

ALL PLOLCY GOALS AND IMPLEMENTATION STATEMENTS

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Chapter 1 – Introduction Not Applicable (NA)

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**Chapter 2 – Purpose of Plan**

The purpose for having a comprehensive plan begins with the desire of the people to provide for the fair and equitable use of the lands in the county. Under the provisions of the United States Constitution and the Idaho Constitution, power has been delegated to the county to promote the health, safety and general welfare of the people with regard to land use both public and private as follows:

- *To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks. NA*
- *To ensure that adequate public facilities and services are provided to the people at reasonable cost. NA*
- *To ensure that the economy of the state and localities is protected. **Arguably, a glut of lots has damaged the Teton County real estate economy and reducing the number of lots might help alleviate the situation.***
- *To ensure that the important environmental features of the state and localities are protected. NA*
- *To encourage the protection of prime agricultural, forestry, and mining lands for production of food, fibre, and minerals. NA*
- *To encourage urban and urban-type development within incorporated cities. NA*
- *To avoid undue concentration of population and overcrowding of land. NA*
- *To ensure that the development on land is commensurate with the physical characteristics of the land. NA*
- *To protect life and property in areas subject to natural hazards and disasters. NA*
- *To protect fish, wildlife, and recreation resources. NA*
- *To avoid undue water and air pollution. NA*
- *To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis. NA*

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Chapter 3 – Planning Process NA

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Chapter 4 – Teton County Planning History NA

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**Chapter 5 – Property Rights**

Policy 1: *The Teton County Comprehensive Plan acknowledges private property rights are protected under the 5<sup>th</sup> and 14<sup>th</sup> amendments of the United States Constitution and sections 13 & 14 of article 1 of the Constitution of the State of Idaho. NA*

Policy 2: *The Teton County Comprehensive Plan acknowledges the right and responsibility of Teton County to reasonably regulate land use. NA*

Policy 3: *The land use ordinances and actions of Teton County, including the policies, restrictions, conditions and fees, shall not violate private property rights, shall minimize adverse impact on property values and minimize technical limitation on the use of property consistent with state and federal constitution and statutory law. Implementation is implicit in and mandated by state and federal law. **The glut of platted, vacant subdivision lots in Teton County is a detriment to property values. Reducing the number of***

**lots County-wide will work towards relieving this glut. The applicant maintains his right to apply for a new subdivision at any time in the future.**

*Policy 4: Any aggrieved real property owner may petition the County Commissioners pursuant to chapter 80 title 67 of Idaho code as presently constituted or herein after amended. (See Idaho Regulatory Takings Guideline, Attorney General) NA*

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## **Chapter 6 – Population**

*Policy 1: Demographic information is important and needs to be gathered by the county government and continually updated. NA*

*Implementation 1: The County shall monitor population increases, the physical distribution of the population, and the demographic and economic composition of the population. This information will be gathered by GIS when available in Teton County. NA*

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## **Chapter 7 – School Facilities and Transportation**

*Policy 1: Planning decisions and efforts must emphasize providing infrastructure and services to the growing population and provide means for growth to pay its way. Growth trends over the past decade and growth projections for the coming decade indicate that providing infrastructure and services will be a bigger challenge than attracting new residents and business. **The scattered growth pattern in Teton County will make it increasingly difficult and expensive to provide services as build-out occurs. Eliminating these lots will decrease the impacts of the potential development on the ability of the County to provide services.***

*Policy 2: Assure adequate school facilities for a growing student population. NA*

*Policy 3: Encourage school facilities be available to use for civic and recreational purposes. NA*

*Policy 4: Past and projected future growth trends are providing for significant increases in the local tax base. However, the existing tax and fee structures appear to be providing inadequate funding for required infrastructure and service improvements. NA*

*Implementation 1: Planning efforts should recognize that TCSD #401 will most likely have to accommodate an enrollment increase of 1633-2147 by the year 2010. **The vacation of Scenic River Estates (SRE) would alleviate the potential impacts to the school system from 51 additional residences.***

*Implementation 2: Planning and Zoning Commission shall monitor new developments for compliance with District 401 policies regarding road design, maintenance, turning radius, etc., to allow for school bus service. NA*

*Implementation 3: The school district and the county shall cooperate in decisions about locations of future school facilities. NA*

*Implementation 4: The school district should cooperate with and help establish multi-use programs whereby civic and recreational organizations have access to, and use of, the expensive public facilities controlled by the school district. NA*

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## **Chapter 8 – Economic Development**

*Policy 1: It is the intent of the Comprehensive Plan to encourage orderly growth. **The vacation of SRE would eliminate one part of a scattered development pattern and allow the applicant to re-apply at a later time under the then-current development codes.***

*Policy 2: Grand Targhee Ski Resort is recognized to be of great economic importance to the economy. The county planning should complement and maximize economic opportunities for commercial support of this facility. County planning should consider the impact on values important to tourism. NA*

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Policy 3: *One of the county's prime economic values is the attraction of a rural, small town lifestyle, magnificent views, clean air and water, and abundances of outdoor recreational opportunities. Development and land use proposals that support and balance these values with desirable growth should be encouraged. As more lots become developed in the rural areas of the County, the small-town feel of the area becomes more compromised. Keeping these 160 acres in agricultural production seems like a better economic use of the land than creating lots that have a low likelihood of sale in the near future.*

Policy 4: *Employment opportunities are vital to a sound local economy. Support proposals that provide a variety of jobs for existing and future work forces without sacrificing quality of life. NA*

Policy 5: *To predict infrastructure costs, it is imperative that the County adopt a capital improvements plan as defined in the Idaho Code. NA*

Implementation 1: *Since current revenue projections are inadequate, the County shall fund a CIP before 2005 to alleviate these shortfalls. NA*

Implementation 2: *Encourage the development of small, light industrial activities in appropriate locations that do not have negative impacts on the environment and the health and welfare of residents. City impact areas and municipalities and industrial zoned areas are the desirable locations for industries and retail commercial activities. NA*

Implementation 3: *In the interest of character preservation, chain businesses and other development shall be required to design buildings and other facilities that blend with the local architecture. NA*

Implementation 4: *Work with Teton County, Wyoming, to encourage development at Grand Targhee that is in harmony with the infrastructure and economy of Teton County, Idaho. NA*

Implementation 5: *Employ a professional grant writer for the county governmental and quasi-governmental agencies paid for by independent taxing entities. NA*

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## **Chapter 9 – Land Use**

Policy 1: *Protect open space throughout the county. Enhance the mechanisms available to incorporate the same in developments. **Scenic River Estates is currently in agricultural production. Returning the development to acreage would keep the property in agriculture (i.e. not change its current status) and continue to contribute to our agricultural heritage and rural character with open space.***

Policy 2: *The scenic corridor is valued and view corridors should be maintained and protected. Guide development along the county's highways so that a sense of open space is protected. It is recognized that views across the valley from the main transportation routes are integral to the rural experience and a sense of open space in Teton Valley. It is desirable to maintain view corridors. NA*

Policy 3: *Accommodate new residential growth in the county using methods that preserve Teton Valley's pristine qualities and foster efficient provision of services. Concentrate higher-density development in the cities or in their areas of impact. (See Implementation 10). **This project consists of 51, one-acre lots, six miles from Driggs. This is high density so far from city services is costly for the County to provide services such as road maintenance and sheriff services.***

Policy 4: *Higher density developments should be located within or near the cities or within or near their areas of impact. Developments in the unincorporated county may be based on the density based zoning concept which will provide significant open space. **This project consists of 51, one-acre lots, six miles from Driggs. This is high density so far from city services is costly for the County to provide services such as road maintenance and sheriff services.***

Policy 5: *Protect cultural and economic diversity by encouraging a range of housing options. NA.*

Policy 6: *Encourage industrial use in existing industrial zones and accommodate desirable industrial development and uses in appropriate areas within the county. NA.*

Policy 7: Foster the economic viability of the cities by encouraging development of most types of commercial enterprises in or near the cities or their impact areas. However, a limited amount of commercial development is appropriate and necessary within the county because it is not suited for cities or their impact areas. NA.

Policy 8: Recognize the agricultural heritage of the valley and the desire of some landowners to provide residential land for their children and foster transfer of lots. NA.

Implementation 1: Provide creative open space ownership mechanisms and require responsible open space management. Amend the subdivision ordinance to allow designated open space parcels to be platted as one or more, large, privately held lot or lots. **SRE has open space lots as part of the PUD.**

Implementation 2: Amend the subdivision ordinance and other applicable ordinances to include in the definition of open space the following features: Significant tracts of land not under residential, commercial or industrial use. It may be productive uses including agriculture or low-impact recreational amenities such as greenbelt pathways, ball fields and golf courses, or it may include sensitive environmental areas such as wetlands, riparian areas, steep hillsides and wildlife corridors. Streets, parking areas, structures for habitation and the like shall not be included. Lawns, yards, gardens or similar outdoor features associated with homes, condominiums, apartments or business can only be included if such features are held or managed in common by all project residents. These shall be reviewed by the Planning and Zoning Commission based on design benefits and access to the general public. NA

Implementation 3: Guide the placement of planned unit development open space so that natural, scenic, and other significant features are protected; meaningful open space tracts are created; and land use conflicts are minimized. **The open space was created to provide amenity to the lot owners of SRE. The open space tracts are large. These open space lots are isolated from other open space and surrounded by lots.**

Implementation 4: Amend the subdivision ordinance to encourage newly designated P.U.D. open space adjoin existing protected open space, and provide, to the extent feasible, visual access to open space. NA

Implementation 5: The Planning and Zoning Commission should begin the process of writing an ordinance, in accordance with state law, for the transfer of development rights. The development rights ordinance should include a provision for trading of development rights between areas and zones. NA

Implementation 6: Encourage property owners to enhance the scenic corridor to demonstrate pride of ownership and clean up and fix up their properties. Administratively activate the nuisance ordinance and enforce it. NA

Implementation 7: Encourage open space development along the scenic corridor be adjacent to the highway or that open space shall be in the place most aesthetically pleasing and development most shielded from the view from the highway. NA

Implementation 8: The County should aggressively negotiate with the city of Driggs to move the northern boundary of the impact area from 250 North to 150 North, east of Highway 33 and 200 North, west of Highway 33. NA

Implementation 9: The Planning and Zoning Commission should undertake a study to identify and protect view corridors and investigate methods of financing the same. NA

Implementation 10: The urban service area, that area which is defined within one-half mile of the impact areas or the city limits, shall have a target density for development of 80\* to 100 units per 100 acres and shall include 20% open space. (As defined on Comp Plan Map #4). NA

The **urban reserve areas** are those areas within one-half mile of the urban service areas and the area between Driggs City south to Victor from one-half mile west of Highway 33 east to the Wyoming state line and includes the area south of Highway 31 west of Victor. The target density of development shall be 50\* to 80 units per 100 acres and shall have 40% open space. (As defined on Comp Plan Map #4) NA.

*The rural reserve area is the remainder of the unincorporated area of the county. The target density for development is 50\* to 60 units per 100 acres and shall have 50% open space. (As defined on Comp. Plan Map #4). **This PUD meets that target at approximately 30 units per 100 acres.***

*The Planning and Zoning Commission is authorized to grant greater density if sufficient justification through amenities, geographical lay out, development rights transfers, etc. can be demonstrated. (See Policy 5, Natural Resources)*

*\*The smaller density numbers outlined above are based on the limitation of one unit per one acre which allows for individual culinary wells and septic systems. The higher density numbers cannot be obtained without a central water and/or sewer system. The open space formula cannot be violated regardless of density.*

*Implementation 11: The A/RR -2.5, A-20 zoning districts and the Ag PUD development process shall become grand fathered upon the adoption of the amended process development to establish a density-based method of subdividing land. The grand fathered zones and the Ag PUD retain all existing rights, characteristics, and obligations and shall never be expanded. The applicant may choose the method for development by using his grand fathered rights or he may elect to move to the new density based process for development. (Grand fathered means the applicant can choose to develop under his existing zone or process, or he can choose the new density based process for development.). **NA***

*Implementation 12: Urban service developments shall have a central water system in the event they do not hook up to the city water system. **NA***

*Implementation 14: Encourage the Board of County Commissioners to implement a business license and require that all businesses obtain a business license for the purpose of demographic information. **NA***

*Implementation 15: Amend the zoning ordinance to include a commercial zone for appropriate commercial development within the county and amend the land use chart to comply with the comprehensive plan. **NA***

*Implementation 16: The Planning and Zoning Commission will develop an ordinance to protect the skyline where appropriate. **NA***

*Implementation 17: As the county continues to grow, additional industrial uses shall be buffered with uses that protect surrounding landowners. **NA***

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## **Chapter 10 – Natural Resources**

*Policy 1: Seek and encourage incentives including, but not limited to, Federal Farmland Protection Program, Transfer of Development Rights as enacted in Idaho Code 22-4501 to help willing landowners keep their land in agriculture and work to conserve and protect open space and a rural sense of place recognizing that agriculture contributes to a rural way of life that is valued by the citizens. **NA***

*Policy 2: Protect the County's surface and ground waters, wetlands and riparian areas through responsible development and incentives to help landowners conserve important water resources. This policy will apply to all surface waterways, underground waters, and areas shown as wetlands within the National Wetlands Inventory as prepared by the U.S. Fish and Wildlife Service in June 1993, and any updates of the National Wetlands Inventory that might be provided. The National Wetlands Inventory Map shall be used to update Map No.5 Critical Overlay Areas for waterway and wetland resources and shall be modified periodically to help reflect the current understanding of water resources as necessary. **NA***

*Policy 3: Encourage responsible planning in the extraction of gravel and timely reclamation of gravel pits on private lands in Teton County as required by state law. **NA***

*Policy 4: Conserve and protect esthetic values including scenic open spaces, quiet neighborhoods, dark night skies, clean air, safe communities, and accessible public lands. **Returning this subdivision to acreage will preserve open space and contribute to the aesthetic and rural character of the County.***

*Policy 5: Encourage the conservation and protection of important plant, fish and wildlife habitats. (See Implementation 10, Land Use). **NA***

Policy 6: *Ensure that noxious weeds are consistently and effectively controlled in compliance with state regulations and guidelines. **If taken out of agricultural production, weeds in this development may become a problem.***

Policy 7: *As development occurs, consideration should be given to the wise and beneficial use of water to assist in recharging the aquifer. NA*

Implementation 1: *Provide and protect rights to reasonable passage to all public land. NA*

Implementation 2: *Provide for the continuing services of a specialist in water resources to provide information and advice through the planning staff for the planning commission and the Board of County Commissioners. NA*

Implementation 3: *Revise the wetland inventory map. NA*

Implementation 4: *Encourage the Board of County Commissioners to fund a weed supervisor and have funds available to control weeds. Enforce existing ordinances on weed control to ensure compliance with state regulations and guidelines. The landowner should be notified of the condition on the land and be given the opportunity to eradicate the weeds. If the landowner does not comply, the County will do the work and charge the landowner. NA*

Implementation 5: *Ensure that development respects the integrity of the streams, stream channels and riparian areas. NA*

Implementation 6: *Monitor gravel extraction activities to ensure timely and sufficient reclamation of gravel pits. Prepare an inventory of the gravel pits in the county. Encourage the use of abandoned gravel pits for construction and demolition materials as part of a process of reclamation or for ground water recharge where applicable. NA*

Implementation 7: *If sensitive areas are identified by government agencies, encourage open space be placed in those areas. NA*

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## **Chapter 11 – Hazardous Areas**

Policy 1: *Encourage incentives to reduce the threat of wildfire to private property and human life within Teton County. NA*

Policy 2: *Encourage incentives that work to reduce the threat of personal injury, loss of life, and or damage to private property from flooding. NA*

Policy 3: *Encourage incentives that work to reduce the risks that avalanches, mudslides, landslides, and steep slopes pose to private property within Teton County. NA*

Implementation 1: *Support the Teton County Fire District in the process of adopting a wildfire mitigation plan. These regulations will be the implementation of wildfire prevention and management. NA*

Implementation 2: *Amend the subdivision and zoning ordinances to address regulations and standards for areas with unstable slopes and landslide or avalanche hazards. NA*

Implementation 3: *Amend appropriate ordinances so that development within areas identified as hazardous areas are carefully designed and regulated so as to minimize the potential for human injury, damage to personal property and natural resources. NA*

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## **Chapter 12 – Public Services, Facilities and Utilities**

Policy 1: *Support quality fire protection in the county to improve safety in outlying areas of the county. NA*

Policy 2: *Ensure that public utility expansion does not have a significant negative impact on the county's scenic views or individual property rights. NA*

Policy 3: *The County should support the mission of the health care providers to become the focal point of quality intermediate health care in the community.* NA

Policy 4: *A campus for county administrative and judicial functions may be developed with a comprehensive design and capital improvement plan.* NA

Policy 5: *Encourage continued study of the county domestic water systems in conjunction with the state departments and agencies that monitor them.* NA

Policy 6: *Investigate methods for disposing of solid waste including recycling, transfer, expanded landfill, and alternative uses.* NA

Implementation 1: *Endorse the fire districts 10-year plan to provide quality fire protection throughout the county.* NA

Implementation 2: *New communication and distribution lines should be encouraged with broadband and other services of the latest technology on an ongoing basis.* NA

Implementation 3: *Implement the GIS system to include all county agencies and public utilities.* NA

Implementation 4: *Upgrade road signs to require and include grid numbers.* NA

Implementation 5: *The use of underground lines to distribute power is encouraged and is required within developments.* NA

Implementation 6: *New electric utility services are encouraged to be provided within the current rights of way for major trunk lines. Substation expansion is encouraged to be confined to existing substation locations.* NA

Implementation 7: *A study should be done to determine the relationship between the county and the hospital to determine if the hospital requires increased or decreased participation from the county.* NA

Implementation 8: *Encourage the development of an assisted living center preferably located within city limits.* NA

Implementation 9: *Require the Board of County Commission develop a suitable plan for a county campus and or jail facility and funding.* NA

Implementation 10: *Require Board of County Commission to establish a capital development and improvement plan including costs for infrastructure and services not covered by dedicated resources. The Teton County Board of County Commissioners adopted ‘Development Impact Fee Program/Capital Improvement Plan’ October 20, 2008, and by Resolution No 102008, dated October 20, 2008. The study became an element of this Comprehensive Plan. The ‘Development Impact Fee Program/Capital Improvement Plan’ in its entirety is heretofore Appendix A. (amended 10/20/08)* NA

Implementation 11: *Within the parameters of IDWR and as technology will allow, encourage all measures available to enhance the underground aquifer.* NA

Implementation 12: *Provide economic incentives for new developments of specified size and density to provide central water systems for household and fire protection use. Plan these systems, in conjunction with other developments within the immediate region, and where possible consolidate into regional integrated water supply and distribution systems.* NA

Implementation 13: *Centralize and expand existing wastewater collection and treatment systems from household and commercial users in the cities of Driggs, Teton, and Victor and progressively extend them to planned surrounding areas of impact and expansion.* NA

Implementation 14: *The County should plan for handling the disposing of household, commercial and industrial waste by examining all alternatives for disposal including transfer stations and recycling, and alternative local facilities. Accepting waste from sources out of the county shall be contingent upon them paying proportionate compensation on investment and operating costs.* NA

Implementation 15: *Communication towers should be placed to minimize visual impacts.* NA

## **Chapter 13 – Transportation**

Policy 1: *Teton County roads should be updated to meet the needs of the growing population.* NA

Policy 2: Teton County should investigate a public transportation system within the county and region and encourage carpooling between Teton County, Idaho and Teton County, Wyoming. **NA**

Policy 3: When economically feasible, the Teton Valley Trails and Pathways' long-range plan should be supported. **NA**

Policy 4: Teton County supports responsible general aviation expansion of the Driggs- Reed Memorial Airport. **NA**

Implementation 1: The County should support the highway department's "Teton County Transportation Plan 2020" as outlined in Chapter 6 including the roadway Design Standards per Table 6-1, and the proposed functional classifications per Map 6-1. **NA**

Implementation 2: The project descriptions listed as Table 6-4 in the "Teton Transportation Plan 2020" have been revised to break down the list into priorities of short (1), medium (2), or long (3) term action. These were arrived at based on current and expected road use serving areas of present development and foreseen growth. Road improvements should occur in compliance with the following table: **NA**

Appendix A: Recommended Roadway Improvements TABLE NOT INCLUDED

Implementation 3: Maintain the current speed limits on Highway 33 until turning lanes are installed. At such time that turning lanes are installed, the speed limit may be reviewed and increased or decreased if deemed reasonable and appropriate. **NA**

Implementation 4: The existing scenic corridor should be provided with view corridors and pullouts. **NA**

Implementation 5: Require a written road improvement and maintenance priority plan be published every five years. This could include a broader use of blading and dust control to better serve developing areas. Where traffic demands, paving and/or chip seal should be used. **NA**

Implementation 6: A major study should be conducted of the Road and Bridge operation to include road districts and a cost comparison with similar counties and private vs. public costs of services. **NA**

Implementation 7: Support a public transportation method to Jackson. **NA**

Implementation 8: Encourage the development of multi-use pathways and separate them from major roadways when possible. Encourage developments that are adjacent to or in the area of a planned pathway to participate in building a section or contributing to the costs of development and maintenance. Pathways should be funded primarily through grants or private sources. **NA**

Implementation 9: Expansion of General Aviation at the Driggs-Reed Memorial Airport should be encouraged in accordance with its LAP. Commercial aviation is not considered feasible due to airspace restrictions with current GPS instrument landing systems and is not considered in the public interest under any circumstance. Noise abatement requirements within FAA regulations should be required where possible. Because the airport has a profound impact on the county, a representative from the County should remain as a member on the airport board. **NA**

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## **Chapter 14 – Recreation**

Policy 1: Protect and allow use of the natural recreational assets of Teton Valley. **NA**

Policy 2: Cooperate with the Targhee-Caribou National Forest and Bureau of Land Management for public access and recreational use of public lands. **NA**

Policy 3: Encourage the development of a countywide system of both motorized and non-motorized trails and pathways when economically feasible. **NA**

Policy 4: Encourage the preservation of the serene environment of the Teton River and other streams and access to them. **NA**

Implementation 1: Adopt the trails and pathways organization map, to be funded by private sources, on an advisory basis for proposed trails and pathways for multiple shared uses. **NA**

Implementation 2: Support responsible plans to develop a network of additional trails and pathway systems, for diverse uses, to the extent feasible. **NA**

Implementation 3: Require setbacks large enough and population density low enough along the Teton River and its tributaries to maintain their pristine character. **NA**

Implementation 4: Preserve and maintain public access to public lands, rivers, streams, and other recreational amenities. **NA**

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## **Chapter 15 – Special Areas or Sites**

Policy 1: *Encourage preservation of the area’s historic sites and buildings.* **NA**

Implementation 1: Assist in the preservation of historic sites and structures by encouraging the use of the Federal and State historic preservation programs. **NA**

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## **Chapter 16 – Housing**

Policy 1: *Encourage owners to upgrade substandard housing conditions where such conditions exist.* **NA**

Policy 2: *Encourage opportunities for diversity in housing choices and affordable housing availability.* **NA**

Policy 3: *High-density developments should be within the cities and city impact areas whenever possible.*

**This reasonably high-density development is 6 miles from Driggs.**

Implementation 1: Enforce zoning, building construction and other development codes and ordinances. **Vacating SRE is enforcing part of the code that has been in place since 1994.**

Implementation 2: Zone areas that encourage housing diversity and encourage higher density units within the cities and their areas of impact. **NA**

Implementation 3: Monitor housing affordability indices and consider affordability when adopting zoning and subdivision regulations. **NA**

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## **Chapter 17 – Community Design**

Policy 1: *Encourage the preservation of the scenic vistas, open space, mountains, forests, night skies and wetlands.* **NA**

Policy 2: *Encourage the preservation of the county's rural character.* **Returning this subdivision to acreage will preserve open space and contribute to the rural character of the County.**

Implementation 1: Encourage the preservation of the mountain, forest, rural, and small town atmosphere and appearance of the county by control of land use and structures. **Returning this subdivision to acreage will preserve open space and contribute to the rural character of the County.**

Implementation 2: Revisit the approval of design for all commercial establishments adjacent to the highway in the scenic corridor. **NA**

Implementation 3: Review the existing sign ordinance. **NA.**

Implementation 4: Encourage the efforts of citizens to preserve the rural environment of the county. **NA**

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